



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

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

April 25, 2008

David Colton
Town Administrator
Town Hall
136 Elm Street
North Easton, MA 02356

Re: Queset Smart Growth Overlay District Preliminary Determination of Eligibility

Dear Mr. Colton:

I am writing regarding the application for a preliminary determination of eligibility pursuant to MGL, Chapter 40R and 760 CMR 59.00 that was submitted by the Town of Easton (Town) to the Department of Housing and Community Development (DHCD) for the proposed Queset Smart Growth Overlay District (District). I am pleased to inform you our review has determined that the proposed District satisfies the referenced statutory and regulatory requirements.

The Smart Growth Residential Density Plan submitted with the application calculates that 259 Incentive Units are allowed to be developed pursuant to the proposed Smart Growth Zoning. Upon issuance of a Letter of Approval from DHCD, the Town will be entitled to a \$350,000 Zoning Incentive Payment.

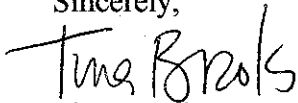
Pursuant to 760 CMR 59.05, DHCD issues this Letter of Eligibility with the following conditions:

1. The Town adopts the Smart Growth Zoning for the District as proposed in the documents titled Section 7-17: Queset Smart Growth Overlay District (QSGOD) with the approval of DHCD dated April 18, 2008 and the Smart Growth Overlay District (SGOD) Design Standards with the approval of DHCD dated April 18, 2008, copies of which are enclosed with this letter. Adoption of the Smart Growth Zoning must occur before April 25, 2010. After adoption of the Smart Growth Zoning, the Town must submit to DHCD proof of such adoption certified by the Town Clerk. The Town shall identify all differences between the proposed Smart Growth Zoning and Design Standards approved with this application and the Smart Growth Zoning and Design Standards adopted by Town Meeting. If there are changes to the Smart Growth Zoning or Design Standards, DHCD may treat such submission as an amendment to the application and will notify the Town 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).
2. There is no local rule, regulation or bylaw that would prevent the 280 Future Zoned Units from being developed in the District. There is no agreement that regulates the development of the Future Zoned Units or requires a Project to have either Rental Units or Homeownership Units.

3. 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 Town must submit satisfactory evidence, in the form of certification by the Plan Approval Authority, zoning enforcement officer or public works official, of the start of construction within that time period of one or more Projects as defined by 760 CMR 59.02, or be subject to revocation under 760 CMR 59.07(3) and the repayment of monies under 760 CMR 59.06(3). The 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.

If you have any questions or need further assistance, please do not hesitate to contact Don Schmidt at (617) 573-1363 or Donald.schmidt@state.ma.us

Sincerely,



Tina Brooks
Undersecretary

cc: Adam Costa, Blatman, Bobrowski & Mead