

Email Communication

On June 16, 2016, a Milford resident sent an email with questions regarding the Robsham Village proposal to town officials. Town Attorney Gerald Moody replied. The content of his reply follows.

On Thu, Jun 16, 2016 at 15:23, Gerry Moody

<gmoody@townofmilford.com> wrote:

Dear Sir:

Thank you for your email of this date. As I believe you are aware from your letter the proposal for the 300 unit apartment complex on East Main St., if it comes forward, will be presented under Massachusetts General Laws c. 40B, the Massachusetts Comprehensive Permit Statute. As you may be aware this statute, which has been in effect for 40 years, allows certain developers, meeting certain criteria in terms of funding, to file a single application with a local Zoning Board of Appeals and which application can seek exemption from local zoning and other local requirements. A city or town can only reject such an application at the outset if that city or town meets certain statutory criteria in terms of affordable housing. Milford, for better or for worse, is significantly below the statutory thresholds in terms of affordable housing as such is defined within the law. Therefore the developer is entitled to process an application for a comprehensive permit, in this particular area, and in this particular Zoning District, notwithstanding provisions of the Zoning By-Law that might forbid or limit such activity.

As you may have derived from local news coverage an application has not yet been submitted to the Milford Zoning Board of Appeals. The matter is before the state, and in particular, an agency known as MassHousing which has the current function under General Laws c. 40B of making a determination of whether or not the site is "eligible". If they so determine they will issue a letter of eligibility which will allow the applicant to come forward to the Zoning Board of Appeals if and when it sees fit. There was a site review by the state agency yesterday and it would be expected that a decision on the question of eligibility would come within the next 30 days.

Without predicting a result, it is certainly not unusual for a letter of eligibility to issue on a site such as has been proposed, and in a community like Milford, in consideration of the low threshold which must be met to obtain such a letter. Such a decision by the state agency is not appealable.

Assuming that the letter issues I would expect in the course of the summer that an application would be filed with the Milford Zoning Board of Appeals, in compliance with the state regulations applicable thereto, for a Comprehensive Permit. In the course of those proceedings notice will be given to all abutters, and abutters to those abutters within 300 feet, at the beginning of the hearing process. The public will at all times be entitled to be present during the hearings as they are held and public input would be sought and closely considered by the Board of Appeals. It is at that public hearing that the significant issues will be considered, which will include, among many others I am sure; traffic, environment, water and sewer capacity and availability. Under the terms of the statute the town is entitled to receive funding from a developer to obtain what is referred to as "peer review" from independent experts in the various fields that are at issue. I would certainly expect the Zoning Board of Appeals, in the event of an application, to fully utilize its ability to obtain peer review, at developer expense, during the course of the process.

I hope the above is helpful to you and I would encourage you, and any other concerned abutters, to monitor the process and to appear at the Zoning Board of Appeals hearings, once there has been notice, to ensure that your concerns are heard and considered. G. Moody