

ARTICLE XXXVI DEVELOPER PROCEDURE TO APPLY FOR A LOCAL INITIATIVE PROGRAM (LIP) PROJECT

- 36.1 A Project Application, defined below, shall be submitted to the Board of Selectmen for consideration as a Local Initiative Program (LIP) project under Massachusetts General Laws Chapter 40B (“Chapter 40B”), Sections 20-23, 760 CMR 56.00 and DHCD Local Initiative Program (LIP.)
- 36.2 Once the Chairman of the Board of Selectmen determines that the Project Application is sufficiently complete for review by the entire Board, there shall be a hearing at the next Board of Selectmen’s meeting to determine the next steps.
- 36.3 The Project Application to the Board of Selectmen shall include the following, unless the Chair as above or the Board members at the hearing, determine less information is sufficient or more information is needed:
- a. The name and address of the Developer and proof of site control;
 - b. the address of the proposed site and site description (to include wetlands, waterways, easements and land holding any conservation, recreation or other restrictions. It should also include a description of any existing buildings and their uses;
 - c. a locus map identifying the site within a plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site to include wetland boundaries;
 - d. a tabulation of proposed buildings with the number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed;
 - e. conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the percentage of the land to be occupied buildings, parking and other paved areas, and by open areas. Also included in the summary shall be the number of parking spaces, and the ratio of parking spaces to housing units;
 - f. a narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials;
 - g. a tabular analysis comparing existing zoning requirements to the Waivers requested for the Project;
 - h. Preliminary soil testing results and locations; as well as estimated or determined wetlands locations to support the viability of the proposed development;

- i. Traffic impact/study statements
- j. qualifications and past projects of the Developer, particularly those built under Chapter 40B and/or as a LIP, any past or current litigation involving 40B or LIP projects as well as a list of references that includes contact name, address and telephone number. All qualifications, past projects, references and results of reference checks shall be documented and made available as a matter of public record.
- k. a LIP application, completed as best as feasibly possible due to timing, from the State's Department of Housing and Community Development (DHCD).
- l. a narrative describing the clear benefits to the community the Project offers. In order to be considered as a LIP project, it is required that the Project be consistence with the State of Massachusetts, Sustainable Development Principles. With that in mind, below are examples of benefits that may be considered:
 - o a larger percentage of affordable units (in excess of the mandatory 25%);
 - o building density that does not maximize development of the site;
 - o a financial contribution from the sale of "market rate units" to the Tewksbury Affordable Housing Trust Fund, or other organization identified by the Board of Selectmen.

Other benefits include, but are not limited to:

- o a location that provides convenient access to public transportation, jobs, services and the like for the residents served in the project;
- o architecture and building mass which blends in with and compliments the immediate neighborhood;
- o provision for enhancements to site and surrounding neighborhood (landscaping, parks, walking paths, drainage, etc.);
- o ability to meet other town housing needs (such as: senior housing, workforce housing, rental housing);
- o Energy efficient design and construction;

All benefits shall be clearly identified before a preliminary agreement is entered into between the Town of Tewksbury and the Developer and made available as a matter of public record.

The Developer shall provide eight (8) copies of the Project Application to the Board of Selectmen for distribution to the Board and other town entities.

NOTE: All submittals shall also be provided electronically so that the Town will be able to provide this information on the Town of Tewksbury website, enabling residents that may be unable to make such a hearing to be able to view and provide written comments.

- 36.4 At the Board of Selectmen hearing, the Board shall meet with the Developer to review the information presented in the Project Application. Public comment shall be at the discretion of the Chairman and the Board. Based upon the discussion at the hearing and information provided, the Board shall determine the next steps of the process. The Board may;
- a. require more information, to be presented for review at a later meeting,
or
 - b. decide that the project is not suitable for endorsement as a LIP and end the process,
or
 - c. decide to endorse the project based on the information at hand and move directly to the Zoning Board of Appeals phase;
or
 - d. decide to move ahead with a public input phase as described below: The Board of Selectmen may choose to omit the Planning Board hearing process and move ahead only with the Local Housing Partnership Public Workshop at their sole discretion.

NOTE: The Board of Selectmen shall be kept informed of the public input processes and the Chairman may choose to re-meet with the Developer should a need arise, due to significant changes or as determined by the Chairman or the Board of the Selectmen.

- 36.5 The Local Housing Partnership shall hold a Public Workshop allowing for resident input within 45 days of the Selectmen's hearing. At the Developer's cost, abutters within 300 feet shall be notified by mail, no later than one week prior to the workshop. Within 30 days of the Public Workshop the Local Housing Partnership shall submit a summary of the public comments and a recommendation to the Planning Board and Board of Selectmen in writing.
- 36.6 The Planning Board will hold a duly posted public hearing, (including legal abutters notice), within 30 days after receipt of all the information indicated in the above paragraphs for the Developer to present the proposed project and for the public, other Town Boards and other Town entities to comment and/or raise concerns. All information and documents, as described in paragraphs 1 through 5, shall be made available for that public hearing. The Planning Board shall allow a minimum of 30 days following the close of the public hearing for all interested parties to submit written comments, which shall be accepted and made part of the public record.
- 36.7 The Zoning Board of Appeals shall be excluded from this process in order to preclude any potential issues of prejudice or bias should the project result in an Application for a Comprehensive Permit.
- 36.8 Within thirty (30) days following the close of the public hearing, the Planning Board shall decide whether or not to recommend a LIP endorsement and within 10 business days, submit their recommendation and supporting information to the Board of Selectmen.

36.9 Within thirty (30) days following the Planning Boards recommendation, the Board of Selectmen shall inform the Developer of its decision and should the Board of Selectmen decide to proceed with a LIP Application, the Board of Selectmen shall provide a written report to support the decision and include all of the information, documents, results of reviews and comments made by the Planning Board, Board of Health, Conservation Commission, the public and other interested parties as part of the LIP Application. This information shall also be included in the Comprehensive Permit Application to the Zoning Board of Appeals.