



TOWN of WILMINGTON

DEPARTMENT OF PLANNING & CONSERVATION

121 Glen Road, WILMINGTON, MA 01887 www.wilmingtonma.gov (978) 658-8238

MEMORANDUM

To: Jeffrey M. Hull, Town Manager
From: Valerie Gingrich, Director of Planning & Conservation
Re: Status of Proposed 40B Developments
Date: October 13, 2022

This memo provides the status of the proposed 40B affordable housing developments in town.

Middlesex Ave./Jefferson Road – Princeton Properties Development

The 108-unit development was approved by the Wilmington Zoning Board of Appeals (ZBA) in July 2020 and by the Conservation Commission in February 2021. Following approval, the Order of Conditions that was issued by the Conservation Commission was appealed to MassDEP by a group of residents. MassDEP issued a Superseding Order of Conditions in November 2021, which was also appealed by a group of residents. The appeal of the Superseding Order led to an adjudicatory hearing held in August 2022 with MassDEP's Office of Appeals and Dispute Resolution (OADR). Final briefs from all parties were submitted to the OADR on September 15, 2022 for the presiding officer's consideration in deciding on the matter. All parties are currently waiting for the decision from OADR. A further appeal of the OADR decision could be made to Superior Court.

100 West Street

The 132-unit development is currently being reviewed by the Zoning Board of Appeals. Town staff and peer review consultants are reviewing the plans for compliance with town regulations and requirements and providing comments to the applicant and the ZBA.

79 Nichols Street

The Town provided comments on the proposed 12-unit development to MassHousing on September 2, 2022. MassHousing is reviewing the proposed development for a Project Eligibility Letter that would allow the applicant to submit a comprehensive permit (40B) application to the ZBA. MassHousing has not yet issued the Project Eligibility Letter for the development.

Please let me know if you have any questions or would like to discuss further.



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

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

September 28, 2022

Ms. Lilia Maselli
Chair, Board of Selectmen
121 Glen Road
Wilmington, Massachusetts 01887

RE: Local Initiative Program LAU Approval – Rachel's Village, Wilmington

Dear Ms. Maselli:

We are pleased to inform you that the town's Local Action Units application has been approved for five affordable homeownership units in a development that consists of 36 total units located on Lowell Street in Wilmington.

The Local Initiative Program staff has reviewed your application and determined that:

1. The units will serve households with incomes at or below 80% of the area median income.
2. The Town has taken action to aid in the development of the units.
3. The affordable units will be restricted, ensuring they will remain affordable in perpetuity.
4. The units will be subject to an affirmative and fair marketing plan.


The Department of Housing and Community Development has received documentation supporting these findings. The Town will be responsible for monitoring the units on a yearly basis to certify their compliance with all occupancy restrictions as outlined in the LIP deed rider and ownership Regulatory Agreement.

Please refer to the enclosed instructions describing the documentation to be submitted by your community to DHCD to have the unit added to the Subsidized Housing Inventory.

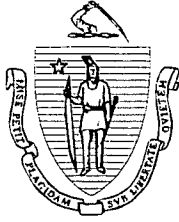
At least two weeks prior to the sale of each affordable unit, DHCD must receive the Purchase and Sale Agreement, loan commitment letter, and closing attorney contact information for the buyer. These items are used to prepare the documents for the closing and should be sent directly to Rieko Hayashi. Please call her at 617-573-1426 with any questions.

We congratulate you on your continued efforts to bring affordable housing to Wilmington. If you have any questions, please feel free to contact Rieko. We look forward to working with you again.

Sincerely,


Catherine Racer
Director

cc: Valerie Gingrich, Director of Planning and Conservation
Jeffrey Hull, Town Manager
Mark Reich, Esq., Town Counsel



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Request LIP Local Action Units (LAU) be Added to the Subsidized Housing Inventory (SHI)

To request that new eligible units be added to the inventory, please submit

- a copy of the **LAU approval letter**, including information on the total number of units in the development
- the **zoning approval decision** (under chapter 40A) if applicable
- copies of **building and occupancy permits**. Please note that building permits are permits to construct units for SHI purposes; foundation permits are *not* to be included as building permits.

When building or occupancy permits do not apply because it is an existing property or unit, please submit documentation that an income eligible household resides in the unit – (e.g., copy of the first page of recorded **deed rider** or signed **lease** showing tenant name and unit address).

If a zoning approval decision has been issued more than 12 months ago and building permits have not been issued, Local Action units are no longer counted on the SHI until such time as building permits are issued. Therefore, please provide a listing of issued building permit numbers and corresponding unit numbers and addresses to ensure or restore inclusion of units on the SHI.

Pursuant to the regulations at 760 CMR 56.03(2)(c), if more than 18 months elapse between issuance of the building permits and issuance of the certificate of occupancy, the units will become ineligible for the SHI until the date that the certificate of occupancy is issued.

Complete information and required documentation must be submitted to ensure units will be newly added. Please send the information to:

DHCD Office of the Chief Counsel
100 Cambridge St., Suite 300
Boston, MA 02114
Attention: Subsidized Housing Inventory.