



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

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

February 21, 2020

Ms. Susan C. Murphy
Special Counsel to Town of Hingham
Dain/ Torpy, P.C.
745 Atlantic Avenue,
5th Floor
Boston, MA. 02111

Re: South Shore Habitat for Humanity, Inc. Comprehensive Permit Application for 302- 304 Whiting Street, Hingham, MA

Dear Ms. Murphy:

The Department of Housing and Community Development (DHCD) is in receipt of your letter dated January 22, 2020 to South Shore Habitat for Humanity Inc., regarding its application for a Comprehensive Permit for 302- 304 Whiting Street, Hingham, MA. The January 22, 2020, letter seeks to provide notice pursuant to 760 CMR 56.03(8) that the Town of Hingham Zoning Board of Appeals (Board) considers that, in connection with the Applicant's Comprehensive Permit application a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the ground that the Statutory Minima as defined under 760 CMR 56.03 (a) (10% of total housing units) has been satisfied.

Procedural Background: 760 CMR 56.03(8)

Pursuant to 760 CMR 56.03(8), if a Board considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the *Statutory Minima* defined at 760 CMR 56.03(3)(b) or (c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures. Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation.

If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position. The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials.

The January 22, 2020, letter from the Special Counsel to Town of Hingham provided notice to the Applicant and DHCD. As of today's date, DHCD and has not received a challenge from the Applicant to the Board's assertion.

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Since the Applicant did not challenge the Board's assertion in accordance with 760 CMR 56.03(8), DHCD does not have a regulatory basis for making a determination that 760 CMR 56.03 (a) (10% of total housing units) has been satisfied. In this context, DHCD's inaction shall not be deemed to be a determination in favor of either party under 760 CMR 56.03(8).

If you have further questions, please contact Phillip DeMartino, Technical Assistance Program Coordinator, at (617) 573-1357 or Phillip.DeMartino@state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis Martin", written over a horizontal line.

Louis Martin
Associate Director
Department of Housing and Community Development

cc: Martine Taylor, Executive Director, South Shore Habitat for Humanity, Inc.
Walter Mirrione, Esq.
Kerry T. Ryan, Esq.
Hingham Zoning Board of Appeals