

30 Days to Open PH	56.05(3); 40B, §21
180 Days to Complete PH	56.05(3)
40 Days from PH Close to Vote	G.L. c.40B, §21
20 Days to determine substantiality	56.05(11)(a)
30 Day to Open PH if substantial change	56.05(11)(c)
Majority Vote to Approve	G.L. c.40B, §21
Local Requirements and Regulations Definitions	56.02
Safe Harbors	56.03
<ul style="list-style-type: none"> <li>• Statutory Minima</li> <li>• HPP progress certified</li> <li>• Recent progress (i.e., 56.03(5) greater than 2% progress)</li> <li>• Large Project (i.e., 56.03(6) sliding scale)</li> <li>• Related Application in prior year</li> </ul>	56.03(1)(a) 56.03(1)(b) 56.03(1)(c) 56.03(1)(d) 56.03(1)(e)
Stay Hearing, if 3 or more applications pending and total units exceed "large project" under 56.03(6)	56.05(3)(¶13)
SHI Calculations	56.03(2)
Consultant Review	56.05(5)(a)
Pro Forma Review	56.05(6)
Legal fees for general representation shall not be charged	56.05(5)(a)
Substantial Project Changes	56.07(4)
Finality of Permit (date filed with TC)	56.05(12)(a)
Transfers of Permits	56.05(12)(b)
Lapse of Permits	56.05(12)(c)

## Insubstantial Modification Requests

## 760 CMR 56.05(11)

- Within 20 days, the Board shall meet, make a determination of substantiality and notify the Applicant of the determination; and, if substantial, notice and open a public hearing on the proposed change within 30 days of the determination
- If the Board misses any portion of the 20 day deadline (including notifying the application of the determination), the permit shall be deemed modified to incorporate the change.
- Use the criteria set forth under 760 CMR 56.07(4) to determine substantiality
  - Generally, substantial changes are: 760 CMR 56.07(4)(c)
    1. Increase in more than 10% of the height of the buildings
    2. Increase in more than 10% of the number of units
    3. Reduction in land by more than 10% in excess of any decrease in units
    4. Change in unit type (townhouses, single-family, garden apartments, single-family, high-rise)
    5. Change from one form of housing tenure to another (rental to ownership and under 55 to over 55)
  - Generally, insubstantial changes are: 760 CMR 56.07(4)(d)
    1. Reduction in housing units
    2. Decrease of less than 10% in floor area of the units
    3. Change in bedroom count of not more than 10%
    4. Change in color or style of the materials to be used
    5. Change in financing program to be used
- A permit lapses in 3 years. 760 CMR 56.05(12)
  - Unless there is an appeal (3 year deadline is tolled during the appeal for the comprehensive permit and any other permit or approval required for the project)
  - Except for good cause once it becomes final
  - Unless the ZBA sets a later date
  - Unless an extension is requested and granted
  - “An extension may not be unreasonably denied or denied due to other Projects built or approved in the interim.
  - “Extension of a permit shall not, by itself, constitute a substantial change pursuant to 760 CMR 56.07(4).”
- Looked for change circumstances though, that might require the need for a PH

## Subsidized Housing Inventory (“SHI”) Criteria

760 CMR 56.03(2)

- DHCD maintains the SHI 760 CMR 56.03(2)(a)
- Units count toward the SHI at the earliest of: 760 CMR 56.03(2)(b)
  - The date when the comprehensive permit is filed with the municipal clerk’s office;
  - The date when the last appeal is fully resolved;
  - The date when the building permit issues;
  - The date when the occupancy permit issues
- Units on the SHI lapse if: 760 CMR 56.03(2)(c)
  - If one year elapses between issuance of the comprehensive permit and the building permit;
  - If 18 months elapses between issuance of the building permit and the occupancy permit
  - The comprehensive permit lapses
- If a project is phased 760 CMR 56.03(2)(c)

Then the entire project will be eligible as set forth above, provided that each phase has at least 150 units and the time between the phases is not more than 15 months and each phase contains the same portion of SHI eligible units.

40R Smart Growth. Passed in 2004

40R Incentive payments are available as follows, subject to appropriation, provided that a district is adopted by a 2/3rds vote and the development is approved and built.

Under 40R, §9(a), Zoning Incentive Payments are available, again subject to appropriation and adoption of a smart growth district and approval and construction of a project, as follows:

Units	Incentive Payment
Up to 20	\$ 10,000
21-100	\$ 75,000
101-200	\$200,000
201-500	\$350,000
501 or more	\$600,000

Under 40R, §9(b), density bonus payments of \$3,000 per units are available.

40S Smart Growth Cost Reimbursement for “eligible students,” subject to appropriation. Adopted 2005

Eligible student:

A child living in a new smart growth development enrolled as of the prior year in a district or charter school K-12 and attends a residential or other school pursuant to special education requirements.

Provided via the community’s cherry sheets.