

Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING
& LIVABLE COMMUNITIES**

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lt. Governor ◆ Edward M. Augustus, Jr., Secretary

November 18, 2025

Mr. Jamie Hellen
Franklin Town Administrator
355 East Central Street, Route 140
Third Floor
Franklin, MA 02038

RE: Local Initiative Program (LIP) Project – 444 East Central Street, Franklin

Dear Town Administrator Hellen:

I am writing regarding inquiries received by the Executive Office of Housing and Livable Communities (“EOHLC”) within the past several weeks relating to the proposed Local Initiative Program project at 444 East Central Street in Franklin. Specifically, we received questions on the demonstration of local approval that is required for a LIP project application. In response to these questions, represented to EOHLC as “hypothetical”, we provided general information on this topic in an email dated October 31, 2025. *See Attachment 1.*

It has come to our attention that this communication, while not intended to provide specific legal advice or opinion, has resulted in confusion and misconceptions about the LIP process as it applies to 444 East Central Street, which we now seek to clarify.

EOHLC received a completed LIP application for this project on October 31, 2024. The application included a letter from the Town’s Chief Executive Officer confirming town support for the project, together with a copy of Resolution 24-16, dated June 5, 2024, in which the Franklin Town Council voted to support the project. *See Attachment 2.* Following a review of the application and, in reliance on the good faith representations of the Town, EOHLC issued a determination of project eligibility (“PEL”) for the project on February 12, 2025. *See Attachment 3.*

The PEL is a prerequisite for any application for a comprehensive permit, and is conclusive evidence that the project has satisfied all project eligibility requirements.

As noted in our October 31st communication, if there are any material changes to a project after the issuance of a LIP PEL, EOHLC must be notified immediately to secure an amendment in accordance with the LIP Guidelines. Material changes may include changes in a project’s unit mix or development team, or any changes sufficiently substantial such that the project is no longer consistent with what was previously approved by the Chief Executive Officer and EOHLC.

Re: LIP Project – 444 East Central St, Franklin

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Based on information available to us, we understand the Franklin Town Council is considering voting on a resolution to withdraw its support for the 444 East Central Street LIP project based on recent changes in Town Council membership.

Please be advised that EOHLC does not consider turnover or change in a municipality's council or board membership to be a material change that would require an amendment to a previously issued PEL. It is also not considered a change substantial enough that the project could no longer be considered consistent with what the Franklin CEO and Franklin Town Council approved on June 5, 2024.

Accordingly, regardless of the outcome of any potential Town Council vote to rescind support based on council membership changes, EOHLC will not amend, withdraw, or rescind the PEL issued for this project on that basis. Therefore, the project sponsor is entitled to continue the public hearing process before the Franklin Zoning Board of Appeals.

EOHLC firmly supports this project moving forward with its current review process before the zoning board. We emphasize a key component of LIP is the fact that the developer and municipality are working together in concert on a proposed project. Local public officials are expected to act in good faith and to not unreasonably withhold local support for proposed projects or project changes. We understand affordable housing development can be a complex and sensitive issue for municipalities. We hope the developer and local officials continue to work together to ensure the comprehensive permit review process proceeds as required.

Sincerely,

Derya Samadi /s/

Derya Samadi,
General Counsel

cc: Mark G. Cerel, Esq., Town Attorney (electronically)
Peter Freeman, Esq., Moriarty Bielan & Malloy LLC (electronically)
Jesse Schomer, Esq., Dain Torpy P.C. (electronically)
Seth Nadeau, EOHLC (electronically)
Rieko Hayashi, EOHLC (electronically)
Alana Murphy, EOHLC (electronically)

Attachments



Re: Questions about LIP Process

From Loftus, Caitlin (EOHLC) <Caitlin.Loftus@mass.gov>

Date Fri 10/31/2025 3:01 PM

To Gene Grella <gene.p.grella@gmail.com>; Jeffrey.Roy@mahouse.gov <Jeffrey.Roy@mahouse.gov>; Jeff Roy <jeffreynroy@gmail.com>

Cc Hayashi, Rieko (EOHLC) <rieko.hayashi@mass.gov>; Jeffrey N Roy <jroy@ravechroy.com>; Samadi, Derya (EOHLC) <Derya.Samadi@mass.gov>; Jeffrey.Roy@mahouse.gov <Jeffrey.Roy@mahouse.gov>; Jeff Roy <jeffreynroy@gmail.com>; Mendoza, Nikko (EOHLC) <Nikko.Mendoza@mass.gov>; Paladino, Laura (EOHLC) <Laura.Paladino@mass.gov>; Nadeau, Seth (EOHLC) <Seth.Nadeau@mass.gov>; Degrace, Joseph (EOHLC) <Joseph.Degrace@mass.gov>

Dear Mr. Grella,

My colleague Rieko Hayashi forwarded me your email with questions regarding the LIP process. I've responded to your questions below, in red. Please let me know if you have any additional questions.

Thank you,

--

Caitlin Loftus
Counsel
Office of the General Counsel
Executive Office of Housing & Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114
(617) 573-1506

From: Gene Grella <gene.p.grella@gmail.com>

Sent: Friday, October 31, 2025 11:47 AM

To: Samadi, Derya (EOHLC) <Derya.Samadi@mass.gov>; Hayashi, Rieko (EOHLC) <rieko.hayashi@mass.gov>; Loftus, Caitlin (EOHLC) <Caitlin.Loftus@mass.gov>; Jeffrey N Roy <jroy@ravechroy.com>; Jeffrey.Roy@mahouse.gov <Jeffrey.Roy@mahouse.gov>; Jeff Roy <jeffreynroy@gmail.com>

Subject: Questions about LIP Process

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Reiko and Derya,

I've copied my State rep Jeff Roy here in the hope that you will answer my emails as I have not seen any reply to my others. Also, I have consolidated all my questions to this one email and my questions are hypothetical and have nothing to do with any particular project so your answers just apply to your understanding of the LIP program and the law.

Question 1: If a developer is already in the ZBA public hearing process of a Friendly 40b filed under the LIP program and the town, who has partnered and written a letter in support for that project, now

decided to withdraw its support (through a letter from the CEO aka Town Council), what happens to the project? **Without the town support, the project would no longer be able to proceed under LIP. However, the developer could apply for a project eligibility letter and then a comprehensive permit on its own through a different program.**

Question 2: If the support is withdrawn and the developer has to file on their own to continue with the project: A) Does the project start over from a timeline perspective? **If the developer is no longer proceeding under LIP and wanted to pursue a different program, the developer would need a new project eligibility letter and comp permit application.** B) Can the ZBA invoke Safe Harbor? **Yes, if a board believes it has satisfied a safe harbor for a new comp permit application, it can assert that claim in accordance with the timing and procedures provided in 760 CMR 56.03(8).**

Question 3: I've found the following passages in the LIP section of the Comprehensive Permit guidelines. I give specific pages.

My question is: If a 40b project has undergone considerable changes, does the CEO need to continue to confirm support and if they do not, what happens to the project? **Material changes would require an amendment of the project eligibility letter, and EOHLC would not issue an amended PEL without the CEO's concurrence, in accordance with the 40B guidelines, including the provision you cited below. If the CEO withdraws their/the municipal support, then the project would not be able to proceed as a LIP.**

Thank you in advance. See below for specific language from the guidelines.

Pg 72. (1) A letter of support signed by the Chief Executive Officer of the municipality. DHCD expects local public officials to act in good faith and expects local support for housing proposed under the LIP not to be unreasonably withheld. The purpose of LIP is premised on the fact that a municipality and a developer are working in concert on a project that meets the community's needs. **If a project changes substantially during the course of the permitting process, such that it is no longer consistent with that which was approved by the chief executive officer and DHCD, DHCD reserves the right to request a letter from the chief executive officer stating that the project remains locally supported as a condition of final approval**

Pg 79 Amending the Determination of Project Eligibility (1) Material Change - Any material changes in any of the conditions of a Determination of Project Eligibility (e.g., a change in the development team, the number of units, unit mix, size, design, location, extension of the term of the Determination of Project Eligibility, proposed sale of the project, etc.) REQUIRE that the Determination be amended. DHCD shall be notified immediately if either the Developer or the municipality anticipates any material change in the terms of the initial Determination of Project Eligibility. (2) Local Approval - **The Developer must secure concurrence of the chief executive officer for the proposed change. DHCD will not issue an amended Determination without such local approval,** unless it is unreasonably withheld, and without compliance with these requirements. (3) DHCD Review - DHCD may perform an additional site visit, meet with representatives of the municipality and the Developer, and/or request additional financial information, revised site plans, etc., prior to acting on a requested amendment. (4) Final Approval Withheld - Final approval may be withheld if the Project is not consistent with the Determination of Project Eligibility.

Sincerely,

Gene Grella

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

October 16, 2024

Secretary Edward Augustus
Executive Office of Housing and Livable Communities
100 Cambridge Street
Suite 300
Boston, MA 02114

Re: Local Initiative Program (LIP) Friendly 40B Development - 444 East Central Street, Franklin, MA

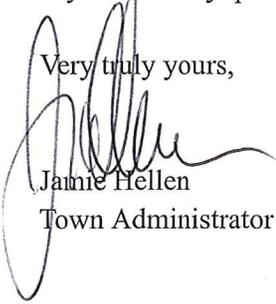
Dear Secretary Ed Augustus:

Please accept this letter as confirmation of the Town of Franklin's support for an LIP application submitted by TAG Central, LLC to develop a Chapter 40B affordable housing project on approximately fifteen acres of land located at 444 East Central Street, consisting of up to two hundred, sixty-four rental units.

Town Staff, including the Director of the Department of Planning and Community Development, the Fire Department Deputy Chief and the Town Engineer, all approve the project. The Franklin Planning Board and Conservation Commission both held hearings on this project and both unanimously supported it. Finally, the Franklin Town Council approved the project on June 5, 2024 with the passing of Resolution 24-16, an attested copy of which is enclosed with this letter.

If you have any questions or need further information, please contact me at any time.

Very truly yours,


Jamie Hellen
Town Administrator



TOWN OF FRANKLIN RESOLUTION 24-16

FRANKLIN TOWN COUNCIL SUPPORT FOR PROPOSED GL CHAPTER 40B AFFORDABLE HOUSING PROJECT AT 444 EAST CENTRAL STREET PURSUANT TO DHCD'S LOCAL INITIATIVE PROGRAM (LIP): FRIENDLY 40B

- WHEREAS,** GL Chapter 40B Sections 20-23 provide a legal framework for the creation of local affordable housing which is administered by the Massachusetts Department of Housing and Community Development (DHCD) and DHCD has enacted a regulation creating the Local Initiative Program (LIP) which allows a Chapter 40B developer to work collaboratively with a municipality to obtain its support for a proposed affordable housing project; and
- WHEREAS,** DHCD's LIP regulation provides that a municipality demonstrate its support through its Chief Executive Officer's signing a letter of support, and Franklin's Home Rule Charter provides that the municipality's Chief Executive Officer is the Town Administrator; and
- WHEREAS,** The Franklin Town Administrator has created a voluntary process and checklist for a developer who proposes a Chapter 40B LIP affordable housing project to follow, which includes informal reviews by Town staff, the Planning Board and Conservation Commission, and a presentation to the Franklin Town Council; and
- WHEREAS,** The ~~Alevizos Group~~ ^{TAG Central, LLC} has proposed to develop a Chapter 40B affordable housing project on approximately fifteen acres of land located at 444 East Central Street consisting of up to two hundred, sixty-five (265) rental units; and
- WHEREAS,** The ~~Alevizos Group~~ ^{TAG Central, LLC} has submitted an application to Town pursuant to the above-described voluntary LIP approval process and participated in above-referenced reviews and made a presentation to the Franklin Town Council at a duly posted public meeting thereof.

NOW THEREFORE the Franklin Town Council, acting on behalf of the Town of Franklin, hereby expresses its support for The ~~Alevizos Group~~ ^{TAG Central, LLC} proposed affordable rental housing project of up to two hundred, sixty-five units to be developed on approximately fifteen acres located at 444 East Central Street and directs the Town ~~Administrator~~ ^{Far} Administrator to prepare and sign a letter of support to DHCD for the proposed project and to sign any DHCD Applications and/or other forms and to take any other action which DHCD requires to demonstrate Town's support for the project.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: June 5th, 2024

VOTED: passed

A TRUE RECORD ATTEST:

Amended

Vote

Y N

9 0

UNANIMOUS: _____

YES: 5 NO: 4

ABSTAIN: _____ ABSENT: _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

A True Copy of the Record

ATTEST: Nancy Danello
Town Clerk, Franklin, MA

Glenn Jones, Clerk
Franklin Town Council



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

February 12, 2025

Jamie Hellen
Town Administrator
Town of Franklin
355 East Central Street
Franklin, Massachusetts 02038

A.J. Alevizos
TAG Central LLC
275 Regatta Drive
Jupiter, Florida 33477

RE: 444 East Central Street, Franklin, Massachusetts
Determination of Project Eligibility under the Local Initiative Program (LIP)

Dear Messrs. Hellen and Alevizos:

I am pleased to inform you that your application for project eligibility under the Local Initiative Program (LIP) for the proposed 444 East Central Street project has been approved. This approval is based on your application that sets forth a plan for the development of 264 rental units. The proposed rents for the LIP units are generally consistent with the standards for affordable housing to be included in a community's Chapter 40B affordable housing stock.

As part of the review process, Executive Office of Housing and Livable Communities (EOHLC) staff has performed an on-site inspection of the proposed project site. EOHLC has made the following findings:

1. The proposed project appears generally eligible under the requirements of LIP, subject to final program review and approval;
2. The site of the proposed project is generally appropriate for residential development;
3. The conceptual plan is generally appropriate for the site on which the project is located;
4. The proposed project appears financially feasible in the context of the Franklin housing market;
5. The initial pro forma for the project appears financially feasible and consistent with cost examination and limitations on profits and distributions on the basis of estimated development costs;

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TOWN OF FRANKLIN
TOWN CLERK

6. The project sponsor and the development team meet the general eligibility standards of LIP;
7. The project sponsor has an executed Purchase and Sale agreement for the site.

The proposed project must comply with all state and local codes not specifically exempted by a comprehensive permit.

Please provide us with a copy of the comprehensive permit as soon as it is issued. The EOHLC legal office will review the comprehensive permit and other project documentation. Additional information may be requested as is deemed necessary. Following the issuance of the comprehensive permit, the specifics of this project must be formalized in a regulatory agreement signed by the municipality, the project developer, and EOHLC prior to starting construction.

As stated in the application, the 444 East Central Street project will consist of 264 units, 66 of which will be affordable; all will be eligible for inclusion in the Town's subsidized housing inventory. The affordable units will be marketed and rented to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development.

The conditions that must be met prior to final EOHLC approval include:

1. A final affirmative fair marketing and lottery plan with related forms shall be submitted that reflects LIP requirements including consistency with the *Comprehensive Permit Guidelines, Section III, Affirmative Fair Housing Marketing Plans*;
2. Any changes to the application EOHLC has just reviewed and approved, including but not limited to alterations in unit mix, rents, development team, unit design, site plan and financial pro forma reflecting land value, must be approved by EOHLC;
3. The project must be organized and operated so as not to violate the state anti-discrimination statute (M.G.L. c151B) or the Federal Fair Housing statute (42 U.S.C. s.3601 et seq.). No restriction on occupancy may be imposed on the affordable unit (other than those created by state or local health and safety laws regulating the number of occupants in dwelling units); and

4. The Town shall submit to EOHLC the finalized details of the comprehensive permit.

As the 444 East Central Street project nears completion of construction, EOHLC staff may visit the site to ensure that the development meets program guidelines.

When the units have received certificates of occupancy, the developer must submit to both EOHLC and the Town a project cost examination for the comprehensive permit project.

This letter shall expire two years from this date or on February 12, 2027, unless a comprehensive permit has been issued.

We congratulate the town of Franklin and TAG Central Street LLC on your efforts to work together to increase the Town's supply of affordable housing. If you have any questions as you proceed with the project, please contact Rieko Hayashi at rieko.hayashi@mass.gov.

Sincerely,



Catherine Racer
Undersecretary

cc: Amy Love, Town Planner
Bruce Hunchard, Zoning Board of Appeals
Office of the Chief Counsel, EOHLC

Enc.

RESPONSIBILITY FOR COST CERTIFICATION:

By your signature below, TAG Central Street LLC, acknowledges and accepts this approval letter, including the obligation under law to provide the Executive Office of Housing and Livable Communities and the town of Franklin with a project cost examination.

Signature: _____

Name (print): _____

Date: _____

*Upon receipt, please make a copy of this letter and return a signed copy to the Executive Office of Housing and Livable Communities, 100 Cambridge Street, Boston, MA 02114
ATTN: Local Initiative Program.*

444 East Central Street, Franklin, Massachusetts

LOCAL INITIATIVE PROGRAM – COMPREHENSIVE PERMIT

Sponsor:

Project Addresses:

TAG Central Street LLC
275 Regatta Drive
Jupiter, FL 33477

444 East Central Street
Franklin, MA 02038

This project will provide rental opportunities according to the following breakdown:

Type of Unit	# of Units	# of Baths	Gross SF	Utility Allowance	Maximum Rent
A. LIP Units					
One-Bedroom	31	1	760	\$161	\$1,939
Two-Bedroom	28	2	1,085	\$247	\$2,684
Three-Bedroom	7	2	1,350	\$338	\$2,918
Total LIP Units					
B. Market Units					
One-Bedroom	92	1	760	N/A	\$2,300
Two-Bedroom	86	2	1,085		\$3,100
Three-Bedroom	20	2	1,350		\$3,600
Total Market Units	198				
Total Units in Project	66				