



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

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

June 6, 2024

The Honorable Cassandra Gove, Mayor  
City of Amesbury  
Office of the Mayor  
62 Friend Street, 2<sup>nd</sup> Floor  
Amesbury, MA 01913

Re: East End Smart Growth Overlay District – Letter of Conditional Approval

Dear Mayor Gove:

Pursuant to MGL Chapter 40R and 760 CMR 59.05(4), the Executive Office of Housing and Livable Communities (EOHLC) is pleased to issue this Letter of Conditional Approval to the City of Amesbury (City) for the East End Smart Growth Overlay District (District or EESGOD) as modified and adopted by the City Council on September 26, 2023, and approved by the Mayor on October 5, 2023.

Subject to the conditions herein as well as those conditions that remain applicable in EOHLC's associated Letter of Conditional Eligibility, dated June 28, 2022 (attached), EOHLC hereby confirms that the District satisfies the statutory and regulatory requirements and is hereby conditionally approved and otherwise in full effect. In addition to the standard conditions that are outlined further below, eligibility for any payments pursuant to MGL c. 40R is subject to the following District-specific conditions:

1. Given the potential need for certain water supply and wastewater infrastructure upgrades and the area's limited Pedestrian Access, unless otherwise approved by EOHLC in writing, any 40R payment funds shall be used to support infrastructure improvements and other eligible capital expenditures that advance Smart Growth development in the EESGOD. Such eligible capital expenditures must involve improvements within or directly serving the District. Taking into consideration the need to coordinate more extensive improvements with the redevelopment of parcels within or adjacent to the District, EOHLC strongly encourages the City to explore and implement any practical interim Pedestrian Access improvements that may nonetheless expand the number and/or quality of Pedestrian Destinations accessible to existing and new residents, employees, and visitors within the EESGOD.
2. Until such time that there is evidence of at least 201 Bonus Units approved for construction within the District or EOHLC is satisfied that all infrastructure upgrades, including improved and expanded Pedestrian Access have been completed, eligibility for \$150,000 of the updated \$350,000 Zoning Incentive Payment amount shall be subject to EOHLC's determination that sufficient program funds are available for this portion of the total payment.

This Letter of Conditional Approval is subject to the following additional standard conditions:

1. If it has not already done so, the City designates a smart growth reporting officer required by MGL, Chapter 40S. Such officer is responsible for preparing, as applicable, a smart growth address list at the end of each fiscal year, based on occupancy permits issued within the District in that fiscal year and transmitting such list and supporting documentation to EOHLC.
2. If it has not already done so, the City designates a municipal official responsible for filing its 40R Annual Update with EOHLC on or before July 31 of each year. The Annual Update shall contain the information specified by EOHLC in its corresponding yearly distribution of the Annual Update form.
3. Unless otherwise expressly waived in writing in whole or in part by EOHLC, prior to the issuance of a building permit and marketing of any units within a Project subject to the affordability requirements, the affordable units, and the distribution thereof across the Project's overall unit mix, shall be made subject to an Affirmative Fair Housing Marketing Plan (AFHMP) approved by EOHLC 40R program staff as compliant with the associated requirements under 760 CMR 56.00 and the 40R guidelines. Such AFHMP must describe the resident selection process for the affordable units and must set forth a plan for affirmative marketing that provides maximum opportunity to low-or-moderate-income households, including minority households. The applicable EOHLC *Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines* can be found on the EOHLC's website.
4. Absent EOHLC's specific, written confirmation that such eligibility is otherwise addressed under a qualifying state or federal housing subsidy program recognized as consistent with the 40R Program, the Affordable Housing Restriction for each Project subject to 40R affordability requirements must be reviewed by EOHLC and receive its Certificate of Approval under the 40R program for any Project units to qualify as Bonus Units. Such express written confirmation is distinct from approvals associated with any project-related affordable housing subsidy programs, including such subsidy programs that may be administered by EOHLC.
5. Except as may be applicable under MGL Chapter 40S and 830 CMR 40S.00, this conditional approval pertains only to its Governing Laws (MGL Chapter 40R and 760 CMR 59.00) and does not constitute approval or eligibility, in whole or in part, for any other program.

Congratulations on the City's adoption of the EESGOD and thank you for helping to expand housing opportunities and encourage Smart Growth. Should the City have any questions regarding this Letter of Conditional Approval, please contact Bill Reyelt at (617) 564-3105 or [william.reyelt@mass.gov](mailto:william.reyelt@mass.gov).

Sincerely,



Edward M. Augustus Jr.,  
Secretary

cc: Senator Barry R. Finegold  
Rep. Adrienne Pusateri Ramos  
Scott Mandeville, President, City Council  
Nick Cracknell, Director of Community & Economic Development  
Nipun Jain, Director of Planning