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Admitted in MA

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Commonwealth of Massachusetts
Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114
Attn: Edward Augustus, Secretary
Attn: Catherine Racer, Undersecretary
Attn: Derya Samedi, Esq., General Counsel
Attn: Rieko Hayashi, Local Initiative Program (LIP) Director

Re: Local Initiative Program (LIP) Development Project
TAG Central, LLC - 444 East Central Street, Franklin, MA

Dear Secretary Augustus, Undersecretary Racer, Attorney Samedi, and Director Hayashi:

The undersigned is legal counsel to TAG Central, LLC (“Applicant”), the applicant with respect to the above-referenced proposed affordable housing development known as the Residences at 444 Central (“Project”), located at 444 East Central Street, Franklin, MA (“Project Site”). I write in response to a letter to Secretary Augustus at EOHLC dated December 17, 2025 from Robert Dellorco, Chair of the Franklin Town Council (“Town Council”) by which the Town Council purported to explain the basis of its November 19, 2025 vote to withdraw its support for this Project under the Local Initiative Program (“LIP”).

The Applicant stands by its letter to all of you dated December 9, 2025 from the undersigned and co-counsel Jesse D. Schomer. The Town Council letter of December 17, 2025 is nothing more than an attempt to rationalize the Council’s vote to rescind its support for the Project. Nothing is more telling as to the real reason for such vote than the Town Council Resolution 25-73 which was adopted by the Council on November 19, 2025. The Resolution as initially typed stated: “WHEREAS, as a result of a local election that took place on November 4, 2025, the Franklin Town Council has undergone a broad turnover of membership,” and then simply states that the Council withdraws its support for the Project and directs the Town Administrator to send a letter to EOHLC to that effect. The signed version of the Resolution simply *crossed out by hand the above-quoted language* and replaced it with the hand-written words “as a result of many material changes....”¹

It is thus abundantly clear that local politics is what actually motivated the Town Council to withdraw its support for the Project – not supposed “material changes” to the Project. Indeed, the current Project plans are entirely consistent with the plans originally supported by the Town

¹ A copy of said Resolution was attached to the Council’s November 25, 2025 letter to Secretary Augustus.
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Council during the LIP Review Process and in fact have been *improved* through a series of additional mitigation measures and minor refinements made over the course of the ZBA review process. These improvements include a reduced unit count from 264 to 254 (and please note that the original Town Council support letter gave support to a project “up to 264 units”), reduced building roof heights, increased buffer areas, increased setback to neighbors, and enhanced screening through the preservation of existing trees and the planting of new trees. In sum, the only changes to the Project since it was supported by the Town Council were minor in nature, and all such changes represented improvements over prior designs *and resulted in large part from the feedback from neighbors*. Please see Exhibit A attached hereto and incorporated herein by reference for specific responses to the Town Council’s erroneous assertions.

All of the above is routinely a part of a zoning board of appeals hearing process on a comprehensive permit application, where there are commonly proposed possible revisions based on feedback from the board and neighbors. The Town Council has misconstrued and misrepresented the LIP process in this regard. Common sense dictates that an applicant need not revisit the project with a town council or select board every time there are the types of revisions described above. Indeed, it would be ironic if a zoning board of appeals could not efficiently and cooperatively work with both the developer and the *local* residents to improve a project without needing to stop for a subsidizing agency review every time any change was proposed. Nothing could be more “local” and cooperative and well within the purpose and intent of the LIP program than for a developer to respond to input from neighbors and the zoning board of appeals.

In fact – and this is a part of the LIP Guidelines that the Town Council letter ignores - municipal support for a LIP project may be withdrawn *only* “[i]f 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 [HLC].” Guideline VI.3.1.a. It is simply not the case that the minor changes to the Project described above – all improvements – rise to this level.

Furthermore, the Applicant respectfully submits that the LIP process and program will be jeopardized and no longer utilized by developers if actions such as those by the Town Council can be used to thwart a project’s eligibility status. For all of the above reasons, EOHLC should reject the Town Council’s assertions and re-affirm the Project’s eligibility under the LIP Program.

Very truly yours,

s/s Peter L. Freeman

cc: Jamie Hellen, Franklin Town Administrator
Mark Cerel, Esq., Franklin Town Counsel
Julie McCann, Franklin Town Council Operations Manager
AJ Alevizos, TAG Central, LLC

EXHIBIT A

444 EAST CENTRAL STREET, FRANKLIN
FURTHER RESPONSES TO TOWN COUNCIL LETTER DATED 12/17/25

The Town Council’s commentary in its 12/17/25 letter is in ***bold italic*** font below followed by the Applicant’s response in standard font.

The Town Council purported the Applicant ceased to collaborate with the Town Administrator or be responsive to the Town Council after securing their initial vote of support. The Town Council went on to state in their letter that, “...the [former] Town Council submitted a letter to the ZBA, in August 2025 and before the election of the current Town Council, stating they were no longer in support of the project.” pg. 1 and pg. 2.

- APPLICANT RESPONSE: Throughout the entire ZBA process, the Applicant continued to coordinate and collaborate with the Town Administrator to ensure the Project continued to reflect the original vision the Town supported while balancing comments from the ZBA, Conservation Commission, peer reviewers, and neighbors.
- APPLICANT RESPONSE: The Town Council’s August 28, 2025 letter did not say the former Town Council was no longer in support of the project. The Town Council simply was not in favor of the ZBA’s increased parking requirements and the Applicant’s alternative site plans, which featured all four-story buildings in order to meet the Board’s parking requirements while maintaining a viable unit count. The Town Council’s letter requested the ZBA to “accommodate a reasonable parking requirement and ensure that all of the concessions that were made [by the Applicant] in the previous review are upheld.” As explained further in our letter to EOHLC dated December 9, 2025, the Board then reduced its parking requirements, and the Applicant immediately responded to the Town Council’s letter by submitting a further revised plan which reincorporated “all of the concessions that were made in the previous review”, including the three-story building component, plus additional concessions and enhancements responsive to neighbor and Board feedback. Thus, it is simply untrue that the Applicant was not responsive to the Town Council after securing their initial vote of support.

The Town Council lists the following as purported “material” changes made. See a. and b. below.

a. “Additional Waiver Requests” pg. 3 - 4

APPLICANT RESPONSE: Waiver requests cannot be considered as purported material changes. It is the project design itself and the nature of the project (always and still a rental project) that are relevant in terms of assessing material changes. Waivers are continuously updated and revised throughout a 40B permitting process. Franklin’s Friendly 40B Project Preliminary Review Process is preliminary in nature. As such, at that time the project was in its initial,

preliminary stages in terms of design, engineering, and the analysis of what waiver requests would be necessary. It was clear to the Town that the preliminary waiver requests were preliminary and subject to change based on further design, engineering and technical analysis. This was noted on the submitted Waiver Requests document (a part of the Town's Friendly 40B Project Preliminary Review Process) dated 12/21/23: "The waiver requests list will be updated, if necessary, as the permitting process and design progresses." All final, granted Waiver Requests were heavily vetted by the ZBA and its peer review team. As with any Chapter 40B project, it is the ZBA that ultimately grants waivers for a project.

- ***“Reduced side-yard setbacks for primary and accessory structures (4a, 6a, 7a, 8a), moving development closer to abutters”***
 - APPLICANT RESPONSE: The garages which require said side-yard setbacks were always shown on the original site plan. The Seller of the land for the Project also owns the single family home next door to the Project where these garages are positioned alongside. The side-yard setback in question only applies to these garages which abut the backyard of the Seller's single-family home.
 - APPLICANT RESPONSE: In fact, the building setback to the residential abutters to the east was actually increased from the original plan, moving development further from the abutters. The limit of work edge was also increased further from the abutters, preserving a larger buffer area including the retention of more mature trees between their homes and the development.
- ***“New parking dimension waivers (12a) allowing denser parking fields.***
 - APPLICANT RESPONSE: This waiver directly resulted in a substantial expansion of the eastern buffer area to the benefit of the easterly residential abutters in response to the Board and neighbors' comments. The abutters now have a larger buffer area between their homes and the development. This waiver was also necessary to comply with the ZBA's parking requirements. Furthermore, the impervious area is the same as the original plan.
- ***“A major earth removal waiver (13a) eliminating protections normally required for large-scale excavation.”***
 - APPLICANT RESPONSE: This is simply a waiver from obtaining a separate special permit which would have been granted by the ZBA. By including it as a waiver, it just removes the need to obtain a separate special permit from the ZBA and wraps the approval within the Comprehensive Permit, which is what is intended on a 40B project.¹
- ***“Numerous new stormwater and wetland waivers (1c-18c, 2b, 3b), replacing Franklin's local environmental safeguards with state minimums***
 - APPLICANT RESPONSE: While formatted/numbered/organized differently, the majority of these were already included in the preliminary waiver request

¹ In fact, pursuant to 760 CMR 56.05(7), waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning provisions.

list submitted during the Preliminary Review Process, including one blanket waiver request for the Franklin local stormwater bylaws. As mentioned above, based on further refinement of the plans, the waivers list is always subject to change.

- ***“Expanded signage waivers (9a-10a) affecting aesthetics and neighborhood character.”***
 - APPLICANT RESPONSE: The waiver simply allows the ZBA to approve the signage rather than another town department, which is exactly the purpose of Chapter 40B. Also, the signage is not within view of the abutting residential-properties.

“These changes directly affect the design, intensity, environmental impact, and zoning compliance of the project, and thus constitute material changes” [referring to certain waivers].
Pg. 4

- APPLICANT RESPONSE: The waivers question has been addressed above. The design of the project remains extremely consistent with the original, with enhancements noted above.

b. “Loss of Benefits That Formed the Basis of Original Support”

“Several benefits embedded in the original LIP-supported design were weakened or removed, including:”

- ***“Larger buffers and deeper setbacks,”***
 - APPLICANT RESPONSE: This is simply untrue. The building setback to the eastern residential abutters *increased* by 18 feet +/- . The buffer area between the easterly abutters and the project’s limit of work line *increased* substantially as compared to the original site plan.
- ***“Compliance with local stormwater standards,”***
 - APPLICANT RESPONSE: No change. A waiver was submitted in the original Preliminary LIP Review Application requesting a waiver from the entire Franklin local stormwater bylaw. Final waivers were reviewed in detail by the ZBA and their expert peer review team.
- ***“Local wetlands protections above the state minimum,”***
 - APPLICANT RESPONSE: Waivers from local wetland bylaws were submitted in the initial Preliminary LIP Review Application. Final waivers were reviewed in detail by the ZBA and their expert peer review team.
- ***“A more limited number of accessory structures and site disturbance, and”;***
 - APPLICANT RESPONSE: There are a similar number of garages (accessory structures). Five were shown on the original plan compared to six on the final approved Comprehensive Permit Plans.
 - APPLICANT RESPONSE: The impervious coverage is the same as the original plan compared to the final plans approved by the ZBA. There is *less*

site disturbance in the final plans in part because substantially more existing forest is being preserved along the east as buffer to the residential abutters.

- ***“Lower impervious surface coverage.”***
 - APPLICANT RESPONSE: The impervious coverage is the same as the originally supported plan.

“While the Applicant reverted from a four-story building to the originally supported height near abutters, this modification came at the cost of expanded zoning relief and weakened environmental protections elsewhere. The net result was not a reduction in impact – it was a redistribution of impacts and an increase in regulatory exceptions.”

- APPLICANT RESPONSE: The waivers issue has been addressed above. Zoning relief simply has no impact on the question of material changes. Compared to the initial LIP/PEL proposal, the project has not weakened its “environmental protections” in any way, shape or form and as remains the case, the project will result in numerous environmental and ecological benefits to the property compared to existing conditions including invasive species management, restoring and reestablishing wetland buffer protection zones to protect wetlands, compliance with MassDEP stormwater standards, and the preservation of more existing vegetation than in the original LIP/PEL plan. None of the ecological benefits associated with the Project have changed.