

C O M M O N W E A L T H O F M A S S A C H U S E T T S
H O U S I N G A P P E A L S C O M M I T T E E

In the Matter of
20 BENNETT LLC
and
SAUGUS ZONING BOARD OF APPEALS

No. 2026-06

SUMMARY DECISION

September 8, 2026

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20 BENNETT LLC,

Appellant,

and

SAUGUS ZONING BOARD
OF APPEALS,

Appellee

No. 2026-06

SUMMARY DECISION

I. INTRODUCTION AND PROCEDURAL BACKGROUND

This is an interlocutory appeal to the Housing Appeals Committee (Committee) brought by 20 Bennett LLC (Applicant) pursuant to 760 CMR 56.03(8)(c). The Applicant appeals the determination by the Executive Office of Housing and Livable Communities (EOHLC) that Saugus (Town) met the statutory Housing Unit Minimum “safe harbor” under 760 CMR 56.03(3), which means the Saugus Zoning Board of Appeals’ (Board’s) denial of the Applicant’s comprehensive permit, or the imposition of conditions or requirements, would be deemed consistent with local needs. *See* 760 CMR 56.03(1).

The dispositive issue in this appeal is whether 189 rental units approved for the development at 961 Broadway, 999 Broadway, and 39R Forest Street in Saugus (collectively, the 999 Broadway Project) were eligible to be counted on the Town’s Subsidized Housing Inventory (SHI) before the Applicant filed its comprehensive permit application with the Board. Applicant Mem., pp. 1-3.¹ The Board issued a comprehensive permit for the 999 Broadway Project, which

¹ For purposes of this decision, “Applicant Mem.” refers to the Applicant’s May 15, 2026, memorandum

was filed with the town clerk on September 12, 2025. Board Mem., Exh. 1. On December 3, 2025, the Applicant filed a comprehensive permit application for a 300-unit rental development on approximately 7.28 acres off Bennett Highway in Saugus, with seventy-five units proposed as affordable. Applicant Mem., pp. 2-3 and Exh. 1.

The Applicant agreed to extend the deadline for opening the local hearing, and the Board opened the hearing on January 22, 2026. At the January 22 hearing, the Board voted to invoke the Housing Unit Minimum safe harbor under 760 CMR 56.03(1)(a) and 56.03(3)(a). Applicant Mem., Exh. 2 (Board Notice), pp. 1-2.

On February 3, 2026, the Board sent the Applicant and EOHLC written notice of its safe-harbor assertion, relying on the September 30, 2025, SHI and the 189 units approved for the 999 Broadway Project. *Id.*, pp. 1-3. EOHLC received the Board's notice electronically on February 3 and found that the notice was submitted within the fifteen-day period required by 760 CMR 56.03(8)(a). Applicant Mem., Exh. 4 (EOHLC Decision), p. 3. The Applicant timely challenged the Board's assertion by letter dated February 17, 2026. *Id.*; Applicant Mem., pp. 2-3 and Exh. 3.

On March 18, 2026, EOHLC issued a decision concluding that the 189 units at the 999 Broadway Project were properly included on the SHI as of December 3, 2025, and that the Board had established the Housing Unit Minimum. EOHLC Decision, pp. 5-6.

The Applicant then filed this expedited interlocutory appeal under 760 CMR 56.03(8)(c) and thereafter filed its motion for summary decision and supporting memorandum on May 15, 2026. The Board filed its own motion and supporting memorandum for summary decision on the same date. On June 15, 2026, the Applicant opposed the Board's motion, and the Board opposed the Applicant's motion. On June 25, 2026, both parties filed replies. Both parties state that the procedural and substantive facts material to the present issue are not disputed. Applicant Opp., p. 1; Board Mem., pp. 2-4; Board Opp., p. 1.

II. FACTUAL BACKGROUND

The 999 Broadway Project proposed 189 rental units, 48 of which were to be restricted as affordable, in two residential buildings. Board Mem., Exh. 1, p. 1. Because the project was a

in support of summary decision and its exhibits; "Board Mem." refers to the Board's May 15, 2026, motion and supporting memorandum for summary decision; "Applicant Opp." refers to the Applicant's June 15, 2026, opposition to the Board's motion; "Board Opp." refers to the Board's June 15, 2026, opposition to the Applicant's motion; "Applicant Reply" refers to the Applicant's June 25, 2026, reply; "Board Reply" refers to the Board's June 25, 2026 reply.

rental development with at least 25 percent of its units restricted for households at 80 percent of the area median income, all 189 units were treated as SHI-eligible. Applicant Mem., Exhs. 2, p. 2; 4, p. 6; Board Mem., p. 5 n.2. The Board approved the 999 Broadway Project by a comprehensive permit decision dated September 9, 2025, which was filed with the Saugus Town Clerk on September 12, 2025. Applicant Mem., pp. 2-3; Board Mem., Exh. 1. On September 23, 2025, the Town asked EOHLC to add the 999 Broadway units to the Town's SHI. Board Mem., p. 2.

On September 26, 2025, Malden Anglers Association, Inc., an abutter, appealed the permit to Essex Superior Court under G.L. c. 40B, § 21 and G.L. c. 40A, § 17. Applicant Mem., p. 2 and Exh. 3.1. On October 2, 2025, the 999 Broadway Project developer appealed specified conditions of the permit to the Committee under G.L. c. 40B, § 22. Applicant Mem., p. 2; Applicant Mem., Exh. 3.2. At no point did the Board file an appeal concerning the 999 Broadway Project. Board Mem., p. 4.

The September 30, 2025, SHI included the 189 units and listed 1,264 SHI-eligible units in Saugus, equal to 11.22 percent of the Town's 11,265 year-round housing units. Applicant Mem., p. 2 and Exh. 6.

EOHLC correspondence dated November 7, 2025, confirmed the units' SHI eligibility and that the Town's SHI percentage exceeded ten percent. Board Mem., p. 3. Without the 189 units, the Town would have had 1,075 SHI-eligible units, or 9.54 percent of its year-round housing units. Applicant Mem., pp. 2-3; Applicant Mem., Exh. 6.

In the Essex Superior Court appeal, the abutter filed a stipulation of dismissal with prejudice on December 4, 2025, one day after the Applicant filed the present comprehensive permit application. Applicant Mem., Exh. 2, p. 2. Meanwhile, the 999 Broadway Project developer's appeal from the conditions imposed in its comprehensive permit remained pending before the Committee as *961 Broadway Dev., LLC v. Saugus*, HAC No. 2025-10. On January 28, 2026, the 999 Broadway Project developer and the Board jointly filed a motion requesting a decision on stipulation resolving that appeal. The Committee allowed the motion and issued a decision on stipulation and entry of judgment on March 4, 2026. Board Mem., p. 4 and Exh. 10.6.

III. STANDARDS OF REVIEW

Under 760 CMR 56.06(5)(d), summary decision shall enter when the record, together

with any affidavits, shows that there is no genuine issue of material fact and that the moving party is entitled to a decision as a matter of law. Summary decision may be entered against the moving party where appropriate. 760 CMR 56.06(5)(d); *see Catlin v. Board of Reg. of Architects*, 414 Mass. 1, 7 (1992); *Warren Place, LLC v. Quincy*, No. 2017-10, slip op. at 4 (Mass. Housing Appeals Comm. Aug. 17, 2018), *aff'd sub nom., Haugh v. Housing Appeals Comm.*, Norfolk Super. Ct. No. 1882CV01167, Aug. 7, 2019.

In an interlocutory appeal of a safe harbor decision of EOHLC to the Committee, regardless of the appellant, the board carries the burden of proving satisfaction of the grounds for asserting that a denial of a comprehensive permit is consistent with local needs. *See* 760 CMR 56.03(8)(a). Like all appeals to the Committee, an interlocutory appeal is heard de novo. G.L. c. 40B, § 22; *Board of Appeals of Hanover v. Housing Appeals Comm.*, 363 Mass. 339, 369-371 (1973); *Matter of Pembroke and River Marsh LLC*, No. 2019-04, slip op. at 2 (Mass. Housing Appeals Comm. Summary Decision July 20, 2020) and cases cited. The appeal is not restricted to evidence submitted to EOHLC and EOHLC's decision carries no evidentiary weight. *Id.*, citing *Kirkwood v. Board of Appeals of Rockport*, 17 Mass. App. Ct. 423, 426-427 (1984).

The latest SHI is presumed to contain an accurate count of a municipality's SHI-eligible and total housing units, but a party may rebut that presumption in the review procedure under 760 CMR 56.03(8) by presenting evidence evaluated under the eligibility standards in 760 CMR 56.03(2). 760 CMR 56.03(3)(a).

For comprehensive-permit units, 760 CMR 56.03(2)(b)1 establishes two alternative dates of initial SHI eligibility: the date the permit is filed with the municipal clerk, notwithstanding an appeal by a party other than the Board and subject to 760 CMR 56.03(2)(c)², or the date the last appeal by the Board is fully resolved. 760 CMR 56.03(2)(b)1.a-b.

For the specific review procedure at issue here, 760 CMR 56.03(8)(b) provides that:

For purposes of 760 CMR 56.03(8), the total number of SHI Eligible Housing units in a municipality as of the date of a Project's application shall be deemed to include those in any prior Project for which a Comprehensive Permit had been issued by the Board or by the Committee, and which was at the time of the application for the second Project subject to legal appeal by a party other than the Board, subject however to the time limit for counting such units set forth at 760

² The time lapse provisions of 760 CMR 56.03(2)(c) are not applicable here because the interval between the September 12, 2025, filing of the 999 Broadway permit and the Applicant's December 3, 2025, application was less than three months.

CMR 56.03(2)(c).

A properly promulgated regulation has the force of law, an agency generally must comply with it, and all rational presumptions favor its validity; a regulation should not be declared invalid if any reasonable construction harmonizes it with the legislative mandate. *Taylor v. Housing Appeals Committee*, 451 Mass. 149, 154 (2008); *Berrios v. Department of Pub. Welfare*, 411 Mass. 587, 595-596 (1992). Regulatory language is construed as a whole, with words and phrases read in their statutory and regulatory context so that no provision is rendered superfluous. *Freiner v. Secretary of Executive Office of Health & Human Services*, 494 Mass. 198, 211-213 (2024); *Retirement Board of Somerville v. Buonomo*, 467 Mass. 662, 668-669 (2014).³ Where regulatory text is clear and unambiguous, its ordinary meaning controls unless a literal reading would produce an absurd or unworkable result. *See Commonwealth v. Millican*, 449 Mass. 298, 300-301 (2007), citing *Department of Community Affairs v. Massachusetts State College Bldg. Auth.*, 378 Mass. 418, 427 (1979).

IV. DISCUSSION

The parties agree that the material facts are not disputed. They disagree only about whether the phrase “appeal by a party other than the Board” has a reasonable meaning and whether the 999 Broadway Project units counted while the developer and abutter appeals were pending. Applicant Mem., pp. 5-9; Board Mem., pp. 1, 5-8.

Pursuant to the comprehensive permit regulations, units are eligible to be counted on the SHI when the permit “is filed with the municipal clerk, notwithstanding any appeal by a party other than the Board ...” or “on the date when the last appeal by the Board is fully resolved.” 760 CMR 56.03(2)(b)1.a-b. The Applicant contends that the phrase “notwithstanding any appeal by a party other than the Board” in 760 CMR 56.03(2)(b)1.a. is erroneous and must be construed to prevent counting units while the *developer* of the earlier project has appealed the comprehensive permit to the Committee. Applicant Mem., pp. 5-9; Applicant Opp., pp. 1-4. The Board responds that the regulation is clear and unambiguous, that appeals by a Board are legally possible after an adverse Committee or court ruling, and that the text rationally distinguishes a municipality’s own litigation position from appeals initiated by outside parties. Board Mem., pp. 1, 6-8; Board Opp.,

³ The canon against surplusage is not absolute and does not require an unusual construction merely to give every word independent work. *Stanley v. City of Sanford*, 606 U.S. 46, 56 (2025).

pp. 1-5. EOHLC agreed with the Board and determined that the pending developer and abutter appeals did not affect the 999 Broadway Project units' eligibility as of December 3, 2025. Applicant Mem., Exh. 4, pp. 5-6.

For the reasons discussed below, we conclude that the regulation is reasonable when read as a whole, that appeals “by the Board” are legally possible without requiring a board to appeal its own affirmative vote, and that 760 CMR 56.03(8)(b) expressly resolves the safe-harbor issue presented here.

A. The Regulatory Text Requires the 999 Broadway Project Units to Be Counted.

760 CMR 56.03(2)(b)1 does not mention a non-Board appeal in isolation; it establishes a paired rule. Under subparagraph a, filing the permit with the municipal clerk triggers eligibility notwithstanding an appeal by a party other than the Board, while under subparagraph b, a Board appeal postpones eligibility until the last such appeal is fully resolved. 760 CMR 56.03(2)(b)1.a-b.

The word “notwithstanding” makes the filing date with the municipal clerk the operative date despite the specified non-Board appeal; otherwise, the phrase would do no work. 760 CMR 56.03(2)(b)1.a. Section 56.03(2)(c) confirms this reading by providing a defined period of provisional eligibility during a non-Board appeal: the units count for one year after issuance and become temporarily ineligible only if the appeal remains unresolved beyond that period. 760 CMR 56.03(2)(c).⁴

As stated above, 760 CMR 56.03(8)(b) addresses the precise safe-harbor calculation before us and commands that the municipality’s total “shall be deemed to include” units in a prior permitted project that is under legal appeal by a party other than the Board, subject to the one-year limit. 760 CMR 56.03(8)(b).

The Applicant’s construction cannot be reconciled with those provisions because the 999 Broadway Project developer and abutter were both parties other than the Board, no Board appeal had been filed, and less than one year had elapsed since the permit was filed. Applicant Mem., pp. 2-3; Board Mem., pp. 4, 6.

⁴ “If more than one year elapses between the date of issuance of the Comprehensive Permit ... as that date is defined in 760 CMR 56.03(2)(b)1., and final resolution of any pending appeal by a party other than the Board, the units will become ineligible for the SHI until the date that the last appeal is fully resolved.” *Id.* See *Matter of Newton and Dinosaur Rowe, LLC*, No. 2015-01, slip op. at 7 (Mass. Housing Appeals Comm. Interlocutory Decision June 26, 2015) (regulatory reference to “SHI Eligible Housing units” incorporates both the eligibility and time-lapse provisions of 760 CMR 56.03(2)).

The Committee's recent *Falmouth* decisions likewise read 760 CMR 56.03(2)(b) and (c) as establishing a filing-date rule, a distinct rule for Board appeals, and a one-year limit for unresolved non-Board appeals. *See Matter of Falmouth Zoning Board of Appeals and Sandwich Road Housing, LLC*, No. 2025-12, slip op. at 11-14 (Mass. Housing Appeals Comm. Apr. 13, 2026); *Matter of Falmouth Zoning Board of Appeals and Falmouth Residential, LLC*, No. 2025-11, slip op. at 11-14 (Mass. Housing Appeals Comm. Apr. 13, 2026).

B. Appeals “By the Board” Are Legally Possible.

The Applicant's contrary reading rests principally on the premise that a board cannot appeal its own affirmative permit decision and therefore that the words “other than the Board” have no possible application. Applicant Mem., pp. 5-7, 9; Applicant Opp., pp. 2-3; Applicant Reply, p. 1. That premise is too narrow because the regulation refers to an appeal “by the Board,” not solely to an appeal from the Board's own affirmative vote. 760 CMR 56.03(2)(b)1.

The Board identifies one concrete example: a board may seek judicial review under G.L. c. 30A of a Committee decision that vacates a denial, removes conditions, or otherwise grants relief to a developer. Board Mem., pp. 6-7; Board Opp., pp. 2-3; Board Reply, p. 1. *See* 760 CMR 56.07(5)(e). *See, e.g., Zoning Board of Appeals of Amesbury v. Housing Appeals Committee*, 457 Mass. 748, 750-751 (2010); *Board of Appeals of Woburn v. Housing Appeals Committee*, 451 Mass. 581, 588-590 (2008). A board may also seek further appellate review of a court ruling in the same litigation. Board Reply, p. 1.

A second example arises when a comprehensive permit issues constructively because the Board fails to meet a statutory deadline. G.L. c. 40B, § 21; 760 CMR 56.07(5)(d). Chapter 40B incorporates the judicial-appeal mechanism in G.L. c. 40A, § 17 for a permit's issuance, and § 17 expressly authorizes an appeal by “any municipal officer or board.” G.L. c. 40B, § 21; G.L. c. 40A, § 17. In *Milton Commons Assocs. v. Board of Appeals of Milton*, the Appeals Court specifically identified “town boards and officials” as among those who may appeal a constructively issued comprehensive permit, even though the constructive grant resulted from local inaction. 14 Mass. App. Ct. 111, 119-120 (1982).

Thus, the language in 760 CMR 56.03(2)(b)1.b. has concrete applications and is not a logical impossibility.

C. Section 56.05(9) Does Not Exhaust the Appeals Addressed by Section 56.03(2).

The Applicant argues that 760 CMR 56.05(9) provides an exhaustive list of all appeals

relevant to 760 CMR 56.03(2), and that none permits a Board to appeal its own decision. Applicant Mem., pp. 5-7, 9; Applicant Opp., pp. 2-3.

Section 56.05(9), however, is expressly captioned “Appeals from Board Decisions” and identifies the routes by which an aggrieved person or applicant may challenge specified board action. 760 CMR 56.05(9)(a)-(c). Section 56.05(9) does not purport to address judicial review of a Committee decision under 760 CMR 56.07(5)(e), an appeal from a constructive grant, or the interlocutory appeal a board may take from an EOHLC safe-harbor determination under 760 CMR 56.03(8)(c); the Board and EOHLC therefore rejected the Applicant’s characterization of 760 CMR 56.05(9) as an exhaustive catalog of every appeal contemplated by 760 CMR 56.03(2). Board Mem., pp. 6-7; Board Opp., p. 2 n.2; Board Reply, p. 1. Indeed, 760 CMR 56.03(8)(c) expressly states that either the board or the applicant may appeal EOHLC’s determination to the Committee and contemplates later judicial review of the Committee’s interlocutory ruling. 760 CMR 56.03(8)(c). Reading 760 CMR 56.05(9) according to its stated subject therefore creates no conflict with the broader appeal terminology used in 760 CMR 56.03(2).

D. The Applicant’s “Initial Appeal” Construction Would Rewrite, Rather Than Interpret, the Regulation.

The Applicant asks the Committee to limit the regulation to “initial appeals” and to replace the stated distinction between appeals by the Board and appeals by parties other than the Board with a different distinction between appeals by applicants and appeals by abutters or other “persons aggrieved.” Applicant Mem., pp. 5-10; Applicant Opp., pp. 2-3; Applicant Reply, pp. 1-3.

The regulation, however, says “any appeal” and subparagraph b refers to the “last appeal” by the Board; neither phrase is limited to the first review proceeding after the permit is filed. 760 CMR 56.03(2)(b)1.a-b. No text in 760 CMR 56.03(2)(b), 56.03(2)(c), or 56.03(8)(b) creates that proposed applicant-abutter distinction. Adopting it would require substituting “Applicant” for “Board” in several coordinated provisions and would deprive 760 CMR 56.03(2)(b)1.b and 56.03(8)(b) of their intended operation.

Further, the contextual canon on which the Applicant relies does not authorize an adjudicatory body to replace deliberately repeated regulatory terms with different ones. *See Freiner*, 494 Mass. at 211-213; *Buonomo*, 467 Mass. at 668-669. The Applicant’s proximity argument therefore cannot confine the rule to an “initial appeal” without deleting the regulatory

reference to the “last appeal” by the Board. Applicant Opp., pp. 2-3; Applicant Reply, p. 1; Board Reply, pp. 1-2.

The Board is also correct that the Applicant’s argument rests on a claimed drafting intent contrary to the enacted words, not on an ambiguity in those words. Board Reply, pp. 1-2. *See Millican*, 449 Mass. at 300-301. The Applicant provides no regulatory history or other evidence supporting its proposed correction of the text. Board Reply, p. 2 n.1.

Even if the words “other than the Board” were redundant in some applications, the anti-surplusage canon would not authorize the Committee to adopt the opposite of the provision’s natural meaning. Board Reply, pp. 2-3. *See Stanley*, 606 U.S. at 56. The Board argues that any different policy rule must be adopted prospectively through amendment rather than by giving the existing regulation its opposite meaning in adjudication. Board Mem., p. 7 n.5; Board Opp., pp. 4-5; Board Reply, p. 3. We agree that where the regulation has a reasonable construction the Committee must apply it as promulgated. *See Royce v. Commissioner of Correction*, 390 Mass. 425, 427 (1983); *Matter of Medford Zoning Board of Appeals and DIV Fellsway, LLC*, No. 2020-07, slip op. at 5 (Mass. Housing Appeals Comm. Decision on Interlocutory Appeal Oct. 10, 2023).

E. The Regulatory Distinction Is Rational and Consistent with Chapter 40B.

The regulation adopts an objective timing rule rather than requiring EOHLC or the Committee to assess, project by project, whether an appealed permit is economically adequate or likely to survive review. 760 CMR 56.03(2)(b)-(c) and 56.03(8)(b).

It is rational to withhold SHI credit while the municipality itself is affirmatively seeking to annul or narrow the approval on which that credit would depend, while allowing temporary credit when an applicant, abutter, or other outside party initiates the appeal. Board Mem., p. 7; Board Opp., pp. 2-3. *See Berrios*, 411 Mass. at 595-596. That distinction prevents a municipality from claiming credit for units it is affirmatively attempting to annul while avoiding a penalty for litigation initiated by parties whose conduct it cannot predict or control. Board Opp., pp. 2-3.

It is also rational to protect against indefinite reliance on unbuilt, appealed units by removing them after one year if the non-Board appeal remains unresolved. 760 CMR 56.03(2)(c).

The Applicant cites other projects in which it believes boards issued approvals with conditions so onerous that the developers were required to appeal. Applicant Mem., pp. 7-9;

Applicant Reply, pp. 2-3. Those policy examples do not make the present rule irrational, and here the Board states that the developer appeal was resolved through an agreement involving only limited amendments. Board Opp., p. 3.

The Board also notes that an applicant or abutter could otherwise maintain or coordinate an appeal strategically to defeat a later safe-harbor claim, illustrating the difficulty of replacing the regulation's objective rule with a case-specific inquiry into which non-Board appellant should affect SHI eligibility. *Id.*, p. 4 and n.3.

The Applicant identifies policy objections but no absurd or unworkable result from applying a provision that has remained in effect for nearly two decades. Applicant Mem., pp. 7-9; Applicant Reply, pp. 2-3; Board Mem., p. 6; Board Reply, p. 2.

More fundamentally, a policy concern about particular applications of a regulation does not permit the Committee to disregard unambiguous text that is reasonably related to the statutory scheme. *Berrios*, 411 Mass. at 595-596; *Taylor*, 451 Mass. at 154.

F. Saugus Satisfied the Housing Unit Minimum on December 3, 2025.

The 999 Broadway Project comprehensive permit was filed with the municipal clerk on September 12, 2025. Applicant Mem., pp. 2-3 and Exh. 2, p. 2. No appeal by the Board was pending on the operative date.⁵ Board Mem., p. 4. The appeals pending on December 3, 2025, were brought by the 999 Broadway Project developer and an abutter, not by the Board. Applicant Mem., p. 2; Applicant Mem., Exhs. 3.1 and 3.2. Because less than one year had elapsed, 760 CMR 56.03(2)(b)1.a., 56.03(2)(c), and 56.03(8)(b) required the 189 units to remain eligible and to be included in the safe-harbor calculation. Applicant Mem., pp. 2-3; Board Mem., pp. 5-6. With those units included, the September 30, 2025, SHI listed 1,264 SHI-eligible units out of 11,265 year-round housing units, or 11.22 percent. Applicant Mem., p. 2 and Exh. 6; Board Mem., pp. 2, 5. The Applicant therefore did not rebut the presumption that the latest SHI accurately reflected the Town's SHI-eligible housing stock, and, accordingly, we find that the Town had exceeded the Housing Unit Minimum as of the application date. *See* 760 CMR 56.03(3)(a).

⁵ The operative date for the safe-harbor calculation is December 3, 2025, when the Applicant filed its comprehensive permit application. Applicant Mem., pp. 2-3; Board Mem., pp. 4-5. *See Matter of Oak Bluffs Zoning Board of Appeals and MV Green Villa, LLC*, No. 2024-08, slip op. at 9-10 (Mass. Housing Appeals Comm. Amended Summary Decision June 18, 2025).

V. CONCLUSION

The Town of Saugus had achieved the Housing Unit Minimum under 760 CMR 56.03(1)(a) and 56.03(3)(a) when the Applicant filed its comprehensive permit application on December 3, 2025. Accordingly, the Applicant's motion for summary decision is denied, and the Board's motion for summary decision is allowed.

The stay of the Board's local hearing imposed by 760 CMR 56.03(8)(c) is dissolved, and this matter is remanded to the Board to resume the comprehensive permit hearing on the Developer's application. Pursuant to 760 CMR 56.03(8)(c), any appeal to the courts from this interlocutory ruling shall not be taken until after the Board has completed its hearing and the Committee has rendered a decision on any subsequent appeal.

HOUSING APPEALS COMMITTEE

September 8, 2026

Lisa V. Whelan
Lisa V. Whelan, Chair

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Lionel G. Romain

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