



Massachusetts Housing Finance Agency
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Smolak & Vaughan, LLC
East Mill
21 High Street, Suite 301
North Andover, MA 01845

**Re: Notice of Project Change – 760 CMR 56.04(5)
Proposed 40B - Thorndike Place, Arlington, MA
MH ID No. 778/779**

Dear Ms. Kiefer:

We have received your Notification of Project Change on behalf of your client for the above-captioned proposed Chapter 40B development. The Project received a Determination of Project Eligibility (Site Approval) from MassHousing on December 4, 2015, for the construction of 207 rental units and six (6) homeownership units on approximately 17.8 (+/-) acres (5.6+/- buildable) of land located on Dorothy Road (the “Site”) in Arlington, Massachusetts (the “Municipality”).

You have requested a determination as to whether the proposed modifications to the Project be considered Substantial Changes in accordance with 760 CMR 56.04 (5). Changes include:

- Decrease in the total number of rental units (From 207 to 172);
- Shifting the multi-family building to the north of the Site; and
- Removal of the six (6), 2.5 story duplex-style townhouse units and associated access drives.

MassHousing has reviewed the revised plans and has determined that the proposed changes are **not** substantial in accordance with 760 CMR 56.04 (5).

MassHousing has also reviewed the revised Site Plan with attention to the project eligibility requirements set forth in 760 CMR 56.04(1). Compliance with those requirements will not be affected by the proposed changes and MassHousing can confirm that a new Project Eligibility Letter is not required in this instance. It is MassHousing’s interpretation of the Comprehensive Permit Regulations that Subsidizing Agencies should normally not update Project Eligibility Letters as a project develops but should, rather, consider whether the initial proposal is eligible for a subsidy program at the project eligibility stage and then consider whether the final proposal is eligible directly before construction at the Final Approval stage. Any other approach could interfere with Chapter 40B’s goal of expedited permitting. It is for this reason that a Project Eligibility Letter issued pursuant to the comprehensive permit regulations shall, pursuant to 760 CMR 56.04(6), be conclusive evidence that the project and the applicant have satisfied the project eligibility requirements.

We are in receipt of communication from the Municipality expressing concerns regarding the proposed changes. The local hearing for the Comprehensive Permit is the proper venue to discuss matters of local concern. However, we do expect a good faith effort in discussions with municipal officials.

MassHousing will review the approved plans once the Project returns for Final Approval, and at that point will determine whether the approved plans still meet the requirements of the 40B regulations and guidelines.

If I can answer any further questions regarding this project, please do not hesitate to contact me.

Very truly yours,



Jessica L. Malcolm
Manager, Planning and Programs

cc: The Honorable Cindy F. Friedman
The Honorable Sean Garballey
The Honorable David M. Rogers
Jennifer Maddox, Undersecretary, DHCD
John Hurd, Chair, Select Board
Stephen Decourcey, Select Board
Christian Klein, Chair, Zoning Board of Appeals
Patrick Hanlon, Zoning Board of Appeals
Adam Chapdelaine, Town Manager, Town of Arlington
Doug Heim, Town Counsel, Town of Arlington
Jennifer Raitt, Director of Planning and Community Development
Paul Haverty, Blatman, Bobrowski, & Haverty, LLC, Technical Consultant