



Mr. Kevin O'Brien
Applicant Murphy's Farm
c/o Don Borenstein
Johnson & Borenstein, LLC
12 Chestnut Street
Andover, MA 01810

RE: Application No.2023-7 (231 Wheeler Street)

Dear Attorney Borenstein;

I am writing to direct your client, Kevin O'Brien, as Applicant for the Murphy's Farm Comprehensive Permit, to provide written notice to MassHousing of the proposed changes to the size of the site and the number units and bedrooms, for application No 2023-7 (231 Wheeler Street), for a Comprehensive Permit. As you know, under the terms of the Project Eligibility Letter (PEL) issued by MassHousing and consistent with the applicable regulations, 760 CMR 56.04(1), the PEL was granted for a specific project, and changes may require a re-review of the project eligibility. ("Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing.") (emphasis added).

760 CMR 56.04(5) discusses substantial changes after a determination of Project Eligibility is received. It states:

If an Applicant desires to change aspects of its proposal that would affect the project eligibility requirements set forth at 760 CMR 56.04(1), after it has received a determination of Project Eligibility, it shall notify the Subsidizing Agency in writing of such changes, with a copy to the Department, the Chief Executive Officer of the municipality, and the Board. The Subsidizing Agency shall determine within 15 days whether such changes are substantial with reference to the project eligibility requirements. Failure to respond shall be deemed a finding that the change is not substantial.

On or about July 16, 2024, you submitted a revised site plan for the Murphy's Farm project, which reduced the number of units from 300 four bedroom units to 268 one, two, and three bedroom units. At the August 29, 2024 ZBA hearing, you also stated that the unit mix would be a typical mix for 40B projects, i.e., 20% one bedroom, 60% two bedrooms, and 20% three bedrooms, and this reduces the bedroom count of the project from 1200 to 600. You also confirmed that you removed Parcel X and Parcel Y from the project, which reduces the land area of the project by 21.7 acres. These changes require that you notify MassHousing. It will then be up to MassHousing to determine whether the changes are substantial, or not.

At this time, I do not contemplate that the Board will stay the ongoing hearing. That determination could change, if MassHousing determines that the changes are substantial.

Please submit a copy of the notice to MassHousing to the Board through Community Development Director Alison Manugian at amanugian@dracutma.gov.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "R. Scott Mallory".
R. Scott Mallory, Chair
Dracut Zoning Board of Appeals