MASSHOUSING

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October 25, 2018

Christopher R. Agostino;
Ruberto, Israel & Weiner, P.C.
255 State Street, 7th Floor
Boston, MA 02109

Re: Lakeland Hills; MH ID No. 924
Lakeland Commons; MH ID No. 925
Project Change

Dear Mr. Agostino:

We have received your letter of October 16, written on behalf of your client describing a proposed modification to the above-captioned proposed 40B developments located at 144 Seekonk Street in Norfolk, Massachusetts, known as Lakeland Hills and Lakeland Commons (the "Projects"). Both projects received a Determination of Project Eligibility (Site Approval) from MassHousing on July 12, 2017 and are currently under deliberation by the Norfolk Zoning Board of Appeals (the "Board of Appeals") following the filing of an application for a Comprehensive Permit pursuant to M.G.L Chapter 40B.

You have requested a determination of whether the proposed modification, which would include the merging of two proposed developments (Lakeland Hills and Lakeland Commons) and a change in tenure of the portion of the development from rental to homeownership. A change in tenure would be considered a Substantial Change in accordance with 760 CMR 56.04 (5).

MassHousing has reviewed the revised Site Plan included and has determined that the proposed changes are, in fact, 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). Since compliance with those requirements will not be affected by the proposed changes, 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

Charles D. Baker, *Governor* | Michael J. Dirrane, *Chairman* | Chrystal Kornegay, *Executive Director*
Karyn E. Polito, *Lt. Governor* | Ping Yin Chai, *Vice Chair*

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.

Please be assured that MassHousing will carefully review the approved plans once the Project comes back to us for Final Approval, and at that point will determine whether the approved plans still meet the requirements of the 40B regulations and guidelines.

If you have any further questions regarding this project, please contact Jessica Malcolm in this office at (617) 854-1201.

Very truly yours,

Gregory P. Watson
Manager, Planning and Programs

cc: Norfolk Zoning Board of Appeals (via e-mail)