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September 24, 2019

VIA E-MAIL & FIRST-CLASS MAIL

Commonwealth of Massachusetts
Department of Housing and Community Development
Attn: Janelle Chan, Undersecretary
100 Cambridge Street, Suite 300
Boston, MA 02114

**Re: Reply to Town of North Reading's Letter Dated September 19, 2019
M.G.L. c. 40B Comprehensive Permit Application of NY Ventures, LLC
Elm Street Apartments, 20 Elm Street, North Reading, MA**

Dear Undersecretary Chan:

We write to briefly respond to the September 19, 2019 letter of North Reading Town Administrator, Michael P. Gilleberto, which was in response to the Applicant's September 6, 2019 letter objecting to the Town's claim of safe harbor with respect to the above-referenced matter. Needless to say, Chapter 40B regulations do not permit or contemplate the Town's filing of a response to the Applicant's objection letter. *See* 760 CMR 56.03(8)(a). On this basis alone, the Town's letter can and should be disregarded.

More important than this procedural misstep, however, is the fact that the Town's letter adds nothing of substance to these proceedings. Quite simply: the Town's myriad failures to comply with the procedural and evidentiary requirements of the Regulations and Department Guidelines, as outlined in our objection letter, are well-documented and beyond dispute. As such, the Town's unsolicited response, which largely consisted of vague claims of "numerous inaccuracies" (unsupported by even a single example of one), would not, by itself, have warranted a response.

However, we do feel compelled to respond to the unsubstantiated allegations of improper conduct levelled by the Town in its letter against both this office and the Department. Specifically, the Town objects to "alarming" communications between this office and Department personnel, accuses the Applicant of an "apparent attempt to obtain confidential group home information from DHCD", and intimates that the Department may have improperly provided such information. This could not be further from the truth.

As your legal staff is well aware, all information provided to the Applicant by the Department with respect to the Department's Group Homes Acreage Calculation (GHAC) in this matter was done pursuant to and in accordance with a public records request filed by the Applicant, to which the Department was legally obligated to, and did, respond. No confidential information was requested by the Applicant and no confidential information was provided by the Department during this exchange, and the entire process was monitored by Department counsel.

In sum, there was no improper conduct by this office or Department personnel. We trust that this serves to set the record straight.

In conclusion, we stand by the arguments set forth in our objection letter in every respect. We therefore again respectfully urge the Department to deny the Town's claim of safe harbor for the reasons discussed in our September 6, 2019 letter.

Very truly yours,

REGNANTE|STERIO LLP
Attorneys for Applicant

A handwritten signature in blue ink, appearing to read "Jesse D. Schomer", is written over a horizontal line.

By: Jesse D. Schomer, Esq.
Theodore C. Regnante, Esq.

cc. Phil DeMartino (DHCD) (via e-mail)
Roberta L. Rubin, Esq. (DHCD) (via e-mail)
Town of North Reading (via e-mail)
Development Team (via e-mail)