



Town of North Reading
Massachusetts

Town Administrator

September 19, 2019

VIA CERTIFIED MAIL and EMAIL

Phil DeMartino
Senior Technical Assistance Planning Coordinator
Massachusetts Department of Housing & Community Development
100 Cambridge Street
Boston, MA 02114

Re: NY Ventures, LLC Comprehensive Permit Application
20 Elm Street (Rear), North Reading, MA

Dear Mr. DeMartino:

The Town of North Reading (the "Town") is in receipt of the Notice of Objection to Safe Harbor Assertion (760 CMR 56.03(8)(a)) (the "Objection") dated September 6, 2019 from the Applicant, NY Ventures, LLC ("NY Ventures"). As you know, NY Ventures filed a comprehensive permit application for a housing development project located at 20 Elm Street (Rear) (the "Project"). The Project proposes 200 units (25% affordable) in five identical four story buildings (the "Project"). On August 22, 2019, the Zoning Board of Appeals (the "Board") determined that Subsidized Housing Inventory ("SHI") eligible housing exists in the Town on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial, or industrial use, per General Laws chapter 40B, §20, 760 CMR 56.03(3)(b) and (8)(a). Additionally, the Board determined that Subsidized Housing Inventory eligible housing exists in the Town at an amount over 10.00%, per General Laws chapter 40B, §20, 760 CMR 56.03(3)(a) and (8)(a).

The Town notes numerous inaccuracies in the Objection and urges the Department of Housing and Community Development (the "Department") to conduct its own, independent investigation relating to the safe harbors asserted by the Town.

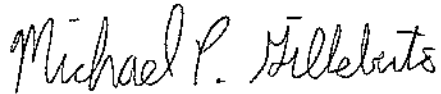
The Town vigorously denies any procedural defects with the Notice of Safe Harbor. The Town also asserts that in calculating the General Land Area Minimum ("GLAM"), it has followed the procedures found in the Department's "Guidelines for Calculating General Land Area Minimum" dated January 18, 2018 (the "Guidelines"). However, the most glaring of many concerns regarding the Objection is the fact that NY Ventures appears to be challenging the Town's Group Homes Acreage Calculation ("GHAC") even though NY Ventures is aware that the GHAC (59.14 acres) was obtained from the Department. In fact, according to counsel for NY Ventures, the Department informed them directly of the GHAC on August 22, 2019 and further that they also had "conversations" with the Department regarding the GHAC the same day. Even more concerning, counsel for NY Ventures also stated in an email to the Town that "the lion's share

of the acreage was based on a single parcel with a significant area of unmaintained land.” While NY Ventures’ directly contacting the Department regarding the Town’s request for the GHAC is alarming, even more disturbing is NY Ventures’ apparent attempt to obtain confidential group home information from DHCD.

Yet, NY Ventures is now challenging the GHAC with its own “independent research” by investigating public information. Since group homes are meant to remain confidential this “independent research” cannot be relied upon and therefore the Town again urges that the Department to rely on its own calculations.

Further, the GHAC received from the Department brings into question the number of SHI units related to group homes and it is the Town’s belief that the number of units could increase, again based upon the requested independent investigation by the Department. The Town also continues to research any discrepancies related to rent-controlled units that should be on the SHI.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Gilleberto". The signature is written in a cursive, slightly slanted style.

Michael P. Gilleberto
Town Administrator

cc: Theodore C. Regnante, Esq.
Nicholas Yebba