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February 21, 2023

Ms. Orsola Susan Fontano, Chairman  
Zoning Board of Appeals  
Somerville City Hall  
93 Highland Avenue  
Somerville, MA 02143

Re: Somerville Housing Authority,  
485 Mystic Valley Parkway, Comprehensive Permit ZBA # 2011-79  
Mystic Waterworks Phase 2  
Notice of Project Change/Insubstantial Change Request

**NOTICE OF PROJECT CHANGE**  
**INSUBSTANTIAL CHANGE: CHANGE IN SUBSIDY PROGRAM and FINAL DESIGN PLANS**

Dear Chairman Fontano and Members of the Zoning Board of Appeals:

This office represents the Somerville Housing Authority in connection with the above-referenced Comprehensive Permit, as modified (the "Comprehensive Permit"), which incorporated Phases 1 and 2 of the Mystic Waterworks project. Phase 1 was constructed in 2017 based upon the insubstantial change of September 3, 2016, and the Board has subsequently issued an insubstantial change decision for Phase 2 on January 12, 2021.

This Notice of Project Change is to notify the Board of a change in subsidy program for Phase 2, to inform the Board of various minor changes to the final architectural and site plans for the project, and to request that the Board determine these changes to be insubstantial. In addition, we are advising the Board of the final Owner entity created to complete the project.

**Change in Subsidy Program.**

For this Phase 2, the subsidizing agency and the financing program will be the Massachusetts Department of Housing and Community Development (DHCD), through the Low Income Housing Tax Credit Program (LIHTC). This is the primary State financing program for

the project, rather than the Massachusetts Housing Partnership which had been the permanent loan subsidy program for Phase 1. We expect the LIHTC allocation to be made by DHCD in March or April of 2023 and we will provide a Final Approval letter from DHCD to you at that time. Please note that there will be no change in the rent level or affordability for the residential units resulting from this change. The proposed LIHTC subsidy program will also involve a long-term restriction for low-income rents and occupancy for all the units, consistent with our previous submissions.

Under the Chapter 40B Regulations, we are now requesting that you approve the change in the subsidy program. The Chapter 40B Regulations, as described in 760 CMR 56.07(4), set forth guidelines indicating that certain modifications are generally considered insubstantial. Subsection (5) states that the following is generally considered to be insubstantial:

“A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.”

### **Final Design Changes**

The Board approved a set of design changes to Phase II in its Determination of Insubstantial Change dated January 12, 2021. In that decision, the Board approved Phase 2 as 21 units, one-bedroom apartments for seniors and disabled residents, in a three-story building based on schematic plans. There is no change in the number or character of the residential units, as there are 21 one-bedroom units, and all of the units will be income restricted units for seniors and disabled persons. The building is still 3 stories in height and very similar to the schematic plans presented to the Board in its 2021 decision. As requested at the time of that determination, we are presenting to you further refinements of the plans in final form. The refinements and changes are described below, and shown in the attached plans and renderings which include the following sheets:

Sheet Name	Sheet Number	Sheet Date
Cover	G-000	Sept. 9, 2022
Layout and Materials Plan	C-102	Sept. 9, 2022
Site Plan	A-101	Sept. 9, 2022
Level 1 & Level 2 Plans	A-102	Sept. 9, 2022
Level3 & Roof Plans	A-103	Sept. 9, 2022
Building Elevations	A-201	Sept. 9, 2022
Building Renderings	A-901	Sept. 9, 2022

1. Reduction of building footprint and basement area. The basement level is now a partial basement requiring less excavation into the existing slope. This will significantly reduce site disruption and costs. Mechanical, management and storage areas have been reduced somewhat to allow this smaller basement space. The overall footprint of the building was also reduced by roughly 950 square feet.

2. Full third story floor. The third floor now has a full set of residential units where it previously had a large terrace. A smaller lounge and terrace remain. There is no change in height or overall roof line. Please refer to the renderings, floor plans and elevations.
3. Parking and Handicapped Accessibility. The adjacent parking lot was constructed in Phase 1 and includes 14 parking spaces with 2 handicapped spaces. Please refer to the Phase 1 site plan attached. Under the terms of the Comprehensive Permit these spaces are all shared by Phase 1 and Phase 2.

The schematic site plan for Phase 2 had added two handicapped spaces at the drop-off circle on Capen Court. These spaces were in conflict with the existing site grades and we believed them unnecessary due to the two handicapped parking spaces in the adjacent lot. We have eliminated these two additional HC parking spaces from the plan, and instead propose to provide a single HC parking space on the Capen Court lot near the second floor accessible entrance to Phase 2. Please refer to the Phase 2 Site Plan. Handicapped accessibility to the building is very well provided for pedestrians, drop-off and parking.

As there is no change in the number or character of the units, and there are quite minor changes in the building area, elevations and site plan, we believe these final design refinements are insubstantial changes under the applicable regulations.

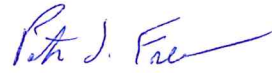
We believe that the proposed change in subsidy program and the refinement of final plans are insubstantial in nature under the Chapter 40B Regulations, and we request the Board place this matter on its next available agenda which we believe will be March 1, 2023; and we ask that the Board vote to determine that the proposed changes in the financing program and in the plans are insubstantial under 760 CMR 56.05(11) and 760 CMR 56.07(4).

This Notice of Project Change is provided pursuant to the provisions of 760 CMR 56.05(11)(a), and the Somerville Housing Authority requests that the Board determine that this change is insubstantial, in accordance with 760 CMR 56.05(11)(a) and (b) and 760 CMR 56.07(4). As you know, pursuant to these regulations, the Board is required to determine within twenty (20) days whether the changes are insubstantial, and, if it is determined that they are insubstantial or if notice is not provided by the Board to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed modified to incorporate the changes. The above process does **not** require a public hearing. A public hearing is only required if you determine that the changes are substantial changes, and the public hearing must be within thirty (30) days of a timely determination that the changes are substantial.

Finally, as an administrative matter please note that the Owner of the project will be SHA Waterworks II LLC, of which the Somerville Housing Authority's nonprofit affiliate, SHA Support Corporation will be its Managing Member. The fee interest in the land will remain with the Somerville Housing Authority and it will be long-term leased to the new Owner entity.

Thank you and we look forward to meeting with you soon.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Peter L. Freeman", with a long horizontal flourish extending to the right.

Peter L. Freeman

cc: Joseph Macaluso,  
Russell Tanner