



Massachusetts Housing Finance Agency  
One Beacon Street Boston, MA 02108

Tel: 617-854-1000  
Fax: 617-854-1091

Relay 711  
[www.masshousing.com](http://www.masshousing.com)

October 1, 2024

Donald F. Borenstein, Esq.  
Johnson & Borenstein, LLC  
12 Chestnut Street  
Andover, MA 01810

Re: Notice of Project Change  
Murphy's Farm, Dracut, MA  
MH ID No. 1171

Dear Attorney Borenstein :

We have received your Notification of Project Change describing proposed modifications to the above-captioned Chapter 40B development. The Project received a Determination of Project Eligibility (Site Approval) from MassHousing on July 5, 2023, for the construction of three hundred (300) units of rental housing on approximately 50 acres of land located on 5 Poppy Lane, known as Murphy's Farm (the "Project").

You requested a determination as to whether proposed modifications including reducing the number of housing units from 300 to 268; changing the unit mix from all four (4) bedroom units to a mix of one (1) bedroom, two (2) bedroom and three (3) bedroom units and removing excess land from the Project site (bringing the site from 50.75 acres to approximately 35+/- acres), would be considered Substantial Changes in accordance with 760 CMR 56.04 (5).

MassHousing has determined that the proposed changes are not a Substantial Change in accordance with 760 CMR 56.04 (5) and 760 CMR 56.07(4)(c). 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 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.

Maura Healey, Governor  
Kim Driscoll, Lt. Governor

Jeanne Pinado, Chair  
Carolina Avellaneda, Vice Chair

Chrystal Kornegay,  
Chief Executive Officer

MassHousing will review the approved Comprehensive Permit Plans once the Project returns for Final Approval, and at that point will determine whether the approved plans still meet the requirements of the 40B regulations and guidelines.

If I can answer any further questions regarding this Project, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jessica L. Malcolm', with a long, horizontal, wavy flourish extending to the right.

Jessica L. Malcolm  
Manager  
Planning and Programs

cc:

- The Honorable Edward J. Kennedy
- The Honorable Colleen M. Garry
- The Honorable Pavel Payano
- The Honorable Ryan M. Hamilton
- The Honorable Francisco E. Paulino
- The Honorable Estela A. Reyes
- Tony Archinski, Chair, Select Board
- R. Scott Mallory, Chair, Zoning Board of Appeals