

WEISS FARM APARTMENTS LLC
c/o John M. Corcoran & Co. LLC
100 Grandview Road
Braintree, MA 02184

March 20, 2023

Town of Stoneham Board of Appeals
35 Central Street
Stoneham, MA 02180
Attn: Tobin Shulman, Chair

Re: Weiss Farm Apartments, LLC
Notice of Insubstantial Change to Comprehensive Permit

Dear Mr. Shulman:

As you are aware, Weiss Farm Apartments LLC (“Weiss Farm”) was granted a comprehensive permit to construct 259 residential apartment units on land located off Franklin Street in Stoneham (the “Existing Permit”). The Existing Permit consists of a decision of the Board of Appeals filed with the Stoneham Town Clerk on April 28, 2016, as modified by a decision of the Housing Appeals Committee, which was issued on March 15, 2021 and upheld by the Middlesex Superior Court in a decision entered on August 4, 2022 (the “HAC Decision”). Pursuant to 760 CMR 56.05(11)(a) notice is hereby given that, following extensive discussions with Town officials, Weiss Farm wishes to change the details of the Project as set forth in the Existing Permit. Specifically, Weiss Farm wishes to amend and restate the Permit in its entirety as set forth in the attached “Final Comprehensive Permit” (the “Revised Permit”). **We respectfully request that the Board determine that the Revised Permit is an insubstantial change to the Existing Permit, as defined in 760 CMR 56.05(11)(a) and 760 CMR 56.07(4).**

The most significant change to the Existing Permit is to reduce the number of apartment units from 259 to 229 and to lower the height of the two buildings closest to Franklin Street from 5 stories to 4 stories. Plans showing the project, as so modified, are enclosed. Weiss Farm is able to forego the increased revenue that the 30 additional units would produce in exchange for various modifications to the Existing Permit that will reduce the cost of the Project and therefore allow the Project to remain economically feasible notwithstanding the reduction in units. The other changes to the Existing Permit are intended to make the requirements of the Existing Permit clearer by combining the Original Decision and the HAC Decision into a single document.

Weiss Farm believes, and requests that the Board confirm, that the Revised Permit constitutes an insubstantial change to the Existing Permit, as described in 760 CMR 56.05(11)(a) and 760 CMR 56.07(4)(d). 760 CMR 56.07(4)(d) expressly states that a reduction in the number of housing units proposed will generally not be considered a substantial change. In addition, none

of the examples of a substantial change set forth in the regulations - an increase in the height of the buildings or the number of units, a reduction in the size of units, or a change in the building type – are effected by the Final Permit.

In accordance with 760 CMR 56.05(11)(a), please notify us within 20 days as to whether you agree that the change to the Permit is insubstantial. If the Board determines that the changes are substantial, or if any third party appeals a decision by the Board that the change is insubstantial, we will be forced to withdraw this request and proceed with the Existing Permit.

As we are aware that Town has been particularly concerned about stormwater management and wetlands protection, I am enclosing a copy of the extension to the Extension Permit extending the Final Order of Conditions granted to Weiss Farm until May 23, 2026.

We look forward to your determination and to working cooperatively with the Town in connection with this project.

Sincerely,



Peter Mahoney

Cc: Dennis Sheehan
Robert Galvin, Esq.