



March 22, 2016

Mr. Joseph M. Fisher, Chairman  
Zoning Board of Appeals  
Town of Hingham  
210 Central Street  
Hingham, MA 02043

Dear Mr. Fisher and Members of the Board:

During recent discussions with members of the community, including legal counsel representing some of these groups, it has come to our attention that there is a concern that the reduced scope of the project that we submitted to you yesterday is not binding on AvalonBay. It is concerning to us that this mis-information exists within the community.

As we are confident you are aware, by formally submitting the update to the project yesterday that reduces the project scope to the new design and approximately 190 apartment homes, AvalonBay has officially modified its Comprehensive Permit Application. In no case whatsoever is the previously-proposed 250-unit, six-story design the subject of the Application.

We have also heard that the prior plan remains “on the table” because we have not sought a change to our Project Eligibility Letter (“PEL”) from the Massachusetts Housing Partnership (“MHP”). This too is without any foundation. We will be submitting the revised plan to MHP in accordance with the procedures set forth in 760 CMR 56.04(5). Under this regulation, only changes which affect the specific three eligibility requirements set forth in 760 CMR 56.04(1) are changes to be considered by MHP (i.e. limited dividend status, fundability of the project, and site control). We do not believe that any of our proposed changes affect these eligibility requirements. In any case, the Board may continue the hearing while MHP considers whether the project changes affect the eligibility requirements and if such changes are substantial. Even if MHP makes a determination that such changes are substantial for purposes of the eligibility requirements, MHP will defer further review “until either the Board has issued a Comprehensive Permit or the application has been denied and the Applicant has lodged an appeal with the Committee, at which time the Subsidizing Agency shall reaffirm, amend, or deny its determination of the project eligibility requirements.”

Further, to provide confidence to the community that AvalonBay has no intent of reversing itself regarding the original 250-unit proposal, and as evidenced by the attached documentation, we have advised Massachusetts Housing Partnership (“MHP”) of the proposed changes to the

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project. MHP has indicated they would deem this a substantial change, and that in accordance with 40B Regulations we are to proceed with our comprehensive permitting activities. The substantial change will be integrated into MHP's ordinary review of the project after the comprehensive permitting activities have been completed.

In sum, our new plan is the official plan of record, both with respect to our filing with the Board for a comprehensive permit, and with respect to the PEL.

Thank you for the opportunity to clarify the specifics of our proposal.

Respectfully submitted,



Lars Unhjem  
Senior Director of Development



## Lars Unhjem

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**From:** Lars Unhjem  
**Sent:** Tuesday, March 22, 2016 1:59 PM  
**To:** 'David Rockwell'; 'Amanda Roe'  
**Cc:** Michael Roberts (Michael\_Roberts@avalonbay.com); Steve Schwartz (sschwartz@goulstonstorrs.com)  
**Subject:** RE: Avalon Hingham Shipyard II  
**Attachments:** Avalon Hingham II - March 21 Update Letter.pdf; Avalon Hingham II - Revised Project.pdf

Hello David and Amanda,

Following up on the email below and subsequent conversations, this email is being sent to confirm AvalonBay's understanding that MHP would deem the proposed changes to the project as outlined in the email below as a substantial change. Further, although the proposed change is deemed substantial by MHP, it is our understanding that we are to proceed with our comprehensive permitting activities in accordance with 40B Regulations, and MHP will integrate the substantial changes along with its ordinary review of the project after the comprehensive permitting process is completed.

By way of this email and the letter and graphics sent to the Zoning Board of Appeals yesterday (files attached for your reference), we are hereby formally notifying MHP that we are modifying the proposal for Avalon Hingham Shipyard II to approximately 190 apartment homes, and otherwise consistent with the changes outlined below and discussed previously. We are working diligently to prepare updated, specific plans to reflect these changes, and will submit an updated plan set to MHP and the ZBA in the coming days.

Please contact me with any questions or comments you may have.

Respectfully submitted,

Lars



**Lars Unhjem**  
Sr. Director of Development  
**Connect:** [LinkedIn](#)

**AvalonBay Communities, Inc.**  
51 Sleeper Street, Suite 750  
Boston, MA 02210  
**Phone:** 617-654-9509  
**Cell:** 617-418-3575  
[Lars\\_Unhjem@AvalonBay.com](mailto:Lars_Unhjem@AvalonBay.com)

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**From:** Lars Unhjem  
**Sent:** Friday, March 11, 2016 3:50 PM  
**To:** 'David Rockwell' <drockwell@mhp.net>; 'Amanda Roe' <aroe@mhp.net>  
**Subject:** Avalon Hingham Shipyard II

A handwritten signature in blue ink, consisting of a stylized, cursive 'L' followed by a 'U', enclosed within a blue oval.

Hi David and Amanda,

Thank you both for the conversation earlier today.

As discussed, we are interested in exploring making the following changes to the current proposal:

- Reduce unit count from 250 to approx. 180
- Reduce the building height from 6 stories (parking level + 5 living levels) to 4 and/or 5 stories or a combination thereof (surface parked at grade and first living level at grade)
- Change from flat roof to gabled roof with dormers for at least the portion of the project that is public facing, perhaps all
- Update the architectural materials and language to be more consistent with Avalon at the Hingham Shipyard
- Enhanced landscaping

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,

Lars



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**Lars Unhjem**  
Sr. Director of Development  
**Connect:** [LinkedIn](#)

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Boston, MA 02210  
**Phone:** 617-654-9509  
**Cell:** 617-418-3575  
[Lars\\_Unhjem@AvalonBay.com](mailto:Lars_Unhjem@AvalonBay.com)

A handwritten signature in blue ink, appearing to be the initials 'LU' enclosed in a circle.