



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Planning Board

Date: February 9, 2006

From: Roland Bartl, AICP, Town Planner *R.B.*

Subject: Draft 40B Policy

Attached is the draft 40B policy prepared by the working group with the help of consultant Judi Barrett. The goal, if possible, is to arrive at Planning Board ratification of the policy. Actually there are two versions:

1. Draft 6, which is based on previous draft 5 but includes the Selectmen's comments/recommendations. They had reviewed and I believe ratified it with their recommended changes at their 1/23 meeting.
2. Draft 5 with Town Counsel comments. I recommend that you look them over. Some of them are not just legal in nature, but seem to be crossing into policy. Unless the Board is inclined to accept them wholesale as presented, I would suggest that the Board refer the matter back to the Working Group, but with the authority to finalize the policy without having to come back again.

TOWN OF ACTON¹

COMPREHENSIVE PERMIT POLICY

Summary

This Comprehensive Permit Policy has been adopted jointly by the Board of Selectmen and Planning Board to communicate the Town of Acton's preferences for housing developed under Chapter 40B. The main purpose of this policy is to provide guidance for developers, Town staff and the Board of Appeals in locating, designing, evaluating and permitting Chapter 40B developments in order to achieve five local objectives:

- ♦ Provide permanently affordable housing for low-, moderate- and middle-income people;
- ♦ Respect our natural resources;
- ♦ Contribute to the vitality of our villages and business districts;
- ♦ Minimize adverse fiscal and infrastructure impacts; and
- ♦ Reflect a collaborative approach by the developer and Town.

Toward these ends, the Town encourages applications for small-scale comprehensive permit developments that serve low- and moderate-income and, whenever possible, middle-income households. We would like to see developments that make use of existing structures or conform to the established architectural traditions in our community. We also prefer developments located in or adjacent to the Town's existing villages, or Kelley's Corner. In two consecutive master plans, our Town made a conscious choice to encourage concentrated development in these areas because of their relationship to Acton's early development history. Locating higher-density housing in our villages and Kelley's Corner also embraces the principles of "Smart Growth" by providing for distinctive, compact developments in walkable neighborhoods that already exist in our community. Small, attractive affordable housing developments in these areas will help us expand our inventory of low- and moderate-income housing in a manner that acknowledges the Town's land use policies, development traditions and fiscal capacity.

Population diversity has historically been important to Acton, and we recognize that housing is essential to retaining diversity. We want to create opportunities for people with a connection to Acton to stay here or move into our neighborhoods, but since Acton is a prestigious suburb, it is very difficult for people to find affordable housing in our community. When the Town commissioned an affordable housing plan two years ago, we found that 61% of our current households and 81% of all households in the Boston area would not be able to afford to purchase a median-price home in Acton. Moreover, we found that 89% of our lower-income families were unaffordably housed, and the rate of housing cost burden among existing homeowners ranked sixth in Middlesex County. These kinds of conditions reduce population diversity and also

¹ Text in red represents changes made in response to selectmen's comments.

weaken Acton's ability to support a thriving economy. We know that Acton's economic base relies on a labor force with varied skills. To keep our existing businesses and attract new ones, we need housing for workers at all wage levels to live in our community.

Mixed-income developments of no more than 12 single-family, two-family or townhouse units, with an overall gross floor area ratio of .25, will generally be deemed consistent with our Comprehensive Permit Policy and may receive expedited approval if they are environmentally responsible and incorporate architectural features commonly found in Acton's residential neighborhoods. However, we will consider more than 12 units and a floor area ratio of up to .80 for comprehensive permit developments in or within a half-mile radius of our villages or Kelley's Corner. While we do not encourage comprehensive permits outside of these areas, developments may still be eligible for expedited review if they include no more than 12 housing units or involve the redevelopment of existing, underutilized commercial or industrial space. Where appropriate and feasible, redevelopment in areas zoned for commercial or industrial development should provide affordable housing mixed with other uses. The areas most suited for higher-density housing in Acton are identified in Map 1, Preferred Locations & Density Guide (see Appendix A).

Like most communities, Acton is very concerned about protecting the quality and adequacy of its drinking water supply. We discourage higher-density housing in a DEP Zone 2, but a development that minimizes impervious coverage and includes a package treatment plant that meets or exceeds DEP requirements for a nitrogen-sensitive area will be considered. Acton has several areas of Priority Habitat and they are categorically inappropriate for higher-density housing. It is the Town's position that avoiding Priority Habitat areas does not severely limit the opportunities to develop affordable housing in Acton. In general, comprehensive permits for land in areas shown in Map 2, Areas with Poor/Limited Suitability for Higher-Density Housing (Appendix A), will most likely be subject to conditions requiring a development to conform to most if not all of the Town's environmental regulations or be denied as inconsistent with local planning needs.

Policy Statement

1. Housing Priorities

Low-Income Rental Housing. Acton has a severe shortage of rental units for low- and very-low-income families, and a generalized shortage of rental housing in a range of below-market prices, such as apartments for households below 100% of area median income (AMI). The Town encourages development that addresses these needs. If we could choose one of two concurrently filed comprehensive permit applications, Acton would give priority to the proposal that provides more affordability for low-income renters and is more consistent with the planning goals outlined below. Since rental developments are usually larger than our preferred target of 12 units or less, they are not eligible for an expedited review under this policy. However, we encourage applicants with an interest in rental housing to work with the Board of Selectmen, Planning Board and Acton Community Housing Corporation (ACHC) to design a mutually beneficial development.

Mixed-Income Homeownership. There is a substantial gap between affordable housing and market-rate homes in Acton. To provide more housing choices, the Town encourages homeownership developments that offer affordable housing for low-, moderate- and middle-

income families. The Town will consider a modest density increase in exchange for some units affordable to middle-income households, which we define as households with income between 81-120% AMI, provided these units are in addition to the state's requirement that at least 25% of the units be reserved for low- and moderate-income households (at or below 80% AMI).

2. Relationship to Community Planning Goals

The Acton Master Plan provides guidance on the Town's land use policies. Whenever possible, comprehensive permit applicants should strive for consistency with these policies because doing so will reduce complications during the review and permitting process. The relevant goals and principles of the Acton Master Plan are reproduced in Appendix B of this Comprehensive Permit Policy Statement. In addition, our Town's housing needs are described and documented in To Live in Acton, a housing plan prepared under Executive Order 418. Both documents are on file in the Acton Planning Department and on the Town's web site: <<http://www.town.acton.ma.us/>> [select "Departments," select "Planning"].

3. Development Preference Criteria

In general, Acton will give preference to comprehensive permits with the following characteristics:

- ◆ **Types of Housing.** In addition to a preference for affordable rental and mixed-income homeownership units, Acton wants a mix of unit sizes to accommodate individuals and families. A development comprised primarily of one- and two-bedroom apartments, with 12-15% three-bedroom apartments, is preferable to one dominated by small units and no three-bedroom units or one in which more than 25% of the units have three bedrooms. The Town wants to provide housing for families at a pace that is fiscally sustainable.
- ◆ **Location.** Acton will give preference to comprehensive permits in the following areas:
 - In the villages centers identified and described in the Acton Master Plan or within one-half mile of these centers (East Acton Village, North Acton Village, South Acton Village, and West Acton Village);
 - In or within a half-mile radius of Kelley's Corner;
 - Areas within a half-mile radius of Acton's Commuter Rail Station;
 - Developments in any location that reuse and improve existing buildings, such as obsolete commercial, industrial or institutional space or buildings located in active commercial or mixed-use areas;
 - **Developments in any location that preserve and restore historically or architecturally significant buildings in their present setting;** or
 - Areas outside of **Zones 1-2** of a public drinking water supply.

Acton does not encourage a comprehensive permit application involving land in any of the following areas:

- Areas zoned for non-residential uses, except for the conversion of existing, underutilized commercial or industrial space in otherwise active commercial and mixed-use areas for mixed-use or multi-family development.
- Priority Habitat Areas as determined by the Natural Heritage and Endangered Species Program (NHESP).

Acton also discourages comprehensive permit applications within Zones 1-2 of a public drinking water supply.

- ♦ **Mixed-Use Developments.** Acton welcomes affordable housing in developments that offer a mix of residential and commercial space. Dwelling units above the ground floor of a commercial building, or upper-story units combined with a free-standing multi-family building on the same lot, would be consistent with the Master Plan when located in a village or Kelley's Corner.
- ♦ **Density and Scale.** Acton recognizes that density is important to the feasibility of an affordable housing development. However, the Town has valid planning and fiscal reasons to promote small-scale development. Generally, Acton will give preference to a small affordable housing development over one of a larger scale, regardless of density. An application for 12 or fewer units is strongly preferred, subject to the following guidelines.
 - **Intensity of Use.** Requests to waive the density requirements of the Acton Zoning Bylaw must be accompanied by evidence of financial necessity. As a rule, a gross floor area ratio of up to .80 in or within a half-mile of our villages and a maximum of .25 in other locations would be considered responsive to this Comprehensive Policy Statement. To the maximum extent feasible, developments should comply with the Town's building and impervious coverage regulations and setback requirements
 - **Height.** Acton prefers affordable housing developments that are architecturally similar to surrounding residential areas. Building heights should be consistent with local zoning, although the Town will consider exceptions for buildings comparable to Town Hall or Exchange Hall in massing, bulk, articulation, and roof details. In general, buildings should be harmonious with Acton's existing architectural styles.
 - **Scale.** Developments of not more than 12 units are automatically eligible for an expedited review as described in Section 6, provided they are not located in one of the areas shown in Map 2, Areas with Poor/Limited Suitability for Higher-Density Housing. Any development exceeding 50 units will be reviewed as a Large-Scale Project under Section 7.
- ♦ **Building and Landscape Design Considerations.** The Town recognizes that many factors determine appropriate design. What is aesthetically pleasing to some is objectionable to others, and since design decisions ought to be sensitive to the site and its context, the Town wants to avoid imposing overly prescriptive rules on developers and their design teams. However, local residents appreciate certain architectural styles and wherever possible, developers should try to incorporate them in their proposals. A Visual Preference Survey

conducted for our housing plan revealed fairly strong consensus about the desirability of several buildings, pictures of which are attached to this policy statement as Appendix C.

- **Traditional Design.** A development that accommodates density by making use of locally preferred design elements is more likely to receive support from the Town than one comprised of large, monotonous buildings that lack articulation. Buildings should be oriented toward the street or around a courtyard, or they should respond to a prominent site feature, such as a corner location. Off-street parking, open or covered, should be located toward the side and rear of buildings, so that views from the road are defined by buildings and landscaping, not pavement and garage doors. Attention to walkability, both within a development and between the site and surrounding areas, will strengthen the desirability of a comprehensive permit proposal.
- **Cultural Resources.** A proposal to redevelop and reuse a historically significant or distinctive structure should incorporate appropriate historic preservation methods. Developers are encouraged to review the Acton Cultural Resources Inventory, on file in the Building Department, to determine whether the structure is subject to the Chapter N of the Bylaws of the Town of Acton, "Procedures for the Demolition of Historically or Architecturally Significant Buildings."
- **Open Space and Natural Resources.** The use of open space and landscaping to provide visual relief and connectivity within a development is very important. Protecting mature trees and preserving as much existing vegetation as possible would be responsive to the values of our Town. Site planning should demonstrate sensitivity to nearby wetlands regardless of whether any work on the site requires review or approval under the **Massachusetts** Wetlands Protection Act.² Acton takes wetlands and water resource protection very seriously. Landscaping should minimize high water use turf and emphasize non-invasive, drought-resistant plantings, which may include a variety of trees, flowers, shrubs, succulents and ornamental grasses. If an outdoor watering system is proposed, it should be drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system.
- ♦ **Site Plan Standards.** Wherever possible, applicants should comply with the site plan standards listed in Section 10.4 of the Zoning Bylaw.
- ♦ **Public Benefits.** Acton recognizes affordable housing as one of the public benefits that development can bring to a community. Many developers of affordable and market-rate housing provide other public benefits depending on the size of the project and its impact on municipal and school services, the surrounding neighborhood, and needs for community facilities or services in the vicinity of the project. In general, a development of 12 units or less would not be expected to contribute more to the Town than affordable housing and suitable on-site development improvement while larger developments would be expected to help Acton meet the service demands associated with new growth.

² Deleted from the beginning of this sentence: "Since comprehensive permit developments are often located on marginal lands..."

4. Affordability Preferences

Acton has devoted considerable effort to identifying housing needs in our own community and the surrounding region. A comprehensive permit development that addresses the following needs is more likely to receive the Town's support:

- ♦ **Desired Percentage(s) of Affordability:** 25-30% for rental or homeownership units. In homeownership developments, a higher percentage of units eligible for inclusion in the Chapter 40B Subsidized Housing Inventory may be considered a reasonable trade-off, when necessary, for a modest increase in density above the guidelines outlined in this Policy Statement. The additional affordable units should be priced for households below 80% AMI, in which case they would qualify for the Subsidized Housing Inventory, but they may be priced for households with slightly higher incomes if there is an affordable housing restriction in place to protect affordability upon resale.
- ♦ **Income Targets:** rental developments should provide a continuum of affordability, such as units priced for households at 30%, 50%, 80%, and 110% AMI. Range of affordability may be considered a reasonable trade-off, when necessary, for a modest increase in density or support from the Town in the developer's efforts to obtain additional subsidies for the development. Acton has housing needs at several market levels. We are not interested in having a disproportionately large share of units affordable only to households with incomes at the upper end of the moderate-income range. A mix of unit pricing will be more advantageous to the developer than pricing all of the units in a development for households at 70-80% AMI.
- ♦ **Term of Affordability:** Affordable housing built in Acton must be affordable in perpetuity. Although some subsidy programs call for 30-50 years of affordability, Acton requires affordable housing to remain affordable for the maximum period allowed by law.

5. Affirmative Marketing and Local Preference

To the maximum extent permitted by law, first preference for the purchase of seventy percent (70%) of the affordable units in a comprehensive permit development shall be given to households that meet one or more of the following "Acton Connection" preference criteria:

- ♦ At least one member of the household is currently a legal resident of the Town of Acton. For purposes of an affordable housing lottery, a person shall be deemed a resident if that person has been registered as an Acton resident with the Acton Town Clerk pursuant to G.L. c. 51, §4 and would be considered a resident under the U.S. Census Bureau's residency guidelines.
- ♦ At least one member of the household is a parent, son or daughter of an Acton resident.
- ♦ At least one member of the household is an employee of the Town of Acton, the Acton Public Schools, the Acton-Boxborough Regional School District, or the Acton Water District, and has been an employee for a period of at least six months at the time of the affordable housing lottery application deadline.

- ◆ At least one member of the household is currently privately or publicly employed within the Town of Acton and has been so employed for a period of at least six months at the time of the affordable housing lottery application deadline.

6. Incentives for Small-Scale Projects

A comprehensive permit development with 12 units or less, not located in one of the areas shown on Map 2, Areas with Poor/Limited Suitability for Higher-Density Housing, and with a gross floor area that meets the guidelines of this Policy Statement, is eligible for a modified review process and reductions in or exemptions from certain local requirements. This process is outlined below.³

- ◆ Prior to submitting an application for Site Approval, the developer will meet informally with the ACHC and Town Planner to review the proposal against the preferences and standards outlined in this Policy Statement.
- ◆ The developer will present the proposal at an informational meeting sponsored by the ACHC for residents, town boards and professional staff.
- ◆ The ACHC and Town Planner will evaluate the proposal according to the Development Preference Criteria outlined in Section 3. In the Town Planner's discretion, other department heads may be asked to participate in the proposal evaluation. If the reviewers agree that the proposed development satisfies the Town's preference criteria, they will recommend that the Board of Selectmen send a letter of support to the subsidy program with responsibility for issuing a Project Eligibility/Site Approval letter. A developer whose project does not adequately address the preference criteria will be encouraged to modify the proposal and resubmit it to the Town for review.
- ◆ After receiving a Project Eligibility/Site Approval letter from the state, the developer will be permitted to submit a simplified small-project comprehensive permit application to the Board of Appeals.
- ◆ During the public hearing process, project review assistance required by the Board of Appeals, if any, will be performed in-house. The developer will not be required to pay for peer review services unless there is no other option available to the Town. If the Board of Appeals needs a specialized review that requires outside support, the Town will seek Chapter 40B Technical Assistance from the Massachusetts Housing Partnership Fund.
- ◆ If necessary, the Board of Selectmen will designate one of its members to serve as liaison to abutters and as the Town's negotiator.

³ The same process may be available to a development that exceeds 12 units, depending on its location and the public benefits it offers in addition to affordable housing. For a development in this size category, the public benefits criteria that determine eligibility for a streamlined review include walkability, connectivity, and reuse of older buildings.

- ♦ When necessary to meet the Building and Landscape Design Considerations of this policy statement, the 75-foot no-build setback to the edge of driveways, roadways and structures under the Town’s local wetlands bylaw may be reduced to 50 feet. **However, it is important to maintain the 50-foot non-disturbance setback of the Acton Wetlands Protection Bylaw (Bylaws of the Town of Acton, Chapter F - Environmental Regulations).**
- ♦ The Board of Appeals will make every reasonable effort to conclude the public hearing within three sessions and file its decision with the Town Clerk not later than 30 days after the close of the public hearing.

7. Large-Scale Project Review

This section describes the Town’s procedures for reviewing and evaluating a comprehensive permit development of 50 or more units.

- ♦ **Project Review Procedures.** Below is the process that developers must follow prior to submitting a Project Eligibility/Site Approval application for any development that is subject to Large-Scale Project Review:
 - The developer will meet informally with the ACHC and Town Planner to review the proposal against the preferences and standards outlined in this Policy Statement.
 - The developer will present the proposal at an informational meeting sponsored by the ACHC for residents, town boards and professional staff. In addition, the developer **will meet** with officials such as the Planning Board, Conservation Commission, Historical Commission or Board of Health regarding any proposed or potential waivers from laws and regulations within their jurisdiction.
 - The ACHC will prepare a written summary of all comments received at the informational meeting, transmit them to the Board of Selectmen and the developer, and review the developer’s response.
 - The ACHC and Town Planner will evaluate the proposal (as may be revised following the all-boards meeting). In the Town Planner’s discretion, other department heads may be asked to participate in the proposal evaluation. This joint review process will be guided by the Development Preference Criteria in Section 3. In addition, one or more members of the Board of Selectmen will review the proposal for consistency with the Public Benefits Criteria in Section 3, considering the degree to which the proposal meets the Compensatory Conditions and Mitigation standards outlined below.
 - If the reviewers agree that the proposed development satisfactorily addresses the Development Preference Criteria and Compensatory Conditions, the development may be eligible for a favorable recommendation to the subsidy program. A development that does not meet these standards will most likely receive an unfavorable recommendation from the Town, along with a request to defer action on the Project Eligibility/Site Approval application until such time as identified deficiencies are resolved.
 - The Board of Selectmen will maintain a record of the ACHC/Development Review Team’s analysis of the project, other written comments, and the results of the all-boards

meeting. These documents will be part of the official public records file for the development and may be transmitted to the subsidy agency that is responsible for acting on the developer's Project Eligibility/Site Approval application.

- ♦ **Compensatory Conditions.** A large-scale project is more likely to obtain support from the Town when the development meets the following criteria:
 - Located in one of the Preferred Development Areas identified on Map 1;
 - Does not exceed a gross floor area ratio of .25; or .80 in the villages/Kelley's Corner;
 - Provides a mix of residential use types and unit sizes;
 - Substantially addresses the Building and Landscape Design Considerations in Section 3;
 - Located on residentially zoned land, except for a mixed-use development that includes commercial space or involves reuse of an existing nonresidential structure;
 - Provides pedestrian amenities and where appropriate, transportation management to reduce traffic impacts on surrounding areas;
 - Preserves significant open space for public use in large contiguous tracts on usable upland, or if within a Preferred Development Area, creates an attractive village park for public use; and
 - Provides a significant public benefit to the Town in addition to affordable housing, such as transportation management, traffic mitigation, provision of additional affordable units in off-site locations, or a contribution to the Town for capital improvements or other affordable housing.

When these compensatory conditions are met, the Board of Selectmen and Planning Board may recommend to the Board of Appeals that the project be reviewed in whole or in part under the procedures for a small project in Section 6.

- ♦ **Comprehensive Permit Application & Review.** The large-scale project developer is required to file a complete comprehensive permit application with the Board of Appeals. Not later than the end of the second session of the public hearing, the Board of Appeals will determine its technical assistance and peer review needs and notify the developer of the estimated amount of funds required to conduct these reviews (if any). The Town will maintain a list of qualified reviewers and their review fees. Applicants should be prepared to pay for the following consulting services and peer reviews:
 - An appraisal of the site for its highest and best use under current zoning
 - Development pro forma
 - Market study
 - Community impacts analysis

- **Traffic**

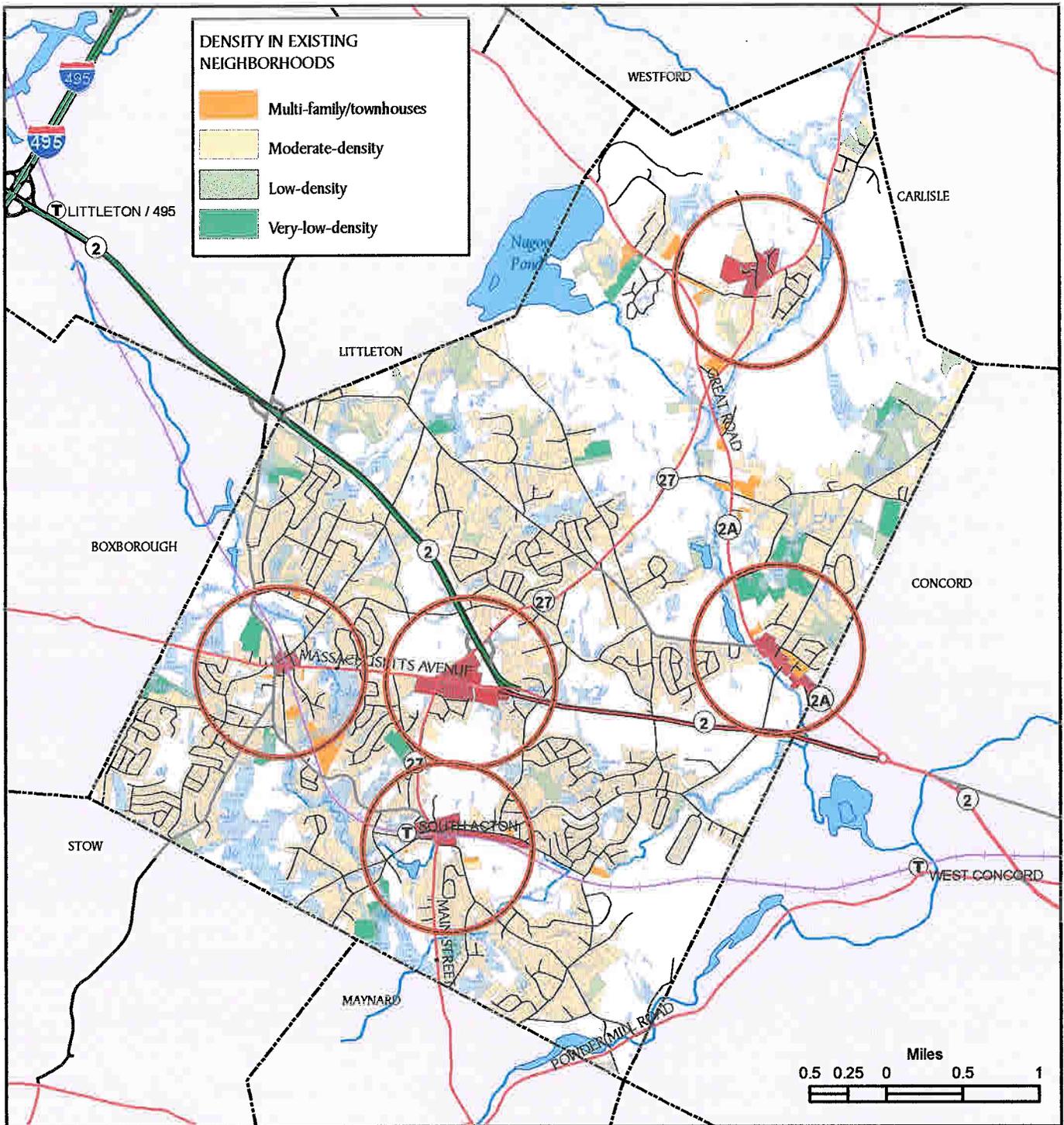
The Board of Appeals may request additional reviews, and it may also identify needs for other reviews after the second session of the hearing depending on issues identified by abutters or other Town boards reviewing the project.

- ♦ **Town Negotiator.** The Board of Selectmen will designate a negotiator or a negotiating team to represent the Town in working with the developer to resolve issues and identify appropriate mitigation.
- ♦ **Mitigation.** Large-scale developments have a responsibility to mitigate their attendant environmental, fiscal and traffic impacts. Mitigation should reflect the size of the project and its impact on municipal and school services, nearby roadways and intersections, the surrounding neighborhood, and needs for community facilities or services in the vicinity of the site. For example, a small neighborhood park accessible to persons with disabilities or a playground may be appropriate mitigation for a development of 50-60 units while a larger development may create needs for a community center or accelerate the need to complete a project identified in Acton's Capital Improvements Plan (CIP). Since large developments also tend to generate significant traffic, the Town expects large-scale project developers to include transportation management, traffic mitigation and facilities for pedestrians as part of an application for a comprehensive permit. In general, Acton will give preference to a large development that provides a public recreation facility or community facility, or a cash contribution to help the Town finance such facilities in the future, and sustainable transportation.

APPENDIX A

Map 1: Preferred Locations & Density Guide: Affordable Housing Development

Map 2: Areas with Poor/Limited Suitability for Higher-Density Housing



ACTON

Map 1

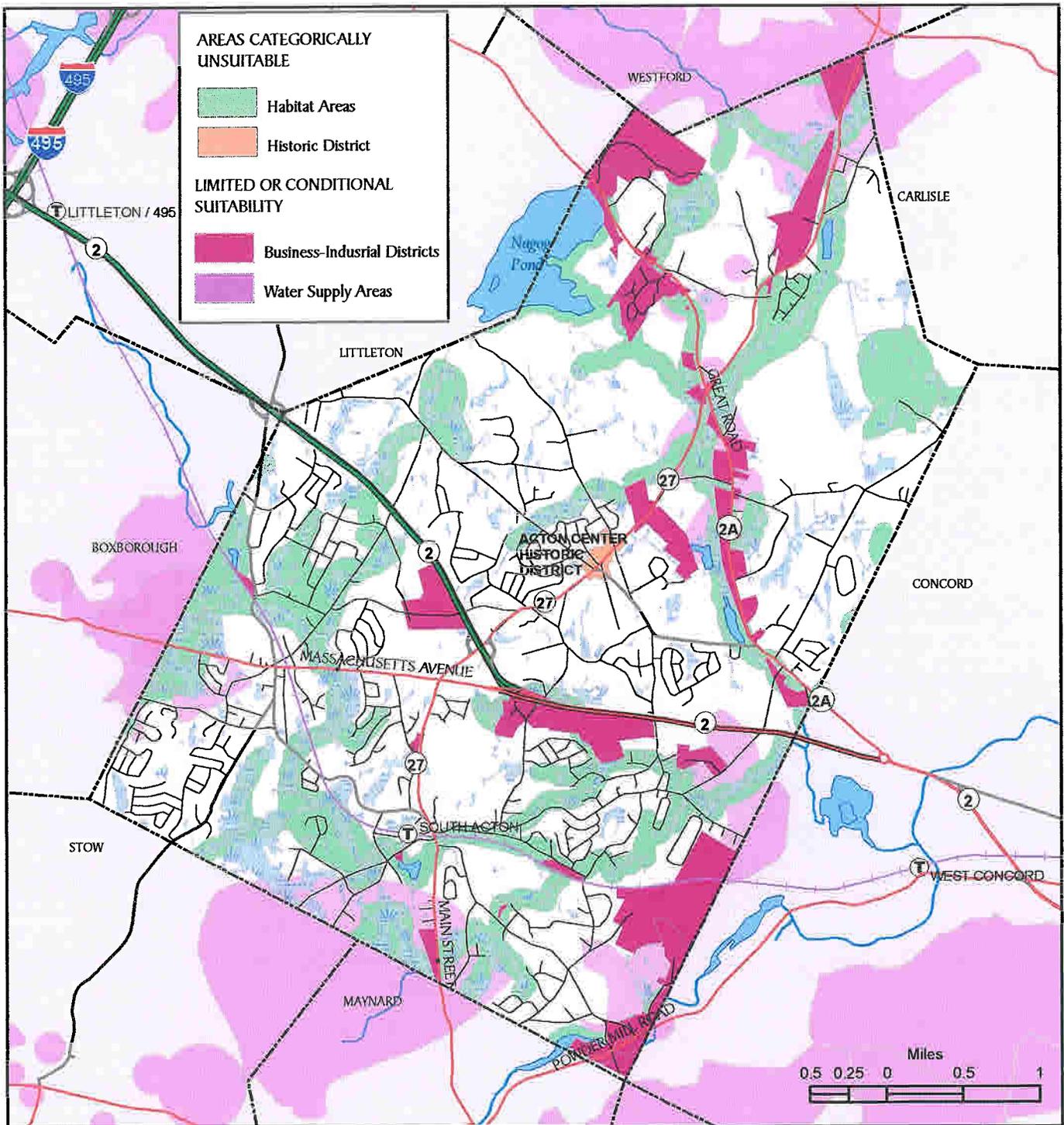
Preferred Locations & Density
Guide: Affordable Housing
Development



August 14, 2005

- MBTA Stations** (T symbol)
- ROADWAYS**
 - Limited Access Highway
 - Other Multi-Lane Highway
 - Other Numbered Highway
 - Major Road, Collector
- Open Water** (Blue area)
- Wetlands** (Blue hatched area)
- Preferred Development Area** (Red circle)

Data Sources: Town of Acton Health Department, MassGIS, MassHighway



ACTON

Map 2

Areas with Poor/Limited Suitability for Higher-Density Housing



August 14, 2005

- | | |
|--------------------------|-------------------------------|
| MBTA Stations | Open Water |
| ROADWAYS | Wetlands |
| Limited Access Highway | Water Supply Areas |
| Other Multi-Lane Highway | Habitat Areas |
| Other Numbered Highway | Historic District |
| Major Road, Collector | Business-Industrial Districts |

Data Sources: Town of Acton Health Department, MassGIS, MassHighway

MAP NOTES

Map 1: Preferred Locations & Density Guide

Map 1 identifies five locations in Acton that are particularly appropriate for higher-density housing and a mix of residential use types: North Acton Village, East Acton Village, South Acton Village (which includes the commuter rail station), West Acton Village, and Kelley's Corner. The circles represent a one-half-mile radius around each of these areas. As suggested by the map legend, the colors on Map 1 depict the density ranges and residential uses found in Acton's villages and established neighborhoods.

The Comprehensive Permit Policy Statement describes other areas that may be suitable for higher-density housing, depending the density and scale of a proposed project and existing conditions on the site. For example, vacant, underutilized or obsolete nonresidential space in active commercial and mixed-use areas will generally be considered desirable for redevelopment that includes affordable housing. Route 2A is an example of an area that would most likely have properties in this category. Since redevelopment opportunities may exist in several locations, they are not explicitly identified on Map 1. Prospective applicants should consult with the Planning Department to determine whether a project would be considered responsive to the Comprehensive Permit Policy if the site is located outside the five areas shown in Map 1.

Map 2: Areas with Poor/Limited Suitability for Higher-Density Housing

Acton discourages comprehensive permit developments in four locations: the historic town center, areas with significant wildlife value, non-residentially zoned land, and areas within Zone 1-2 of a public drinking water supply. These areas are highlighted on Map 2. However, the Town recognizes that a conversion of underutilized commercial or industrial space to mixed-income housing could be advantageous not only for providing affordable housing, but also for expanding the tax base and advancing the principles of Smart Growth. Accordingly, some areas illustrated as unsuitable on Map 2 may be appropriate for a comprehensive permit if the project results in redevelopment and reuse of existing properties.

The Acton Center Historic District (orange) and Priority Habitat Areas (green) identified by the Natural Heritage and Endangered Species Program are categorically inappropriate for higher-density housing. Land in a Zone 1-2 (purple) is presumably inappropriate, but Acton recognizes that higher-density housing could be accommodated in Zone 2 if a project is designed to limit total lot coverage and the units are served by a wastewater disposal system that complies with DEP requirements for a nitrogen-sensitive area.

APPENDIX B

Master Plan (1998) Goals & Objectives

LAND USE

Goal: Preserve those elements or features which contribute to Acton's New England town character as a suburban residential community with strong rural and historic roots.

Objective: Strengthen Acton's traditional pattern of village centers.

Objective: Maintain Acton's rural and historic elements.

Objective: Provide incentives and aid to preserve and revitalize historic structures and places.

Objective: Preserve natural and human-made features that contribute to Acton's character such as open fields, woodlands, ponds, country roads, and stone walls.

Objective: Promote a sense of community.

Goal: Direct new residential development to protect Acton's natural environment and other resources, to be consistent with Acton's New England town character, and to encourage diversity in Acton's population.

Objective: Encourage new residential development to preserve open space.

Objective: Promote residential village environments that are consistent with Acton's character.

Objective: Encourage a variety of neighborhood design alternatives for residential development.

Objective: Promote pedestrian circulation within and between residential developments.

Objective: Adjust the intensity of residential development to protect Acton's environmental resources and to remain within the limitations of its infrastructure.

HOUSING

Goal: Encourage diversity in Acton's population by achieving a mix of homes that enhances Acton's town character and provides needed choices for our residents.

Objective: Preserve the character of Acton's established residential neighborhoods.

Objective: Promote a range of economic diversity in housing including low and moderate income housing.

Objective: Promote a range of choice in the types of homes to allow for residents' changing capacities and preferences.

ECONOMIC DEVELOPMENT

Goal: Promote current and new commercial development within the context of the Master Plan by strengthening the tax base to reduce the tax burden on residential taxpayers.

Objective: Support commercial and industrial growth that will fit in Acton and contribute to the community's quality of life and fiscal stability.

- Encourage commercial and industrial development
- Attract new businesses
- Increase the diversity of commercial enterprise
- Increase Commercial, Industrial and Personal Property (C/I/P) revenues share to 20% within the next 5 years

Objective: Support the concept of village and business districts by encouraging businesses of appropriate scale that will contribute to a mix of activities.

NATURAL, CULTURAL AND HISTORIC RESOURCES

Goal: Protect and sustain Acton's natural environment and resources.

Objective: Strictly enforce federal, state and local environmental laws, and supplement them with additional Town regulations if necessary.

Objective: Ensure the restoration of polluted environmental resources.

Objective: Protect the quality and quantity of Acton's water supply.

Objective: Promote environmentally sound solid waste and wastewater management.

Objective: Pursue regional solutions to environmental problems.

Objective: Establish environmental standards for new development.

Goal: Preserve Acton's historic and cultural resources.

Objective: Provide incentives and aid to preserve and revitalize historic structures and places.

OPEN SPACE AND RECREATION

Goal: Preserve the remaining elements of Acton's rural character.

Objective: Protect and maintain Acton's remaining farmland, and promote active farming in the Town.

Objective: Conserve open space parcels that have been identified as key remaining elements of Acton's rural character.

Objective: Create greenbelts of conserved lands along waterways, to include key wildlife habitats.

Objective: Manage and enhance resource opportunities at Acton's conservation lands.

Goal: Provide a variety of recreational opportunities for all Acton residents.

Objective: Provide water recreational opportunities beyond existing facilities.

Objective: Preserve open spaces which have value as aesthetic, recreational, wetland, water, and wildlife resources.

Objective: Improve access to and between recreation and conservation areas.

Objective: Develop, maintain, and encourage the use of Acton's recreational resources.

Objective: Provide recreational opportunities for families with young children.

Objective: Encourage entertainment opportunities for teenagers.

SERVICES AND FACILITIES

Goal: Provide high quality services, facilities, and administration within the fiscal capacity of the Town.

Objective: Plan for new and expanded facilities as needed to serve the community.

Objective: Construct new, and expand and renovate existing school facilities at the local and regional levels to meet the needs of increased school enrollment.

Objective: Enhance the level of services that the Town can provide by continually seeking operational efficiencies and by using federal, state, and private funding sources to supplement Town funds.

Objective: Consider alternative ways of generating local revenues to pay for services and amenities desired by residents.

Objective: Explore and develop strategies to reduce reliance on the residential property tax to fund services and facilities, particularly for senior citizens and those on fixed incomes.

Goal: Provide a variety of high quality educational opportunities.

Objective: Maintain the excellence of the public school system.

Objective: Provide educational facilities and resources to support the increased student enrollment at the local and regional levels.

Objective: Encourage day-care facilities.

Objective: Provide a variety of continuing education programs.

Objective: Sustain and promote Acton's excellent library services.

Objective: Encourage the use of conservation areas and historic resources for educational purposes.

Objective: Provide services and facilities to enable the elderly and persons with disabilities to live independently in Acton.

Objective: Encourage greater access for all residents to cultural events, opportunities and services.

Goal: Continue to mitigate the impact of development upon natural resources

Objective: Work with Acton Water Supply District to maintain adequate supply and quality of water and to address the state water withdrawal limit.

Objective: Continue working to avoid and alleviate pollution resulting from failed septic systems.

Objective: Continue planning and implementing a sewerage system as needed to protect water resources and service desired development

TRANSPORTATION AND CIRCULATION

Goal: Provide a transportation system that meets the mobility and access needs of the community, is environmentally sound, safe and convenient, and reduces dependency on the automobile.

Objective: Regulate the amount and intensity of new growth as one measure to control traffic.

Objective: Establish transportation system capacity limits to be consistent with Acton's character and with the roadway's functional classification system.

Objective: Minimize Town expenditures for road improvements by maximizing the use of federal and state funds, and private mitigation efforts.

Objective: Promote local and regional public transportation.

Objective: Provide facilities that will encourage walking and bicycling, including on-road bicycle access.

Objective: Encourage regional and public/private cooperation in transportation planning.

Objective: Provide adequate vehicle carrying capacity on the major traffic corridors to maintain mobility, safety and access to land and minor roads.

Objective: Make improvements at hazardous locations while maintaining the scenic character of Acton's roads.

Objective: Improve parking availability in the village centers consistent with village plans and community design standards.

Objective: Improve connectivity and circulation between and within residential neighborhoods, and between and within business districts.

APPENDIX C

Visual Preference Survey

(October 2003)

1. Most highly-rated single-family dwellings

Image 1



Image 3



Image 7



2. Most highly-rated multi-family dwellings

Image 10



Images 12-14



Image 25



3. Most highly-rated mixed-use buildings

Image 41



Image 39



Image 31



Image 30



Observations: Design Preferences of Survey Respondents in Acton

- 1) Respondents overwhelmingly prefer that housing styles, rooflines and garages vary throughout a subdivision to create visual variety and create character. Respondents like new subdivisions to look like they were built over time and not produced in a “cookie-cutter” manner.
- 2) Respondents also strongly support trees, landscaping and sidewalks and think they are a necessity despite the additional cost.
- 3) Natural resource protection, open space protection and less-expensive housing are all equally important goals for cluster subdivisions. Respondents also think community and safety, intimate and friendly neighborhoods, efficiency, shared services and good design should be goals for cluster subdivisions.
- 4) They think the houses in cluster subdivisions should have character and charm, include a variety of housing types (single and multi-family), respect the topography of the site and should create a sense of privacy for each unit.
- 5) An equal number of respondents said they like row houses, town houses, garden apartments and multi-family houses that look like single-family houses. None of the respondents like apartment buildings.
- 6) Respondents think two and three-family houses, townhouses and subdivided historic structures can be integrated into a neighborhood with single-family housing.
- 7) Retail and neighborhood services (bank branches, barber, small grocer) mixed with apartments is the most preferred type of mixed-use structure. Respondents frequently stated that they like a pedestrian scale and pedestrian amenities.

APPENDIX D

Definitions

ACTON COMMUNITY HOUSING CORPORATION (ACHC): Non-profit housing corporation operating under supervision of the Town of Acton Board of Selectmen.

AFFORDABLE HOUSING RESTRICTION: A contract, mortgage agreement, deed restriction, regulatory or development agreement, or other legal instrument, acceptable in form and substance to the Town of Acton, that effectively restricts occupancy of an affordable housing unit to an eligible purchaser or renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of G.L. c.184, Sections 26 or 31-32.⁴

AFFORDABLE HOUSING UNIT: A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Local Initiative Program (LIP) for inclusion on the Chapter 40B Subsidized Housing Inventory.

AREA MEDIAN INCOME (AMI): The median family income for the metropolitan area that includes the Town of Acton, as defined in the annual schedule of low- and moderate-income limits published by the U.S. Department of Housing and Urban Development, and adjusted for household size.

LOCAL INITIATIVE PROGRAM: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce affordable housing.

LOW- OR MODERATE-INCOME HOUSEHOLD: A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan area that includes the Town of Acton. In a development with affordable housing units, eligible low- or moderate-income household means the household that purchases or rents an affordable housing unit as its principal residence.

VERY-LOW-INCOME refers to a household with income at or below 30% AMI.

LOW-INCOME refers to a household with income between 31-50% AMI.

MODERATE-INCOME refers to a household with income between 51-80% AMI.

⁴ Note: G.L. c.184, s. 31 reads, in part: "An affordable housing restriction means a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant or condition in any deed, mortgage, will, agreement, or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons, or families of low or moderate income in either rental housing or other housing or (b) restricting the resale price of all or part of the property in order to assure its affordability by future low and moderate income purchasers or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and other housing for occupancy by low and moderate income persons and families."

MAXIMUM AFFORDABLE PURCHASE PRICE OR RENT: For homeownership units, a purchase price that is affordable to a low- or moderate-income household paying not more than 30% of gross monthly income for a mortgage payment, property taxes, insurance and condominium fees where applicable; and for rental units, a monthly rent that is affordable to a low- or moderate-income household paying no more than 30% of its gross monthly income for rent and utilities. The household income used to compute the maximum affordable purchase price or rent shall be adjusted for household size, considering the household size for which a proposed affordable unit would be suitable under guidelines of the Local Initiative Program or, where no such guidelines exist, under regulations adopted by the Planning Board.

PROJECT ELIGIBILITY (or SITE APPROVAL): The determination by a housing subsidy program that an applicant and a proposed affordable or mixed-income housing development meet the eligibility requirements for a comprehensive permit, as defined in 760 CMR 31.01.

SUBSIDIZED HOUSING INVENTORY: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory.

ZONE 1-2 (DRINKING WATER): Areas delineated according to state environmental regulations to protect a public drinking water supply; see Acton Zoning Bylaw, Section 4.3, and 310 CMR 22.02.

ZONE 1: The area from which groundwater will travel to a pumping municipal well within a one year time period, based on average recharge conditions and anticipated pumping, as established in the "Groundwater Protection District Map of the Town of Acton, January 1989," prepared by Goldberg, Zoino and Associates (GZA) in the "Final Report - Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989."

ZONE 2: "The area within which groundwater will move toward a pumping municipal well at the end of a 180 day period of no surficial recharge and full design capacity pumping of the well (the Massachusetts Department of Environmental Protection Zone 2 boundary standard), as established in the "Groundwater Protection District Map of the Town of Acton, January 1989," and amended in 1996. Except for the Conant I and II well fields, the Zone 2 delineation was prepared by Goldberg, Zoino and Associates (GZA) in the "Final Report – Aquifer Protection Zones, Town of Acton, Massachusetts, January 1989." For the Conant I and II well fields, the Zone 2 delineation was prepared by Dufresne-Henry, Inc. for the Acton Water District in the "Report on Conant II Pumping Test," dated January 1993, and has been approved by the Massachusetts Department of Environmental Protection (DEP) as the State approved Zone 2.

INTERIM WELLHEAD PROTECTION AREA (310 CMR 22.02): the area within a one-half mile radius of any drinking water well that does not yet have an approved Zone 2 delineation from the Department of Environmental Protection.

PROJECT EVALUATION SUMMARY

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
I. DEVELOPMENT PREFERENCES						
Types of Housing	X		X		X	
<i>Includes a mix of unit styles and sizes</i>					X	
<i>Includes no more than 15% 3-BR units</i>					X	
Location	X		X		X	
<i>Site is in or within 1/2 mile of a village center or Kelley's Corner</i>	X		X		X	
<i>Site is in another Preferred Location</i>	X		X		X	
Mixed-Use Development			X			
<i>Includes compatible nonresidential uses</i>			X			
<i>Some or all units are upper-story</i>			X			
Density and Scale	X		X		X	
<i>For site in a Village Center or Kelley's Corner, FAR does not exceed .80</i>	X		X		X	
<i>For site outside the Village Centers and Kelley's Corner, in other locations or for large-scale projects, FAR does not exceed .25</i>	X		X		X	
<i>Height conforms to zoning</i>	X		X		X	
<i>Development comprised of approximately 12 units or less</i>	X		X		X	

¹ Reviewers should record their evaluation by indicating "Y" (yes) or "N" (no) for each criterion that applies to the project, based on the category that most closely fits the type of project under review.

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
Building & Landscape Design Considerations	X		X		X	
Buildings & Site						
<i>Building designs similar to highly-rated residences in VPS</i>	X		X		X	
<i>Buildings oriented to the street or around courtyard</i>	X		X		X	
<i>Side and/or rear parking</i>	X		X		X	
<i>Walkability: sidewalks, internal pathways</i>	X		X		X	
<i>Connectivity: linked to surrounding neighborhoods or commercial areas</i>	X		X		X	
<i>No adverse impact on historic/architectural significance (may be N/A)</i>	X		X		X	
Open Space & Natural Resources						
<i>Open space at least 50% of site</i>					X	
<i>Not more than 50% of open space is wetlands</i>	X				X	
<i>Open space is directly accessible to residents of the development</i>	X				X	
<i>Landscaping emphasizes low-water-use plantings</i>	X		X		X	
<i>Outdoor irrigation system is designed to conserve water</i>			X		X	
Site Plan Standards						
<i>Substantially conforms to ZBL Section 10.4, Site Plan Standards</i>	X		X		X	
Public Benefits						
<i>Provides public benefits in addition to affordable housing</i>			X		X	
<i>Additional public benefits include:</i>						
<i>Pedestrian amenities</i>			X		X	
<i>Park and recreation amenities</i>					X	
<i>Contribution to a local capital improvements project appropriate to the scale of proposed development</i>					X	
<i>Contribution to Town's affordable housing fund</i>					X	

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
II. AFFORDABILITY PREFERENCES						
Percentage of Affordable Units						
<i>Development provides more than 25% minimum affordable units</i>					X	
<i>Additional affordable units are for LMI households</i>					X	
Income Targets						
<i>One or more units priced for households at/below 70% AMI</i>	X		X		X	
<i>Includes any units priced for households at 50% AMI</i>			X		X	
<i>Includes any units priced for households at 31-50% AMI</i>					X	
<i>Includes any units priced for households at 81-110% AMI</i>	X		X		X	
Term of Affordability						
<i>Use restriction will be perpetual</i>	X		X		X	
III. AFFIRMATIVE MARKETING & LOCAL PREFERENCE						
Local Preference Units						
<i>Offers 70% local preference units</i>	X		X		X	
Affirmative Marketing Experience						
<i>Team includes person/organization with prior affordable housing lottery experience</i>	X		X		X	

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA ¹	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
IV. LARGE-SCALE PROJECT PUBLIC BENEFIT CRITERIA						
Project provides any of the following benefits:						
<i>Transportation management</i>					X	
<i>Traffic mitigation</i>					X	
<i>Significant contribution to local capital improvements fund</i>					X	
<i>Significant contribution to Town's affordable housing fund</i>					X	
<i>Provision of additional affordable units in off-site locations</i>					X	
<i>Donation of developable land to the Town for affordable housing, community facilities, other public purposes</i>					X	

REVIEWER'S COMMENTS

TOWN OF ACTON

COMPREHENSIVE PERMIT POLICY

Summary

This Comprehensive Permit Policy has been adopted jointly by the Board of Selectmen and Planning Board to communicate the Town of Acton's preferences for housing developed under Chapter 40B. The main purpose of this policy is to encourage developments that address five local objectives:

- ◆ Provide permanently affordable housing for low-, moderate- and middle-income people;
- ◆ Respect our natural resources;
- ◆ Contribute to the vitality of our villages and business districts;
- ◆ Minimize adverse fiscal and infrastructure impacts; and
- ◆ Reflect a collaborative approach by the developer and Town.

Toward these ends, the Town encourages applications for small-scale comprehensive permit developments that serve low- and moderate-income and, whenever possible, middle-income households. We would like to see developments that make use of existing structures or conform to the established architectural traditions in our community. We also prefer developments located in or adjacent to the Town's existing villages, which are described in our Master Plan, or Kelley's Corner. Small, attractive affordable housing developments in these areas will help us expand our inventory of low- and moderate-income housing in a manner that acknowledges the Town's land use policies, development traditions and fiscal capacity.

Population diversity has historically been important to Acton, and we recognize that housing is essential to retaining diversity. We also want to create opportunities for people with a connection to Acton to stay here or move into our neighborhoods. In addition, we know that Acton's economic base relies on a labor force with varied skills. To keep our existing businesses and attract new ones, we need housing for workers at all wage levels to live in our community. Mixed-income developments of no more than 12 single-family, two-family or townhouse units, with an overall gross floor area ratio of .25, will generally be deemed consistent with our Comprehensive Permit Policy and may receive **the active support of the Board of Selectmen and/or the Planning Board in recommendations for expedited approval to the Board of Appeals** if they are environmentally responsible and incorporate architectural features commonly found in Acton's residential neighborhoods. However, we will consider more than 12 units and a floor area ratio of up to .80 for comprehensive permit developments in or within a half-mile radius of our villages or Kelley's Corner. While we do not encourage comprehensive permits outside of these areas, developments may still be eligible for **the active support of the Board of Selectmen and/or the Planning Board in recommendations for expedited approval to the Board of Appeals** if they include no more than 12 housing units or involve the redevelopment of existing, underutilized commercial or industrial space. Where appropriate and feasible, redevelopment in areas zoned for commercial or industrial development should provide affordable housing mixed

Deleted: expedited review

with other uses. The areas most suited for higher-density housing in Acton are identified in Map 1, Preferred Locations & Density Guide (see Appendix A).

Like most communities, Acton is very concerned about protecting the quality and adequacy of its drinking water supply. We discourage higher-density housing in a DEP Zone II **wellhead protection area**, but a development that minimizes impervious coverage and includes a package **wastewater** treatment plant that meets or exceeds DEP requirements for a nitrogen-sensitive area will be considered. Acton has several areas of Priority Habitat and they are categorically inappropriate for higher-density housing. It is the Town's position that avoiding Priority Habitat areas does not severely limit the opportunities to develop affordable housing in Acton. In general, comprehensive permits for land in areas shown in Map 2, Areas with Poor/Limited Suitability for Higher-Density Housing (Appendix A), will most likely be subject to conditions requiring a development to conform to most if not all of the Town's environmental regulations or be denied as inconsistent with local planning needs.

Policy Statement

1. Housing Priorities

Low-Income Rental Housing. ~~The Board of Selectmen has set as one top priority the goal of increasing rental units for low- and very-low-income families in Acton, and to provide rental housing in a range of below-market prices, such as apartments for households below 100% of area median income (AMI). The Town encourages development that addresses these needs. If we could choose one of two concurrently filed comprehensive permit applications, the Board of Selectmen and the Planning Board would recommend that~~ Acton give priority to the proposal that provides more affordability for low-income renters and is more consistent with the planning goals outlined below. Since rental developments are usually larger than our preferred target of 12 units or less **under this Policy**, ~~we encourage applicants with an interest in rental housing developments with more than 12 units~~ to work with the Board of Selectmen, Planning Board and Acton Community Housing Corporation (ACHC) to design a mutually beneficial development.

Deleted: Acton

Formatted: Font: Not Bold

Deleted: severe shortage of

Deleted: a generalized shortage of

Deleted: would

Deleted: they are not eligible for an expedited review under this policy. However, w

Mixed-Income Homeownership. There is a substantial gap between affordable housing and market-rate homes in Acton. To provide more housing choices, the Town encourages homeownership developments that offer affordable housing for low-, moderate- and middle-income families. The Town will consider a modest density increase in exchange for some units affordable to middle-income households, which we define as households with income between 81-120% AMI, provided these units are in addition to the state's requirement that at least 25% of the units be reserved for low- and moderate-income households (at or below 80% AMI).

2. Relationship to Community Planning Goals

The Acton Master Plan provides guidance on the Town's land use policies. Whenever possible, comprehensive permit applicants should strive for consistency with these policies because doing so will reduce complications during the review and permitting process. The relevant goals and principles of the Acton Master Plan are reproduced in Appendix B of this Comprehensive Permit Policy Statement. In addition, our Town's housing needs are described and documented in To Live in Acton, a housing plan prepared under Executive Order 418. Both documents are on file

in the Acton Planning Department and on the Town's web site: <<http://www.town.acton.ma.us/>> [select "Departments," select "Planning"].

3. Development Preference Criteria

In general, Acton will give preference to comprehensive permits with the following characteristics:

- ♦ **Types of Housing.** In addition to a preference for affordable rental and mixed-income homeownership units, Acton wants a mix of unit sizes to accommodate individuals and families. A development comprised primarily of one- and two-bedroom apartments, with 12-15% three-bedroom apartments, is preferable to one dominated by small units and no three-bedroom units or one in which more than 25% of the units have three bedrooms. The Town wants to provide housing for families at a pace that is fiscally sustainable.
- ♦ **Location.** Acton will give preference to comprehensive permits in the following areas:
 - In the villages centers identified and described in the Acton Master Plan or within one-half mile of these centers (East Acton Village, North Acton Village, South Acton Village, and West Acton Village)
 - In or within a half-mile radius of Kelley's Corner;
 - Areas within a half-mile radius of Acton's Commuter Rail Station;
 - Developments in any location that reuse and improve existing buildings, such as obsolete commercial, industrial or institutional space or buildings located in active commercial or mixed-use areas; or
 - Areas outside of Zones I-II of a public drinking water supply.

Acton does not encourage a comprehensive permit application involving land in any of the following areas:

- Areas zoned for non-residential uses, except for the conversion of existing, underutilized commercial or industrial space in otherwise active commercial and mixed-use areas for mixed-use or multi-family development.
- Priority Habitat Areas as determined by the Natural Heritage and Endangered Species Program (NHESP).

Acton also discourages comprehensive permit applications within Zones I-II of a public drinking water supply.

- ♦ **Mixed-Use Developments.** Acton welcomes affordable housing in developments that offer a mix of residential and commercial space. Dwelling units above the ground floor of a commercial building, or upper-story units combined with a free-standing multi-family building on the same lot, would be consistent with the Master Plan when located in a village or Kelley's Corner.

- ♦ **Density and Scale.** Acton recognizes that density is important to the feasibility of an affordable housing development. However, the Town has valid planning and fiscal reasons to promote small-scale development. Generally, Acton will give preference to a small affordable housing development over one of a larger scale, regardless of density. An application for 12 or fewer units is strongly preferred, subject to the following guidelines.
 - **Intensity of Use.** Requests to waive the density requirements of the Acton Zoning Bylaw must be accompanied by evidence of financial necessity. As a rule, a gross floor area ratio of up to .80 in or within a half-mile of our villages and a maximum of .25 in other locations would be considered responsive to this Comprehensive Policy Statement. To the maximum extent feasible, developments should comply with the Town's building and impervious coverage regulations and setback requirements
 - **Height.** Acton prefers affordable housing developments that are architecturally similar to surrounding residential areas. Building heights should be consistent with local zoning, although the Town will consider exceptions for buildings comparable to Town Hall or Exchange Hall in massing, bulk, articulation, and roof details. In general, buildings should be harmonious with Acton's existing architectural styles.
 - **Scale.** Developments of not more than 12 units are automatically eligible for review as described in Section 6, provided they are not located in one of the areas shown in Map 2, Areas with Poor/Limited Suitability for Higher-Density Housing. Any development exceeding 50 units will be reviewed as a Large-Scale Project under Section 7.
- ♦ **Building and Landscape Design Considerations.** The Town recognizes that many factors determine appropriate design. What is aesthetically pleasing to some is objectionable to others, and since design decisions ought to be sensitive to the site and its context, the Town wants to avoid imposing overly prescriptive rules on developers and their design teams. However, local residents appreciate certain architectural styles and wherever possible, developers should try to incorporate them in their proposals. A Visual Preference Survey conducted for our housing plan revealed fairly strong consensus about the desirability of several buildings, pictures of which are attached to this policy statement as Appendix C.
 - **Traditional Design.** A development that accommodates density by making use of locally preferred design elements is more likely to receive support from the Town than one comprised of large, monotonous buildings that lack articulation. Buildings should be oriented toward the street or around a courtyard, or they should respond to a prominent site feature, such as a corner location. Off-street parking, open or covered, should be located toward the side and rear of buildings, so that views from the road are defined by buildings and landscaping, not pavement and garage doors. Attention to walkability, both within a development and between the site and surrounding areas, will strengthen the desirability of a comprehensive permit proposal.
 - **Cultural Resources.** A proposal to redevelop and reuse a historically significant or distinctive structure should incorporate appropriate historic preservation methods. Developers are encouraged to review the Acton Cultural Resources Inventory, on file in the Building Department, to determine whether the structure is subject to the Chapter N

Deleted: an expedited

of the Bylaws of the Town of Acton, "Procedures for the Demolition of Historically or Architecturally Significant Buildings."

- **Open Space and Natural Resources.** The use of open space and landscaping to provide visual relief and connectivity within a development is very important. Protecting mature trees and preserving as much existing vegetation as possible would be responsive to the values of our Town. Since comprehensive permit developments are often located on marginal land, site planning should demonstrate sensitivity to nearby wetlands regardless of whether any work on the site requires review or approval under the Wetlands Protection Act. Acton takes wetlands and water resource protection very seriously. Landscaping should minimize high water use turf and emphasize non-invasive, drought-resistant plantings, which may include a variety of trees, flowers, shrubs, succulents and ornamental grasses. If an outdoor watering system is proposed, it should be drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system.
- ♦ **Site Plan Standards.** Wherever possible, applicants should comply with the site plan standards listed in Section 10.4 of the Zoning Bylaw.
- ♦ **Public Benefits.** Acton recognizes affordable housing as one of the public benefits that development can bring to a community. Many developers of affordable and market-rate housing provide other public benefits depending on the size of the project and its impact on municipal and school services, the surrounding neighborhood, and needs for community facilities or services in the vicinity of the project. In general, a development of 12 units or less would not be expected to contribute more to the Town than affordable housing and suitable on-site development improvement while larger developments would be expected to help Acton meet the service demands associated with new growth.

4. Affordability Preferences

Acton has devoted considerable effort to identifying housing needs in our own community and the surrounding region. A comprehensive permit development that addresses the following needs is more likely to receive the Town's support:

- ♦ **Desired Percentage(s) of Affordability:** 25-30% **or greater** for rental or homeownership units. In homeownership developments, a higher percentage of units eligible for inclusion in the Chapter 40B Subsidized Housing Inventory may be considered a reasonable trade-off, when necessary, for a modest increase in density above the guidelines outlined in this Policy Statement. The additional affordable units should be priced for households below 80% AMI, in which case they would qualify for the Subsidized Housing Inventory, but they may be priced for households with slightly higher incomes if there is an affordable housing restriction in place to protect affordability upon resale.
- ♦ **Income Targets:** rental developments should provide a continuum of affordability, such as units priced for households at 30%, 50%, 80%, and 110% AMI. Range of affordability may be considered a reasonable trade-off, when necessary, for a modest increase in density or support from the Town in the developer's efforts to obtain additional subsidies for the development. Acton has housing needs at several market levels. We are not interested in having a disproportionately large share of units affordable only to households with incomes

at the upper end of the moderate-income range. A mix of unit pricing will be more advantageous to the developer than pricing all of the units in a development for households at 70-80% AMI.

- ♦ **Term of Affordability:** Affordable housing built in Acton must be affordable in perpetuity. Although some subsidy programs call for 30-50 years of affordability, Acton requires affordable housing to remain affordable for the maximum period allowed by law.

5. Affirmative Marketing and Local Preference

To the maximum extent permitted by law, first preference for the purchase of seventy percent (70%) of the affordable units in a comprehensive permit development shall be given to households that meet one or more of the following "Acton Connection" preference criteria:

- ♦ At least one member of the household is currently a legal resident of the Town of Acton. For purposes of an affordable housing lottery, a person shall be deemed a resident if that person has been registered as an Acton resident with the Acton Town Clerk pursuant to G.L. c. 51, §4 and would be considered a resident under the U.S. Census Bureau's residency guidelines.
- ♦ At least one member of the household is a parent, son or daughter of an Acton resident.
- ♦ At least one member of the household is an employee of the Town of Acton, the Acton Public Schools, the Acton-Boxborough Regional School District, or the Acton Water District, and has been an employee for a period of at least six months at the time of the affordable housing lottery application deadline.
- ♦ At least one member of the household is currently privately or publicly employed within the Town of Acton and has been so employed for a period of at least six months at the time of the affordable housing lottery application deadline.

6. Incentives for Small-Scale Projects

A comprehensive permit development with 12 units or less, not located in one of the areas shown on Map 2, Areas with Poor/Limited Suitability for Higher-Density Housing, and with a gross floor area that meets the guidelines of this Policy Statement, is eligible for a modified review process and reductions in or exemptions from certain local requirements. This process is outlined below.¹

¹ The same process may be available to a development that exceeds 12 units, depending on its location and the public benefits it offers in addition to affordable housing. For a development in this size category, the public benefits criteria that determine eligibility for a streamlined review include walkability, connectivity, and reuse of older buildings.

- ◆ Prior to submitting an application for **project eligibility to the federal or state subsidizing agency**, the developer will meet informally with the ACHC and Town Planner to review the proposal against the preferences and standards outlined in this Policy Statement.²
- ◆ The developer will present the proposal at an informational meeting sponsored by the ACHC for residents, town boards and professional staff.
- ◆ The ACHC and Town Planner will evaluate the proposal according to the Development Preference Criteria outlined in Section 3. In the Town Planner's discretion, other department heads may be asked to participate in the proposal evaluation. If the reviewers agree that the proposed development satisfies the Town's preference criteria, they will recommend that the Board of Selectmen send a letter of support to the **subsidizing agency**, with responsibility for issuing **the** Project Eligibility/Site Approval letter. A developer whose project does not adequately address the preference criteria will be encouraged to modify the proposal and resubmit it to the Town for review.
- ◆ After receiving a Project Eligibility/Site Approval letter from the **subsidizing agency**, the developer will be permitted to submit a simplified small-project comprehensive permit application to the Board of Appeals.
- ◆ During the public hearing process, project review assistance required by the Board of Appeals, if any, will **ordinarily** be performed in-house. The developer will not be required to pay for peer review services unless there is no other option **reasonably** available to the Town **(e.g. the Town does not have the capability to perform such peer review in-house)**. If the Board of Appeals needs a specialized review that requires outside support, the Town will seek Chapter 40B Technical Assistance from the Massachusetts Housing Partnership Fund.
- ◆ If necessary, **in an effort to resolve outside of the formal hearing process areas of disagreement between the developer, Town staff, and/or affected abutters or other neighbors to the proposed project**, the Board of Selectmen **may** designate one of its members to serve as liaison **between the developer, Town staff, and the abutters/neighbors**.
- ◆ When necessary to meet the Building and Landscape Design Considerations of this policy statement, **the Board of Selectmen and/or the Planning Board may recommend to the Board of Appeals that** the 75-foot no-build setback to the edge of driveways, roadways and structures under the Town's local wetlands bylaw, **by appropriate waiver**, be reduced to 50 feet.
- ◆ The Board of Appeals will make every reasonable effort to conclude the public hearing within three sessions and file its decision with the Town Clerk not later than 30 days after the close of the public hearing.

Deleted: Site Approval

Deleted: subsidy program

Deleted: a

Deleted: state

Deleted: will

Deleted: to

Deleted: and as the Town's negotiator.

Deleted: may

² If ACHC is the project proponent, then the Board of Selectmen will designate an alternate Town board to act in its place for this purpose, in which case all references in the text below to ACHC shall be deemed to refer to the Selectmen's designee.

7. Large-Scale Project Review

This section describes the Town's procedures for reviewing and evaluating a comprehensive permit development of 50 or more units.

- **Project Review Procedures.** ~~In an effort to promote constructive dialogue and efficient review of large-scale projects, developers are encouraged to follow the process set forth below prior to submitting a request for project eligibility to the federal or state subsidizing agency for any development that is subject to Large-Scale Project Review:~~

- The developer ~~should~~ meet informally with the ACHC and Town Planner to review the proposal against the preferences and standards outlined in this Policy Statement.³
- The developer ~~should~~ present the proposal at an informational meeting sponsored by the ACHC for residents, town boards and professional staff. In addition, the developer should plan on meeting with officials such as the Planning Board, Conservation Commission, Historical Commission or Board of Health regarding any proposed or potential waivers from laws and regulations within their jurisdiction.
- The ACHC will prepare a written summary of all comments received at the informational meeting, transmit them to the Board of Selectmen and the developer, and review the developer's response.
- The ACHC and Town Planner will evaluate the proposal (as may be revised following the all-boards meeting). In the Town Planner's discretion, other department heads may be asked to participate in the proposal evaluation. This joint review process will be guided by the Development Preference Criteria in Section 3. In addition, one or more members of the Board of Selectmen will review the proposal for consistency with the Public Benefits Criteria in Section 3, considering the degree to which the proposal meets the Compensatory Conditions and Mitigation standards outlined below.
- If the reviewers agree that the proposed development satisfactorily addresses the Development Preference Criteria and Compensatory Conditions, the development may be eligible for a favorable recommendation to the ~~subsidizing agency~~. A development that does not meet these standards will most likely receive an unfavorable recommendation from the Town, along with a request to defer action on the Project Eligibility/Site Approval application until such time as identified deficiencies are resolved.
- The Board of Selectmen will maintain a record of the ACHC/Development Review Team's analysis of the project, other written comments, and the results of the all-boards meeting. These documents will be part of the official public records file for the

Deleted: Below is the process that

Deleted: must

Deleted: Project Eligibility/Site Approval application

Deleted: will

Deleted: will

Deleted: subsidy program

³ If ACHC is the project proponent, then the Board of Selectmen will designate an alternate Town board to act in its place for this purpose, in which case all references in the text below to ACHC shall be deemed to refer to the Selectmen's designee.

development and may be transmitted to the subsidy agency that is responsible for acting on the developer's Project Eligibility/Site Approval application.

- ♦ **Compensatory Conditions.** A large-scale project is more likely to obtain support from the ~~Board of Selectmen and the Planning Board~~, when the development meets the following criteria:

Deleted: Town

- Located in one of the Preferred Development Areas identified on Map 1;
- Does not exceed a gross floor area ratio of .25; or .80 in the villages/Kelley's Corner;
- Provides a mix of residential use types and unit sizes;
- Substantially addresses the Building and Landscape Design Considerations in Section 3;
- Located on residentially zoned land, except for a mixed-use development that includes commercial space or involves reuse of an existing nonresidential structure;
- Provides pedestrian amenities and where appropriate, transportation management to reduce traffic impacts on surrounding areas; and
- Provides a significant public benefit to the Town in addition to affordable housing ~~designed to off-set the impacts of the project~~, such as transportation management, traffic mitigation, provision of additional affordable units in off-site locations, ~~infrastructure improvements, or other mitigation.~~

Deleted: or

Deleted: a contribution to the Town for capital

Deleted:

Deleted: affordable housing.

Deleted:

When these compensatory conditions are met, the Board of Selectmen and Planning Board may recommend to the Board of Appeals that the project be reviewed, ~~and approved expeditiously, that requested waivers be granted, and/or that the project be processed~~ in whole or in part under the procedures for a small project in Section 6.

- ♦ **Comprehensive Permit Application & Review.** The large-scale project developer is required to file a complete comprehensive permit application with the Board of Appeals. ~~As early in the public hearing process as reasonable,~~ the Board of Appeals will ~~be encouraged to~~ determine its technical assistance and peer review needs and notify the developer of the estimated amount of funds required to conduct these reviews (if any). The Town will maintain a list of qualified reviewers and their review fees. ~~For a large scale project, depending on its characteristics, the Board of Selectmen and/or the Planning Board will typically recommend that the~~ Applicants should pay for the following consulting services and peer reviews:

Deleted: Not later than the end of the second session of the public hearing.

Deleted: be prepared to

- An appraisal of the site for its highest and best use under current zoning
- Development pro forma ~~and market study review~~
- ~~Environmental~~ impacts analysis
- Traffic ~~impacts analysis~~

Deleted: <#>Market study

Deleted: Community

- Civil engineering analysis.
- Other project-specific impacts.

Formatted: Bullets and Numbering

The Board of Appeals may request ~~these or other~~ additional reviews. ~~The Board of Appeals~~ may also identify ~~the need for peer reviews as the hearing process unfolds~~ depending on issues identified by abutters, ~~neighbors~~ or other Town boards reviewing the project.

Deleted: , and it

Deleted: s

Deleted: other

Deleted: after the second session of the

- ♦ **Town Negotiator.** ~~The Board of Selectmen recognizes that consensus among the Town, the developer, the abutters and other affected neighbors is likely to result in the approval and construction of suitable affordable housing faster, more cost-effectively, and with fewer appeals by aggrieved parties. Because the Board of Appeals acts in a quasi-judicial capacity in the comprehensive permit approval process, the Board of Appeals can decide factual and legal disputes but is not in a position to facilitate their resolution through negotiation. Accordingly, outside of the public hearing process, the Board of Selectmen may designate a negotiator or a negotiating team to represent the Town in working with the developer and interested parties to resolve issues, identify appropriate mitigation, and make consensus recommendations to the Board of Appeals.~~

Deleted: T

Deleted: will

Deleted: and

Deleted: L

Deleted: developments

Deleted: on

- ♦ **Mitigation.** ~~Developers of large-scale projects have a responsibility to mitigate their attendant adverse environmental, fiscal and traffic impacts. Mitigation should reflect the size of the project and its potential impacts on such matters as public health and safety, natural resources and the environment, municipal and school services, nearby roadways and intersections, the surrounding neighborhood, and needs for community facilities or services in the vicinity of the site. The Board of Selectmen and the Planning Board are more likely to recommend approval of a project for which the developer has anticipated the project's potential impacts and proposed serious and appropriate mitigation measures to address those impacts through a combination of strategies, than a project where the developer has ignored or failed to suitably mitigate those impacts. The Board of Selectmen and the Planning Board encourage the developer to be creative and responsive to the need for mitigation of project impacts both on- and off-site.~~

Deleted: For example, a small neighborhood park accessible to persons with disabilities or a playground may be appropriate mitigation for a development of 50-60 units while a larger development may create needs for a community center or accelerate the need to complete a project identified in Acton's Capital Improvements Plan (CIP). Since large developments also tend to generate significant traffic, the Town expects large-scale project developers to include transportation management, traffic mitigation and facilities for pedestrians as part of an application for a comprehensive permit. In general, Acton will give preference to a large development that provides a public recreation facility or community facility, or a cash contribution to help the Town finance such facilities in the future, and sustainable transportation.