

Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor ♦ Jane Wallis Gumble, Director

April 25, 2006

Mr. Peter K. Ashton, Chairman
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Ashton:

The Department of Housing and Community Development (DHCD) has reviewed the Town of Acton's request for certification of its approved Affordable Housing Plan, which we received on March 14, 2006. Acton has requested a two-year certification period for the Woodlands at Laurel Hill project, for which a comprehensive permit was issued in November 2005 for 360 units.

According to the regulation and our policy, units count towards certification under the following conditions:

1. The threshold number of units is reached during a single calendar year, and the units have been created during the same calendar year for which certification is requested;
2. The units are created pursuant to an approved affordable housing plan: the units must be created after the effective date of the plan established by DHCD and must be consistent with the plan;
3. The municipality may count units created between August and December 2002 towards its first request;
4. The units are eligible to be counted on the Subsidized Housing Inventory (SHI); and
5. The request for certification is received no later than January 10 of the year following the year the units were created.

In our review of Acton's request, we have made the following findings:

1. The total number of eligible units in this project (312) exceeds the number necessary to satisfy the two-year certification threshold of 1.5% of total year-round housing units specified in 760 CMR 31.07(1)(i).
2. The units were created pursuant to and are consistent with the production goals outlined in the town's Affordable Housing Plan.
3. The Woodlands at Laurel Hill is eligible to be included on the SHI. A separate letter notifying the town that the units have been added to the SHI was sent on March 16, 2006.
4. The comprehensive permit became final on December 20, 2005.
5. Acton did not meet the January 10, 2006 deadline for requesting certification.

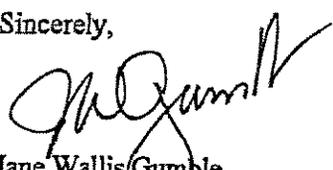
As the permit became final on December 20, 2005, Acton's window of opportunity for requesting certification was from December 21, 2005 to January 10, 2006. The purpose of having a deadline is to comply with the regulation while still allowing a small grace period for those municipalities that create units at the very end of the calendar year, such as Acton.

While we would have preferred that Acton requested certification prior to the January 10, 2006 deadline, we acknowledge that the Town was under the impression that the units would be eligible for inclusion in calendar year 2006. Furthermore, we acknowledge that the Town went through extraordinary efforts to permit this project.

Because of this extraordinary situation, I have decided to grant a waiver to the Town of Acton and grant certification to Acton's Affordable Housing Plan. The certification is effective for a two-year period beginning on December 31, 2005 and ending December 30, 2007. During this period, a decision by the Acton Zoning Board of Appeals to deny a comprehensive permit or grant a permit with conditions shall be consistent with local needs. Please note however that if building permits are not issued within a year of the issuance of the comprehensive permit for this project, these units will be removed from the Subsidized Housing Inventory (SHI) and will no longer be eligible for certification. This action may affect the term of your certification period.

We applaud Acton for making significant gains in its affordable housing stock. Please let us know if we can be of assistance as you continue to implement your plan by contacting Phillip DeMartino, Office of Policy Development, at (617) 573-1357.

Sincerely,



Jane Wallis Gumble
Director

- cc: Senator Pamela P. Resor
- Representative Cory Atkins
- Representative James B. Eldridge
- Kristin K. Alexander, Assistant Town Planner
- Don P. Johnson, Town Manager, Acton
- Dan Hill, Esq.