

Attachment A

November 21, 2005

Acton Planning Board
c/o Roland Bartl
472 Main Street
Acton, MA 01720

Re: Affordable Housing - Local Zoning Strategies
Please attach to Stamski and McNary, Inc. letter dated November 18, 2005

Members of the Board:

The second approach that our office took in assisting the Town in reviewing its current regulations was to review briefly, the following town maps and then to quickly apply the regulations for an Open Space Development (Section 4.2) to the parcels within the Minor Affordable Overlay District A.

Zoning Map; April 2005 featuring Affordable Housing Overlay Districts.
Town of Acton Topographical and Building data set of maps (Sheets A-J).
MassGIS Color Ortho Images.

In summary, we would offer the following observation of the designated parcels:

- 1.) The regulations currently rely on only a small percentage of land within the Town in an effort to address a Town wide concern.
- 2.) Some parcels are still being actively used or preserved for other uses (i.e., Town of Acton Sewage Treatment Plant, Acton Water District Storage Tank, agriculture fields, a golf course, Boy Scout Land, and vacant public school land.
- 3.) Some parcels contain an existing dwelling on parcels with less than six acres in area.
- 4.) Some parcels contain approved subdivisions which have not been fully built (i.e. Robbins Mill Estates).
- 5.) Some parcels appear to have limited access points which could limit unit yield.
- 6.) Some parcels appear to have wetland, flood plain and riverfront concerns which could limit unit yield.

The connection of the Minor Affordable Development to the Open Space Development regulations could be one of the main reasons, a developer has not pursued this option. We recommend that the town create a density formula (similar to the PCRC) to the number of dwelling units, allow multi-unit dwellings, eliminate minimum tract size, along with the need of common land. Focus should be placed on parcels which have town sewer, or the possibility of town sewer, since sewerage disposal for an increase in density is one of the first hurdles.

Obstacles in the current Bylaw for affordable units in an Open Space Development

- Sec. 4.2.1 The requirement for the preservation of common land conflicts with the request for the creation of additional affordable dwelling units. The intent of an Open Space Development is to designate and preserve open space. The intent of an affordable development should focus more on the designation and preservation of the affordable units. In order to accomplish this goal, additional land (being the common land) is needed for additional units. The typical setbacks to the perimeter of the development will still provide open space within the development.
- Sec. 4.2.2 A 40B is allowed in any district (i.e. Franklin Place). Allowing affordable developments in other districts may increase production of units.
- Sec. 4.2.2.1 Eliminating the need of an additional site plan will reduce costs.
- Sec. 4.2.2.2 Eliminating the need of a special permit for a common driveway will help.
- Sec. 4.2.2.3.b) Additional units required for the affordable will increase density, which could present the argument that the scale of the development is not in character with the surrounding neighborhood.
- Sec. 4.2.2.3.c) Additional guidance to the PB members relative to the mandatory findings within Section 10.3.5 would be helpful. Previous PCRC hearings have spent time discussing compliance with this section.
- Sec. 4.2.3.1 The Minimum Tract Size. (6.0 acres) is too large. Currently, some of the existing parcels within Sub-District A, appear to be unable to meet this minimum area requirement.
- Sec. 4.2.3.2 The requirement for a Proof Plan to determine the density is an obstacle which increases initial engineering costs and creates a serious delay in order to determine the appropriate yield for the property. The developer will likely proceed with the proof plan, since it is by right. Based on the available town maps, many of the current parcels within this Overlay District appear to have limited access points, and also appear to contain wetlands, streams and/or flood plains. A density formula similar to a PCRC would streamline the process, which could make it more desirable than a conventional layout. Trimming the units to 80% may also be problematic, since additional market rate units are required to offset the cost of the affordable units.
- Sec. 4.2.3.2.b) Would a Notice of Intent be required for the proof plan in order to prove compliance with the MA Wetlands Protection Act and the Acton Wetlands Bylaw? Density should remain a planning issue. If a septic permit cannot be obtained from the BOH, then the number of units would need to be decreased. The setbacks to resource areas are already listed in the Acton Wetland Bylaw, and an Order of Conditions is typically required from the Conservation Commission prior to construction.
- Sec. 4.2.3.3 A provision for a condominium type development could be added to allow multiple units on one lot. A private driveway, common septic system and exclusive use areas for the dwellings in lieu of Lots could be provided for

the dwellings. This seems to be the most economic and feasible approach for this type of development based on the parcels available and our experience with PCRC developments already built in town.

- Sec. 4.2.3.4 If the common land requirement cannot be eliminated, then a 50% reduction in the dimensional requirement will allow more space for the additional units.
- Sec. 4.2.3.4.a) This requirement will hinder results, since a greater area of common land is required to offset wetland percentages, thus reducing area remaining for additional dwellings. We recommend an allowance of up to 50% wetlands within the minimum common land as a balance.
- Sec. 4.2.3.4.b) Large contiguous parcels of common land will be difficult, given the shapes of the parcels of land remaining. Smaller common land strips should also be allowed since many of the available parcels already contain an existing dwelling. Narrow strips of common land could maintain existing vegetation along the perimeter. Also, it would be beneficial to the planner, if the common land could be allowed within easements on the lots.
- 4.2.3.5.e) Drainage systems should be allowed in the minimum common land.

Please call our office if you have any further questions.

Stamski and McNary, Inc.

Richard J. Harrington, P.E.
Joseph March, P.E., P.L.S.

STAMSKI AND MCNARY, INC.

80 Harris Street
Acton, Massachusetts 01720
(978) 263-8585
FAX (978) 263-9883

WILLIAM F. MCNARY, P.L.L.S.
JOSEPH MARCHI, P.E., P.L.S.

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Re: Affordable Housing - Local Zoning Strategies

Members of the Board,

Thank you for the opportunity to contribute to your deliberations on the issue of providing additional affordable housing in the Town of Acton. We have reviewed Section 4.4 of the Zoning Bylaw and have drawn some conclusions:

- As you are aware, the section is far to complex with far too many options and alternatives.
- You may also be aware that the Overlays are virtually all developed. The remaining parcels are inadequate to meet the 10% affordability goal. The overlay district should be removed altogether.
- The first pass at planning development of land in this region is done by Surveyors, Engineers, and Planners. The bylaw is written in a manner that a Financial Analyst versed in land development is needed to evaluate the myriad of alternatives. This in and of itself is a significant obstacle to the use of the section.
- The incentives do not outweigh the affordability requirements. It is absolutely crucial to give the developer a viable, understandable incentive that he will pursue. An attempted simplification of an example of the Minor Affordable incentive is as follows:

EXISTING

Conventional Density (dwelling units)	Density with 25% Bonus (dwelling units)	Affordable units (15%) (dwelling units)	Developers incentive (dwelling units)
10	13	2	1
20	25	4	1
30	38	6	2

It appears obvious that the number of additional dwelling units that the developer can build is inadequate incentive to pursue this option. If the density bonus was increased to 50%, the example would be as follows:

50% DENSITY BONUS

Conventional Density (dwelling units)	Density with 50% Bonus (dwelling units)	Affordable units (15%) (dwelling units)	Developers incentive (dwelling units)
10	15	2	3
20	30	5	5
30	45	7	8

We must emphasize here that we are not involved in the financial aspects of these projects. However, the incentive is clearly more attractive to a developer. In addition, a greater number of affordable units is realized.

- Bringing Section 4.4.5 and beyond in line with state practices is, as you know, more appropriate.

We have taken a pass at simplifying the section and it is attached to stimulate further discussion. In summary:

- The overlay districts have been deleted.
- Minor Development:
 - The density bonus for a Minor Development has been increased to 50%.
 - The Affordable percentage has been fixed at 15%.
 - The two family structure percentage is not limited.
- Major Development
 - The Affordability percentage has been fixed at 25% (consistent w/40B)
 - The density bonus is 100% where residential is allowed and 5 units per acre would be the density limit otherwise.
 - Dimensional requirements are adjusted given the scarcity of large, rectangular, undeveloped parcels remaining.
 - The Board of Health is added as the decision maker on issues that it has expertise in under section 4.4.4.4.

The constraints on the remaining parcels of land and the fact that these developments would be created with discretionary special permits will mitigate the potential for an excessive number of applications. A preliminary and simple consultation phase with the Planning Board should be added to give the developer a sense of whether a particular project would be favorable. Naturally, the section should be linked to the 10% affordable housing requirement (i.e. at 10% no more such developments).

Please call our office if you have further questions.

Stamski and McNary, Inc.

George Dimakarakos, P.E.
Joseph March, P.E., P.L.S.