

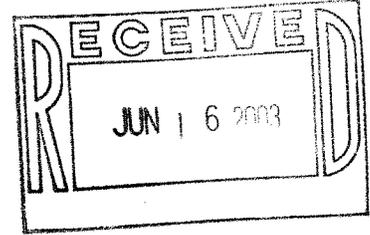


Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1029
TDD: 617.854.1025 | www.masshousing.com
June 13, 2003

7/14 - #13
~~#15~~
6/23
8
cel 6/7/03

Roland, Garay, Tom, Dave A., Dave D
Frank W, Bob C, Doug + AHC
please submit comments + plans
to the Board for its review



William Shupert
Board of Selectmen
Acton Town Hall
472 Main Street
Acton, MA 01720

1st step in
obtaining a
Comp. Development Permit

RE: Ellsworth Village, Acton, MA
PE-158

Dear Mr. Shupert:

The Massachusetts Housing Finance Agency (MassHousing) has received a Project Eligibility application under the Housing Starts program for Ellsworth Village located in Acton, MA.

To ensure a thorough review of the application, we are soliciting comments from the Town of Acton regarding this development. Any comments submitted should focus on the level of contact that the developer has had with the Town of Acton to explain the details of the proposed development and any issues or concerns the Town of Acton may have with the proposed development.

Please include in your comments the number and size of the 40B Comprehensive Permit applications your town has received within the last 12 months. If possible, please identify those applications that have been approved.

Please send your written comments to MassHousing by July 14, 2003.

MassHousing will issue a decision as to the acceptability of the site and the general consistency of this development with the guidelines of the Housing Starts program. If you have any questions, please contact me at (617) 854-1316.

Sincerely,

Anne Good
Anne Good
Production Analyst

cc: Chron.file



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630

RECEIVED
JUN 20 2003

Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Don P. Johnson, Town Manager **Date:** June 19, 2003
From: Roland Bartl, AICP, Town Planner *R.B.*
Subject: Ellsworth Village Ch. 40B Project – MassHousing Letter

You have forwarded with a request for comments a 6/13/03 letter from MassHousing regarding the above proposed 40B project. A call to MassHousing revealed the following additional information about the proposal:

60 units
15 affordable at a sale price of \$155,000
17 townhouse style buildings
One community building
Units would be age-restricted to 55+
Location is off Brabrook Road

This information identifies the project as the one presented several months ago by Mr. Fenton at an informal preliminary staff review. The site is Town Atlas parcel F-4/69. It is zoned R-8 (80,000 square-foot single-family residential zoning) overlaid with the Affordable Housing Sub-District B, which is the high-density portion of the district (section 4.4 of the zoning bylaw). See attached cutout from the zoning map with legend for location and zoning information.

I can make the following comments at this early stage:

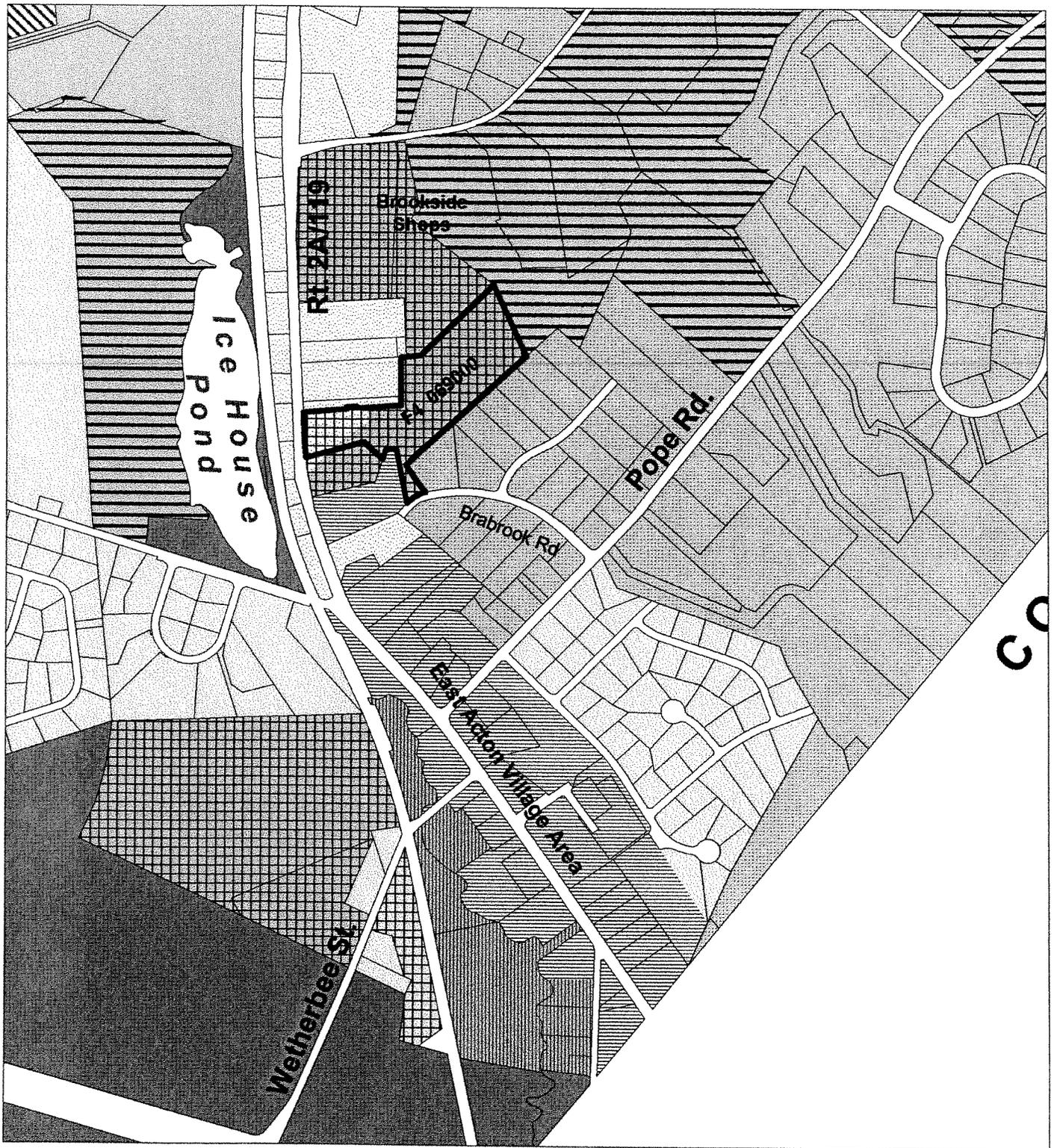
- The project is appropriately sited within the Town's Affordable Housing Overlay Sub-District B, which seeks to encourage higher density affordable housing developments. The Sub-District B in general is located near designated village zoning districts and other commercial centers that are designated as growth centers under the Master Plan. In this case, the nearby center is East Acton Village. The choice of the site for an affordable housing project is consistent with the Master Plan.
- In May, I signed an ANR (Approval Not Required) plan that divided the smaller Great Road side of the parcel from the larger back portion. The front piece has a retail building on it. The back piece, where the 40B project is proposed, is presently vacant. As reconfigured, the back piece measures 8.39 acres. With this acreage, the proposed 60 units would result in a project density of 7.15 units per acre. The Town's affordable housing overlay zoning would limit the density to five units per acre.
- For the benefit of the new residents in the proposed development, and to meet the Master Plan intent of encouraging such projects within walking distance of village centers, it will be important to establish one or more convenient and practical walking connections to East Acton Village. I made the proponent aware of this during the preliminary review meeting.

The proponent may or may not have reserved pedestrian access rights over the front portion when it was split off. Another, perhaps even better pedestrian route would be via the end of Brabrook Road into the village, although that would require the cooperation of another property owner (Bertolami). A walking connection to Brookside Shops would also be desirable.

- The proposal for 55+ housing will add demands on the Town's senior services.
- It appears that all affordable units are proposed for sale at \$155,000, which is at or near the maximum allowed under current regulations. The problem with that is that the units will be available to only a narrow segment of eligible and qualified buyers, now and upon resale. The affordable units should be offered in a broader price range.
- The proposed number of affordable units is only the minimum required for 40B projects. This and the previous item suggest the need for a careful review of the pro-forma, land purchase price, and other project characteristics, and negotiations to achieve a more favorable result.
- The project should include several affordable and market rate units that are adaptable for persons with disabilities, including wheelchair-bound elderly.
- If the only vehicular access is via Brabrook Road, we should expect a significant level of concern and opposition from residents in that neighborhood. In addition, the Fire Chief may advocate for an alternate emergency access.
- I am not sure if the market for new senior housing is still as hot as it was a few years ago. For due diligence, a detailed market study should be provided in support of the proposed project to reasonably ensure that the market rate units can be sold at sufficient prices and rates to support the development of the affordable units.

Cc: Planning Board
Building Commissioner

I:\planning\ldc tm\40b ellsworth village.doc



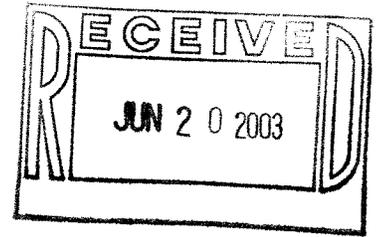
AFFORDABLE HOUSING OVERLAY DISTRICT

≡ Sub-District A

≡≡ Sub-District B

ZONING DISTRICTS

-  ARC (Agriculture Recreation Conservation)
-  EAV (East Acton Village)
-  GI (General Industrial)
-  KC (Kelley's Corner)
-  LB (Limited Business)
-  LI (Light Industrial)
-  LI-1 (Light Industrial 1)
-  NAV (North Acton Village)
-  OP-1 (Office Park 1)
-  OP-2 (Office Park 2)
-  PCRC (Planned Conservation Residential Community)
-  PM (Powder Mill)
-  R-10 (Residence 10)
-  R-10/8 (Residence 10/8)
-  R-2 (Residence 2)
-  R-4 (Residence 4)
-  R-8 (Residence 8)
-  R-8/4 (Residence 8/4)
-  R-A (Residence A)
-  R-AA (Residence AA)
-  SAV (South Acton Village)
-  SM (Small Manufacturing)
-  TD (Technology District)
-  VR (Village Residential)
-  WAV (West Acton Village)



INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone 978-264-9634 - Fax 978-264-9630

June 20, 2003

TO: John Murray, Assistant Town Manager

FROM: Doug Halley, Health Director

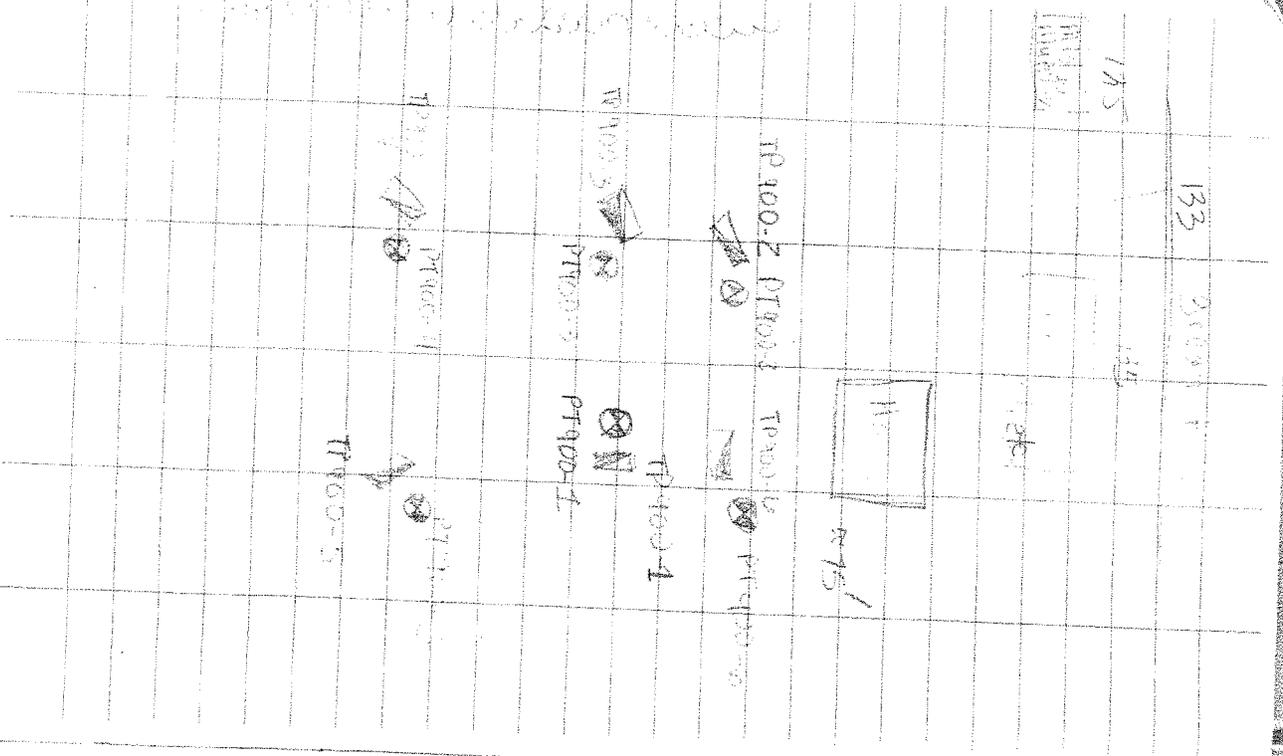
SUBJECT: Ellsworth Village

Attached with this memo please find copies of the logs for soil testing that the Health Department has witnessed for the proposed development "Ellsworth Village". These logs indicate that there are areas on the property suitable for an on-site sewerage disposal system.

At this point the Health Department has not received any plans detailing the proposed development. A preliminary meeting was held with the developer, project engineer and the Town departments. During that meeting the engineer indicated that a waiver from Board of Health regulations would be requested from the Board of Appeals. Until comprehensive plans for the project are submitted the Health Department will be unable to comment on the appropriateness of waiving the Board of Health requirements.

Ellsworth Village

(23)



Code	Time	Notes
PT900-1	4:00	start
PT900-2	11:24	start
PT900-3	11:29	12"
PT900-4	11:41	9"
PT900-5	11:52	6"
PT900-6	11:52	4mpd
PT900-7	12:00	start
PT900-8	12:11	12"
PT900-9	12:14	9"
PT900-10	12:18	6"
PT900-11	12:21	4mpd
PT900-12	12:30	10mpd
PT900-13	12:43	start
PT900-14	12:50	12"
PT900-15	12:53	9"
PT900-16	1:01	104"
PT900-17	1:03	ONS
PT900-18	1:07	12"
PT900-19	1:23	start
PT900-20	1:53	10mpd

TRANSITION 1 CONTINUED

TP 900-1
 0.4' A Soudby Dam 10 YR 5/13
 4.15' B " " 10 YR 5/16
 10.9' C " " 2.5 Y 5/14
 middle of 48"

TP 900-2
 0.4' A Soudby Dam 10 YR 5/13
 4.15' B " " 10 YR 5/16
 10.9' C " " 2.5 Y 5/14
 middle of 48"

TP 900-3
 0.4' A Soudby Dam 10 YR 5/13
 4.15' B " " 10 YR 5/16
 10.9' C " " 2.5 Y 5/14
 middle of 48"

TP 900-4
 0.6" A Soudby Dam 10 YR 5/13
 4.15" B " " 10 YR 5/16
 10.9" C " " 2.5 Y 5/14
 middle of 48"

TP 100-5
 0.4' A Soudby Dam 10 YR 5/13
 4.15' B " " 10 YR 5/16
 10.9' C " " 2.5 Y 5/14
 middle of 48"

TP 100-6
 0.4' A Soudby Dam 10 YR 5/13
 4.15' B " " 10 YR 5/16
 10.9' C " " 2.5 Y 5/14
 middle of 48"

ONS from 9/13/00
 Perc 900.6 43" 9/14/00
 Start 9.04
 12' 9.19
 9' 10.13
 8' 10.58 45mp
 FAIL

8

TOWN OF ACTON

Building Department

INTERDEPARTMENTAL COMMUNICATION

To: Don P. Johnson, Town Manager **Date:** June 23, 2003
From: Garry A. Rhodes, Building Commissioner *GAR*
Subject: Ellsworth Village

Ellsworth Village is a 60 unit condominium community being proposed as a 40B project. The application was submitted to the state by MCO & Associates on behalf of Authentic Homes. The access to the property, for the proposed development, will be from the end of Brabrook Road. I have been provided a booklet dated June 10, 2003 by MCO & Associates.

The booklet contains a letter of introduction, MassHousing-Housing Starts Application, Preliminary Construction Budget - Pro Forma, Locus Plan, Purchase and Sale Agreement, Site Development Plan and Existing Conditions, and Architectural Plans & Specifications.

Don Johnson

From: Nancy Tavernier
Sent: Friday, July 11, 2003 1:01 PM
To: Don Johnson
Cc: Board of Selectmen
Subject: RE: Ellsworth Village

Thank you. I will submit to the Board an email this afternoon that describes the MassHousing process that hopefully makes you all feel more

comfortable about this request for comments. I will also include some information about Ellsworth Village. The purpose of this initial letter is really to assure MassHousing that the developer has approached the town with preliminary plans for this development. MassHousing does not want to be party to any "surprises". This letter is not meant to be the comprehensive set of comments that the BOS will ultimately provide to the ZBA. It is really an endorsement in concept of the proposal as it exists to date and proof to MassHousing that you have seen the preliminary plans.

The ACHC is hosting an informational meeting on Monday August 18 at 7:30PM in the Library. I realize this conflicts with your next meeting date but we plan to also tape it. We will invite all the pertinent town boards and abutters as well as the general public.

Nancy

At 12:50 PM 7/11/03 -0400, Don Johnson wrote:

>Walter and Nancy:
>I have spoken with Ms. Good and she is comfortable with our responding
>shortly after the Selectmen's meeting.

>
>Regards,
>Don

>
>-----Original Message-----

>From: Walter Foster II
>Sent: Friday, July 11, 2003 11:38 AM
>To: Nancy Tavernier
>Cc: Board of Selectmen
>Subject: Re: Ellsworth Village

>
>
>Nancy - Thanks for the heads up and reminder. We have communicated with Ms.
>Good at Mass Housing to let her know that we cannot make the July 14th
>deadline. This is on the Board's agenda for Monday and we will then forward
>comments. Don had left messages with Ms. Good and will follow up today to
>confirm. Not to place any additional burden on you r ACHC, but if you can
>add to the dialogue the Board will have about the proposal we would welcome
>your input.
>

>Walter Foster
>Chair, Board of Selectmen
>
>
>
> > Dear Board members,
> >
> > Just a reminder that initial comments on Ellsworth Village are due
on July
> > 14 to MassHousing. This was discussed at your last meeting. Trey
attended
> > the ACHC meeting to see the presentation and participated in the
> > discussion. We assume communication has been made with MassHousing
if the
> > deadline is not going to be met or that comments have already gone.
> >
> > If you need anyone from ACHC in attendance at your meeting, please
let me
> > know.
> >
> > Thanks.
> >
> > Nancy
> >

Don Johnson

From: Nancy Tavernier
Sent: Friday, July 11, 2003 2:01 PM
To: Board of Selectmen
Cc: Acton Community Housing Corporation
Subject: Ellsworth Village comments from ACHC



MassHousing
process for Ch.40B..



Ellsworth Village
description....



ATT100261.txt

Board members,

Attached are 2 documents to help you in your deliberations on Ellsworth Village. The first describes the MassHousing Procedure for eligibility letters. The second is a brief description of Ellsworth Village from the ACHC viewpoint.

Thank you for your support.

Nancy

MassHousing Housing Starts Program Overview

Eligible Properties

- Single Family Homes
- Condominiums

Affordable Housing Requirement

A minimum of 25% of the units in a development must be sold to first-time homebuyers earning at or below 80% of the HUD Area Median Income for the specific community. The affordable units will be governed by a Deed Rider, which restricts the re-sale price of a unit, thus ensuring long-term affordability for a minimum of 30 years. In addition, the affordable housing units must be comparable in appearance to the market-rate units from the exterior and be equally disbursed throughout the entire development.

Age Restricted (over 55) Developments ***THIS APPLIES TO ELLSWORTH VILLAGE***

All requirements listed above apply to the age-restricted developments except the “first-time homebuyer” requirement for purchasers of the affordable units. To be an eligible purchaser for an affordable unit, household assets shall not exceed \$50,000 in value, provided that the purchaser household may additionally own a dwelling (to be sold) in which the purchaser has no more than \$150,000 in equity. Assets may include net cash value after deducting reasonable cost incurred in disposing of real property, savings, stocks, bond, and other forms of capital investments.

Limit on Profit

Developers must agree to a limitation on profit in an amount not to exceed 20% of a project’s total development costs.

Project Eligibility

MassHousing will accept applications for project eligibility and issue project eligibility letters to builders seeking a comprehensive permit under Chapter 40B. ***Upon receipt of a complete application, MassHousing will solicit comments from the chief elected official in the city or town where the site is located and any such comments will be considered by MassHousing in making a decision on the developer's request.*** The MassHousing project eligibility letter provides a builder seeking a comprehensive permit access to a local Zoning Board of Appeals (ZBA).

3/31/03

Project Eligibility Process

Builders and developers wishing to develop housing in Massachusetts with a comprehensive permit under Chapter 40B must receive a designation of project eligibility before applying to a local Zoning Board of Appeals (ZBA) for a comprehensive permit. In order to receive such a designation from MassHousing under the Housing Starts program, MassHousing must determine whether the proposed housing development is suitable for the subject site and that the proposal meets the guidelines of Housing Starts.

MassHousing's Home Ownership Division will coordinate the review of all applications for project eligibility under this program. An outline of the project eligibility process is as follows:

1. Developer contacts MassHousing's Home Ownership Division for a project eligibility application package.
2. Developer must submit a copy of the project eligibility application and related exhibits to the chief elected official in the community.
3. A MassHousing representative will visit the site for a preliminary assessment on the appropriateness of the site for residential development.
4. **Developer contacts local officials to discuss the proposed development and seek initial reaction to the plan proposed for the site.** This may be an informal process of review and comment.
5. Developer completes the project eligibility application and submits it to MassHousing accompanied by a check for \$1,000.
6. Developer notifies the Department of Housing and Community Development in writing of their submission of an application for project eligibility to MassHousing.
7. MassHousing reviews the application for completeness and informs the developer of any missing or incomplete information.
8. **Once a complete project eligibility application has been received, MassHousing will send a letter to the chief elected official in the community seeking their input on the proposed housing development.**
9. MassHousing's review will focus on compliance with the affordable housing requirements of the program, the reasonableness of proposed development costs, the experience of the development team, the availability of utilities (water, sewer etc.) to the site, any environmental issues on or adjacent to the site, the proposed number of housing units, the anticipated density of the proposed project and community comments.
10. Upon completion of the review, MassHousing will issue a written decision to either approve or deny the project eligibility application. Project eligibility letters are valid for 2 years from the date of issuance.
11. Once a project eligibility letter has been issued for a specific development, the developer is eligible to apply for a comprehensive permit to a local ZBA. It should be noted that MassHousing does not participate in the negotiations between the developer and the ZBA regarding an application for a comprehensive permit.

Ellsworth Village
Jim Fenton, developer
Mark O'Hagan, consultant

ACHC description of proposal
July 11, 2003

Initial Contact

On April 24, 2003, the ACHC met with consultant Mark O'Hagan to view preliminary plans for a 60 unit, age restricted (55+) condominium development located behind Acton Toyota with access from the end of Braebrook Rd. ACHC first heard of the developer's plans approximately a year previous to this meeting as part of a discussion on several affordable housing proposals Mr. Fenton is considering. After discussion, the members of ACHC voted to "support in concept" the proposal for Ellsworth Village and encouraged the developer to proceed. It is our understanding that Fenton met with town staff on at least one occasion and perhaps two. As a result, the plans have been refined and are now nearing final design.

Proposal

The vacant parcel in question is 8.46 acres, is zoned residential, and is in the MAJOR affordable housing overlay district. Ellsworth Village is proposed to be 60 townhouse units, each with a one-car garage and basement. The townhouses will be placed in a mix of building sizes with 2-4 units per building. The floor plans allows for one floor living, with a bedroom and bath on the ground floor and a bedroom/den and bath located on the second floor. This could be a very attractive option for empty-nesters.

There will be a common septic system and town water on site. There appears to be very little wetlands area and no other environmental challenges. The developer has been in contact with the immediate abutters and is purchasing some land from one of them who is supportive. We anticipate opposition from some of the neighbors with traffic being their primary concern. Since they live on a dead end street, any traffic at all will constitute a 100% increase. However, residential traffic impact is spread out through the whole day and should not necessarily be a commuter hour problem. It is a plus for traffic not to have the access from Great Rd.

Age restriction

Mr. Fenton has recently gained ZBA approval in Boxboro for a nearly identical development, though smaller. It is his second experience with 55+ housing. He is convinced there is a market for these units and has 25% reserved already in Boxboro. We know that Audubon Hill has been a successful concept too after a rocky beginning.

We expect the affordable units to be eligible under the DHCD Local Initiative Program with the option of using the "Elderly Exception" guidelines. This allows families where all members are over 62 to purchase an affordable unit even if they are not a "first-time homebuyer." To be an eligible purchaser for an affordable unit, household assets shall not exceed \$50,000 in value, provided that the purchaser household may additionally own a dwelling (to be sold) in which the purchaser has no more than \$150,000 in equity. Assets may include net cash value after deducting reasonable cost incurred in disposing of real property, savings, stocks, bond, and other forms of capital investments.

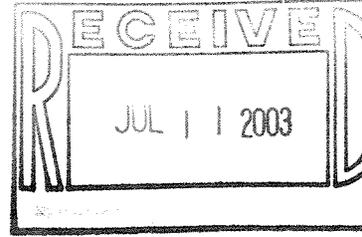
This program is new to Acton, we have recommended it for the Robbins Brooks units also. We expect there to be strong interest by residents who would like to trade down for a less expensive home, and therefore smaller tax bill, while still enjoying the community they call home.

Pricing

The market rate units would be sold for \$360,000 and the affordable units at \$150,000 using the current state Income guidelines. All units would be 1600 square feet. 15 of the units would be designated affordable.

Acton Police Department

InterDepartmental Memo



From: Frank J. Widmayer, Chief of Police

Date: July 11, 2003

To: Don Johnson, Town Manager

Subj: Ellsworth Village

The only concern I have regarding the Ellsworth Village development is that it will increase traffic on the existing roads and intersections in the immediate vicinity.

We will work with the planning and engineering departments if that becomes an issue.

A handwritten signature in cursive script, appearing to read "Frank J. Widmayer". The signature is written in black ink and is positioned above a horizontal line.

Frank J. Widmayer
Chief of Police