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FILE COPY

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9/25/06 - (8)

CONCENTRATING IN
REAL ESTATE
BUSINESS
ESTATE PLANNING
WILLS & TRUSTS

FACSIMILE: (978) 486-9434

July 19, 2006

Mr. Donald Johnson
Town Manager
Town of Acton
Acton, Massachusetts

Re: 3 Unit 40B Project, 19 Bulette Road/Lillian Road, Acton, Massachusetts

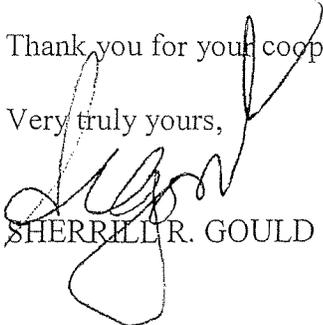
Dear Mr. Johnson:

As discussed yesterday, it would be appreciated if I could be on the agenda before the Board of Selectmen for an informational meeting regarding my client's proposal for a 40B project consisting of the existing home at 19 Bulette Road and the creation of two additional single family homes to be accessed from the cul de sac at Lillian Road. Each new home will have 3 bedrooms and be serviced by its own septic system. One new home will be deed restricted as affordable. We are hoping to present the project as a LIP. The Housing Committee has expressed support for the project and the various town boards have commented favorably.

I am enclosing the letter to Mr. Rhodes, a general description of the project, the developer and the plans, a site plan with elevations and comments received back from the Boards. The style of house and plans are also enclosed.

Thank you for your cooperation.

Very truly yours,


SHERRILL R. GOULD

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February 15, 2006

Mr. Gary Rhodes, Building Commissioner
Town of Acton
Acton Municipal Building
472 Main Street
Acton, MA 01720

Re: Joseph Pittorino
19 Bulette Road
Acton, Massachusetts

Dear Mr. Rhodes:

Please find enclosed a conceptual plan with brief description for a 3 unit 40B project at 19 Bulette Road, Acton, Massachusetts. I met with you concerning this proposal last week. I also presented it to the Housing Authority and they were generally supportive. Their recommendation was that I forward you a formal letter for you to circulate among Department Heads, specifically Planning Board, Board of Health, Engineering, Conservation, etc.

I also bring to your attention that the primary objection as to shared septic system costs has been addressed. The engineer proposes separate septic systems for each of the three structures. There is sufficient area in the leach field to permit two separate leaching areas with 6 foot separation between the systems, for the newly created homes. Each unit will have its own distribution box, leach area and pump chamber, or other components. There will be modest variances requested. If approved, there will be no cost sharing on any portion of the common areas in this condominium proposal, and each owner will maintain and upkeep his/her own system.

Thank you for your attention to this matter. I will follow up with you in approximately 10 days.

Very truly yours,

DRAFT COVER LETTER FROM DEVELOPER TO SELECTMEN AND DHCD

PROPOSAL FOR LOCAL INITIATIVE 40B PROJECT

This is a proposal for a local initiative 40B project, seeking the support of the Town of Acton Board of Selectmen.

Proposal: The proposal is to subdivide the existing home at 19 Bulette Road, Acton, MA, a 2+/- acre parcel into two 1 acre lots. The Developer would then build two new 3 bedroom 1-1/2 bath detached residential dwelling units on 1 acre, with frontage and access from the cul de sac at Lillian Road. The new units will share a septic system and will be submitted to the condominium statute with each home having an exclusive use area. Each home will have its own access and all utilities, except the shared septic system bed, tank and pump.

Developer: The developer, Triple BBB Construction, is a limited dividend company as required by the statute. The Developer's principal is Joseph Pittorino, who has an extensive building and development experience in his capacity as President and Director of New England Excavating and Development, Inc., as illustrated in his resume attached to the application. The principal, Joseph Pittorino and his wife are the current owners of the property and they will convey to the limited dividend company upon receipt of all approvals. The Developer will use the wholly owned construction business as the builder, with costs commensurate with those common in the region. The sale price for the land and existing house will be established by appraisal.

Affordable Unit: One of the newly created 3 bedroom homes will be offered for sale by lottery as an "affordable unit" as that term is defined by the statute. Preference will be given to municipal employees, teachers and residents of the Town of Acton and their families. The Lottery will be conducted in accordance with a Fair Lottery Plan approved by DHCD. The Unit will receive a condominium dues structure of ½ of the market unit. It will be identical in construction to the market unit, except as to any upgrades paid for by the buyer. The affordable unit will be deed restricted in perpetuity.

Property: The property consists of an existing single family home on 81,296 square feet. The property has frontage on Bulette Road and on Lillian Road. The proposal is to create two identical 3 bedroom homes with access from Lillian Road, as shown on the Plan. Lillian Road is a cul de sac of single family homes (approximately 9 existing). The parcel is abutted on one side by Route 2, a state highway running east and west. The property is bounded on the other three sides by Lillian Road, by other land of Developer, and by a single family dwelling, separated by natural vegetation. The property is relatively flat with most of the grade changes and impact from construction dropping off toward Route 2 and other land of Developer. All soil testing, engineering, elevations and proposals for access are shown on the plan. The shared septic system design has been approved by the Board of Health.

Variations: There will be variations requested from the Acton Board of Health for a shared septic system. The design has been approved. There will be a variance request for density and for subdivision of a lot relative to lot size in the zoning district. Two acre zoning is required, one acre zoning is requested. Existing properties are predominantly one acre, per a prior zoning bylaw.

Style of Home: The homes to be constructed will consist of 3 bedroom single family style dwelling units. They will be either split ranch style, cape cod style homes, or small colonials, in keeping with the properties in Lillian Road. The existing home will remain as is and will access from Bulette Road.

Deed Rider: The affordable unit will have a Deed Rider restriction pursuant to the Statute.

Condominium Documents: The Condominium documents will create a common lot for the two new homes with the unit deeds describing exclusive use areas. The Condominium association will be managed by each homeowner having one vote. The only common maintenance and contribution to costs will be the shared septic system and the affordable unit will contribute approximately 1/3 of the maintenance costs with the market unit contributing 2/3. It is anticipated that each unit will carry its own liability insurance.

Projected Building Time: It is anticipated that building permits will be requested for both units as soon as Zoning Board approval for the project is received and the construction will be completed within 8 months of the application date.

Smart Growth: The project meets the Smart Growth criteria in many respects as indicated on the attached evaluation and summary, however, the greatest benefit of this project is that it enables two smaller homes to be built in a neighborhood of similar homes, offering to a buyer who qualifies affordable housing in a middle income neighborhood, with 3 bedrooms for a larger family, on a private lot with low condominium fees, as an alternative to multifamily housing in townhouse configuration with higher monthly costs.

Town Comments: The proposal has been presented to various town boards. There is no objection voiced to the plan. The only areas of concern involve allocating the costs of the shared septic system in a manner equitable to the affordable unit, and providing for drainage and snow removal and retention on the Lillian Road cul de sac, all of which can be accomplished during the engineering and permitting process. The units will be served by Littleton Water Department and it has been determined that the developer can hook up to town water by paying the extension fees and installing a hydrant, providing sufficient pressure and quantity.