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From: Roland Bartl

Sent: Monday, December 11, 2006 6:40 PM

To: Planning Board

Cc: Nancy Tavernier

Subject: Possible Zoning Amendments - Scheduled for 8:30 PM

Dear Planning Board Members:

In the memo for your package regarding possible zoning changes for the 2007 Annual Town Meeting, I inadvertently omitted the subject of owner occupancy in multi-family residences. Owner occupancy in multi-family residences is a zoning requirement in several of Acton zoning districts. The Board discussed the deletion of this requirement before, but deferred it. Nancy Tavernier has been asking me on numerous occasions about deleting the requirement as we are working towards new concepts of encouraging affordable housing and removing barriers to the creation of affordable housing. Therefore, I have asked her to come to the Board during the discussion of zoning changes tomorrow evening to address the Board in this regard - especially since the larger affordable housing zoning initiative has been shelved for now.

The zoning bylaw requires owner occupancy for multi-family residences in the VR and SAV districts by way of footnote (3) in the Table of Principal Uses (section 3). The requirement does not apply in the R-A, R-AA, EAV, EAV-2, and WAV districts. It also does not apply in the NAV district where such multi-family residences may be created through transfer of development rights (still untested territory). The requirements means that the owner of rental property must reside in the building or on the same lot, or that the units must be in a condominium.

I agree that the owner-occupancy requirement is a barrier to creating more rental housing stock and therefore also a barrier to affordable rentals. Furthermore, it seems that the requirement is very impractical or impossible to enforce. It assumes that owner-occupancy brings with it a certain level of pride in ownership and therefore would ensure better maintained rental properties. It seems to me that the merit of this argument does not hold water. There are many investment rental properties in Acton and for the most part they are being kept in decent condition and appearance. On the other hand, owner-occupied properties (or sometimes owned, but vacant - perhaps in estate?) sometimes appear neglected, run-down, or abandoned.

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