

Roland Bartl

From: Stephen Anderson
Sent: Saturday, May 05, 2007 7:50 PM
To: Roland Bartl
Cc: Don Johnson; Kristin Alexander
Subject: Acton/Ellsworth Village - Draft Letter to DHCD and Bylaw Interpretation

Dear Roland:

In response to your question as to whether the Planning Board has the authority to accept alternatives to on-site affordable units in the Senior Residence Development (e.g., to negotiate a monetary settlement for affordable unit buy-downs, to have the developer purchase off-site affordable units in lieu of the on-site units, etc.), the answer is no. The zoning bylaw does not expressly provide for such alternatives at this time, nor can the Bylaw reasonably be interpreted to allow for such alternatives at this time.

Specifically, Section 9B.12 refers throughout to affordable units "in" the Senior Residence Development (§§ 9B.12.2, 9B.12.3.1, 9B.12.3.2). More important, Section 9B.12.6 of the Bylaw governs the location of the affordable senior residence units (emphasis added):

AFFORDABLE SENIOR RESIDENCES shall be dispersed throughout the development to insure a true mix of market-rate and AFFORDABLE SENIOR RESIDENCES. The exterior of AFFORDABLE SENIOR RESIDENCES shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS in the SENIOR Residence development. All internal design features of AFFORDABLE SENIOR RESIDENCES shall be substantially the same as those of market-rate DWELLING UNITS.

In light of this, the Planning Board will need to propose amendments to the Bylaw if it wants to have this authority for future projects.

Finally, I have attached a draft letter to DHCD asking for a formal determination from DHCD that (a) its current Local Initiative Program regulations guidelines do not apply to the Ellsworth Village Senior Residence Development, and (b) the three over-55 residential use age restricted units in this project are approved as part of the Town's Subsidized Housing Inventory. Please let me know if you have any comments on the letter and whether I am authorized to send it.

Steve

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5/7/2007