

**Christine Joyce**

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8/24/09 (13)

**To:** Christine Joyce  
**Subject:** FW: Central St. comments to ZBA 8-09.doc

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-----Original Message-----

From: Nancy Tavernier [mailto:ntavern@comcast.net]  
Sent: Thursday, August 20, 2009 10:42 AM  
To: Christine Joyce  
Subject: RE: Central St. comments to ZBA 8-09.doc

You have already seen it back in Jan. 2008, it is being heard by the ZBA on Sept. 14. The BOS needs to submit comments to the ZBA by August 24 ;-)

## **Acton Community Housing Corporation**

**Nancy Tavernier, Chairman**

**TOWN OF ACTON**

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

[achc@acton-ma.gov](mailto:achc@acton-ma.gov)

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TO: Zoning Board of Appeals  
FROM: Nancy Tavernier, Chair  
SUBJECT: Marsh View LLC and Richardson Crossing LLC  
DATE: August 20, 2009

ACHC offers the following comments on the two comprehensive permit applications submitted by developers Stephan Marsh and James D'Agostine, III for 93 and 113 Central Street. Both of these proposals are similar in design, lot size, unit count, and pricing. The proposals are to construct 4 single family, 3-BR homes with 2600 square feet of living space, 2.5 bathrooms, basement, and a 2 car garage on each site. Each development is on approximately one acre of land. Each development will include one affordable home selling at \$170,000 and three market homes, proposed to sell at \$629,000. These comments are intended to address both applications, though they will be heard separately.

On August 13, ACHC discussed the proposed projects with the developers and six interested nearby neighbors and abutters in a productive session that aired concerns to be addressed by the developers. Because these projects are in the MassHousing program and not DHCD LIP "Friendly 40B" projects, there was less opportunity for ACHC to drive the process from the first time the concept was discussed with us in 2006 to the last time in 2007.

In the case of MassHousing projects, the Monitoring Agent role is assigned to MassHousing and they will delegate a separate entity to monitor the development, it will not be ACHC or the Town. ACHC would like to be included in the loop during the affirmative marketing and outreach period because we have resources such as mailing lists of interested buyers and special outreach suggestions for town and school employees and the Acton Housing Authority. ACHC requests that special wording in the ZBA decision be written to allow ACHC to review the marketing materials prior to final approval to the extent allowed by the Project Administrator (MassHousing). Neither ACHC nor the Town has a role in the post development auditing process, which will be the responsibility of MassHousing.

Due to new more stringent condo mortgage lending rules, the developers have proposed a fee simple ownership arrangement to alleviate the constraints on mortgage approvals. A fee simple ownership shifts the responsibility for many functions that are normally done by the condo association to each individual homeowner, some at considerable cost. ACHC understand the rationale for this change in ownership but would like to be assured that full disclosure of these extra expenses and estimated costs be included in the marketing material for the affordable units so that potential buyers can measure their ability to cover ALL homeowner expenses in the future and not just the standard ones of mortgage, taxes, insurance, and homeowner association fees. It is our understanding the developer will fund the required septic maintenance reserve payment for each affordable unit.

Concerns from the neighboring property owners focused on the landscaping issues of clear cutting and buffering between properties. ACHC understands the need to remove trees in order to build but also expects that new landscaping will provide restoration of a reasonable degree of lost vegetation with new healthy growth to shield the properties from the street, from the neighboring properties, and to some extent, from each unit on the site. The developers have promised to work with the abutters to address their concerns and find mutually acceptable solutions for buffering.

With a less than 1 mile proximity to the commuter rail, this location meets the Smart Growth criteria of offering transportation choice. The parcels are also not in a traditional subdivision neighborhood but rather are located on a busy feeder road. The parcel at 113 Central St. is adjacent to a major apartment complex and across the street from several duplex units so this density is not inconsistent with the neighboring properties. While this is not in the preferred growth area laid out in the Comprehensive Permit Policy endorsed by the Board of Selectmen and the Planning Board, the Town Planner performed a Project Evaluation Summary exercise in January 2008 to evaluate this project using criteria in the Comp Permit policy. The Planner concluded: *This project seems to fit without much needed justification into the existing neighborhood due to its small scale, moderate density, and single-family style. This sort of 40B project is one good model that the Town might embrace for certification maintenance purposes should it ever succeed in reaching or exceeding the 10% threshold.*

Acton's affordable housing count is currently at 6.7%. We continue to have a local need for more affordable housing but do not want to lose sight of the need for a diversity of housing types, sizes and prices. In the past decade, 40B developments in Acton have been attached townhouses, duplexes, or large multi-family buildings. We find it refreshing to see a design of single family homes that gives homeowners more control of their space so they can create gardens, private play and sitting areas on their lot. ACHC is pleased with the small scale nature of the project.

The ACHC recommends approval of Marsh View and Richardson Crossing as proposed.