



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ◆ Timothy P. Murray, Lt. Governor ◆ Tina Brooks, Undersecretary

March 31, 2010

Mark Starr
22 Elm Street
Acton, Ma 01720

Paula Knibbe, Chair
Board of Selectman
Town of Acton
472 Main Street
Acton, MA 01720



RE: 99 Parker Street, Acton, MA
Determination of Site Eligibility under the Local Initiative Program (LIP)

Dear Mr. Starr and Ms. Knibbe:

I am pleased to inform you that your application for site eligibility determination under the Local Initiative Program (LIP) for the proposed 99 Parker Street project in Acton, Massachusetts, has been approved. This approval is based on your application that sets forth a plan for the development of five (5) homeownership units. The proposed sales prices of the LIP units are generally consistent with the standards for affordable housing to be included in a community's Chapter 40B affordable housing stock. We note that the project developer has a Purchase and Sales agreement for the site.

As part of the review process, DHCD staff has performed an on-site inspection of the proposed project site. The Department of Housing and Community Development (DHCD) has made the following findings:

1. The proposed project appears generally eligible under the requirements of the Local Initiative Program, subject to final program review and approval;
2. The site of the proposed project is generally appropriate for residential development;
3. The conceptual plan is generally appropriate for the site on which is located;
4. The proposed project appears financially feasible in the context of the Acton housing market;
5. The initial pro forma for the project appears financially feasible and consistent with cost examination and limitations on profits and distributions on the basis of estimated development costs;
6. The project developer and the development team meet the general eligibility standards of the Local Initiative Program;
7. The project developer controls the site.

The proposed project must comply with all state and local codes not specifically exempted by a comprehensive permit.

If a comprehensive permit is granted, a copy should be promptly provided to DHCD. The DHCD legal office will review the comprehensive permit and other project documentation. Additional information may be requested as is deemed necessary. Following the issuance of the comprehensive permit, the specifics of this project must be formalized in a regulatory agreement signed by the municipality, the project sponsor, and DHCD. The regulatory agreement must be signed and recorded prior to starting construction.

As stated in the application, the 99 Parker Street will consist of five (5) units, two (2) of which will be eligible for inclusion in the Town's subsidized housing inventory. The affordable units will be marketed and sold to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development.

The conditions that must be met prior to final DHCD approval include:

1. A final affirmative fair marketing and lottery plan with related forms shall be submitted that reflects LIP requirements including consistency with the *Comprehensive Permit Guidelines, Section III, Affirmative Fair Housing Marketing Plans*;
2. Submission of an appraisal of the project site. This shall be a comprehensive appraisal that determines the fair market value of the site under current zoning (the "As-Is Market Value") and completed by an appraiser approved by DHCD. Alternatively, since this project is less than 20 units, the developer may submit a limited appraisal or tax assessment. This shall be done in accordance with Section IV, Part B.1 of the *Comprehensive Permit Guidelines* regarding land valuation;
3. A graphic depiction of the unit plan with square footage tabulation.
4. Any changes to the application it has just reviewed and approved, including but not limited to alternations in unit mix, sales price, development team, unit design, site plan or financial pro forma, must be approved by DHCD;
5. Documentation of the availability of construction financing for this project shall be submitted to DHCD;
6. In accordance with the *Comprehensive Permit Guidelines, Section IV (D)*, the project developer shall provide a financial surety through a letter of credit, bond or cash account to ensure completion of the cost examination and distribution of excess funds required by 760 CMR 56.04(8);

7. The project must be organized and operated so as not to violate the state anti-discrimination statute (M.G.L. c151B) or the Federal Fair Housing statute (42 U.S.C. s.3601 et seq.). No restriction on occupancy may be imposed on the affordable units other than those created by state or local health and safety laws regulating the number of occupants in dwelling units; and,

As 99 Parker Street nears completion of construction, DHCD staff may visit the site to ensure that the development meets program guidelines.

When all the units have received Certificates of Occupancy, the developer must submit to both DHCD and the Town of Acton a project cost examination prepared by a certified public accountant to meet cost certification requirements. The specifics of the cost certification obligation will be contained in the regulatory agreement to be executed by the municipality, the project sponsor and DHCD.

This letter shall expire two years from this date or on March 31, 2012 unless a comprehensive permit has been issued.

We congratulate the Town of Acton and the project sponsor on their efforts to work together to increase the Town's supply of affordable housing. If you have any questions as you proceed with the project, please call Toni Coyne Hall at 617-573-1351.

Sincerely,



Catherine Racer
Associate Director

Enc.

cc: Ron Bartl, Acton Planning and Development ✓
Nancy Tavernier, Acton Community Housing Corp
Kenneth Kozik, Zoning Board of Appeals
Dennis Dyer, Consultant
Office of the Chief Counsel, DHCD

RESPONSIBILITY FOR COST CERTIFICATION:

By your signature below, 99 Parker Street LLC, acknowledges and accepts this approval letter, including the obligation under law to provide the Department of Housing and Community Development and the Town of Acton with a project cost and income statement to determine limited dividend compliance.

Signature: _____

Names (print): _____

Date: _____

Upon receipt, please make copy of this letter and return a signed copy to Division of Housing Development, Department of Housing and Community Development, 100 Cambridge Street, Boston, MA 02114 ATTN: Local Initiative Program

99 Parker Street, Acton, Massachusetts

LOCAL INITIATIVE PROGRAM – COMPREHENSIVE PERMIT PROJECT

Sponsor:
Mark Starr
99 Parker Street LLC
22 Elm Street
Acton, MA 01720

Project Address:
99 Parker Street
Acton, MA 01720

This project will provide ownership opportunities according to the following breakdown:

Type of Unit	# Units	# Bdrms	# Baths	Gross SF	Condo Fee	Maximum Sales Price
Market Units	3	3	2.5	1400	\$100	\$174200
L.I.P. Units	2	3	2.5	1400	unknown	\$399,000
Total Units	5					