

ACTON COMMUNITY HOUSING CORPORATION  
P.O. BOX 681  
ACTON, MA 01720  
(978) 263-4776

October 21, 1999

Ron Peabody  
Bellows Farm, LLC  
178 Great Rd.  
Acton, MA

Dear Ron:

Members of the ACHC met today with your consultant Mark O'Hagan to discuss three issues: the Bellows Farm handicapped unit, the approval process for 100 Willow St., and the Harris St. project.

On the issue of the Bellows Farm handicapped unit, the members agreed to the following actions.

1. Pending information from the Planning Board to the contrary, the ACHC assumes that the definition of a "handicapped unit" requires compliance with the standards set by the Massachusetts Architectural Access Board.
2. None of the 5 units purchased by you under the Outreach Program were qualified to be handicapped accessible. The 6<sup>th</sup> unit of this program, therefore, must meet those standards.
3. It is our understanding that you intend to build a 3-bedroom unit that would meet the requirements for accessibility.
4. Because the one-year lottery period for Bellows Farm expired on September 24, 1999 before a handicapped unit was identified, a new lottery will be required for that unit.
5. The 6<sup>th</sup> unit is designated for Local Preference and we expect that it will be offered first to a Local Handicapped family. Local Preference is defined by ACHC as one who is:
  - A resident of Acton or,
  - An Employee of town, schools or water district or,
  - Someone employed in the town or
  - A Child of an Acton resident

6. Should the Lottery not identify a Local Handicapped family, we expect that a non-handicapped local family will then be offered the unit. Should no local family be identified, then it may go to a non-local handicapped family.
7. The unit should be constructed as a handicapped accessible unit even if the first buyers are not themselves in need of such a design. Because the unit stays affordable into perpetuity, this would place a handicapped unit permanently in the local affordable housing program. We urge you to work closely with the town Building Department to assure common understanding of the handicapped requirements.

We look forward to the completion of the Bellows Farm Outreach program. Thank you again for your cooperation with the ACHC.

Sincerely,



Nancy E. Tavernier, Chair  
ACHC

cc Board of Selectmen  
Planning Board

ACTON COMMUNITY HOUSING CORPORATION

P. O. Box 681  
Acton, MA 01720  
(978) 263-4776

October 7, 1999

Acton Planning Board  
Town Hall  
Acton, MA

Dear Planning Board members:

I am writing on behalf of the Acton Community Housing Corporation to clarify an issue that has surfaced in regard to the off-site affordable housing program that is being provided by the developer of Bellows Farm, Ron Peabody. As you recall, the Planning Board's original decision required 5 affordable housing units be constructed on site at Bellows Farm. Subsequently, the decision was amended to allow the developer to provide 6 units off-site as an alternative. This decision was made at the request of the developer and the ACHC due to the dramatic increases in market home prices and condo fees in the Bellows Farm subdivision. It was felt that the projected condo fees in excess of \$100 a month would render the "affordability" of home ownership difficult at best. After a public hearing, the Planning Board concurred and amended the decision to allow the off site affordable units.

Our question to the Planning Board is for the precise definition of "handicapped accessibility" as it relates to a condition set forth in the Planning Board's Bellows Farm decision #95-7, filed on August 28, 1995. Condition 3.3.3 of that decision states the following: "One of the \$94,500 units shall be constructed to be accessible for persons with disabilities in accordance with the requirements of the Massachusetts Architectural Access Board. If permitted under applicable laws and regulations, this unit shall first be offered for sale to persons with disabilities and households with persons with disabilities."

At this time, the developer, Ron Peabody, has completed the purchase and sale of 5 of the 6 affordable units at scattered sites throughout the town and is now at the point of providing the "handicapped accessible" unit. Since this is a local requirement, it must meet the criteria intended by the Planning Board and does not fall under the jurisdiction of the state Department of Housing and Community Development. We are turning to you for clarification of your intent. The definition will determine whether an existing home can be renovated to meet these requirements or whether new construction is the only feasible method.

We do not currently have an existing home identified that could meet the handicapped requirements, as we understand them. We anticipate the developer's need to provide such

a unit in the near future since his procurement of building permits is tied to the provision of these units.

At your earliest convenience, we would request a written definition of "accessible for persons with disabilities in accordance with the requirements of the Massachusetts Architectural Access Board."

Thank you for your cooperation.

Sincerely,

Nancy E. Tavernier, Chair  
Acton Community Housing Corporation

cc     Town Manager  
          Board of Selectmen  
          Ron Peabody



TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630

Planning Department

**INTERDEPARTMENTAL COMMUNICATION**

**To:** Planning Board

**Date:** March 9, 1998  
~~January 7, 1998~~

**From:** Roland Bartl, AICP, Town Planner *R.B.*

**Subject:** Proposed Agreement Regarding Affordable Units at Bellows Farm

Based on the developer's initial offer the current decision requires in summary that 5 affordable units must be provided on site. Four units must have a maximum sales price of \$94,500.00 and must be eligible as LIP units. One of these four units must be fully accessible for persons with disabilities. The fifth unit must have a maximum sales price of \$101,925.00. The affordable units must be ready for occupancy, one each by the 30th, 50th, 70th, 85th and 105th building permit.

In summary, the proposed agreement foresees that units or deed-restricted lots be identified for future affordable units, one each by the 50th occupancy permit, and the 50th, 70th, 80th and 105th building permit. The developer will provide \$672,000 to subsidize the acquisition, construction and rehabilitation of affordable units (5, 6 or more) and will work with the ACHC in bringing those units to the market.

First two general notes:

- Whatever the Planning Board's expectations will be after a meeting of the minds tonight or on some later date, all expectations should be stated as an amendment to the decision rather than in a side agreement.
- I recommend that the applicant should provide actual units either on site or off site, rather than give money to the Town. Thus, affordable units will be provided at a time certain assuming the project goes through to successful completion. This would follow the model used with the two Acorn Park units, which seems to have worked out fine. The cost of the off-site v. any on-site units need not be the concern of the Board as long as the units are affordable in accordance with the Board's decision and comparable in size and quality to what was expected under the original decision. While not necessarily new construction, off-site units should be flawless like new units, or rehabilitated to be flawless.

Concerning the details of the proposal:

1. Unless the Board agrees to a monetary affordable housing contribution rather than actual units, section 3.3.6 of the decision need not be deleted. If a monetary contribution is agreed upon, this should probably be reflected in 3.3.6.
2. I would like to flag the Board on several issues regarding the proposed changes to section 3.3.7:
  - Requiring the title to be delivered to the qualified buyer may unduely hold up the Bellows Farm project due to delays in the lottery process or due to difficulties finding a qualified buyer in a short period of time. Having the unit ready for occupancy would seem fairer, since this is the time when the builder has delivered on the obligation. Perhaps the delivery of the units

*afford. unit*

should include all LIP application materials and fees ready for submission to DHCD (formerly EOCD).

- The second sentence in proposed 3.3.7 would allow the development at Bellows Farm to go forward even though only raw land has been identified for the construction of affordable units. This effectively would disconnect the delivery of any affordable units from a development schedule at Bellows Farm.

- The proposal contains a new development schedule that delays dates of delivery and changes the delivery of affordable units to merely identifying deed restricted land.

3. The significant change in proposed section 3.3.8 is the deletion of the present requirement that one unit be accessible to persons with disabilities.
4. As to item 3 of the proposal, if the Board should decide to agree to a monetary contribution for affordable units at some later time, the delivery of the money should be up front or perhaps be tied to a building permit schedule at Bellows Farm. I do not consider a letter of credit or any other form of bond as an adequate assurance. In the event of failure or bankruptcy these will be last to be serviced. As to the adequacy or appropriateness of the suggested funds, please refer to Donna's analysis in your weekend package. Either sum (672K or 847K) may or may not be sufficient for the purchase, construction and rehabilitation of equivalent off-site housing stock.

cc: Don P. Johnson

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Planning Board

RECEIVED & FILED  
DATE June 18, 1999  
Eric H. Brown  
TOWN CLERK, ACTON

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (508) 264-9636  
Fax (508) 264-9630

**AMENDMENT #6  
OF DECISION 95-7**

**Bellows Farm - Phases II, III, IV**

June 15, 1999

This is an amendment by the Planning Board (hereinafter the Board) of its Definitive Subdivision Approval and PCRC Special Permit decision, dated August 28, 1995, and previously amended on June 12, 1996, September 11, 1996, February 4, 1997, March 13, 1998, and April 13, 1998 (hereinafter the Original Decision). The Board makes this amendment in accordance with section 4.6 of the Original Decision upon the request of the Applicant and based on the recommendation of the Acton Community Housing Corporation (ACHC).

The Applicant, Bellows Farm, LLC, presented the request for this amendment to the Board in a letter to the Board, dated June 10, 1999. Said letter is accompanied with a statement of the support signed by the ACHC President. The Board discussed the matter at its regular meeting on June 14, 1999. Board members Richard M. Crowell (Chairman), Christopher S. Tolley (Vice Chairman), Patrick E. Halm (Clerk), Joshua C. Chernin, Walter F. Foster, Lauren Rosenzweig, Ken Sghia-Hughes, and Associate Member Edwin Pearson were present for the discussion. Attorney Steven R. Graham attended on the Applicant's behalf. Mr. Kevin McManus and Ms. Naomi McManus attended the meeting on behalf of the ACHC. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

**1 EXHIBITS**

- 1.1 Letter to the Board from the Applicant, dated June 10, 1999.
- 1.2 Statement of support from the ACHC, signed by its President on the Applicant's letter.
- 1.3 IDC from the Town Planner, dated June 11, 1999.
- 1.4 The Original Decision as amended.

**2 FINDINGS AND CONCLUSIONS**

- 2.1 The original decision, as modified in Amendment #5, sets forth the ways and means by which a minimum of six off-site affordable dwelling units shall be provided in the connection with the development of Bellows Farm Phases II, III, IV. Amendment #5 contains a schedule for building permits in the Bellows Farm project. According to this schedule the Applicant must build or rehab specified numbers of off-site affordable units and prepare

them ready for occupancy before the issuance of specified building permits in the Bellows arm project. The Applicant holds a so-called Subsidy Fund that is bonded with the Board to further secure the delivery of the affordable units to qualified buyers.

- 2.2 The Applicant made representation to the Board that three affordable units have thus far been delivered to qualified buyers. The applicant stated furthermore, that in the present climate of soaring housing prices it is becoming increasingly difficult to find suitable housing units quickly. The Applicant stated that he will proceed with the program and that, in fact, three potentially suitable units have been identified recently. However, based on the experience with the three units already on line, the time required from a Purchase and Sale Agreement to providing ready units is 3-4 months. The ACHC confirmed the foregoing statements of fact.
- 2.3 The applicant and his assigns have obtained 76 building permits in Bellows Farm to date. According to the schedule in Amendment #5, no building permits beyond 79 may be issued unless the 4<sup>th</sup> affordable unit is ready for occupancy. The Applicant is now requesting relief from this building permit schedule so as to allow construction in Bellows Farm to proceed while he continues to work on providing the required number of affordable units.
- 2.4 Following consideration of the matter the Board concluded that this amendment would be minor in nature and does not require a public hearing.

### **3 BOARD ACTION**

Therefore, the Board voted at its meeting on June 14, 1999 to further amend its Original Decision by deleting paragraph 3.6 of Amendment #5 and replacing it with the following new paragraph:

#### **3.6 Schedule for providing affordable dwelling units:**

- 3.6.1 The 1<sup>st</sup> through the 3<sup>rd</sup> affordable units shall be ready for occupancy by a qualified purchaser (meaning occupancy permits issued, deed restrictions recorded, and where applicable LIP certification issued by the State) before the issuance of building permits required for units at Bellows Farm Phases II, III, and IV in accordance with the following schedule:
  - The 1<sup>st</sup> affordable unit before the issuance of the 50<sup>th</sup> building permit;
  - The 2<sup>nd</sup> affordable unit before the issuance of the 60<sup>th</sup> building permit;
  - The 3<sup>rd</sup> affordable unit before the issuance of the 70<sup>th</sup> building permit;
- 3.6.2 Before the issuance of the 80<sup>th</sup> building permit in Bellows Farm Phases II, III, and IV the Applicant shall have entered a Purchase and Sale Agreement on the prospective 4<sup>th</sup> affordable unit and the ACHC shall have certified to the Board that said unit meets its selection criteria for prospective affordable housing units.
- 3.6.3 The 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> affordable units shall be ready for occupancy by a qualified purchaser (as such term is defined above) before the issuance of the 105<sup>th</sup> building permit at Bellows Farm Phases II, III, and IV.
- 3.6.4 Any additional affordable units shall be ready for occupancy by a qualified purchaser (as defined) as soon as possible thereafter.

Except as amended herein the Original Decision shall remain in full force and effect.

The Town of Acton Planning Board  
Signed on behalf of the Acton Planning Board



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Roland Bartl, AICP, Town Planner  
for the Town of Acton Planning Board

Copies furnished:

Applicant - certified mail # 2023962957  
Building Commissioner  
Health Director  
Town Clerk  
Town Manager  
Assistant Assessor  
ACHC ✓

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**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630

**Planning Department**

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November 1, 1999

Nancy Tavernier, Chair  
Acton Community Housing Corporation  
P.O. Box 681  
Acton, MA 01720

**Re: Accessible and Affordable Units**

Dear Nancy:

The Planning Board considered your request for clarification regarding the Bellows Farm accessible off-site affordable unit. The Board concluded that an affordable unit that is accessible to persons with disabilities as referred to in its decision 95-7, as amended, must be built or modified to the following two standards:

1. The unit shall be designed and constructed to be adaptable in the future to become a completely accessible dwelling unit that meets the criteria for a Group 2B residence as set forth in the State Building Code, 521 CMR (Architectural Access Board). The unit shall be laid out and designed so that any future adaptations to meet Group 2B standards may be made with only very minor structural changes. This means that, among other things, all access ways, ramps, doors, hallways, decks, and rooms must be arranged, sized, and laid out to meet Group 2B standards, or to be adaptable to Group 2B standards without requiring structural changes to the unit; walls in bathrooms shall be built to provide structural support to handrails and grab bars; kitchen cabinets shall be removable (under counter top) or adjustable in height (wall mounted cabinets); and there must be a designated space where a chair lift can be installed with very little structural changes if the unit has more than one story (including a basement).
2. In addition, the unit shall be equipped and adapted to meet the specific current needs of the first buyer\* while maintaining the unit's full adaptability to Group 2B standards without significant structural change. Before the sale of the unit to the first buyer, the unit shall be completed and equipped to meet the first buyer's particular needs due to his/her disability. The prospective buyer must identify and agree to the specific adaptations. We offer to give

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\* The first qualified buyer of the affordable unit, who has a disability; or the first qualified buyer with a person in his/her household who has a disability.

final approval to the list of specific adaptations that will be made for the first buyer. This would provide some checks and balances, if needed, and assurance that the unit complies with the Planning Board's decision as clarified herein.

We hope this will provide everyone with the guidance needed in this matter. To ensure compliance the developer should hire an architect who is familiar with 521 CMR. Finally, please consider this clarification to also apply to the accessible, affordable unit in the Harris Street Village project (Planning Board decision #99-1).

Sincerely,

A handwritten signature in black ink, appearing to read "Roland Bartl", with a long horizontal flourish extending to the right.

Roland Bartl, AICP  
Town Planner

Cc: Building Commissioner  
Town Manager  
Ronald B. Peabody  
Planning Board

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August 18, 2000

Mark O'Hagan  
MCO & Associates  
62 Green Road  
Bolton, MA 01740

Dear Mark:

The Acton Community Housing Corporation (ACHC) has received medical documentation that Ms. Baudreau qualifies for handicapped status for the First Time Homebuyers house located at 48 Conant Street, Acton. As stated in our letter of June 8, 2000 (copy enclosed) at the time of closing please have the Murray family provide certification that Mrs. Baudreau is a member of the household and will reside in the home.

To date the ACHC has not received the documentation outlined in our June 8, 2000 letter to determine the Murray family's eligibility for the LIP Program. Please have the family submit the requested paperwork before the actual date of closing.

Sincerely,



Naomi E. McManus  
Executive Director