

**Acton Community Housing Corporation**

**Nancy Tavernier, Chairman**

**TOWN OF ACTON**

Acton Town Hall

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January 7, 2011

Lauren Rosenzweig Morton, Chair  
Acton Board of Selectmen  
Town of Acton  
Acton, MA

Dear Lauren and Board Members,

The Acton Community Housing Corporation is writing to the Board to propose an approach that could result in the Town becoming more proactive in providing affordable housing units outside of the 40B process. We are asking the Selectmen to take a more assertive role to seek out opportunities for affordable housing support. This role comes into play when special permits for residential and mixed-use developments are being considered by either the Selectmen or the Planning Board. The recent focus on the pros and cons of Chapter 40B during the unsuccessful November Repeal 40B election campaign has prompted the ACHC to review the history of its efforts since 1986 in order to better inform the citizens about our work. We'd like to share some background information with you to put this request in context.

The ACHC began as a private, non-profit housing partnership group established by Town Meeting and the Selectmen in 1986. We are charged with facilitating affordable housing in the town. In 1996, ACHC converted to a Selectmen-appointed quasi-public body through a Home Rule petition. The Home Rule petition granted the ACHC broad powers not normally held by Town Boards. These powers give us great latitude such as the ability to hold and spend funds and acquire or sell property, all with the approval of the Selectmen.

The role of the ACHC is to act as the Town's initial contact with developers of proposed affordable residential housing projects. The most effective tool for the creation of affordable units is the "Comprehensive Permit". This is the common term used to describe the process of permitting affordable development using MA General Laws Chapter 40B. However, this is not the only way to acquire affordable units as our history will show.

Since 1993, ACHC has facilitated the addition of 43 affordable units purchased by income eligible first time homebuyers. All are deed restricted units in perpetuity. This is an average of 2.5 units per year, not an overwhelming number but progress in our eyes. Of these 43 units, 18

(40%) were not part of a 40B development but rather were provided by private developers through special permit conditions, or even voluntarily, in a desire to contribute to the affordable housing needs of the town. The most recent units acquired in this manner were four units in Somerset Hills as a condition of the special permit for the condo conversion in 2007 and one affordable unit in Faulkner Mill as a condition of the sewer connection special permit in 2009. In this same time period, close to \$1M has been donated to the Town, the ACHC and the Acton Housing Authority by private developers to support affordable housing. These housing gift funds have been used to offset costs and to acquire additional affordable units such as those in the Towne School rental housing project, Willow-Central, and Lalli Terrace. The Town has also successfully negotiated up to \$500,000 for affordable housing to be donated to ACHC by the developer of the Concord 40B development Alexan, assuming the development is built. We thank you for that support.

ACHC notes with concern several lost opportunities in recent years to request affordable units or financial contributions from developers of residential or mixed use projects. When the Bravo development of four condos across from Quill and Press came before the Board, ACHC requested a financial contribution to affordable housing as a condition of the permit to make up for the loss of the small ranch home. Our request was rejected by the developer and not pressed by the Board. The recent special permit deliberations on West Acton Trio did not include a discussion of providing an affordable unit even though it was an appropriate location. A recent proposal for the development of a site next to the Hosmer House does not appear to include affordable units. These developments are not 40B's.

Special permits coming before the Planning Board in the past few years have also not included a request for affordable housing although admittedly many of them are too small to make economic sense. We thought the Villages at Monument Place on Harris Street, which included several duplexes, would have been an ideal location for an affordable unit and we would have been happy to facilitate it. It was the Planning Board in the early 1990's that proactively asked developers to contribute to affordable housing, and many times they did. ACHC members were frequent attendees at special permit hearings to be sure the question would be asked.

Because ACHC has access to annual appropriations from CPA funds to use in the acquisition of property, we would be willing to participate in the funding of affordable units provided through a special permit. We are not looking for an outright gift from developers, recognizing the price of land may be the single biggest deterrent to this program. A combination of ACHC funds and the proceeds from the sale of the unit would likely cover the construction cost of the unit but not the land. In addition to the possibility of units or funds, a small piece of land donated by a developer would be welcome. ACHC could then develop it into affordable housing and if it were not a buildable lot, a 40B could be used.

In the past when developers donated affordable units or funding, they did so in good faith that the permitting process would be a positive experience and a collaborative effort without unnecessary delays. The permit granting boards and support staff should commit to an expedited review process to encourage developers to support our affordable housing efforts.

One of the least favorite of developers' activity is dealing with the paperwork to get DHCD approvals, the hiring of a lottery agent, and the legal complexities of creating deed restricted units that are not part of a 40B but still need to go through a similar marketing procedure. ACHC would be willing to take on this aspect of the permitting using our CPA funds to hire a lottery agent.

ACHC urges the Selectmen and Town Staff to include us in the discussion of affordable housing opportunities with developers at the earliest possible time after initial contacts have been made with town hall. ACHC would also like to be included in the discussion when the town is considering acquiring property by purchase, tax taking, land swaps or gifts. Even a small parcel that could be carved out of a larger open space parcel could hold a duplex building and could help offset the cost of acquisition. We think there are many creative ways to add one or two units a year without relying exclusively on 40B developments for progress.

In 2006, the ACHC funded a consultant to work with the Board of Selectmen and the Planning Board to create a Comprehensive Permit Policy. The Policy was adopted jointly by the Selectmen and the Planning Board to communicate the Town's preferences for housing developed under Chapter 40B. The Policy encourages applications for small-scale comprehensive permit developments in preferred areas of town. ACHC has noted that small in-fill housing options seem to be more acceptable to the residents of the town.

We hope the Board of Selectmen will become a pro-active body in the area of affordable housing when special permits come before you. We also hope you will encourage Town Staff to send developers to us for early negotiations. We had a fruitful discussion with Town Planner Roland Bartl and Planning Board Chair Ryan Bettez about these issues and they have promised to be on the look-out for opportunities to add affordable units to appropriate residential developments before them. We recognize that we also have a responsibility to attend meetings when developments are presented to reinforce our requests for donations of funds, units or land.

We thank you for your continuing support of our efforts.

Sincerely,

A handwritten signature in cursive script that reads "Nancy E. Tavernier".

Nancy E. Tavernier, Chair  
Acton Community Housing Corporation

Cc Ryan Bettez, Chair, Acton Planning Board  
Roland Bartl, Town Planner

## ACTON COMMUNITY HOUSING CORPORATION

### ACTON'S AFFORDABLE HOUSING MILESTONES

- 1990 Annual Town Meeting adopts Master Plan vision statements, including "Promote a wide range of economic diversity in housing including low and moderate income housing."
- Fall Special Town Meeting adopts the Affordable Housing Overlay District.
- Sub-district A includes most sizeable vacant or underdeveloped parcels around Town: 25% density bonus for +/-10% affordable units. Preserves single-family neighborhood character, but allows some duplexes.
- Sub-district B comprises less acreage. Includes, most vacant and underdeveloped parcels near designated commercial growth centers – villages and Kelley's Corner, and other parcels near established commercial areas. Allows up to 5 multi-family units per acre for +/-30% affordable units.
- 1993 (2)\* Acorn Park PUD – 74 single-family units plus one commercial building. Planning Board negotiated two off-site affordable units using existing housing stock. Completed.
- 1994 New View PCRC - 24 units in single-, duplex-, and triplex buildings with one on-site affordable unit plus \$100,000 contribution to Town affordable housing fund, all under sub-district A zoning regulations. Completed.
- 1995 (6)\* Bellows Farm PCRC, 1995 – 114 single-family units. Planning Board negotiated six off-site affordable units using existing housing stock. Completed.
- 1998 (4)\* Westside Village **40B project** (DHCD LIP)- Westside Drive off Sudbury Road. 16 single-family units, four affordable, on 5.25 acres. Completed. Base zoning was General Industrial, now Powder Mill Affordable Housing Overlay Sub-District B applies. Within walking distance are Powder Mill Plaza (Stop&Shop, CVS, banks, restaurants) and other restaurants, and stores in Acton and Maynard.
- 1999 (4)\* Harris Street Place Major Affordable Housing project (local sub-district B zoning with variance for 25% affordable units) - Jennifer Path & Samantha Way off Harris Street. 16 single-family units, four affordable, on 3.3 acres. Completed Base zoning is Residence 10/8. Affordable Housing Overlay Sub-District B applies. Adjacent to Great Road commercial area – convenience store, liquor store, clothing store, restaurant, etc.
- 1999 Annual Town Meeting confirms affordable housing goals in 1998 Master Plan Update.
- 2001 (1)\* Dunham Lane OSD – 10 single-family homes plus one on-site affordable unit rehabbing existing home. Lottery held March 2005.

- 2002 Acton adopts the Community Preservation Act. A minimum of 10% of the Community Preservation Funds will be used annually for the acquisition, creation, preservation, and support of community housing.
- 2002 (3)\* Crossroads Condominium **40B project** (New England Fund)- At 248 Main Street. 12 townhouse units, three affordable. Completed in 2004. Abutting and within walking distance to Kelley's Corner commercial area
- 2002 Robbins Mill PCRC – 90 single-family homes. The Planning Board negotiated a \$400,000 donation to the affordable housing fund. Approved. Construction underway in 2005. Town received funds, retained in housing gift fund under control of Selectmen.
- 2002 Colonial Acres IV PCRC – 23 single-family homes. The Planning Board negotiated a \$300,000 contribution for affordable housing to the Acton Housing Authority. Approved. Construction completed.
- 2003 (3)\* Inn at Robbins Brook – Selectmen negotiated 3 rental units at the Assisted Living facility for low Income seniors. Local preference is given to 2 of the 3 units.
- 2003 Affordable Housing Plan prepared with State funds. State approved the project . \$30K from the Executive Order 418 funding of Community Development Plans. By State requirements, the project completed 6/30/04.
- 2004 (3)\* Franklin Place Ch. **40B project** (MassHousing Finance Agency) located at 520 Main St. adjacent to Acton Center. Originally proposed at 32 units. ZBA approved a smaller project of 12 units of Cape-style duplexes. Occupancy September 2005.
- 2005 (2)\* Fort Pond Brook Place Ch. **40B project** (DHCD LIP) located at 68 River St. 8 units in 4, 2 unit townhouses in farmhouse design, with 2 affordable units. Occupancy January 2006.
- 2004-5 The Woodlands at Laurel Hill Ch. **40B rental project** (MassDevelopment) located at 80-82 Nagog Park.  
 (296)\* Proposed to be 296 rental units, 1 and 2 bedrooms, located in Acton. Became Avalon Acton in December 2006. An additional 64 2-BR condo units for 55+ housing. (phase cancelled by developer) ZBA approved December 2005. Under construction 2007. Occupancy began October 2007.
- 2006 (3)\* Blanchard Place Ch. **40B project** (DHCD LIP)for 139 Prospect St. 12 units of 2 and 3 BR condo units, with 3 affordable units. Approved by ZBA September 2006. Occupancy Spring 2008.
- 2006 (2)\* Davis Place **40B project** (DHCD LIP) at 159 Prospect St. 8 units of 3BR condo units with 2 affordable units. ZBA approved September 2006. Completed October, 2007.

- 2006 (1)\* Robbins Brook. Townhouse development as part of Robbins Brook assisted and independent living complex in North Acton. Approved by Selectmen 2003 & 2006. 4 units to be sold to income eligible elderly households of age 55+. Occupancy expected by late 2007. One unit occupied in 2007. The three additional unit requirement was removed by the BOS in 2010.
- 2005 (2)\* Madison Place located in North Acton. **40B project** (DHCD LIP). Proposed to be 8 units in 3 BR duplexes, similar in design to Franklin Place. Approved by ZBA, February 2007. Construction 2008. Occupancy of first unit September 2009.
- 2007 (3)\* Willow/Central Residences. **40B project** (DHCD LIP) developed through ACHC on town-owned land in West Acton. A duplex built on Central St. and a bungalow on Willow St. Project approved by ZBA December 2006. RFP to find developer in March 2007. Developer selected, April 2007. Construction began October 2007. Occupancy in Spring 2008.
- 2007 (4)\* Somerset Hills located on Wampus Ave. Condo conversion project approved by BOS June 2005. 2, 2-BR and 1, 1-BR units available for sale to first time homebuyers at reduced price. Two units sold to first time homebuyers, 2 units acquired by Acton Housing Authority.
- 2007 (3)\* Ellsworth Village. 33 unit age-restricted development (55+) approved by Planning Board under Senior Residency zoning bylaw. 3 units (10%) to be sold to income eligible elderly households. Occupancy expected by Spring 2008. One unit built and occupied in 2008. Second unit occupied November 2009. The third unit is under construction in 2010.
- 2007 (1)\* Condo buydown unit at Parker Village. Occupied 2007.
- 2008 (15)\* Towne School building conversion to 15 affordable rental units. **40B project** (Mass. Housing Partnership Fund) Abutting and within walking distance of Kelley's Corner commercial district. Delayed due to procurement process question at state level. Developer selected May 2006. Lease signed by Selectmen December 2006. Comp Permit granted in 2008. Occupancy expected Spring 2011. (not included in inventory count until fully funded)
- 2008 (3)\* Lalli Terrace. **40B project** (DHCD LIP). Small 4 unit development in Kelley's Corner, 1 existing 4BR home and 3 new 2BR townhouses. Non-profit charitable developer providing funding for project with three affordable units and one income restricted unit (120% AMI). Comp Permit granted in 2008. Construction in 2009, and occupancy in 2010.
- 2008 (1)\* Habitat for Humanity. Three bedroom single family home constructed on town-owned land on River St. using donated materials and labor. Occupied by household of five in 2008. Unit approved by DHCD in 2009 for inclusion on Subsidized Housing Inventory.

2009 (1)\* Faulkner Mill. 20 unit development in South Acton Center allowed under village zoning. 1 affordable 2BR unit provided as a condition of the sewer connection. Occupied in 2009.

2009 (2)\* Richardson Crossing and Marsh View. **40B project.** (MassHousing Finance Agency) Two 4-unit developments of single family homes by same developer on separate parcels. Hearing at ZBA November-February 2010. Marsh View denied, 3/2010. Richardson Crossing approved. Both appealed. Approval for Marsh View was negotiated with Town Counsel and ZBA. Two front homes redesigned to have a lower profile.

2010 (2)\* 99 Parker St. **40B project.** (DHCD LIP) One existing farmhouse and four single family homes including one handicapped accessible. Creative approach to drainage and site design. Hearing at ZBA summer of 2010. Construction begins 12/10

\* Number of affordable units in project  
12/10

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**TOWN OF ACTON**  
**SUBSIDIZED HOUSING INVENTORY REPORT**  
**40B and other deed restricted affordable units**  
**January 2011**

**Commonwealth of Massachusetts**

<u>Project Name</u>	<u>Type</u>	<u>Total 40B units</u>
DMR Group Home	rental	18
DMH Group Home	rental	10
Sub-total (MA)		<b>28</b>

**Acton Housing Authority Units**

<u>Project Name</u>	<u>Type</u>	<u>Total 40B units</u>
McCarthy Village	rental	35
Windsor Ave. Apts.	rental	68
Scattered site condos	rental	31
McCarthy Village II*	rental	12
Group home	rental	12
Sub-total (A.H.A.)		<b>158</b>

**Miscellaneous**

<u>Project Name</u>	<u>Type</u>	<u>Total 40B units</u>
Habitat for Humanity (River St.)	ownership	1
Sub-total (Misc.)		<b>1</b>

\*Approved but not constructed

**Acton Community Housing Corporation Units**

<u>Project Name</u>	<u>Type</u>	<u>Total affordable units</u>
Acorn Park, scattered sites	ownership	2
Bellows Farm, scattered sites	ownership	6
Harris Village	ownership	4
Westside Village (40B)	ownership	4
Crossroads Condos (40B)	ownership	3
Inn at Robbins Brook	rental	3
Franklin Place (40B)	ownership	3
Fort Pond Brook Place (40B)	ownership	2
Dunham Place	ownership	1
Woodlands at Laurel Hill (40B) (Avalon Acton)	rental	296 (60 actual)
Davis Place (40B)	ownership	2
Blanchard Place (40B)	ownership	3
Robbins Brook	ownership	1
Ellsworth Village	ownership	2
Willow-Central (40B)	ownership	2
Drummer Rd.	ownership	1
Somerset Hill	ownership	2
Faulkner Mill	ownership	1
Lalli Terrace (40B)	ownership	2
Madison Place (40B)	ownership	2
Old High School Commons (Towne)*	rental	15
93 Central St.*	ownership	1
113 Central St.*	ownership	1
99 Parker St.*	ownership	2
Sub-total (ACHC) ownership		47
Sub-total (ACHC) rental		314
<b>Sub-total ACHC units</b>		<b>361</b>
<b>TOTAL SUBSIDIZED UNITS counted toward 10%</b>		<b>548</b>
Census 2000 Year housing units		7,645
<b>Percentage subsidized units</b>		<b>7.2%</b>

\*Approved but not constructed

January 2011