

TO: Dore' Hunter  
Board of Selectmen

November 8, 2004

FROM: Paul Gaboury  
Glen Kaufmann

11/15  
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SUBJECT: Sylvia Street 8 unit 40B development

Two weeks ago we distributed a binder to each member of the Board in preparation for a presentation on the first. In that binder, under our memo to the Board was a summary of our work with the Abutters since early April. Like our Fort Pond Brook project, which the Board unanimously approved, we have taken the DHCD's Local Initiative Program (LIP) or "friendly 40B" approach to planning for this project.

We have met with the abutters regularly, reviewed and presented our proposal to the ACHC three times. Early on, the ACHC expressed some concern as to the density of the project in this neighborhood of 20,000 sq. ft. lots. We also presented the project to the Planning Board twice (latest 11/9) and finally held our public meeting October 27<sup>th</sup>. It was attended by most direct abutters.

At that meeting most of the attending abutters, while appreciating our efforts in designing the project and consulting with them, indicated that they did not want any 40B development of any size. Given this the ACHC Chair asked us to analyze a high end 4 unit project (like Franklin Place). We concluded that, other than an 8-unit project, only a 6-unit with one affordable would be financially viable. We presented these results to the ACHC at our third meeting with them on November 4<sup>th</sup>.

The ACHC voted to approve the six unit proposal at that meeting on the basis of one affordable and one with an option to buy at market included in the six. Two of six direct abutters attended. The State will not allow a six unit development with only one affordable unit (must be two). The only solution is use of the local affordable housing zoning bylaw – Section 4.4.

#### **PRESENTATION TO THE BOS 11/15**

1. Presentation of the Sylvia Street Project as detailed in your binders - 8 units with 2 affordable
2. Review of the compromise – 6-unit with 1 affordable
3. Review of the Town Bylaw and Board of Appeals (BOA) approval issues
4. Parallel filing with the Town BOA (6units including 1 affordable) and the State (8 units including 2 affordable)
  - a. MassHousing vs. the Department of Housing & Community Development

#### **GOAL for the presentation:**

1. Educate the BOS on the Project
2. Seek a vote to endorse the compromise 6 unit with 1 affordable using the Town Bylaw
3. Seek a vote to endorse the simultaneous filing with the State for an 8-unit project. Note: The ACHC Chair indicated the ACHC would oppose this goal)

If the Town's Zoning Board of Appeals grants a variance for the 6 unit, one affordable project, we will commit to that size project in lieu of the 8 unit (including 2 affordable units) project and seek the Planning Boards approval.

# An alternative to Chapter 40B/LIP

## Use the Towns Affordable Housing Zoning By-laws

Applies to both the Affordable Housing District Overlay – Sub-district A & B. Sub-district B is known as a “Major” affordable Housing

### Section 4.4:

- Increase the supply of housing to low and moderate income households
- Encourage greater diversity
- Promote a reasonable mix and distribution of housing opportunities

### Current Zoning By-laws for Affordable Housing – Section 4.4 of the Zoning Bylaw

- Applies to Designated Affordable housing overlay districts (7, 12 Sylvia & 5 Fletcher)
  - Major affordable housing development

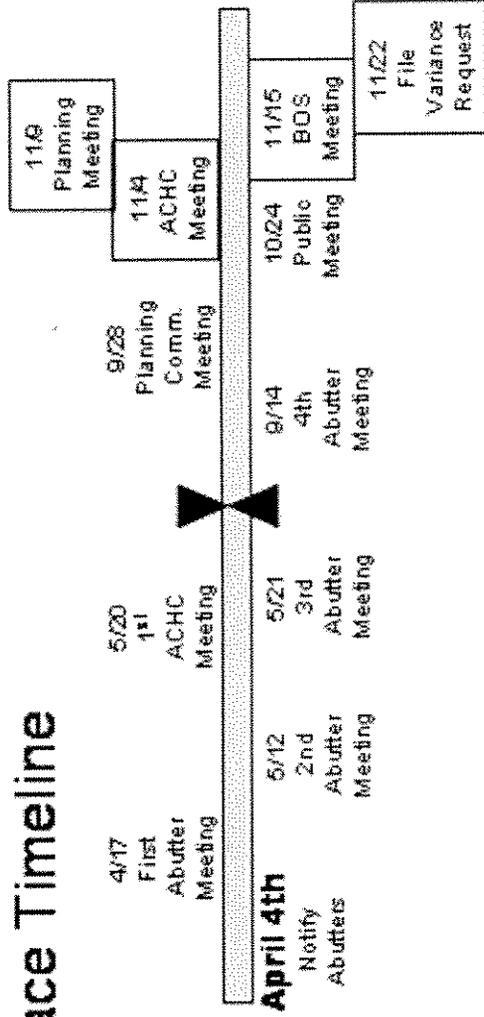
Zoning Rule	Variance?
▪ 5 units per acre allowed	Increase to 5.75
▪ 80,000 square feet minimum land area	Reduce to 50,000
▪ 50’ border buffer from all structures	Reduce to 5
▪ 20’ minimum separation of buildings	OK
▪ Minimum tract of land - 50’ wide	OK
▪ Maximum height 36’	OK
▪ Selling Price = 2.2 * AMI \$82,600 = \$185,850 ○ (Adjusted Median Income)	\$191,350 as per DHCD equation
▪ The number of affordable units is calculated by one of the following – round up all fractions <ul style="list-style-type: none"><li>○ 40% of the units to be sold to moderate income households (State requires 25%)</li><li>○ 30% sold to Acton Housing Authority</li><li>○ 20% donated to the Acton Housing Authority</li></ul>	One (1) affordable

NOTE: This is our understanding of the Town Bylaw, Section 4.4. It was reviewed with the Planning Department. However, there may be elements that were missed. We will update the Board, should this occur.

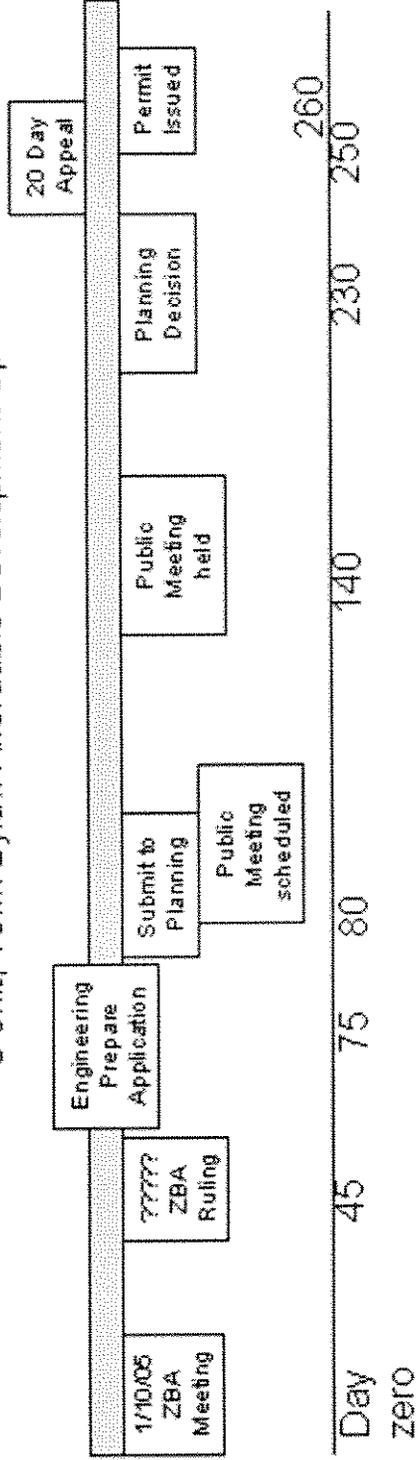
## THE FOLLOWING CHARTS

We have attached a timeline summarizing the work to date and a worst case scenario timeline for a ZBA and MassHousing application.

# Sylvia Place Timeline



# 6 Unit, Town Bylaw Affordable Development Option



# 8 Unit, Mass Housing Affordable Development Option

