



ACTON PLANNING BOARD

Minutes of Meeting
June 22, 2004
Acton Town Hall

Planning Board members Mr. Ed Pearson (Vice Chair), Mr. Hart Millett, Mr. Christopher Schaffner, Mr. Patrick Halm, Mr. Greg Niemyski and Ms. Stacy Rogers were in attendance. Also present were Town Planner, Mr. Roland Bartl, Assistant Town Planner, Kristin Alexander, and Planning Board Secretary, Ms. Maura Haberman. Ms. Lauren Rosenzweig (Chairman) was absent.

Mr. Pearson called the meeting to order at 7:38 PM.

I. **Citizens Concerns:**

No citizens concerns were presented.

II. **Executive Order 418 - Community Development Plan-Final Wrap-up**

Ms. Judi Barrett, a planning consultant for Community Opportunities Group, Inc., presented her findings and recommendations for the Town of Acton. This strategic plan was funded by a \$30,000 state grant that Acton received last year. Acton residents and members of Acton's boards and committees participated in the planning process.

Ms. Barrett opened her presentation with this set of recommendations:

- (1) Managing Comprehensive Permits (40B projects) through zoning and a local policy initiative
- (2) Primary responsibility for the policy should lie with the Board of Selectmen and the Planning Board
- (3) Secondary responsibility with the ACHC and staff.

Ms. Barrett stated that 40B's are a fact of life in most eastern MA communities and many local objections are valid—i.e.: planning and land use, financial, market driven projects. However, most communities would not address the housing need without the "threat" of comprehensive permits. Ms. Barrett showed that Acton is currently in the "wealth-belt" of Massachusetts.

Ms. Barrett recommended management of 40B housing with use of a Comprehensive Permits Policy, which is overseen by the BOS and the Planning Board. This policy would be a statement of what Acton wants from affordable housing developers, such as preferred locations, acceptable tradeoffs, and "small project" streamlining-policy preferences. Ms. Barrett recommended encouraging 40B development in areas already zoned for higher density use in Acton, avoiding, for instance, ecologically sensitive areas. Ms. Barrett encouraged the Town's pursuit of Local Initiative Program (LIP) Comprehensive Permits instead of the traditional Comprehensive Permits as a way of managing Chapter 40B projects. An affordable housing production plan ("Planned Production" by State terminology) could be an asset if the town faces large Comprehensive Permit applications. However, the annual target for Acton would be 58 affordable units, an unrealistic number.

Ms. Barrett recommended replacing the existing affordable housing zoning overlay district with a new inclusionary zoning provision requiring all developments of 6+ units to provide affordable housing units. Inclusionary zoning with or without a special permit has recently won approval by the Attorney General. The drawbacks: slow process and slow progress; time sensitivity; requires oversight by town to assure that units are placed on State subsidized housing inventory and remain affordable long term. Other zoning options discussed were single-to-multi conversions by right (rather than by special permit) where multifamily housing is already allowed subject to inclusion of affordable units, and allowing "ECHO" units (small detached accessory units) in addition to traditional accessory dwellings at least in districts that already allow two-family dwellings. Ms. Barrett recommended modifying the Senior Residence Community Bylaw to require inclusion of "below-market" housing for the elderly. Ms. Barrett discussed infill development with affordable housing as a smart growth strategy. It could be accomplished with frontage waivers or reduction in frontage requirements without requiring increases in lot sizes.

Also, there are many condominiums in Acton which sell at prices considered affordable under Chapter 40B, except that they are without the necessary deed restriction. Ms. Barrett recommended that Acton obtain funding to purchase such deed restrictions and to purchase existing Chapter 40B homeownership units upon resale if eligible homebuyers cannot be found.

In conclusion, Ms. Barrett stated that, if Acton's only goal is to reach 10% (the states affordable housing goal) quickly, then Acton should recruit Chapter 40B rental developers. However, if Acton's goal is to provide maximum affordable housing benefits, she would recommend that Acton not rely on Chapter 40B projects, but develop its own strong affordable housing policy.

Public Questions and Comments:

Q. Many units in the town are priced at the level of being affordable—you have to buy them—are there other methods to keep them affordable? Deed restriction. Buying out the value. It is affordable to the occupant/owner?

Q. Is there a list of existing affordably priced units? Ms. Barrett said that a ratio analysis/windshield survey has been done and she thinks about 250-300 homes in Acton could be candidates.

Q. Do you see a possible dumbbell effect cranking up prices? It is already happening and Ms. Barrett talked about such an incident on the Cape. This has concerns.

Comment: Nancy Tavernier, ACHC: The idea of ECHO units is very interesting. There are very nice ECHO units on Nantucket. In Acton, they would require new regulations to allow them.

Comment: Be very thoughtful of how we can use a single family house. Get more people into single family homes. Low to middle income households are really the hurting group today. Giving density incentives allows for more affordability.

Comment: Encourage Planning Board to look at zoning and non-zoning by-laws to protect town character.

Comment: Ms. Mitchell Hart talked about an example of a development of 20 affordable units in Carlisle. The land was purchased through CPA funds. Much of the land remains in open space. The town sponsored this project.

Q. Is there something available in tabular format that would show what it would take for Acton to get to that 10% affordable housing 40B? Not at the moment.

Comment: There is a need for affordable housing, a critical need to make it more possible for people who make around \$30k to live in Acton. They have a right to live here.

Planning Board Comments and Questions:

Ms. Rogers asked about some suggestions for protecting open space areas. Ms. Barrett suggested that it should be made hard for 40B developers to do projects in significant open space areas, but the only real protection is to buy it.

Ms. Rogers asked about how to get abutters involved and educated. Ms. Barrett suggested initiating early communication with people around the site location so that they know before they get their certified letter for the public hearing.

Ms. Rogers: Most people don't want affordable housing. How do you get them to accept it? Ms. Barrett: One can work on process improvements, but most people just don't want it. The Town could make policy decisions and stand by them.

Mr. Niemyski asked how many affordable units we currently have in Acton. Approx. 172 affordable units. Mr. Niemyski stated that he finds affordable units very important and that the best way to increase affordable units is to increase the affordable apartments stock as it is not easy to make a start in homes or condos—goals need to be set.

Mr. Millett said the presentation was good and he had no questions. However, he stated that he would like to preserve Acton's quality now as we know it.

Mr. Schaffner asked Ms. Barrett about the successful 40B process providing incentives—what should we provide as a town and what should our response be? Ms. Barrett said that you should tell developers where you would let them build 40B projects and where you want higher density. Also, Ms. Barrett suggested that besides a Master Plan, a Comprehensive Permit Policy should be implemented. Mr. Schaffner suggested that the town establish a funding source to buy deed restrictions on properties

Mr. Pearson commented that the solutions require detailed management by the Town.

Ms. Barrett suggested that you do what you can to manage the process and achieve collective annual goals. Mr. Pearson asked about conversion of multi-family units and possible tax incentives to convert to 2-family. Ms. Barrett said that there is a home-rule option to achieve that. Provincetown has one similar. Mr. Pearson asked if this is easy to do. Mr. Bartl stated that it may take up to three years. Mr. Bartl said that we need to look forward to making steps towards progress. Currently, volunteers do the most of the work. Mr. Bartl asked Ms. Barrett if there can be a system to pay commissions to realtors to do this work. Ms. Barrett said that everything has to go to legislature that is "outside of the box" however, yes, it can be worked out if it is built into the process and if it can be funded.

Ms. Barrett aims to have a draft report to Mr. Bartl next couple of weeks. The deadline commitment to the State is June 30, 2004, but there is a little room for delay.

III. Consent Agenda

The minutes of 6/8/2004 were approved as written.

IV. Reports

CPC: Mr. Schaffner reported that the CPC met a week and a half ago and the focus was a letter to successful applicants. It was felt that bounds had been overstepped and the letter is being redrafted.

OLAC: Mr. Millett reported that currently OLAC is not active. A letter was submitted to the Selectman last Tuesday suggesting that OLAC remain active for 3 more years.

EDC: No report at this time, next meeting is scheduled this coming Thursday.

MAGIC: Mr. Pearson reported that on June 10 at a meeting in Concord, they had elected officers. They are requesting a letter from the Towns telling who their representatives are. MAGIC's preference is to have a Planning Board member and a Selectman participating

Mr. Peter Ashton had been Acton's MAGIC representative previously. A blackboard session was held to hammer out a list of six top priorities.

V. Discussion – Colonial Acres IV Subdivision

Mr. and Mrs. Cranin of 20 Notre Dame Road requested a Planning Board site visit to the ongoing construction on Squirrel Hill Road, as they have complaints regarding the width of the driveway and that the project is not running on-time. A call had been made to Mr. Sweeney and currently the project is slated to be finished in mid-July once the leaching beds have been completed. Ms. Rosenzweig had noted to the Board that the Cranin's also felt the Planning Board failed to issue proper protections for them and informed the Planning Board that they indicated they may seek legal action on this matter. After further discussion, the Planning Board felt that the developer's actions so far are in step with the Planning Board's subdivision approval. Mr. Niemyski moved to forego a site visit, to take the matter under advisement, and to put Mr. Sweeney on notice to keeping the project on schedule - vote: 5-0-1.

The Planning Board thanked Mr. Pat Halm for his 10 years of service as this was his final Planning Board meeting.

The meeting adjourned at 9:55 p.m.