



Planning Board

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov

INTERDEPARTMENTAL COMMUNICATION

To: Board of Appeals

Date: November 21, 2006

From: Planning Board

Subject: Madison Place Comprehensive Permit Application – 737 Main Street

The Planning Board has reviewed the new proposal for Madison Place and wishes to signal general support for the project as now conceived. The proponent deserves applause for his efforts to resolve the issue of the historic house on the site, which is now to be relocated to a separate new lot on the north side of the proposed development. The applicant presented his original proposal to the Planning Board last year. At the time, Planning Board members made certain requests and suggestion. To the extent they still apply, they are included in the following:

Comments:

- The affordable unit deed restrictions should run in perpetuity. This project should not be approved without such perpetual restriction.
- The affordable unit costs should be below the regulatory maximum.
- Initially the Board requested a path connection to the future adjacent rail trail (BFRT) through the back of the property. However, there is a critical habitat area that might make a path undesirable. This was not a high priority since rail trail access is available from Main Street not very far northerly from the development site.
- The garages should be recessed somewhat and the builder should pay attention to good color variations, since the units appear to be all of the same design.
- The applicant requests two waivers from the Acton Subdivision Rules:
 - To allow T-turnaround legs 10 feet shorter than otherwise required. If the proposed street is to remain a private way, the smaller plowing equipment generally used by private contractors should be able to maneuver in the smaller space while leaving sufficient snow storage area in the turnaround legs.
 - To allow an intersection approach grade of 3% rather than the 2% otherwise required. This small increase in an uphill approach to Main Street will not be a problem.

The location and size of the project fit with the Town's 40B policy that the Planning Board has also ratified. Attached is an updated 40B policy summary evaluation sheet. In light of the current "moratorium on 40B projects", as many of the "N's" (does not meet policy standards) as reasonably possible should be changed to "Y's" as an outcome of the 40B hearing and permit process.

cc:

Town Manager

ACHC

Dennis Ring (for applicant)

I:\planning\zba\madison place 40b 1.doc

PROJECT EVALUATION SUMMARY – MADISON PLACE

EVALUATION CRITERIA ¹	Small-Scale Project		Medium-Scale Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
I. DEVELOPMENT PREFERENCES						
Types of Housing						
<i>Includes a mix of unit styles and sizes</i>						
<i>Includes no more than 15% 3-BR units</i>						
Location	X					
<i>Site is in or within ½ mile of a village center or Kelley's Corner</i>	X	Y				
<i>Site is in another Preferred Location</i>	X	n/a				
Mixed-Use Development						
<i>Includes compatible nonresidential uses</i>						
<i>Some or all units are upper-story</i>						
Density and Scale	X					
<i>For site in a Village Center or Kelley's Corner, FAR does not exceed .80</i>	X	n/a				
<i>For site outside the Village Centers and Kelley's Corner, in other locations or for large-scale projects, FAR does not exceed .25</i>	X	Y				
<i>Height conforms to zoning</i>	X	Y				
<i>Development comprised of approximately 12 units or less</i>	X	Y				

¹ Reviewers should record their evaluation by indicating "Y" (yes) or "N" (no) for each criterion that applies to the project, based on the category that most closely fits the type of project under review.

EVALUATION CRITERIA ¹	Small-Scale Project		VPS Standard Applies	VPS Standard Y/N	VPS Standard Y/N	VPS Standard Y/N
	Standard Applies	Y/N				
Building & Landscape Design Considerations	X					
Buildings & Site						
<i>Building designs similar to highly-rated residences in VPS</i>	X	Y ¹				
<i>Buildings oriented to the street or around courtyard</i>	X	Y				
<i>Side and/or rear parking</i>	X	N				
<i>Walkability: sidewalks, internal pathways</i>	X	Y ²				
<i>Connectivity: linked to surrounding neighborhoods or commercial areas</i>	X	N ³				
<i>No adverse impact on historic/architectural significance (may be N/A)</i>	X	Y ⁴				
Open Space & Natural Resources						
<i>Open space at least 50% of site</i>						
<i>Not more than 50% of open space is wetlands</i>	X	Y				
<i>Open space is directly accessible to residents of the development</i>	X	Y				
<i>Landscaping emphasizes low-water-use plantings</i>	X	Y ⁵				
<i>Outdoor irrigation system is designed to conserve water</i>		n/a ⁶				
Site Plan Standards						
<i>Substantially conforms to ZBL Section 10.4, Site Plan Standards</i>	X	Y ⁷				
Public Benefits						
<i>Provides public benefits in addition to affordable housing</i>						
<i>Additional public benefits include:</i>						
<i>Pedestrian amenities</i>						
<i>Park and recreation amenities</i>						
<i>Contribution to a local capital improvements project appropriate to the scale of proposed development</i>						
<i>Contribution to Town's affordable housing fund</i>						

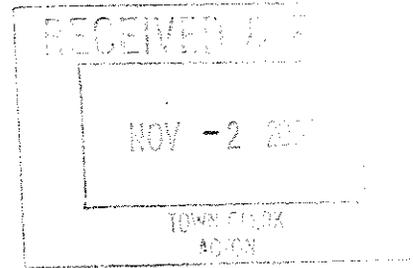
EVALUATION CRITERIA ¹	Small-Scale Project		Medium-Scale Project	Large-Scale Project
	Standard Applies	Y/N		
II. AFFORDABILITY PREFERENCES				
Percentage of Affordable Units				
<i>Development provides more than 25% minimum affordable units</i>				
<i>Additional affordable units are for LMI households</i>				
Income Targets				
<i>One or more units priced for households at/below 70% AMI</i>	X	Y ⁸		
<i>Includes any units priced for households at 50% AMI</i>				
<i>Includes any units priced for households at 31-50% AMI</i>				
<i>Includes any units priced for households at 81-110% AMI</i>	X	N		
Term of Affordability				
<i>Use restriction will be perpetual</i>	X	N ⁹		
III. AFFIRMATIVE MARKETING & LOCAL PREFERENCE				
Local Preference Units				
<i>Offers 70% local preference units</i>	X	Y ¹⁰		
Affirmative Marketing Experience				
<i>Team includes person/organization with prior affordable housing lottery experience</i>	X	Y ¹¹		

EVALUATION CRITERIA ¹	Small-Scale Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N
IV. LARGE-SCALE PROJECT PUBLIC BENEFIT CRITERIA				
Project provides any of the following benefits:				
<i>Transportation management</i>				
<i>Traffic mitigation</i>				
<i>Significant contribution to local capital improvements fund</i>				
<i>Significant contribution to Town's affordable housing fund</i>				
<i>Provision of additional affordable units in off-site locations</i>				
<i>Donation of developable land to the Town for affordable housing, community facilities, other public purposes</i>				

REVIEWER'S COMMENTS	
1	(Building designs similar to highly-rated residences in VPS) VPS means Visual Preference Survey reported in the 2004 "To Live in Acton" report. The proposed building design generally meets this test, except that the highly rated designs in the survey included only one single-family dwelling with garages facing out to the street. All other highly rated designs had no garages or garages were not visible from the street.
2	Sidewalk on Main Street frontage shown. Internal walkways missing, but do not seem necessary in this small scale development.
3	Extension of Main Street sidewalk to Harris Street suggested in lieu of internal walkways and in lieu of connecting trail to future Bruce Freeman Rail Trail in rear or property.
4	The existing historic house is to be relocated to an adjacent lot.

Town of Acton Comprehensive Permit Policy

- 5 Lawn areas are relatively small. According to the Acton Tree Warden - soil preparation specifications should require little or no watering after initial planting; proposed plant species tend to do well or adequate without irrigation.
- 6 It appears that no irrigation is proposed.
- 7 No waivers are requested from this section of the zoning bylaw. The application requests two waivers from the Acton Subdivision Rules. They seem both minor and appropriate in the given context.
- 8 According to DHCD determination of site eligibility dated 9/9/2006 both units are capped at 70%. The Board of Appeals might consult with the ACHC to see if CPA funds could be used to further lower the maximum sale price of one or both affordable units.
- 9 It might have been missed, but a review of the proposed restrictive documents did not reveal a perpetual affordability restriction.
- 10 Both affordable units are proposed for initial lottery sale to household that meet Acton local preference criteria.
- 11 The developer's prior project experience includes 40B project and other projects with affordable units.



**737 Main Street, LLC
178 Great Road
Acton, MA 01720**

Lois K. Taylor

November 1, 2006

VIA HAND DELIVERY

Board of Appeals
c/o Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

RE: Madison Place, Acton, MA (the "Project")

Dear Sir or Madam,

Pursuant to M.G.L. c. 40B, §§20-23, please find enclosed an original and 18 copies of the Comprehensive Permit Application for the above-referenced 8 unit condominium project we're proposing at 737-741 Main Street, Acton, MA 01720.

Enclosed herewith for your consideration is the following information:

- 1) Comprehensive Permit Application Form, including (i) Development Impact Report, (ii) Designer's Certificate, (iii) Development Schedule, (iv) Unit Composition Schedule and (v) Development Pro Forma;
- 2) Copy of the Article of Organization for 737 Main Street, LLC (the "Applicant");
- 3) Certificate of Legal Existence for the Applicant;
- 4) Copy of 2006 Annual Report for Applicant;
- 5) Member's Certificate from Applicant;
- 6) Proposed, DRAFT Regulatory Agreement;
- 7) Copy of Project Eligibility Letter from Department of Housing & Community Development;
- 8) Copy of Site Control Documentation (Deed to Site);
- 9) Certified List of Abutters;
- 10) Use Description;
- 11) Existing Site Conditions;
- 12) Proposed, DRAFT Condominium Master Deed;

- 13) Proposed, DRAFT Condominium Trust;
- 14) Proposed, DRAFT Affordable Housing Deed Rider & Monitoring Services Agreement;
- 15) Drainage & Water Balance Calculations;
- 16) Earth Removal Calculations;
- 17) List of Requested Exemptions to Local Bylaws, Requirement & Rules and Regulations;
- 18) 40B Affordability Worksheet;
- 19) Proposed, DRAFT Marketing and Outreach Plan Lottery Plan for Affordable Units;
- 20) Market Study/Analysis;
- 21) Developer Information/Resume;
- 22) Local Needs Report;
- 23) Town of Acton Chapter 40B Subsidized Housing Inventory Report; and
- 24) Site Plan(s) & Architectural Plan(s).

Please also find enclosed a check made payable to the "Town of Acton," in the amount of \$1,000.00, which represents the requisite filing fee for the application.

It is our understanding that the Town of Acton has approved a Comprehensive Permit Policy dated April, 2006 which creates incentives for Small Scale Projects, (12 units or less) including but not limited to, the Board of Appeals making every reasonable effort to conclude the public hearing process within three sessions and bring its decision with the Town Clerk not later than 30 days after the close of the Public Hearing.

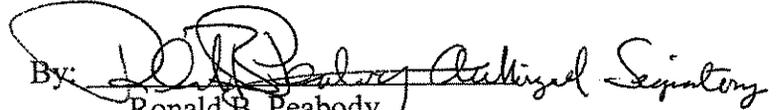
As a result of this project being limited in scale (8 units), we'd presume it will be reviewed according to the Small Scale Project review guidelines.

Please feel free to contact Jennifer Shea at 978.360.2725 with questions or concerns.

[signature page to follow}

Very truly yours,

737 Main Street, LLC

By: 
Ronald B. Peabody,
Authorized Signatory

Comprehensive Permit Application Form

Refer to the "Rules and Regulations for Comprehensive Permits" available from the office of the Board of Appeals for detailed permit filing requirements. Contact the Building Department at 264-9632 with any questions. Incomplete applications may be denied.

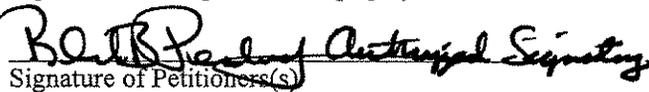
- | | | |
|----|--|--|
| 1. | Street Address of the Site:
Name of the Proposed Development: | 737-741 Main Street
Madison Place |
| 2. | Applicant's Name:
Address:
Tel.: 978 263-6166 Fax: 978 264-4049 | 737 Main Street, LLC
178 Great Road, Acton. MA 01720
e-mail: jenn@nwdevelopment.com |
| 3. | Record Owner Name:
Address:
Telephone: | 737 Main Street, LLC
178 Great Road, Acton, MA 01720
978 263-6166 |
| 4. | Zoning District(s) of Parcel(s):

Town Atlas Map(s)/Parcel Number(s): | R-2

Map D-5, Parcels 9 & 10 |
| 5. | a) Total development site area:
b) Number of dwelling units:
c) Number of affordable units:
d) Number of units accessible or adaptable
for persons with disabilities:
e) Total open space area:
g) Total length of road(s):
i) Method of wastewater disposal: | 2.42 acres
8
2
8
2.11 acres
Public = 0' Private = 308'
Private, on-site septic system |

The undersigned hereby apply to the Planning Board for a Comprehensive Permit under M.G.L. c. 40B, §§ 20-23. The undersigned hereby certify that the information on this application and plans submitted herewith are correct, and that, to the best of his/her knowledge, the application complies with all applicable provisions of Law and Regulations.

Signed under the penalties of perjury in accordance with M.G.L. c. 268, § 1A.


Signature of Petitioner(s)

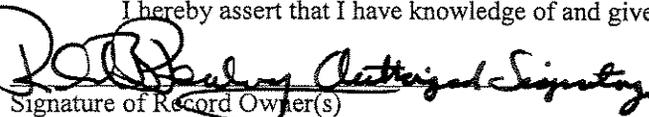
11/1/06
Date

Signature of Petitioner(s)

Date

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.


Signature of Record Owner(s)

11/1/06
Date

Signature of Record Owner(s)

Date

COMPREHENSIVE PERMIT DEVELOPMENT IMPACT REPORT

The Development Impact Report (DIR) is intended to assist the Board of Appeals in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town.

The DIR seeks to summarize the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts that could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will assist the Town in planning ahead to provide adequate services in the future. The Board of Appeals hopes that the DIR, early consultations with the Town staff, and the applicant's continuing cooperation throughout the development review process, will foster an atmosphere, in which a development of excellent quality and design will emerge that helps meet housing needs and is sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with a comprehensive permit application. However, it is recommended that it be given to Town staff already at the preliminary review stage, even if portions are incomplete at that time. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields should be consulted as necessary.

**Comprehensive Permit
Development Impact Report
for
Madison Place**

1. **Name of Proposed Subdivision:** Madison Place
2. **Location:** 737-741 Main Street, Acton, MA
3. **Name of Applicant(s):** 737 Main Street, LLC
4. **Brief Description of the Proposed Project:** 8-Unit Residential Development
5. **Name of individual preparing this DIR:** Robert Elliott/Dennis Ring

Address: R. Wilson & Associates, 312 Great Road, Littleton, MA
737 Main Street, LLC, 178 Great Road, Acton, MA 01720

Business Phone: Robert Elliott – (978) 486-0203
Dennis Ring – (978) 360-2723

Fax: Robert Elliott – (978) 486-0644
Dennis Ring – (978) 264-4049

E-Mail: Robert Elliott – relliot@rwilsonassociates.com
Dennis Ring – dring@nwdevelopment.com

Professional Credentials: Robert Elliott, P.L.S.
Dennis Ring – N/A

A. Site Description

7. **Present permitted and actual land uses by percentages of the site**

<u>Uses</u>	<u>Percentage</u>
Industrial	0%
Commercial	0%
Residential	100%
Forest	0%
Agricultural	0%
Other (specify)	0%

8. Total acreage on the site: 2.42 acres

<u>Approximate Acreage</u>	<u>At Present</u>	<u>After Completion</u>
Meadow or Brushland (non-agriculture)	0.00 acres	0.00 acres
Forested	1.32 acres	0.90 acres
Agriculture (orchards, cropland, pasture)	0.00 acres	0.00 acres
Wetland (BVW)	0.03 acres	0.03 acres
Water Surface Area	0.00 acres	0.00 acres
Flood Plain	0.00 acres	0.00 acres
Unvegetated (rock, earth or fill)	0.00 acres	0.00 acres
Roads, buildings and impervious surfaces	0.10 acres	0.58 acres
Other (indicate type) Lawn	0.97 acres	0.91 acres

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: include zoning overlay districts*

<u>District</u>	<u>Percentage</u>
R-2	100%
Groundwater Protection District Zone 3	100%

10. Predominant soil type(s) on the site: Hinckley Loamy Sand – 100%

Soil drainage (Use the US Soil Conservation Service's definition)

<u>Soil Type</u>	<u>% of the Site</u>
Well Drained	100%
Moderately Well Drained	N/A
Poorly Drained	N/A

11. Are there bedrock outcroppings on the site? Yes No

12. Approximate percentage of proposed site with slopes between:

<u>Slope</u>	<u>% of the Site</u>
0% - 10%	38.4%
10% - 15%	33.1%
> 15%	28.5%

13. In which of the Groundwater Protection Districts is the site located? How close is the site to a public well?

Zone(s): 3 Proximity to a public well: 4,300' (Conant 1)

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts Natural Heritage Program and the Acton Natural Resources Director).

Yes* No

If yes, specify: A portion of the site was shown to contain Estimated Habitat for Rare and Endangered Species, however, the proposed development preserves the habitat. A letter describing the findings of the Department of Fisheries and Wildlife is included as Exhibit A.

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formations or granite bridges? Yes No

If yes, specify: N/A

16. Are there any established footpaths running through the site or railroad right of ways? Yes No*

If yes, specify: * There are no established footpaths running through the site, however the site does abut an abandoned railroad right of way that is slated to be redeveloped as a portion of the Bruce Freeman Rail Trail.

17. Is the site presently used by the community or neighborhood as an open space or recreation area? Yes No

Is the site adjacent to conservation land or a recreation area?

Yes No

If yes, specify: There is Town of Acton Conservation land located to the east, across the railroad right of way, NARA Park, located ½ mile north of the site, and Veterans Memorial Field (Little League), located ½ mile south of the site.

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view? Yes No

If yes, specify: N/A

19. Are there wetlands, lakes, ponds, streams or rivers within or contiguous to the site? Yes No

If yes, specify: There is a small area of bordering vegetated wetlands (BVW) located in the northeast corner of the site.

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws? Yes No

21. Has the site ever been used for the disposal of hazardous waste?
 Yes No

Has a 21E Study been conducted for the site? Yes No

If yes, specify results: N/A

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste? Yes No

If yes, specify: N/A

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Acton Historical Society). Yes No

If yes, please describe: The existing building on the site is known as The Charles I. Miller, house, as listed on the Town of Acton Cultural Resource Inventory. See Exhibit B.

24. Is the project contiguous to or does it contain a building in a local historic district or national register district? Yes No

25. Is the project contiguous to any section of the Isaac Davis Trail?
 Yes No

If yes, please describe: N/A

B. Circulation System

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed development?

Average Weekday Traffic:		5 per unit
Average Peak Hour Volumes:	(Weekday Morning)	8
Average Peak Hour Volumes:	(Weekday Evening)	8
Average Peak Hour Volumes:	(Saturday)	16

27. Existing street(s) providing access to the proposed subdivision:

Name: Main Street (Route 27) Town Classification: Arterial

28. Existing intersection(s): List intersections located within 100 feet of any access to the proposed development.

Harris Street – 700' north
Quarry Road – 900' north
Wyndcliff Drive – 800' south

29. Location of existing sidewalks within 1000 feet of the proposed site: None

30. Location of proposed sidewalks and their connection to existing sidewalks:

There is a proposed sidewalk along the frontage of the site – No connection to any existing sidewalks.

31. Are there parcels of undeveloped land adjacent to the proposed site?

Yes No

Will access to these undeveloped parcels be provided within the proposed site?

Yes No

If yes, please describe: N/A

If no, please explain why: N/A

C. Utilities and Municipal Services

32. What is the total number of bedrooms proposed? 24

33. If the development has a non-residential component, what will be its size?
N/A

34. Storm Drainage

- a. Describe the type, location and surface water body receiving current surface water of the site:

The site drains to a wetland area at the northeasterly corner of the site, which then drains to a perennial stream which is a tributary of Nashoba Brook.

- b. **Describe the proposed drainage system and how it will alter existing drainage patterns:**

Run-off from impervious surfaces; roads and driveways, will be collected in deep sump catch basins with hooded outlets and routed through a water quality structure, then into an underground recharge system. The system is designed to handle up to a 100-year storm, with an emergency overflow to grade at the rear of the buildings. A large portion of the site will remain undeveloped, with no disturbance to the existing drainage pattern.

- c. **Will a NPDS Permit be required?** Yes No

35. **Estimate the Fire Department response time to the site:**

3-5 minutes per consultation with the Fire Department and Mapquest

36. **Schools (if residential)**

- a. **Projected number of new school age children:** 0.38 to 0.58 per unit – Total of 3 to 5 students (CHAPA study entitled “Housing the Commonwealths School Age Children” August, 2003)
- b. **Distance to nearest school:** Conant Elementary - +/- 3 miles

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

37. **Prevent surface water contamination**

Run-off from impervious surfaces; roads and driveways, will be collected in deep sump catch basins with hooded outlets and routed through a water quality structure, then into an underground recharge system. The system is designed to handle up to a 100-year storm, with an emergency overflow to grade at the rear of the buildings. A large portion of the site will remain undeveloped, with no disturbance to the existing drainage pattern.

38. **Prevent groundwater contamination**

Run-off from impervious surfaces; roads and driveways, will be collected in deep sump catch basins with hooded outlets and routed through a water quality structure, then into an underground recharge system. The system is designed to handle up to a 100-year storm, with an emergency overflow to grade at the rear of the buildings. A large portion of the site will remain undeveloped, with no disturbance to the existing drainage pattern.

39. Maximize groundwater recharge

The proposed recharge area is designed to infiltrate all stormwater collected, up to a 100-year storm event.

40. Prevent erosion and sedimentation

Haybales and silt fence will be installed and maintained at the limits of work for the duration of the construction. The developed area is located outside the limits of all resource areas, including the 100' buffer zone from wetlands, and the 200' riverfront offset.

41. Maintain slope stability

The majority of the development is located at the westerly side of the site, where the slopes are flattest. The steeper areas to the easterly side of the site will remain undisturbed.

42. Design the project to conserve energy

The homes will be constructed to Energy Star standards.

43. Preserve wildlife habitat

The developed area is located primarily within the existing lawn area. In addition, we filed a notice with the Massachusetts Department of Fisheries and Wildlife, Natural Heritage and Endangered Species Program. We received written confirmation that our project would not result in a prohibited "take" of rare or endangered species. A copy of the letter is included as Exhibit A.

44. Preserve wetlands

The developed area is located outside the limits of all resource areas, including the 100' buffer zone from wetlands, and the 200' riverfront offset.

45. Ensure compatibility with the surrounding land uses

The surrounding neighborhood is comprised entirely of residential dwellings. The proposed project is also residential, therefore there should be no issues regarding the compatibility.

- 46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the pre-development rate of runoff for the 10-year storm event**

As previously stated, the runoff from impervious surfaces will be collected in deep-sump catch basins, and routed through a water quality structure prior to discharging into an infiltration system designed to recharge the stormwater back into the ground. The system will be designed to mitigate up to a 100-year storm. In addition, a large portion of the property will be left undisturbed, thereby lessening the impact on pre vs. post-development runoff.

- 47. Preserve historically significant structures and features on the site**

Our proposal includes the relocation of an existing, historical home from the development site onto a separate lot. The house and attached barn were once owned and occupied by Charles I. Miller, the North Acton Station Master. Our permitting team worked closely with representatives from the Acton Historical Commission and the Massachusetts Historical Commission to develop a Memorandum of Understanding, which guarantees the preservation of the home, and mitigates adverse impacts by using stones from the existing foundation to memorialize the original location of the Charles I. Miller house & barn. A copy of the Memorandum is included in Exhibit B.

- 48. To mitigate the impact of the traffic generated by the development.**

Due to the relatively small scale of the development, and the existing traffic volumes on Main Street, we feel the impact of the new traffic generated by the proposed development will be minimal. The site entrance was placed to maximize site distance, thereby making entering and exiting the site safe and convenient.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

**Comprehensive Permit
Unit Composition Schedule**

Type of unit		Number of units	Number of baths/unit	Gross Sq.Ft./unit	Unit sales price or monthly rent	Homeowner's association/condominium fee
1-bedroom	Affordable					
	Market rate					
2-bedroom	Affordable					
	Market rate					
3-bedroom	Affordable	2	2.5	2,100	\$168,700.00	\$125.00
	Market rate	6	2.5	2,100	\$570,000.00	\$250.00
4-bedroom	Affordable					
	Market rate					
5 or more bedrooms	Affordable					
	Market rate					
Totals		8	20	16,800	\$3,757,400.00	\$1,750.00/month



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

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor ♦ Jane Wallis Gumble, Director

September 9, 2006

Mr. Peter Ashton
Chair, Board of Selectmen
Town Hall – 472 Main Street
Acton, MA 01720

Mr. Ronald Peabody
737 Main Street LLC
178 Great Road
Acton, MA 01720

RE: Madison Place – Local Initiative Program
Determination of site eligibility and preliminary approval under LIP

Dear Mr. Ashton and Mr. Peabody:

I am pleased to inform you that your application, based in part on revised submissions recently received, for Local Initiative Program (LIP) designation for the proposed Madison Place project in Acton, Massachusetts, has been approved, subject to the fulfillment of the conditions listed below. This approval is based on your application that sets forth a plan for eight (8) units of home ownership mixed income housing, of which two (2) will be LIP units. DHCD is setting the proposed sale price of the LIP units to be affordable to a household of four (4) at 70% of the area median income, which will assure that the LIP unit price is generally consistent with the standards for affordable housing to be included in a community's Chapter 40B affordable housing stock. The project sponsor, 737 Main Street LLC, owns the 3.34 acre site. As part of the review process, the Department of Housing and Community Development (DHCD) conducted a site visit February 23, 2006. LIP staff subsequently reviewed the supplementary and revised material received since that visit, and 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. DHCD has performed an on-site inspection of the proposed project site.
3. The proposed housing design is appropriate for the site.
4. The proposed project appears financially feasible in the context of the Acton housing market.
5. The pro forma received for the project appears financially feasible on the basis of estimated development costs.
6. 737 Main Street LLC the general eligibility standards of the Local Initiative Program.

The proposed project will be required to comply with all state and local codes not specifically exempted by a comprehensive permit. In applying for a comprehensive permit, the project sponsor should identify all aspects of the proposal that will not comply with local requirements.

The endorsement of Madison Place by the Acton Board of Selectmen fulfills the requirement of local action under 760 CMR 45.00.

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 prior to starting construction. Information concerning both the regulatory agreement and the procedures that must be followed for the sale of the individual affordable unit will be forwarded to you by DHCD. In preparation for signing of the regulatory agreement, the DHCD legal office will review the comprehensive permit and other project documentation. Additional information may be requested as is deemed necessary. Your cooperation in providing such materials will help the project move toward construction as quickly as possible.

As stated in the application, the Madison Place project will consist of 8 units, two (2) of which will be LIP units eligible for inclusion in the town's subsidized housing inventory. These affordable homes will be marketed and sold to a first-time homebuyer household whose annual income may not exceed 70% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development. The initial purchase price for the affordable unit will not exceed \$168,700. We note that the Acton Community Housing Corporation (ACHC) may seek to use CPA funds for a partial "buy-down" of the affordable units; DHCD should be informed of any adjustments to lower the price as stated here. The town may consider this issue in the hearings for the comprehensive permit. DHCD finds that setting the sales price for both units at 70% of affordability may provide some flexibility between 60% and 70% should the town decide to authorize a lower than maximum allowable sales price for one or both units.

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

1. Submission to DHCD of the finalized details of the comprehensive permit, a marketing plan and the lottery to be held for the LIP units. All marketing and lottery procedures shall follow the most recent *LIP Guidelines* in effect at the time of the issuance of the comprehensive permit. An announcement of the lottery shall be mailed to the Metrolist Clearinghouse in Boston City Hall, and posted on the web-site of Citizens' Housing and Planning Association, www.chapa.org/housing_lotteries.htm, and Massachusetts Affordable Housing Alliance web-site, www.mahahome.org/.

The town may determine local preference criteria for one of the units. Town residents and town/school employees are both applicants in the local preference pool. Acton may choose to have the resident pool include parents and/or children of current Acton residents and/or other applicants with ties to Acton. Any local preference definition must be approved by DHCD. Definitions containing durational residency criteria will not be accepted.

The local preference pool must reflect the minority representation of the Boston-Quincy-

Cambridge PMSA as defined by HUD. The lottery process must ensure that creating local preference for a percentage of the LIP units will not have a discriminatory impact on potential minority applicants. For details, please refer to "Buyer/Tenant Selection" in the "Local Initiative Program Guidelines".

2. DHCD must approve the terms of the end loan financing for the LIP units. It is the Department's expectation that mortgages for the LIP units will be 30-year fixed-rate loans at or below current fair market interest rates at the time of closing. A 5% down payment is required.

3. DHCD must approve any changes to the application as reviewed and approved, including, but not limited to, alterations in unit mix, sales price, development team, unit design, or site plan. As the Madison Place project nears completion of construction, DHCD staff will visit the site to ensure that the development meets program guidelines.

4. All LIP units in a development phase shall have an executed purchase and sale agreement prior to commencement of construction of subsequent phases.

5. Evidence shall be submitted to DHCD that affordable homes in this development are covered by a third-party extended warranty of at least five years in duration recognized as acceptable by a federal agency such as the Federal Housing Administration (FHA).

6. As 737 Main Street LLC intends to serve as contractor and marketing agent for this development, follow the guidance contained in the MHP publication *Local 40B Reviews and Decision Guidelines* (November 2005), including the determination of profit for identities of interest as explained on page 14 and in Appendix B relating to ownership developments.

Please note: prior to the sale of any units in the project, DHCD must review and approve the Schedule of Beneficial Interest included in the condominium master deed.

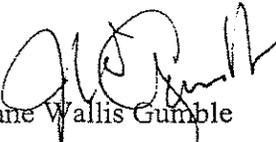
The percentage interests assigned to the Low and Moderate Income Units must conform to the condominium fees DHCD approves for the Low and Moderate Income Units in this project, which may require a lower percentage interest being assigned to such units as compared with comparable market-rate units.

Also, within three months of occupancy of the units, the Project Sponsor must submit to both DHCD and the Chairperson of the Board of Selectmen a *project cost accounting* prepared by a certified public accountant. The project sponsor must sign and return the statement at the end of this letter acknowledging this requirement. Further, DHCD will include in the regulatory agreement for this project a requirement that the project sponsor post a bond to guarantee submission of the project cost accounting (see 760 CMR 45.04 [10]).

This letter shall expire two years from this date, or on September 12, 2008, unless a comprehensive permit has been issued and construction has begun.

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 Marilyn Contreas (telephone: 617-573-1359).

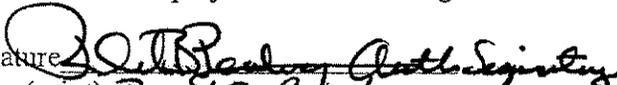
Sincerely,


Jane Wallis Gumble
Director

cc: Roland Bartl, Town Planner - Town of Acton
Don Johnson, Town Manager - Town of Acton
Nancy Tavernier, Acton Community Housing Corporation (ACHC)
Jon Wagner, Chair, Zoning Board of Appeals - Town of Acton
Anderson and Krieger LLP - Acton Town Counsel
✓ Jay R. Peabody, Esq., Graham and Harsip, P.C.
Policy Office, DHCD
Legal Office, DHCD.

RESPONSIBILITY FOR COST CERTIFICATION:

By your signature below, 737 Main Street LLC acknowledges and accepts this approval letter, including the obligation under law to provide the Department of Housing and Community Development and the Acton Board of Selectmen with a project cost accounting.

Signature 
Name (print) Ronald B. Peabody
Date: 11/1/06

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

Madison Place - Acton, Massachusetts

LOCAL INITIATIVE PROGRAM – COMPREHENSIVE PERMIT PROJECT

Sponsors:
Ronald Peabody, Manager
737 Main Street LLC
178 Great Road
Acton, MA 01720

Project Address:
737 Main Street
Acton, MA 01720

This project will provide ownership opportunities according to the proposed division of affordable LIP and market units:

Type of Unit	# Units	# Bdrms	# Baths	Gross SF	Sales Price	Homeowner Assoc./ Condominium Fee
L.I.P. Units	2	3	2.5	@ 2,100	\$168,700	\$125/month
Market Units	6	3	2.5	@ 2,100	\$570,000	\$250/month
Total Units	8					

**Madison Place
Comprehensive Permit Application
Section 3.5 – Use Description**

The proposed site at 737-741 Main Street, is located in the R-2 residential zoning district, and consists of a single family home with attached barn on 3.34 acres. Our proposal includes the creation of a separate, 0.92 acre lot, onto which the existing house and barn will be relocated.

Of the remaining 2.42 acres, approximately 1.32 acres are forested, 0.97 acres are lawn, 0.30 acres are wetlands, and 0.10 acres are covered by the existing building & driveway.

Upon completion of the development, 0.90 acres of forested land will remain, 0.91 acres will be lawn, the wetlands will remain unchanged, at 0.30 acres, and 0.58 acres will be covered with impervious surfaces such as buildings, roads and driveways.

The development will consist of the construction of 4 duplex style buildings, for a total of 8 units. In accordance with Chapter 40B, 25%, or 2 of the units will be made available to households meeting the appropriate income guidelines. It is anticipated that the affordable units will be sell for approximately \$168,700.00, and the market rate units will sell for \$570,000.00.

The units at Madison Place will be a condominium form of ownership, as will be the open space. There are no improvements proposed for the open space.

The project does not include any non-residential uses, and it is not expected to generate, store, use or dispose of any hazardous materials or waste.

Madison Place
Comprehensive Permit Application
Section 3.6 – Existing Site Conditions

Madison Place is a proposed 8-Unit, residential development to be constructed at 737-741 Main Street. The property currently consists of an existing, single family home with attached barn set on 3.34 acres of land. The existing house is known locally as the Charles I Miller house, and is listed on the Town of Acton's Cultural Resource Inventory. We have signed a Memorandum of Agreement with the Massachusetts Historical Commission, the Acton Historical Commission and the Massachusetts Department of Housing and Community Development (DHCD) relative to the preservation of the house and barn. Our proposal includes the creation of a separate, 0.92 acre lot, onto which the existing house and barn will be relocated, and monuments erected using stones from the existing foundation. The proposed development will be sited on the remaining 2.42 acres of land.

The topography of the site is relatively flat where it abuts Main Street, with moderate to steep slopes at the easterly side of the site adjacent to an abandoned railroad right of way. Approximately ½ of the site is currently lawn area, with a gravel driveway serving the existing home. The remainder of the site is wooded, including a small area of wetlands at the northeast corner. The proposed development is designed to remain almost completely within the existing lawn area, with minimal tree clearing required for the construction of the septic system.

The immediate neighborhood consists of single family homes of varying ages and architectural styles. Open space and recreational opportunities include access to Town Conservation land to the east, NARA Park ½ mile to the north, and Veterans Memorial Field ½ mile to the south. The abandoned railroad right of way located to the east is slated to become part of the Bruce Freeman Rail Trail, though no formal access is proposed due to site topography and environmental concerns.

The project is designed to have minimal impact on wetlands and wildlife habitat. An Abbreviated Notice of Resource Area Delineation (ANRAD) was filed in order to identify the limits of wetlands and other resource areas. The proposed development is located entirely outside of all of the identified resource areas, including all buffer zones. In addition, we filed a notice with the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program, relative to the projects proximity to an area of estimated habitat for rare or endangered species. Upon review of our project, we received notification that our project would not result in a prohibited "take" of state-listed rare species. (See Exhibit A following the Development Impact Report)

Following the re-location of the existing house & barn, the project will consist of the construction of approximately 308 lineal feet of paved roadway, ending at a "T" style turn-around suitable for emergency vehicles. The road construction is proposed to comply as closely as possible with all applicable standards and specifications of the Town of Acton Subdivision Rules and Regulations. The proposed site entrance will be situated so as to meet or exceed the sight distance requirements, and the traffic generated by the development is expected to be minimal in comparison to the overall traffic volume on Main Street. A private, on-site sewage disposal system, designed in full compliance with Title V and the Town of Acton Board of Health Regulations, will serve the project. Due to the small scale of the project, impacts on municipal services are expected to be minimal. Information regarding such things as Fire Department response times, estimated number of school age children, etc., can be found in the Development Impact Report.

**Madison Place
Comprehensive Permit Application
Section 3.15 – Local Laws and Regulations / Non-Compliance**

Town of Acton Zoning Bylaw

Pursuant to M.G.L. Chapter 40B §§ 20-23, these waivers are requested to allow an increased density, and provide for the construction of 2 affordable dwelling units.

Section 3.1 – Table of Principal Uses

Waiver required to allow multi-family dwellings in the R-2 Residential District

Section 3.3 – Residential Uses

Waiver required to allow the construction of more than one residential building on a lot

Town of Acton Subdivision Rules and Regulations

Section 8.1.14 – Table II – Vertical Design Standards

Waiver requested to allow grade of 3% within 50' of an intersection vs. 2% as required by the design standard

The 3% grade allows for a consistent slope into the development, and the location of the driveway allows for sight distances well in excess of the minimum required by Table III. We feel this waiver is justified due to the low intensity of the development, and the minimal traffic impact expected.

Section 8.1.18.2.c – T-Shaped Turnaround

Waiver requested to allow the legs of the turnaround to be less than 70' as required by the design standard.

The waiver is requested in order to maintain a vegetated buffer from the abutting property, and to preserve existing vegetation. The proposed design is adequate for turning an SU-30 vehicle as typically required.

Town of Acton Board of Health Regulations

No waivers requested

Town of Acton Wetlands Bylaw

No waivers requested

40B AFFORDABILITY WORKSHEET - ESTIMATES

MSA: Median Income 70% of Median/Sale Price 80% of Median/Sale Price

Acton * (3 Bedroom)	Boston	\$82,600.00	\$168,700.00	\$191,000.00
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* Boston MSA 4 Person household	Annual Income	Monthly Income	30% of Monthly Income
70% of Area Median Income	\$59,535.00	\$4,961.25	\$1,488.38
80% of Area Median Income	\$66,150.00	\$5,512.50	\$1,653.75

- Assumptions**
- 1) 5% down payment
 - 2) Interest Rate for 30 yr. Fixed at 6.75%, per Freddie Mac's Weekly Mortgage Market Survey (7/13/06)
 - * since gone down 6.31% as of 9/28/06
 - 3) Property Taxes: Acton - 14.58
 - 5) Association Fee = \$125.00/month

Acton**80% Median Income****70% Median Income**

Home Price	\$191,000.00	\$168,700.00
Down Payment	\$9,550.00	\$8,435.00
Mortgage Amount	\$181,450.00	\$160,265.00
Principal/Interest	\$1,176.89	\$1,039.48
Property Taxes	\$232.07	\$204.97
PMI	\$117.94	\$104.17
Association Fee	\$125.00	\$125.00
	\$1,651.90	\$1,473.62
DCHC Guideline	\$1,653.75	\$1,488.38