



Planning Department

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MEMORANDUM

To: Planning Board

Date: April 8, 2013

From: Kristen Domurad-Guichard, Assistant Planner *KDG*

Subject: Ellsworth Village – Affordable Housing Unit

Section 3.2.10 of the original Ellsworth Village Special Permit required two affordable units to be sold at or below 80% of the Boston Metropolitan Statistical Area (MSA) for two-person households, and one affordable unit to be sold at or below 70% of the Boston MSA. Two units have been sold at the 80% Boston MSA for \$150,000.

James Fenton of Ellsworth Village LLC. submitted a request to the Planning Board to amend the Ellsworth Village Senior Residence Special Permit under Section 9B.12.9.2⁽¹⁾ of the Zoning Bylaw by proposing a donation of \$25,000 in lieu of selling the last condominium as an affordable unit.

The Acton Community Housing Corporation, monitoring agent for the Town, has recommended several alternative options in lieu of selling the last affordable unit at Ellsworth Village. One suggestion for a monetary contribution was determined by using the same calculation used for the Robbins Brook Senior Housing⁽²⁾ request to make a donation in lieu of selling the unit as affordable. The Acton Community Housing Corporation states they determined the contribution by finding the difference between the market rate and the affordable selling rate at 70% of Boston MSA or about \$190,900 – \$220,800 for Ellsworth Village. To the best of our knowledge this is the standard method for determining the value of a subsidy for an affordable housing unit that contributes to the subsidized housing inventory.

The Zoning Bylaw does not specify a specific calculation to determine the monetary contribution; however it does require the amount to be sufficient for the Town or its designee to create off-site affordable family or individual persons' housing which must be eligible for inclusion in the subsidized housing inventory. Therefore, the Planning Board should determine what amount would be an adequate monetary contribution to meet the requirements of the bylaw. The Planning Department staff recommends the Board consider that the affordable unit in question was to be sold to qualified households with incomes at or below 70% of the Boston MSA. Please note any change to the number of affordable units would also trigger an amendment to the Ellsworth Village Regulatory Agreement, Condominium Master Deed and any other documents related to the affordable units.

⁽¹⁾ ***Zoning Bylaw Section 9B.12.9 was adopted after the original Ellsworth Village Special Permit was issued:***

9B.12.9 *Affordable Housing Alternatives – The Planning Board in its special permit may authorize or require the substitution of required AFFORDABLE SENIOR RESIDENCES with:*

9B.12.9.1 *Off-site AFFORDABLE DWELLING UNITS, which shall be in suitable condition for family or individual persons' housing as the Planning Board may determine, and eligible for inclusion in Acton's subsidized housing inventory under M.G.L Chapter 40B; or*

9B.12.9.2 *Monetary contributions for affordable housing programs made to the Acton Community Housing Program Fund in an amount sufficient for the Town or its designee to create off-site affordable family or individual persons' housing, as the Planning Board may determine, and eligible for inclusion in Acton's subsidized housing inventory under M.G.L. Chapter 40B.*

⁽²⁾ *The Residences at Robbins Brook was approved under a Site Plan Special Permit and Use Special Permit for a Full Service Retirement Community. There was and is no Zoning Bylaw requirement outside of the special permit decision to provide affordable units and no density bonus was granted for this type of permit. The applicant for The Residences at Robbins Brook agreed to provide low and moderate income units as a condition of the permit.*

Ellsworth Village was approved under a Senior Residence Special Permit in which a density bonus was awarded for providing three affordable units in accordance with Section 9B.12.