



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

MEMORANDUM

To: Planning Board **Date:** July 14, 2016
From: Kristen Guichard, AICP, Assistant Town Planner
Subject: **Hearing #16-05, Comprehensive Permit – 248 High Street**

Location: 248 High Street
Owner: 248 High Street LLC
Applicant: Joseph Levine, on behalf of 248 High Street LLC
Engineer: David E. Ross Associates Inc.
Proposed Lots: 8
Proposed Units: 8 new dwelling units (2 Affordable Units)
Proposed Streets: Adeline Way
Land area: 1.51 acres
Town Atlas Map/Parcel: J3 Parcel 7
Zoning: Residential 4 (R-4)

Please find the Planning Department's comments on the application for Adeline Way Comprehensive Permit attached, beginning with the project evaluation summary table from the Town's Comprehensive Permit Policy (the project is evaluated under the "Small-Scale Project" column) including reviewer comments as footnotes. This is augmented by additional review comments in regular memo format below.

Additional Comments

1. The application appears to meet the jurisdictional prerequisites required to file a comprehensive permit application:
 - a. **Applicant must have site control:** The Applicant has provided a Deed showing the transfer of ownership from Elizabeth H. Rader to 248 High Street LLC, recorded on 2/11/2016 as Bk 66792/Pg 231.
 - b. **Applicant must be a public agency, non-profit organization or limited dividend organization:** The Applicant has provided a letter from the Secretary of the Commonwealth certifying 248 High Street LLC as a Limited Liability Company.
 - c. **Project must be fundable by a Subsidizing Agency under a low or moderate income housing subsidy program:** The Applicant has provided a letter from the Department of Housing and Community Development (DHCD) approving project eligibility under the Local Initiative Program (LIP).

2. The Master Declaration of Protective Covenants refers to a plan prepared by “Goldsmith, Prest & Ringwall, Inc. Plans submitted were prepared by “David E. Ross Associates”. This seems like a typographical error but should be revised.
3. Section 29, Waiver Requests from the Town of Acton Local Regulations breakdowns waivers from the Subdivision Rules and Regulations, Zoning Bylaw and local Wetlands Protection Bylaws for distance require from the vernal pool shown on the plan. Most of the waiver requests do not seem objectionable due to the low-speed/low-volume nature of the proposed development. However, the Planning Department suggests the following items be addressed:
 - a. Section 8.1.18: Cul-de-sac turnaround is required but not provided. The Planning Department defers to the Acton Fire Department.
 - b. Section 9.1.1: No sidewalk is contemplated within Adeline Way. In lieu of constructing a sidewalk, the applicant could offer a donation to the sidewalk fund. If a donation is offered, the standard calculation for subdivisions is \$20/foot of subdivision street [$\$20 \times 230 \text{ feet} = \$4,600$]. The Plan shows a sidewalk easement on the plan to accommodate the existing sidewalk on the property, but does not incorporate the entire existing sidewalk location. Please see the Engineering Department’s memo for more details.
 - c. Section 9.3: The Applicant clarified a typographical error in their Waiver List (Please see email from Rob Olivia, dated 7/12/16). The Applicant will install concrete bounds along the street, per Section 9.3 and will install property line markers.
 - d. This section of High Street is located on a Scenic Road. The project does not contemplate the removal of trees or stone walls along the site. If the applicant does pursue any removal, a public hearing will be required at such time with the Planning Board and Tree Warden.
4. 248 High Street is not listed on the Acton Cultural Resource List, but is listed on the Massachusetts Cultural Resource Information System. Therefore, the Acton Demolition Delay Bylaw was triggered. The Acton Historic Commission reviewed the request to demolish the structure and granted a demolition permit for after September 9th. (Also, please see the Director of Local Government Programs at Massachusetts Historic Commission, Christopher Skelly’s, and email dated July 11, 2016.)

A question was raised as to whether a review was required by Massachusetts Historical Commission (MHC). The Planning Department contacted Ryan Maschi of MHC and Alana Murphy of the Department of Housing and Community Development (DHCD) to provide further clarification:

40B projects that trigger a State/Federal permit or license or receive Federal or State funding are required to submit a Project Notification Form to MHC. The Planning Department confirmed with DHCD that although they are the “subsidizing agency” they **do not** provide any funding, rather technical assistance to the municipality to assist with project review (please see email from Alana Murphy). The “subsidizing agency’s” Site Approval Eligibility Letter does not meet the definition of a permit or a license, and therefore does not trigger MHC review. The Planning Department is not aware of any other Federal or State permits required by this project. If MHC has a review role, it would be after the Comprehensive Permit is issued by the Town and final approval is issued by DHCD should

DHCD decide to file an Environmental Notification Form MEPA. Please note MHC is currently in the process of preparing written guidance for 40B projects to clarify this information for communities.

5. Waivers from the Comprehensive Permit Rules and Regulations are discussed in the project evaluation sheet. Please be sure to read associated footnotes.
6. This development will trigger the Stormwater Bylaw and will be subject to a Land Disturbance permit to be issued by the Engineering Department.

PROJECT EVALUATION SUMMARY – ADELINE WAY

(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	
	Standard Applies	Y/N (1)
I. DEVELOPMENT PREFERENCES		
Types of Housing	X	Y
<i>Includes a mix of unit styles and sizes</i>		
<i>Includes no more than 15% 3-BR units</i>		
Location	X	N
<i>Site is in or within ½ mile of a village center or Kelley’s Corner</i>	X	N
<i>Site is in another Preferred Location</i>	X	Y ²
Mixed-Use Development		
<i>Includes compatible nonresidential uses</i>		
<i>Some or all units are upper-story</i>		
Density and Scale		

² Site is located ½ mile from the Powder Mill shopping plaza; sidewalks extend along High Street from the site to the plaza. In addition, the site has existing infrastructure with town sewers.

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EVALUATION CRITERIA ¹	Small-Scale Project	
	Standard Applies	Y/N (1)
<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 ³
<i>Height conforms to zoning</i>	X	Y ⁴
<i>Development comprised of approximately 12 units or less</i>	X	Y
Building & Landscape Design Considerations	X	Y
Buildings & Site		
<i>Building designs similar to highly-rated residences in VPS</i>	X	Y ⁵
<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	N
<i>Connectivity: linked to surrounding neighborhoods or commercial areas</i>	X	Y ⁶
<i>No adverse impact on historic/architectural significance (may be N/A)</i>	X	N ⁷

³ Floor Area Ratio of the Site is .25

⁴ The plans do not show actual height dimensions for the dwelling units, but home designs look to be normal two-story residential dwellings- which would meet the requirements of the bylaw

⁵ VPS stands for Visual Preference Survey – see Acton Comprehensive Permit Policy, Appendix C at <http://ma-acton.civicplus.com/DocumentView.asp?DID=114>. Material selection for the exterior finish is not clear. Planning staff recommends the applicant consider a more durable exterior than wood.

⁶ Although no sidewalks are proposed within the development, existing sidewalks connect the site to the Powdermill Plaza and surrounding neighborhoods.

⁷ The House is not on the Acton Cultural Resource List, but it is listed on the Massachusetts Cultural Resource Information System. The Historic Commission has allowed demolition of the house after September 9, 2016.

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EVALUATION CRITERIA ¹	Small-Scale Project	
	Standard Applies	Y/N (1)
Open Space & Natural Resources		
<i>Open space at least 50% of site</i>		Y ⁸
<i>Not more than 50% of open space is wetlands</i>	X	N/A
<i>Open space is directly accessible to residents of the development</i>	X	N/A ⁹
<i>Landscaping emphasizes low-water-use plantings</i>	X	Y ¹⁰
<i>Outdoor irrigation system is designed to conserve water</i>		
Site Plan Standards		
<i>Substantially conforms to ZBL Section 10.4, Site Plan Standards</i>	X	N/A ¹¹
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>		

⁸ Although the project does not delineate dedicated open space, +/-68% of the lot will remain unbuilt upon landscaped yards.

⁹ Town of Acton owns abutting land at 252 High Street. The Conservation Commission has not expressed a strong desire for access from the Site to the abutting Town land. There are no trails existing in that area at this time.

¹⁰ The Landscape Plan includes a mix of evergreen and deciduous shrubs, evergreen shrubs and flowering trees.

¹¹ Given the nature of the project, the more appropriate comparison document is the Acton Subdivision Rules and Regulations.

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EVALUATION CRITERIA ¹	Small-Scale Project	
	Standard Applies	Y/N (1)
<i>Contribution to Town's affordable housing fund</i>		
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	N ¹²
<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	Y ¹³
III. AFFIRMATIVE MARKETING & LOCAL PREFERENCE		
Local Preference Units		

¹² Both affordable units are proposed at 80% of the AMI.

¹³ The marketing materials state the deed rider requires affordability in perpetuity. The LIP Regulatory Agreement should also require affordability in perpetuity when referring to M.G.L c.184 Section 31.

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EVALUATION CRITERIA ¹	Small-Scale Project	
	Standard Applies	Y/N (1)
<i>Offers 70% local preference units</i>	X	N ¹⁴
Affirmative Marketing Experience		
<i>Team includes person/organization with prior affordable housing lottery experience</i>	X	Y

¹⁴ The marketing plan contemplates offering one unit at 80% AMI for local preference.