



Planning Board

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**AMENDMENT #4
OF DECISION
05-01**

RECEIVED
MAY - 1 2013

April 23, 2013

TOWN CLERK, ACTON

Ellsworth Village
Senior Residence Special Permit

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Ellsworth Village, LLC (hereinafter the Applicant) filed with the Town Clerk on April 27, 2005, previously amended on April 27, 2006, February 17, 2009 and September 4, 2012 (together hereinafter the Original Decision).

This amendment is in response to the request of the Applicant to substitute one of the three affordable units as required in the Original Decision, with a monetary contribution to the Acton Community Housing Program Fund.

The Applicant presented the requested modification to the Board at a regular posted meeting on April 23, 2013. Board members Ryan Bettez, Jeff Clymer, Roland Bourdon, Kimberly Montella, Derrick Chin, Ray Yacouby (Associated Member) and Rob Bukowski (Associate Member) were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 EXHIBITS

Submitted for the Board's deliberation were:

- A letter from Authentic Homes, dated 04/02/13;
- A letter from Nancy Tavernier, Chair of the Acton Community Housing Corporation, dated 03/29/13.

2 FINDINGS AND CONCLUSIONS

- 2.1 The applicant has requested that the Board allow the substitution for one of the three affordable units with a monetary contribution in the amount of \$25,000 to the Acton Community Housing Program Fund as provided in Section 9B.12.9.1 of the Zoning Bylaw and to sell the last affordable unit at market rate.

- 2.2 Section 9B.12.9.1 of the Zoning Bylaw states the "Planning Board in its special permit may authorize or require the substitution of required AFFORDABLE SENIOR RESIDENCES with:
- 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."
- 2.3 The Acton Community Housing Authority recommended the Applicant make a monetary contribution equal to the difference between the affordable selling price and the market selling price (ranging from \$190,900 to \$220,800).
- 2.4 The proposed substitution maintains the overall number of units in Ellsworth Village.
- 2.5 The requested modification is minor, does not change the project in any significant way from how it was approved in the Original Decision, and therefore does not warrant a public hearing.

3 BOARD ACTION

Therefore, the Board voted at the meeting to **APPROVE** the proposed modifications as shown on the Plan with the following conditions:

3.1 CONDITIONS

- 3.1.1 The applicant shall make a monetary contribution to the Acton Community Housing Program Fund in the amount of \$50,000 prior to issuance of the final occupancy permit.
- 3.1.2 The applicant shall amend the Ellsworth Village Regulatory Agreement, Condominium Master Deed and any other documents related to the affordable units prior to issuance of the final occupancy permit.
- 3.1.3 Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Planning Director

Copies to:

Applicant
Town Engineer
Town Clerk
Town Assessor

Building Commissioner
Municipal Properties Director
Natural Resource Director
Acton Community Housing Corporation

Board of Health
Town Manager
Fire Chief