



Zoning Board of Appeals

Meeting Minutes

March 13, 2019

7:30 PM

Room 9, Acton Town Hall, 472 Main Street

Zoning Board of Appeal members in attendance: Ken Kozik, Adam Hoffman, Emilie Ying, Suzanne Buckmelter, R. Scott Robb

Also present: Roland Bartl, Planning Director

1. Opening

Chair, Ken Kozik opened the meeting at 7:30 p.m.

2. Regular Business

The meeting minutes from the Acton Zoning Board of Appeals' March 4, 2019 meeting were reviewed and approved by a vote of 3-0, with no amendments (motion by Adam Hoffman).

Board members signed the approved ZBA special permit decision (#19-03) for 155 Summer Street (Kenneth F. Kozik, Adam Hoffman, Emilie Ying).

Board members signed the corrected comprehensive permit amendment decision (#13-06, Amendment 1) for 6 Post Office Square/Jasmine Circle (Kenneth F. Kozik, Adam Hoffman, Emilie Ying).

3. New/Special Business

“Safe Harbor” Discussion

The Board heard a presentation and discussed “safe harbor” status under DHCD Regulations 760 CMR 56.03 (Comprehensive Permit, M.G.L. c.40B, §§20 – 23). Elisabeth Rust of the Regional Housing Services Office (RHSO) presented. Also in attendance: Nancy Tavernier, Acton Community Housing Corporation (ACHC); Kelley Cronin, Executive Director Acton Housing Authority (AHA); and Bernice Baran, AHA Board of Directors; and Janet Adachi, Board of Selectmen. Other members of the public entered the room near the end of the discussion.

Ms. Rust reviewed:

- The various “safe harbor” provisions and requirements in the DHC Regulations, including the role of the Housing Production Plan (HPP);
- Options and procedures for hearing and deciding on comprehensive permit applications under “safe harbor”;



- Opportunities under “safe harbor” status;
- Acton’s Subsidize Housing Inventory (SHI) and unit composition;
- Possible SHI fluctuations;
- Timelines and requirements for maintaining units on the SHI;
- Current percentage of Acton’s affordable housing units in the SHI;
- Projections for Acton’s SHI and affordable housing percentage;
- Acton’s near-term outlook for likely “safe harbor” status, subject to comprehensive permit approval of 86 rental units at Avalon that are currently in the permit process;
- Other Acton affordable housing project in the pipeline / on the horizon;
- The effect of the upcoming 2020 census on Acton’s SHI of overall housing stock;
- Other related details.

Discussion point

- Developers’ strategies for comprehensive permit approvals during “safe harbor”: expect all project proposals to be made as Local Initiative Projects (LIP) with DHCD as the “subsidizing agency”; and with thorough local review and express and official local support prior to filing of the comprehensive permit application with the Board of Appeals.
- Board of Appeals’ requirements and options for action under “safe harbor”: Must open the public hearing on an application; can deny within 15 days of opening the hearing; can continue hearing beyond 15 days to explore merits of proposal.
- Merit consideration: Addressing local needs; project location; project design; density; neighborhood compatibility.
- Planning and community considerations: Addressing local need; Master Plan consistency; maintaining “safe harbor” status; planning ahead for 2020 Census changes and the resulting expected drop in Acton SHI percentage.
- Opportunities under safe harbor: Significant leverage to shape layout, building designs, density, and other project characteristics.
- Chairman Kozik expressed the Board of Appeals’ inclination to review each project proposal on its merits regardless of whether or not Acton is in “safe harbor”.
- Community strategies for instating, lapsing, and reinstating affordable units on the SHI.
- Other Q&A and exchanges on points of clarification and understanding of the topic.

The Chairman thanked Elisabeth Rust and others present and contributing to the discussion.

4. Adjournment

Ms. Ying moved to adjourn the meeting; motion carried unanimously. Hearing adjourned at 8:25 PM.

Materials used during the meeting: <http://doc.acton-ma.gov/dsweb/View/Collection-10838>.



09-13-19 meeting information

Item #	Title	Item	Meeting Date	Time	Notes
4.0	safe harbor	planning	09/13/19	5:00	
1.0	DRAFT 3-4-19 Zoning Board of Appeals Winsors	planning	09/13/19	3:00 PM	
6.0	3-10-19 ZBA Agenda	planning	09/13/19	11:00 AM	
1.0	Comptrol 08 - Post Office Crossing - 6 Post Office Square - Connected Amendment #1	planning	09/13/19	10:45	
	Decision 19-02 for signature.pdf	planning	09/13/19	9:00	

4.0 - safe harbor

Item #	Title	Item	Meeting Date	Time	Notes
760	CMBI BE	planning	09/13/19	11:00	
	Agenda - ZBA 9/13/19	planning	09/13/19	10:45	
	Acton 3/9 Memo - 2.11.19 for ZBA	planning	09/13/19	10:00	

Minutes prepared by
Roland Bartl, AICP
Planning Director