

Acton Community Housing Corporation

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**Guidelines for Affordable Housing Development in Acton - The Review Process
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Introduction

The Town of Acton has a Comprehensive Permit Policy that was adopted jointly by the Board of Selectmen and Planning Board in 2006 to communicate the Town's preferences for housing developed under Chapter 40B. This policy can be accessed at the Planning Department section of the Town Web Site: <http://www.acton-ma.gov/index.aspx?NID=167>

The main purpose of this policy is to provide guidance to developers, Town staff, and Town boards, especially the Board of Appeals in siting, designing, evaluating and permitting Chapter 40B developments in order to achieve five local objectives identified by the citizens of the town during long range planning activities:

- Provide permanently affordable housing for low-, moderate- and middle-income people;
- Respect our natural resources;
- Contribute to the vitality of our villages and business districts;
- Minimize adverse fiscal and infrastructure impacts; and
- Reflect a collaborative approach by developers and the Town.

Toward these ends, the Town encourages applications for small-scale comprehensive permit developments that serve low- and moderate-income households and, whenever possible, middle-income households. The policy encourages developments that make use of existing structures or conform to the established architectural traditions in our community; and developments located in or adjacent to the Town's existing villages, Kelley's Corner or other business centers. Small, attractive affordable housing developments in these areas will help expand the town's inventory of low- and moderate-income housing in a manner that acknowledges the Town's land use policies, development traditions and fiscal capacity.

To accomplish the Town's affordable housing objectives in the most efficient and collaborative manner, the Acton Community Housing Corporation (ACHC) recommends developers use the MA Department of Housing and Community Development (DHCD)'s Local Initiative Program for the required subsidizing agency. The Local Initiative Program (LIP) is a state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities for low- and moderate-income households. This program requires the approval and signature of both the Board of Selectmen and the ACHC prior to the filing of the application to DHCD. Other subsidizing agency options are: MassHousing, MassDevelopment, or the U.S. Department of Housing and Urban Development. It is ACHC's hope that developers using these alternative subsidizing agencies will still follow the collaborative process laid out for LIP projects to expedite the review of the proposal.

Process

The Town of Acton looks forward to working with developers very early in the planning process. This process is required for all DHCD LIP proposals and is optional but strongly recommended for alternative subsidizing agencies such as MassHousing. The Acton Community Housing Corporation (ACHC) has been designated by the Board of Selectmen to act as the "first stop" for interested developers of affordable housing. The ACHC will conduct an initial review of the proposed development concept and work closely with Town boards and committees to identify health, safety, infrastructure, and other issues.

The purpose of these guidelines is to spell out the review criteria and process for affordable housing development so that health, safety, environmental, and affordable housing issues may be worked out prior to the start of the Board of Appeals hearings. Both the ACHC and the Board of Selectmen will then be able to make an informed recommendation relating to the application to the state subsidizing agency.

The ACHC will primarily concentrate its review upon issues of affordability, rather than assume responsibility for analyzing such issues as infrastructure, site planning, historic preservation, and environmental considerations, which are best addressed by existing boards and committees charged with those responsibilities.

Support of an application does not constitute Town approval of the plan. The Board of Appeals is the decision-making body for Comprehensive Permits (Chapter 774 of the Acts of 1969 codified in Massachusetts General Laws as Chapter 40B). The steps may vary somewhat on a project-by-project basis, depending on the specific issues of the proposed plans.

The ACHC and the Town of Acton are particularly sensitive to appropriate designs for 40B developments to make them as consistent as possible with the surrounding areas. The state agencies have collaborated to create a 40B Handbook for Design Review for consistency with the requirements of the 40B regulations in terms of use, site planning and building design. It can be found here: <http://www.mass.gov/hed/community/40b-plan/handbook-approach-to-ch-40b-design-reviews.html>

This handbook is a reflection of these agencies and their commitment to ensuring that 40B affordable housing developments adhere to high standards of site and building design that enhance the quality of life for residents and the communities in which they reside.

Acton also has an advisory Design Review Board (<http://www.acton-ma.gov/94/Design-Review-Board>) which is charged with providing design guidance to developers, consistent with its Design Review Guidelines found here: <http://www.acton-ma.gov/DocumentCenter/Home/View/343>. It is recommended that developers contact the DRB to set up a time to meet with them. (drb@acton-ma.gov)

Step 1. Initial Contact

Developer receives a copy of the Guidelines for Affordable Housing from the ACHC or the Planning Department at Town Hall. The Developer contacts the ACHC to schedule an introductory meeting. (ACHC@acton-ma.gov)

Step 2. First Meeting with the ACHC

The purpose of this meeting is to introduce the project. The developer should be prepared to present an overview of the project concept. The ACHC will decide whether or not to support the conceptual design at this meeting if it has enough information. Two weeks prior to the scheduled meeting, the developer should submit one electronic copy of all materials to achc@acton-ma.gov.

Submittal requirements that are most helpful for ACHC review:

- a. Assurance that the developer is in good standing to file for a 40B, e.g. if previous 40B's have been done then cost certifications have been submitted to the relevant state agency.
- b. The property is or is not listed on the Town's Cultural Resource List, found at the Planning or Building Department in Town Hall.
- b. Location of project, name of applicant, and owner of record.
- c. Existing conditions plan showing topography and environmental features.
- d. Conceptual site plan showing building footprints, parking roads, drives, buffers and major environmental features.
- e. Density and scale of development.
- f. Floor Area Ratio as described in Comprehensive Permit Policy.
- g. Housing types.
- h. Proposed subsidy program.
- i. Number and percentage of affordable units.
- j. Zoning and Subdivision Rules and Regulations conformity analysis.
- k. Site control, purchase agreement

Step 3. Introductory Meeting with Department Heads and Water District

- a) If the ACHC approves the conceptual plan, the Chair will contact the Planning Department to schedule a brief introduction of the project by the developer at a department head meeting to be held within one month of submittal of the conceptual plan. The developer will distribute the initial submission materials to the Planning Department to be distributed to the various departments. The purpose is to "flag" technical issues and concerns generated by the proposed project. Participating departments include planning, conservation, selectmen, health, building, engineering, water district, fire, police and tree warden. Written comments should be sent to the Planning Department and ACHC.
- b) A meeting should be scheduled with the Design Review Board, drb@acton-ma.gov. If the property is listed on the Cultural Resources List, then a meeting should be scheduled with the Historical Commission, hc@acton-ma.gov

Step 4. Development of Preliminary Plans

Following comments by the ACHC, the Design Review Board, Historical Commission (if relevant) and the town departments, the developer should prepare preliminary plans that incorporate these comments. These plans must be sufficiently detailed to permit meaningful review by the Acton Community Housing Corporation and the Board of Selectmen. A copy of the DHCD LIP or MassHousing application should be included with the preliminary plans. This is required for LIP proposals.

Preliminary plans and the LIP application must include:

- a. General information, including name, locus map at a scale of 1" = 1200', number of units, owner, proposed lender, commitment or letter of interest from the lender, attorney, contact person, resumes of development team, and name of development.
- b. Project description, including unit mix with respect to ownership/rental, bedrooms, subsidized/market sales, subsidized/market rental, proposed density, total site area, total buildable site area, total building coverage of site, site coverage for walks, parking and roads, open space on site at completion and amenities.
- c. Architectural elevations and unit floor plans.
- d. Site plan delineating boundaries, lot lines, wetlands, watercourses, floodplains, groundwater protection zones, and proposed/existing topography, building footprints, parking, roads and drives.

- e. Sewer/septic location and preliminary design.
- f. Proposed drainage location and design.
- g. Identification of housing subsidy program to be utilized.

Step 5. Public Participation

ACHC favors soliciting community concerns relevant to the proposed project. A public information meeting will be held by the ACHC after the preliminary plans are available, which could be two months after the initial meeting with ACHC. This is required for LIP proposals and strongly recommended for MassHousing projects. Abutters within 300 feet of the project location should be invited using an official abutter list from the Assessor’s Office. The ACHC will assist the developer in coordinating the public meeting as necessary. Town board members will also be invited to this meeting via general email.

Step 6. ACHC Meeting with Developer

The ACHC will meet with the developer at least one more time to discuss concerns that have arisen to discuss project trade-offs. Options will be clarified. The Intent at this point in the process is to have substantial agreement on the design and plans. This agreement will form the basis of the application to the state subsidizing agency and the subsequent Comprehensive Permit submission to the Board of Appeals.

The ACHC will assist the developer through the review process to make it as expeditious as possible. Assuming that the developer can complete preliminary plans within two months, the Town pre-ZBA process should be completed within six months, depending on the complexity of the project. This process will greatly facilitate the formal Comprehensive Permit review.

Once the ACHC is comfortable with the preliminary design and LIP application, they will vote to sign the application in the case of a LIP or vote to recommend it in the case of MassHousing.

Step 7. Presentation to the Board of Selectmen

The preliminary plans and the project description should be presented to the Board of Selectmen. If the state project eligibility agency is DHCD LIP, then the Selectmen and the ACHC will sign the application before it is submitted to the agency. If the application is other than a DHCD LIP, the developer will apply directly to the agency without Town approval. The agency will then notify the Town of the application, seeking comments within 30 days.

Step 8. Formal application to state subsidizing agency

To qualify for Chapter 40B, a development proposal must first receive a letter of project eligibility under a state or federal housing program, such as the Department of Housing and Community Development (LIP), MassHousing, MassDevelopment, or the U.S. Department of Housing and Urban Development. At least 25% of the units must be affordable to lower income households who earn no more than 80% of the area median income.

Step 9. Formal Application to the Board of Appeals for a Comprehensive Permit

Once the state project eligibility agency has submitted a letter of site eligibility to the developer, the formal application will be made to the Board of Appeals with a hearing scheduled within 30 days. Local Rules and Regulations for Comprehensive Permits can be found on the Town website: <http://www.acton-ma.gov/DocumentCenter/View/746>

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