

## ACTON COMMUNITY HOUSING CORPORATION

Pursuant to notice given a Regular Meeting of the Acton Community Housing Corporation (ACHC) was held October 8, 2009 at 7:00 PM in room 126 of the Acton Town Hall. Present and constituting a Quorum for the purpose of conducting business were regular members Nancy Tavernier, Corrina Roman-Kreuze, Brent Reagor, and associate members, Jennifer Patenaude and Dan Buckley (designated voting members). Pat Clifford, FinCom liaison

Guests: Tao Jin, Peter Wojtkiewicz, Elinor Gentilman, Kristine Gatesman

Meeting called to order by Nancy Tavernier at 7:00PM

I. Approval of minutes of 9/24/09 as written. Nancy will be clerk for this meeting.

II. Financial report

No report due to absence of treasurer

III. Updates

Lalli Terrace

Buyers of three units have been approved. Housing Authority purchase of 2BR unit proceeding after RFP only attracted one response, the Lalli Terrace developer. ACHC will fund the purchase with \$100,000 from the Community Housing Program Fund and an additional \$40,000 from the Pulte Housing Fund, approved by the Selectmen previously. This unit will be used for the AHA's low income rental program.

Parker St. LIP

Application has been filed with DHCD and promised a quick turn-around. The developer intends to file for a comprehensive permit with the ZBA in a week or two in anticipation of quick DHCD approval.

Dunham Lane sewer bill

The over payment by the affordable unit owner has been resolved.

Faulkner Mill

The unit owner has been informed that ACHC will assist with getting a full electrical inspection of her unit, there have been no recent problems but she will schedule an inspection. A possible explanation for power outages are the easily tripped new circuit breakers but it raises the question of why this problem is only present in her unit.

V. Old Business

Willow Central landscaping

Thanks to the generosity of the Steinberg-Lalli Foundation, the lawn at Willow Central has been repaired and sprinklers installed. The condo association will maintain the lawn in the future and will share the cost of the new water service.

CPA requests for 2010

Members discussed Bob Van Meter's draft proposal for a Green Affordable Housing Incentive Fund. The proposal will need to be finalized for our Oct. 22 meeting since the deadline to submit it to the CPC is 11/9. Suggestions were discussed such as: should it be a pilot project of smaller scale to try out the concept? What are the marginal costs for comparison between a non-green unit and a green unit? It needs

more definition with specific examples and estimated costs e.g. geothermal energy. Would LEED compliance create approval and construction delays and red tape that might be a disincentive for developers? Should we try a lesser standard such as zero net energy?

It was suggested that Bob talk to Michael or Matt Rosenfeld at OMR Architects in West Acton Center since they do a lot of this work. They could give examples and costs. The potential for the Housing Authority to use these funds on Sachem Way or the 99 Parker St. development could be used as examples. The bottom line is the CPC will need more definition as to cost and uses for them to support the proposal.

#### Lillian Rd 40B, revised proposal

Nancy introduced the agenda item explaining to the new ACHC members and the audience how the MassHousing application process is different from the DHCD LIP process (Friendly 40B), preferred by ACHC. This project was originally a DHCD LIP project that ACHC recommended to the Selectmen in 2006 but the Selectmen did not sign the application due concerns about drainage and the location being too far out of town. The project is now back with the density doubled, no longer a LIP project, leaving the ACHC without leverage to make design and density revisions.

With a MassHousing project, the developer files an application directly with the MassHousing Finance Agency without any requirements to consult with ACHC or Town departments in advance. Once the application is filed, the agency is required to contact the Board of Selectmen which then triggers a 30 day review period by the agency including a site visit and a soliciting of comments from the Town. The Selectmen are contacted to submit comments, this step is very important and is the only time the Town (the Selectmen) has a chance to express concerns. Comments from other Boards should be requested by the Selectmen. The ACHC is not contacted directly by MHFA. Once the agency approves the project, it can then be filed with the ZBA and the Selectmen and Town Boards will be given a chance to make comments to the ZBA but that is much too late in the process if there are serious concerns.

#### Presentation of Plans:

Nick Facendola of Level Design presented the revised plans for Lillian Rd. that we had last seen in May in a smaller scope design. Nick explained that after discussions with MHFA, the approving state housing agency, the project has been increased from 2 units to 4 units on one acre. He stated that MHFA wants to see as many affordable units as possible in any given 40B and since they are the financing agency, this change was made. The developers want to maximize the development of the site, they want single family houses with a shared septic system, the septic capacity will limit the number of units. He showed us the layout which lines up the houses around the leaching field putting them as close as 15 feet from each other. Members were very surprised to hear that the developer has already filed the application with MHFA with the increased density. They have not yet had a response from MHFA. (*Update: According to a phone conversation on 10/15/09 with the Town Planner, MHFA has confirmed the application has not yet been filed.*)

Committee members had many concerns and questions:

1. Septic System. Shared septic systems are generally not looked on favorably by the Board of Health or DEP and there is only 1 other system in Acton. The septic design has been submitted to the BOH and is under review. A shared system does not require a condo association but rather a homeowners association which is not as strong. There is no super lien with a homeowners association and it can be much more difficult to control individual usage of the system and share the cost of pumping etc. The perc rate seems to be within the norm but it will have a mounded system as many systems on Lillian Rd. are mounded, some dramatically so. This system will have a single tank that collects effluent by gravity and then feeds it to a pump chamber for pumping up into the large mound.

2. Stormwater drainage. There is a major concern in the neighborhood about run off, the neighborhood is built on a drumlin and all water flows down hill to this site. No storm water drainage system is proposed, there will be roof drains for the four houses but not clear where they will direct the water.

3. A significant concern is with the existing house on the other end of the parcel. The plan is to divide it into a separate lot but it will be less than zoning allows (1 acre) for a house lot in this area and you are not allowed to create a non-conforming lot. (*This has been confirmed with the planning department*). The engineer stated they would use a 40B to create the new lot but Nancy pointed out then they would have to provide 25% of the units (one) as affordable that 40B did not exist to allow non-conforming lots to be created without an affordable housing component. The fear of the neighbors is the ultimate plan is to build 6-8 units on the entire site. The only way the existing house could stand alone would be as part of the whole 40B project making it a 5 unit development, in which case two units would have to be affordable as is the case with the Parker St. 40B.

4. Other committee concerns dealt with the tight turns into the garages, the limited parking on site, the high pressure gas line that is nearby, and emergency vehicle access in the cul de sac if people are parking there.

#### Abutter concerns:

1. Concern about runoff and groundwater on the abutting property on the uphill side that is already an existing problem. Concern that there is no drainage plan for an area with significant problems. The most significant concern is about how many units would ultimately be built on the site, that 6-8 units had been suggested previously by the developer.

2. An abutter on the Bulette Rd. side has similar run off issues with water flowing right through her property and also the Town Conservation Land entrance. She has drains all around her house and still has water problems. While she is not abutting the Lillian Rd. side, it is an example of the serious water problems.

3. An abutter expressed concern about parking in the cul de sac, that a school bus just barely makes the turn now and in the winter, it is very difficult to maneuver. Any cars parked there would result in blocking the bus or any emergency vehicles. The main driveway into the site goes within feet of another abutter's stone wall. The site would require Littleton water hook up and there are no hydrants on the plan.

4. Driveway on privately owned property. An abutter was concerned that one of the entry points for the driveway onto Lillian Rd. was on his property and there was no easement for that use. The engineer acknowledged that they could not find the easement and would have to reroute the driveway to loop within the site if it could not be worked out

#### Response from Facendola:

1. There is parking for 2 cars per unit, one in the garage and one in the driveway, overflow parking would go in the cul de sac, it is a public road.

2. MHFA will not allow more houses to be built than have been applied for. If the separate lot cannot be created, then the whole project will be a 40B.

3. They do not think a drainage plan is needed but they will look at it.

#### ACHC discussion:

Committee members are very disappointed to have the plan change from 2 to 4 units. The houses are 2400 sf and to have them so close together is not a good design and inconsistent with the neighborhood.

The original LIP project provided two single family homes on one acre, consistent with the existing homes on the street. The committee acknowledges the neighborhood's fear that the intent may be to build 6-8 units especially if MassHousing Finance Agency is pushing that density.

This is exactly the unintended consequences that ACHC has been warning about. Hostility toward affordable housing by elected and appointed officials in the community discourages developers from doing LIP's and pushes them to MassHousing where the Town has no leverage over density and design. This project was not even shown to ACHC at this density until this meeting, the plan is ready for filing.

The Committee directed the chair to communicate its displeasure to the BOS, telling them they should attempt to put a stop to this project by contacting MassHousing. We do not recommend this project in its current design and density. MHFA is required to contact the Town once the project is filed. ACHC also wants the BOS to know the neighborhood would like to be kept informed about the Town's activity with this project. ACHC has no standing, it is the Selectmen's responsibility. This reference is from the 40B regulations:

*(3) Review and Comment Process. **Upon receipt of the application, the Subsidizing Agency shall provide written notice to the Chief Executive Officer of the municipality where the Project is located, initiating a 30-day review period of the Project.** During the course of the review period the Subsidizing Agency shall conduct a site visit, which Local Boards may attend, and it shall accept written comments from Local Boards and other interested parties. The Subsidizing Agency shall consider any such comments prior to issuing a determination of Project Eligibility. No determination of Project Eligibility shall be issued for a Project before the end of the 30-day review period.*

Meeting adjourned at 8:45PM

Respectfully submitted,

Nancy Tavernier