



**TOWN OF ACTON
DESIGN REVIEW BOARD**

Review Memorandum: 31, 39 & 45 Martin Street
Room 9, Town Hall
July 20, 2016

DRB Members in attendance: Holly Ben-Joseph (Chair), Peter Darlow (Assistant Chair), David Honn, and Michael Dube. Kim Montella and Janet Adachi (Board of Selectmen liaison) absent.

Also present: John Sonner, Anne Forbes, Michael Morse, all neighbors/abutters.

Applicant: Seal Harbor, Mark Gallagher.

Documents Reviewed: Narrative Description of Design Approach (the “Narrative”), “The New England Subdivision” Conceptual Site Layout Plan, Conceptual Grading and Drainage Plan, Conceptual Layout and Utility Plan, Existing Conditions Plan, Foxglove Cottage drawings (seven pages).

The existing site is comprised of three lots with existing single-family homes that are set far back from the street. All three of the homes are listed on the Acton Cultural Resources List (CRL) and in the Massachusetts Cultural Resource Inventory System (MACRIS). The site is in the R-2 zone.

The applicant did not appear before the DRB. The drawings and other materials do not support a clear understanding of the project in many respects, including the design of the planned housing. Particularly because of the size, density and location of this proposed project, the DRB would like time to conduct a site visit and hear from the applicant. More specifically, the DRB would appreciate receiving a summary of the different types of buildings or “villages” being proposed (the drawings present only one of several types of proposed building type and an explanation of why each of the various types proposed will be clumped together rather than having some of each type in the various housing clusters. The DRB also requests site sections sufficient to thoroughly explain the topography of the site and the positioning of the buildings.

What follows are comments and questions prompted by the limited information available at the time of the meeting. It is the DRB’s understanding based on the materials and discussions with others present at the meeting who have met with the applicant that the applicant is pursuing a 40B project that would ultimately have four affordable units, consisting of two, 4-bedroom group homes and the two existing single-family homes, as well as 26 market-rate units of varying types

and sizes (identified as “village style” Capes and smaller Colonials” in the Narrative). We understand that the applicant proposes to move two of the existing single-family homes (39 and 45 Martin Street) close to the street. A third home (31 Martin Street) may also be relocated if possible; its physical condition might make that impossible. The site appears to be approximately 12.5 acres in size, with approximately 4.5 acres available for building in light of wetlands.

In general, the DRB views the proposal in its current form as a predominantly market-rate subdivision being set into an existing field. Instead of seeing the existing field as neighbors and others drive by the site, as they do now, the view will be altered to show the backs of houses and partial basements, primarily because it appears from the grading plan that the applicant intends to build the houses primarily on a somewhat flattened plain at the crest of an existing hill, that will require modification to enlarge. The rear-sides of houses and partial basements also will be visible from the road and by residents of Heron View and Overlook Road.

While the applicant describes the proposal as a “village,” the DRB believes that description is inapplicable. A village would have, among other things, a green or exterior community gathering space as well as common community facilities, all of which are absent from the plans.

Although the DRB is supportive of group homes and heard from neighbors and abutters who expressed similar support, this proposal raises critical questions for the DRB in the context of a 40B development. First, it is unclear to the DRB whether group homes are eligible to be considered affordable housing under the statute. Second, assuming group homes are eligible, it is unclear to the DRB, under the provisions in the statute describing the permissible ratio between affordable and market-rate units, how many market-rate units the applicant would be entitled to build on the basis of two group homes with four bedrooms. Finally, the proposed group homes would appear to fail 40B’s requirement that affordable units be indistinguishable from the market rate units in the same project. It is the DRB’s expectation that these issues will be definitively resolved with input from town counsel before the matter is decided. The DRB believes it would be helpful to see an example from another town of one or more group homes being established in a 40B project.

Since Massachusetts’s historical assets are being altered and/or demolished, the DRB believes that the proposed project requires the applicant to file a Project Notification Form (PNF) and an Environmental Notification Form (ENF) with the Massachusetts Historical Commission (MHC). Additionally, the DRB noted that the applicant is seeking funding through The New England Fund. As confirmed by the 40B Housing Appeals Court (HAC) and all of the courts in Massachusetts, this is a federally subsidized housing program (*i.e.*, federal funds are being expended). As such, the DRB suggests that the applicant clarify with MHC which statutes are applicable and what type of reviews will be required.

In general, the DRB is concerned with the high density of this proposal, which is similar to a recent proposal by the same applicant for 34 Elm Street.

We note that the applicant’s proposal cites the requirement of 20,000 square feet for a single-family home in the R2 zone, but then appears to document the proposal’s compliance on the basis of the square footage of the *entire* project. In reality, this project appears to contemplate 30

units on approximately four acres, or 7-8 units per acre. In the DRB's view, this is four times as dense as zoning regulations allow and will be predictably unattractive as a result. In addition, it appears that the proposed villages and significant grading will be too close to abutting neighbors on the north border without any appropriate buffer.

The DRB noted that the applicant proposes 3.5 parking spaces per unit when the zoning code calls for 2. It would be helpful to hear from the applicant as to why such a significant increase over the norm is called for. The DRB understands some number of visitor parking spaces for the group homes and staff would be necessary, but it is not clear this accounts for the full excess.

The DRB is pleased that some of the existing trees will be maintained along the drive, but most of the largest trees appear to be slated for removal including the three largest trees on the site: 50", 48", and 42" caliper trees located near the existing dwelling. The DRB believes it is very important to protect these trees and recommends reworking the site layout and lowering density to achieve this goal.

The DRB suggests it would be useful to have a meeting with the applicant to review the plans, so that we could better understand the proposed development.