

Planning Board

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**AMENDMENT
OF DECISION**

September 17, 2013

R E C E I V E D
SEP 19 2013

Woodlands at Laurel Hill
Senior Residence Special Permit

TOWN CLERK, ACTON

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Woodlands at Laurel Hill, LLC (hereinafter the Applicant) filed with the Town Clerk on August 22, 2006.

This amendment is in response to the request of AvalonBay Communities, Inc. (Woodlands at Laurel Hill, LLC's Successor in Title) to change both the age requirements and visitor restrictions as well as remove limitations on maximum occupancy.

The Applicant presented the requested modification to the Board at a regular posted meeting on September 17, 2013. Board members Jeff Clymer (Chair), Michael Dube, Roland Bourdon, Derrick Chin, and Ray Yacoubi 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 the following exhibits:

- 1.1 A letter from Steve L. Gorning of AvalonBay Communities, Inc., dated 09/13/13;
- 1.2 Interdepartmental Communications received from:
 - Acton Planning Department, dated 09/13/13.

2 FINDINGS AND CONCLUSIONS

- 2.1 The Applicant requested that the Board amend Section O.4 and remove Section O.6 and Section O.7.
- 2.2 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 requested modifications as follows:

3.1 Remove the existing language in Section O.4 and replace with:

"To be in compliance with Bylaw 9B.11, all units in the Woodlands at Laurel Hill senior residence development shall be occupied by at least one individual aged 55 years or older. The Board considers the following residency exceptions as being in compliance with Section 9B.11: Spouses and children of any age, including adopted children, of a qualified senior person; children of any age for which the qualified person is a legal guardian; grandchildren of any age of a qualified senior person when the grandchildren's parents are not able to fulfill their parental duties due to death, illness or other catastrophic infliction; and live-in home health aides or household aids of any age employed by the qualified senior person to assist that person with household or health care needs."

3.2 Remove Section O.6 in its entirety.

3.3 Remove the existing language in Section O.7 and replace with:

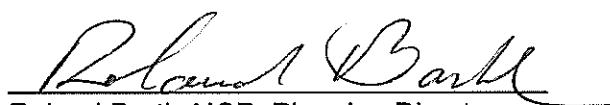
"Overnight guests who are under 55 years of age shall be allowed for reasonable visitation periods not to exceed four (4) weeks in duration and not to exceed two (2) months per year."

4 CONDITIONS

4.1 Prior to issuance of the final occupancy permit the Applicant shall amend the Condominium Master Deed and any other documents related to age requirements, visitor restrictions and/or maximum occupancy to be consistent with the approved modifications herein.

4.2 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