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Decision 08-02
The Residences at Quail Ridge
Amendment #3 – April 20, 2017



Planning Board

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**AMENDMENT #3
OF DECISION
08-02**

The Residences at Quail Ridge
Senior Residence Special Permit
April 20, 2017

GRANTED

This is an amendment by the Planning Board (hereinafter the Board) of its decision originally issued to Quail Ridge Country Club, LLC and subsequently to Pulte Homes of New England, LLC (hereinafter the Applicant) filed with the Town Clerk on February 12, 2008, previously amended on October 14, 2008, August 2, 2011, and October 7, 2014 (together hereinafter the Decision).

This amendment is in response to the request of the Applicant for an amendment of the approved project site plan to replace the fence behind Skyline Drive units #105 through #110 and located along the conservation trail easement (MSDRD book 51930 page 356, and plan no.996 of 2008) with a row of evergreen shrubs.

The Board considered the request at a regular posted meeting on April 18, 2017. Board members Derrick Chin (Vice Chair), Jeff Clymer, Emilie Ying, Jon Cappetta (Associate) were present. Mr. Chin had appointed Mr. Capetta to a full member role for the purpose of the meeting. 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

Exhibits on which this amendment is based on:

- 1.1 Request letter with attachments from Mr. Reid A. Blute of Pulte Homes of New England, LLC, dated 11/28/16. The attachment is a sketch plan of the fence location and its proposed replacement with shrubs.
- 1.2 Petition form letters from:
 - Harold Lepidus, Skyline Drive unit #110, dated 11/18/16.
 - Linda O. Rhen, Skyline Drive unit #107, dated 11/18/16.
 - Leena Bor Barua & Donna M. Golaski, Skyline Drive unit #105, dated 11/19/16.
 - Julie & John A. Perry, Skyline Drive unit #109, dated 11/20/16.
 - Noor Roomi, Skyline Drive unit #108, dated 11/20/16.
 - Lynn & Eric Kibblehouse, Skyline Drive unit #106, dated 11/21/16.
 - Linda Rhen, letter dated 04/18/17.
- 1.3 Letter from Peter F. Durning of Mackie Shea, P.C., representing the Town of Concord, dated 04/18/17, with Exhibits A through E.
- 1.4 Memo received from the Acton Planning Department, dated 04/13/17.
- 1.5 E-mail communication between Mr. Blute, Bettina Abe of the Acton Natural Resources Department and Roland Bartl, Acton Planning Director, last date 12/02/16.

2 FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The revised plan for the Residences at Quail Ridge as originally proposed by Pulte Homes and as approved by the Board in 2011 shows a "proposed 6' high cedar privacy fence to be installed one foot off trail easement" in the rear of units #105 through #110.
- 2.2 Pulte Homes, on behalf of the residents who now inhabit said units, requests permission from the Board to replace the fence with a row of evergreen shrubs in the same location approximately every 25 feet apart.
- 2.3 The Board entertained the request at a public meeting on April 18, 2017. Mr. Blute of Pulte Homes, several residents in the affected units, Peter F. Durning of Mackie Shea, P.C. and Alan Cathcart, Concord Water Department's Superintendent, attended and testified at the meeting.
- 2.4 The proposed change is in keeping with the original purpose of the fence as the Board understands it: (1) Privacy for the residents in the affected dwelling units as stated in a note on the approved plan, and (2) a demarcation of the public trail easement.
- 2.5 The Town of Concord, an abutter, which draws drinking water from nearby Nagog Pond and operates a water treatment facility there, objected to granting the request for implementation at this time for security reasons. The Board was not persuaded by the argument, seeing that the fence provides far from a full enclosure of the security interest and that the trail and trail easement is located between the fence location and the Concord's property boundary.

- 2.6 The Acton Natural Resources Department requested that they and the Land Stewardship Committee be consulted in the on-site placement of the evergreen shrubs. The Board assumes that the Natural Resources Department staff will coordinate with the Land Stewardship Committee as they see fit.
- 2.7 The requested modification is minor, does not change the project in any significant way from how it was approved in the Original Decision as amended in 2011, and therefore does not warrant a public hearing.

3 BOARD ACTION

Therefore, the Board voted unanimously at the meeting on April 18, 2017 to APPROVE the requested plan modification and to allow the replacement of the subject fence with a row of evergreen shrubs, subject to the following conditions.

4 CONDITIONS

- 4.1 The shrubs shall be planted approximately every 25 feet in a row along the same line as the line of the fence, unless specifically directed otherwise by the Natural Resources Director or his designee. The number of shrubs to be planted shall be not less than 13.
- 4.2 Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.
- 4.3 This Amendment Decision shall be recorded at the Middlesex South District Registry of Deeds or filed in the Land Court Registration Office as applicable.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

Copies furnished:

Applicant/Owner
Town Clerk

All Land Use Departments
Town Manager

Engineering Department
Concord Water Department