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DATE July 5, 1995
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Planning Board

AMENDMENT #1
OF DECISION
(94-12)

Definitive Subdivision Approval &
Planned Conservation Residential Community (PCRC) Special Permit

Marshall Crossing
(Bowen Estate I Realty Trust)

July 5, 1995

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Bowen Estate I Realty Trust (hereinafter the Applicant) filed with the Town Clerk on November 30, 1994, modified by agreements for judgment, dated February 28, 1995 in Land Court Cases 213397ZAD and 213398ZAC (hereinafter the Original Decision).

This amendment is in response to the request of the Applicant for an amendment of the Original Decision to approve plan changes as shown on under Exhibits below.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1 A proposed 'Approval Not Required' plan entitled "Plan of Land in Acton, MA, for Bowen Estate I Realty Trust", dated May 18, 1995, drawn by Stamski & McNary, Inc. of 80 Harris Street , Acton, MA, consisting of sheets 1-5.

1.2 A cover letter from Steven R. Graham to the Town Planner requesting the amendment with explanation, dated June 23, 1995.

1.3 A draft Marshall Crossing Homeowner Trust submitted with the cover letter, and intended to replace the Condominium Master Deed and Trust approved under the Original Decision.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

2 FINDINGS AND CONCLUSIONS

2.1 The proposed amendment is requested to allow a change of ownership structure of the common lands and common facilities in the Marshall Crossing PCRC from a condominium trust under the provisions of M.G.L. Ch. 183A to a homeowners trust. As part of this

change, all condominium exclusive use areas (EUA's) shown on the plan as approved in the Original Decision would be changed to fee simple lots. No other changes are proposed.

2.2 The proposed amendment is consistent with the intent and purpose of PCRC developments as set forth in the Acton Zoning Bylaw and with the Original Decision.

2.3 In the Original Decision the Board reserved its rights to modify it with or without a public hearing. The proposed amendment is minor in nature and does not raise any issues of public concern. No public hearing is necessary.

3 BOARD ACTION

Therefore, the Board voted at its June 26, 1995 meeting to **APPROVE** the proposed modifications as shown in the Plan. Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Roland Bartl

Roland Bartl, AICP, Town Planner
for the Acton Planning Board

July 5, 1995
Date

Copies to:

Applicant
Engineering Administrator
Conservation Administrator
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission

Board of Health
Town Clerk
Fire Chief

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