

**Ellsworth Village, LLC**  
PO Box 985 Acton, MA 01720  
978-266-9751 Fax 978-635-0988 authomes@msn.com

September 30, 2009

Town of Acton  
Planning Board  
472 Main Street  
Acton, MA 01720

Re: Ellsworth Village Condominiums

Ellsworth Village, LLC, hereby requests that the Planning Board approve a change regarding the height limitations of the back decks on the condominiums at Ellsworth Village. We propose a change to the height limit from 4' to no more than 5' from ground level to the underside of the deck. This change would enhance the aesthetics of the rear of the condominiums while, at the same time, provide off-season storage for deck furniture for the occupants.

Thank you for your consideration.

Sincerely,

ELLSWORTH VILLAGE, LLC

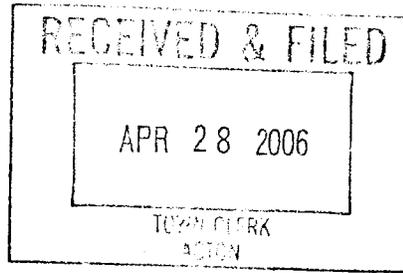
James Fenton

*No objections*

*R.B.*



Planning Board



TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
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**AMENDMENT #1  
OF DECISION  
05-01**

April 27, 2006

**Ellsworth Village  
Senior Residence Special Permit**

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Ellsworth Village, LLC (hereinafter the Applicant) filed with the Town Clerk on April 27, 2005 (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 a plan entitled "Waiver Sketch", prepared for Ellsworth Village, LLC, dated April 25, 2006, drawn by Stamski and McNary, Inc.

The Applicant presented the requested modifications to the Board at a regular posted meeting on April 25, 2006. Board members Gregory E. Niemyski (Chairman), Christopher R. Schaffner (vice Chairman), Michael C. Densen, Ruth M. Martin, Gary R. Sullivan, and associate Bruce Reichlen 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 was a plan entitled "Waiver Sketch", prepared for Ellsworth Village, LLC, dated April 25, 2006, drawn by Stamski and McNary, Inc, one sheet, herein referred to as the Plan.

**2 FINDINGS AND CONCLUSIONS**

- 2.1 The applicant has requested that the Board allow the construction of decks, as show on the Plan that would encroach into the minimum setbacks as set forth in section 9B.5 of the zoning bylaw. *(10 feet)*
- 2.2 Section 9B.12.3.4 of the Zoning Bylaw provides that "The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS".
- 2.3 This development contains affordable housing units. Their addition causes a degree of space constraints on the site.

- 2.4 Given that this is a senior housing development, it is reasonable and necessary that its residents can access a deck without having to first negotiate steps.
- 2.5 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 proposed modifications as shown on the Plan with the following conditions:

**3.1 CONDITIONS**

- 3.1.1 The decks shall have the following maximum dimensions:  
depth from wall: 8 feet  
width: 16 feet  
clearance to finished ground level: 4 feet.
- 3.1.2 As required for purposes of providing a second means of egress, the decks shall have stairs to ground level sufficient to meet, but not exceed, the requirements under the Massachusetts Building Code.
- 3.1.3 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, Town Planner

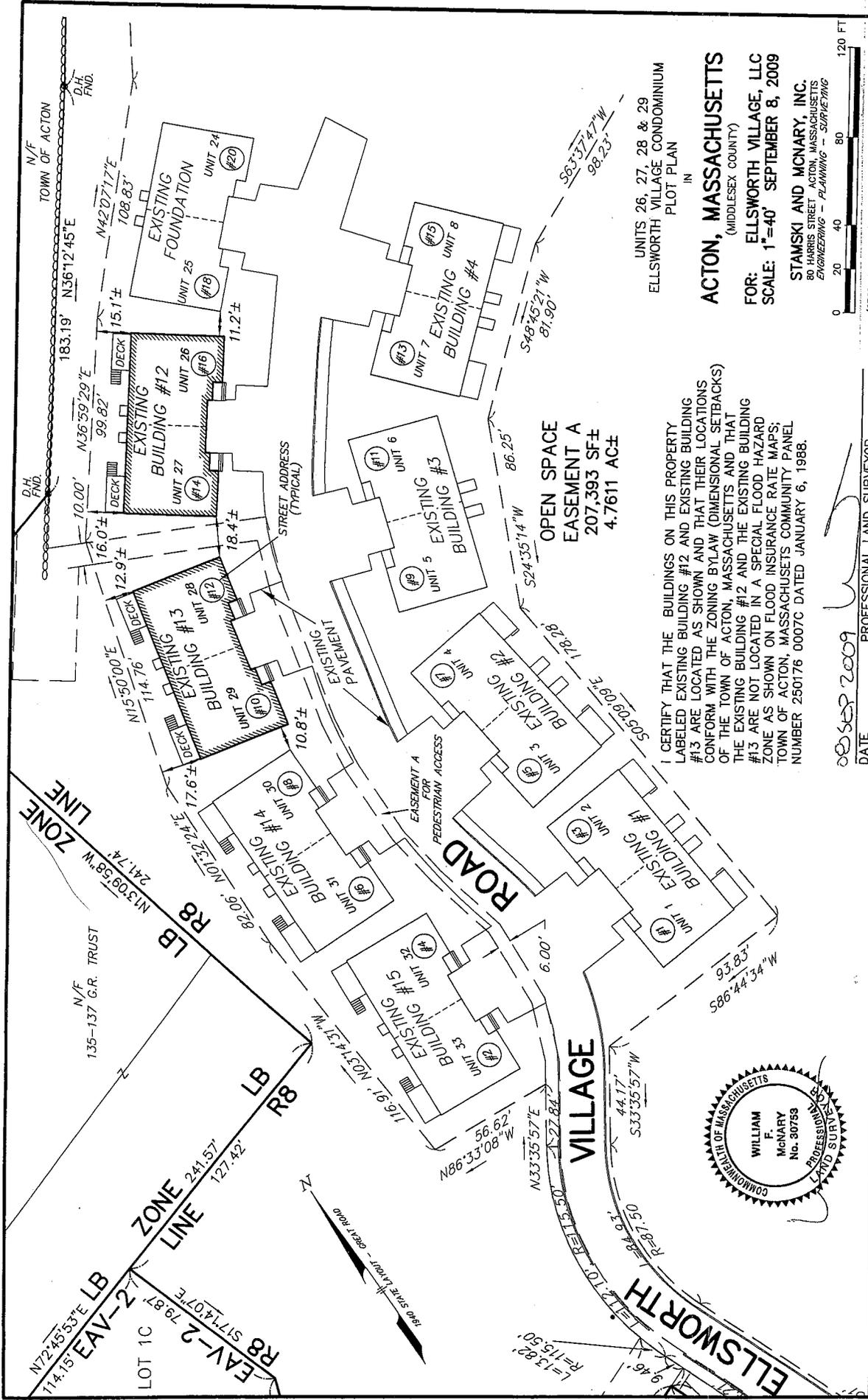
Copies to:

Applicant  
Town Engineer  
Town Clerk  
Town Assessor

Building Commissioner  
Municipal Properties Director  
Natural Resource Director

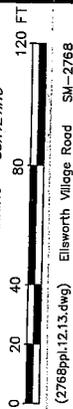
Board of Health  
Town Manager  
Fire Chief

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UNITS 26, 27, 28 & 29  
 ELLSWORTH VILLAGE CONDOMINIUM  
 PLOT PLAN  
 IN  
**ACTON, MASSACHUSETTS**  
 (MIDDLESEX COUNTY)  
 FOR: **ELLSWORTH VILLAGE, LLC**  
 SCALE: 1"=40' SEPTEMBER 8, 2009  
**STAMSKI AND McNARY, INC.**  
 80 HARRIS STREET ACTON, MASSACHUSETTS  
 ENGINEERING - PLANNING - SURVEYING

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY LABELED EXISTING BUILDING #12 AND EXISTING BUILDING #13 ARE LOCATED AS SHOWN AND THAT THEIR LOCATIONS CONFORM WITH THE ZONING BYLAW (DIMENSIONAL SETBACKS) OF THE TOWN OF ACTON, MASSACHUSETTS AND THAT THE EXISTING BUILDING #12 AND THE EXISTING BUILDING #13 ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAPS; TOWN OF ACTON, MASSACHUSETTS COMMUNITY PANEL NUMBER 250176 0007C DATED JANUARY 6, 1988.



DATE: 09 SEP 2009  
 PROFESSIONAL LAND SURVEYOR

