

RECEIVED & FILED

DATE Sept. 28 2000 4:11
Emil P. Bowen
TOWN CLERK, ACTON

TOWN OF ACTON
BOARD OF SELECTMEN

SITE PLAN SPECIAL PERMIT & SPECIAL USE
PERMIT # 11/18/98-366

886 MAIN STREET, ACTON, MASSACHUSETTS

AMENDMENT OF DECISION

The Applicant has requested certain modifications to Site Plan Special Permit & Special Use Permit #11/18/98-366 (the "Permit"). The primary reasons for the changes are to clarify certain provisions of the Permit to address certain issues raised by the lenders providing financing to develop the assisted living facility use component of the Full Service Retirement Community approved under the Permit and by the developers that will be constructing the village homes and independent living use components of the community.

Pursuant to Section 4.7 of the Permit, the Board of Selectmen reserved the right to amend the Permit at the request of the Applicant. The changes set forth herein do not change the result of the original decision but rather clarify and provide for alternative ways to satisfy certain conditions of the permit.

THEREFORE, the Permit is hereby AMENDED as follows:

1. Condition 3.1: The second sentence is deleted and replaced with the following:

"The payment of the \$50,000.00 gift for a sidewalk shall be made as follows: \$25,000.00 upon foundation certification of the assisted living building and \$25,000.00 prior to commencement of drywall within the assisted living building"

2. Condition 3.4: The following sentence is added:

"As an alternative to and in lieu of the agreement with respect to the sale of the three (3) low and moderate income housing units provided above, the Applicant may provide three (3) rental units within the assisted living facility to the Town of Acton for use as assisted living units for low and moderate income residents selected by the Town. Such use shall be in compliance with the Applicant's resident service agreement. Such residents shall satisfy the appropriateness guidelines for assisted living residents promulgated by the Massachusetts Executive Office of Elder Affairs. To be eligible to occupy one of these three (3) units, a resident's household gross income, adjusted for household size and the number of bedrooms in the unit, must qualify as "low or moderate income" under the guidelines published from time to time by the U.S. Department of Housing and Urban Development ("HUD") applicable in Acton. The monthly fees (i.e., rent plus cost of assisted living services) charged to the low or moderate income resident of any such unit shall not exceed the amount equal to seventy-five percent (75%) of such low or moderate income resident's monthly "net income", as such net income is calculated by the Acton Housing Authority by applying guidelines consistent with the guidelines utilized in assisted and/or supportive services public housing programs for purposes of determining a resident's net income. The level of assisted living services which such low and moderate income residents shall receive shall be determined by Minuteman Home Care, or another home care agency selected by the Town. If the Town of Acton fails to select a low or moderate income successor resident for such unit within ninety (90) days after such unit becomes vacant, the Applicant shall be entitled to rent such unit to any person without regard to such person's income and without any restriction on the monthly fees charged to such person; to ensure that the Town of Acton retains the right to three low and moderate income units, however, the next assisted living unit that becomes available on resident

owner - Acton Assisted Living LLC

35.00

702

MSD 02/13/01 04:05:41

520

turnover shall be provided to the Town of Acton, which shall thereafter have ninety (90) days as aforesaid to select a low or moderate income resident to occupy such unit.

3. Condition 3.5: This paragraph is deleted in its entirety and replaced with the following:

"In order to ensure there will be two levels of living units within the development, the following shall apply: (a) occupancy permits shall be available for any portion of the development constructed provided that construction of a second portion of the development has also commenced: (b) if the assisted living portion of the development is ready for an occupancy permit and commencement of construction of either the independent living facility or village homes portion has not commenced, an occupancy permit for the assisted living portion shall be available provided (i) the applicant delivers a performance bond or other security acceptable to the Building Commissioner to secure construction of five (5) village homes that shall be released upon commencement of the construction of such homes, provided financing is in place that is adequate to complete such homes.

For purposes of this Permit, if an occupancy permit is issued for the assisted living facility prior to completion of and issuance of an occupancy permit for the independent living facility, then unless the independent living facility is previously completed, the five (5) village homes must be completed within three (3) years of the issuance of an occupancy permit for the assisted living facility and ten (10) village homes must be completed within five (5) years of the issuance of an occupancy permit for the assisted living facility."

4. Condition 3.7: The first sentence of this condition is deleted as it is inconsistent with Condition 3.5, as amended above.

Except as specifically amended by this Amendment of Decision, the Permit is in full force and effect.

WITNESS our hand this 26th day of September, 2000.

Board of Selectmen,


By: F. Dore Hunter, Chairman