

## **Motion to Amend the Declaration**

**6/24/15**

### **Motion is made to amend the Declaration to:**

1. Delete references to an A-3 survey as necessary for defining Council Boundaries.
- 2: Specify that a description to be called Schedule 5 will define Council Boundaries
3. Adopt the description that follows as Schedule 5
4. Specify that the description will be used in conjunction with a sketch, but the description will take preference over the sketch
5. Adopt *The 13 Point Map* as basis for the sketch
6. Send the motion, the description, and *The 13 Point Map* to legal for review
7. Pending that review, send *The 13 Point Map* back to the surveyor for adjustment of the lines and cross hatched areas. The points can be pinned by Elite or Russo and then, if it is necessary, they can be “shot” by the surveyor.
8. Present to the Community (a) as an amendment to the present Declaration or (b) in conjunction with the overall amendment of the Declaration and the By-Laws

*Schedule A-5 Description of Council Boundaries:*

Council Boundaries exist only for the purpose of allocating cost between the Councils and between the Councils and the Conservancy.

The points described are pinned.

- A. **Duplex Council, lower area**, is defined as the area of Duplex Homes to the generally easterly side of Big Walden Pond. The council boundary begins at a point which is the intersection of the interior edge of the Walden Meadow sidewalk and a line extending the natural tree line running parallel to the exit side of Haskins. The interior edge of the sidewalk is defined as the edge of the sidewalk furthest from Walden Meadow Road. This point is shown on the sketch as **Point 1**.

The line then runs generally southwesterly along the natural tree line behind Haskins, around the Marble Faun Circle and then generally northerly behind Marble Faun. It runs to a point which is an extension of the tree line to its intersection with the interior edge of the Walden Meadow sidewalk. This is shown as **Point 2**. From that point it runs generally easterly along the interior edge of the Walden Meadow sidewalk back to its starting point on Haskins, **Point 1**.

- B. **The upper portion of the Duplex Council** starts at a point along the interior edge of the Walden Meadow sidewalk, where a perpendicular line would encompass the wall and plantings to the east of the Scarlet exit and then joins the natural tree line running parallel to Scarlet. This point is shown on the sketch as **Point 3**.

The line runs generally southerly along the natural tree line behind that side of Scarlet until it comes into the area containing the lower section of the steel fencing that protects the drainage area to the east of the Scarlet parking area shared by Duplex and Town Home. The lower retaining wall and the lower steel fence are in the Conservancy. The upper retaining wall and the

upper steel fence are in Duplex and Town Home. The boundary line splits the area between the base of the upper wall and the top of the lower wall. This point is shown on the sketch as **Point 4**.

The upper wall itself and the steel fence are split equally (**Point 4(a)**) between Duplex and Town Home. The parking area is split equally (**Point 4 (b)**). At that dividing point, the boundary line turns generally northwesterly to a point (**Point 4 (c)**) equidistant between the northerly edge of the drive that serves the first Town Home at 25 Scarlet and the southerly edge of the drive that serves the last Duplex unit at 23 Scarlet. The line then runs to the west to split the area (**Point 4 (d)**) between the northerly edge of the retaining wall of 25 Scarlet and the southerly edge of the foundation of 23 Scarlet. That line extends 75 feet into the area behind 25 Scarlet (**Point 4 (e)**). It then turns to the northwesterly to split the drain in the lawn area between Scarlet and Rhodera. It then runs north, equidistant from the foundations on Rhodera and Scarlet. It splits the trees between 1-3 Scarlet and 28-30 Rhodera. It stops on the interior edge of Walden Meadow sidewalk shown on the sketch as **Point 5**. It then runs along the interior edge of the sidewalk generally easterly back to the starting point of the upper section of Duplex, **Point 3**.

- C. The **Town Home Council** begins at the point on the interior edge of Walden Meadow sidewalk that is shares with Duplex between 1 Scarlet and 28 Rhodera, **Point 5**. It runs generally southerly along the interior edge of the Walden Meadow sidewalk until it crosses Jacobi so as to encompass the Jacobi dividing island inside the Town Home boundary and then connects to the southerly edge of the curb on Jacobi, **Point 6**. The curb is part of Jacobi. The line then runs generally easterly along the outside edge of the Jacobi curb to a point where the ball field ends and the irrigated lawn begins alongside and behind 1-3-5-7 Last Leaf, **Point 7**. That point is the mid-point of the parking area closest to Last Leaf.

- D. It runs behind these Last Leaf homes along the edge of the ball field so as to include the irrigation boxes (**Point 7(a)**) in Town Home, and then up to the southern property boundary, **Point 8**. It then runs east along the property boundary to a **Point 9** where it turns north to intersect with the start of the trail and the tree line behind the Last Leaf parking area, **Point 10**. The tree line then runs behind the last Leaf Town Homes until it turns north and west to run toward Scarlet to the point between the upper and lower retaining wall that is shared with Duplex, **Point 4**.
- E. The **Ridge** is defined by the boundary lines of its individual Limited Common Elements.
- F. **Woodmoor** is defined by the boundaries of its Lot Units.
- G. The **Village** is defined in two sections. The section around the Green is defined as the area inside the curbs of the Village side of Pierce, Hawthorne, Mercer, Walden Meadow, On the Green\* and back along Walden Meadow to Pierce. \*On the Green roadway and both its curbs, The Green, the sidewalk that fronts Walden Meadow, the grass section to the curb, the sidewalks in front, alongside and in back of the Meeting House are not in the Village. The driveway aprons of the Village homes are in the Village. The parking areas next to the Meeting House are not in the Village.
- H. The Knoll section begins at a **Point 11** on the westerly boundary line of the property with its origin on the interior edge of the Lockview sidewalk. The line then heads generally north along the line to a **Point 12** to the rear of 26 Ivy Lane. It then heads south along the tree line until it intersects with the curb on Walden Meadow Road, **Point 13**. It then turns generally westerly to run along the interior edge of the Walden Meadow and Lockview curb until it meets the Lockview sidewalk. It then runs along the interior edge of the sidewalk until it meets the origin boundary line, **Point 11**, Sketch V-101.
- I. **Council Area within the Conservancy**: the mailboxes on Jacobi including the foundation and the plantings and beds that surround the foundation are the responsibility of Town Home or Town Home and Duplex as they jointly decide.

**J. Council Limited Common Elements:** the designated parking areas within Duplex are Council Limited Common Elements and are subject to Rules defined by Duplex and approved by the Conservancy. The designated parking areas within Town Home are Council Limited Common Elements and are subject to Rules defined by Town Home and approved by the Conservancy. The one on the southerly end of Scarlet is split 50/50. There is an allowed use exception for the parking area in front of the Community Garden; that is, gardeners may park in vacant spaces in that area when they are present at the garden.

**K. Conservancy Areas within Councils:** the following are the responsibility of the Conservancy:

- a. The Vortecnic Units on Haskins, Scarlet, and Marble Faun. This includes only the units themselves and does not include catch basins, surface drains, drain pipes into or out of the units, drain pipes, structures, or water courses out of the units.
- b. The Amphibian Tunnel: this includes the approach into the tunnel, the tunnel itself, and the exit from the tunnel including the shrubs on the exit side..
- c. The Four Entrance Markers: (the two stone pillars on Mercer and the two stone pillars on Pierce) This includes the stonework and the plantings. The fifth one at the Corner of Walden Meadow and Pierce is already in the Conservancy. The small Woodmoor signs come down. The larger Walden Woods signs stay.
- d. Any tree within the Ridge that encroaches upon the Pool Road or the pathway from Mercer to the Pool Road or the three Woodmoor lot units on Mercer.
- e. The two stone walls, the beds surrounding the walls and the plantings in those beds which are adjacent to the Meeting House sidewalk that exits onto Hawthorne.

**L. Areas Owned by Others (Town of Windsor) but maintained by the Conservancy:**

- a. The island at the front entrance on Walden Meadow
- b. The island at the intersection of Walden Meadow and Lockview
- c. Thoreau Circle island
- d. The land and sidewalk between Thoreau Circle and Pierce. This parcel of land is owned by the town.

*Schedule A-6 Boundary Sketches*

V-100, V-101, V-102, V-103, V-104, V-105