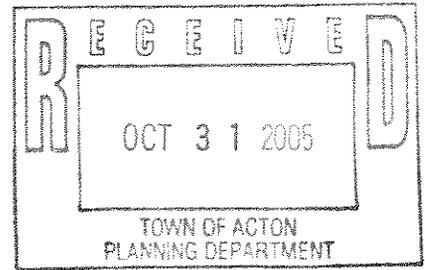


FYI

John & Christine Bonica
P.O. Box 2285
9 Wyndcliff Dr.
Acton, MA 01720



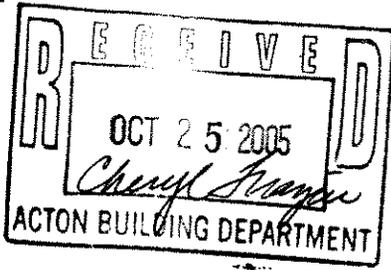
October 27, 2005

To Whom It May Concern:

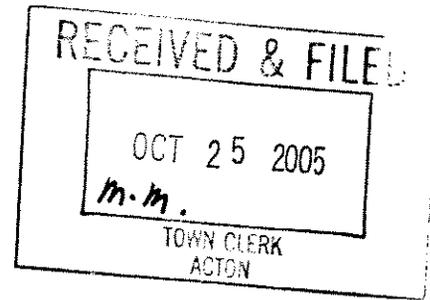
Enclosed, you will find a carbon copy of a letter that was hand delivered to the Acton Building Department on October 25, 2005. We thought you should have a copy because you (or your department) may have been mentioned in the letter, been involved with this complaint in the past or have future involvement in the complaint.

Sincerely,

John & Christine Bonica



John & Christine Bonica
P.O. Box 2285
9 Wyndcliff Dr.
Acton, MA 01720



October 24, 2005

Garry A. Rhodes
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Rhodes:

This is a formal complaint to Frank and Mary Foley's operation of their Foley Crane & Welding business, which is operated out of Frank and Mary Foley's residence at 18 Wyndcliff Drive, Acton, MA; as listed with information. John and Christine Bonica believe the Foley business may be in violation of several R2 Zoning Bylaws of the Town of Acton. John Bonica has expressed his concern verbally in the past, but now the time has come to put the complaint in writing.

Some examples of Zoning Bylaws of the Town of Acton in which the Foley's may be in violation are 3.5.20, 3.7, 3.8.1.2, 3.5.6, 3.5.12, 3.5.14, 3.6.3, and 3.9.2. Please see if these or other violations are present, and what can be done to stop it.

The Foley's have two (2) cranes on their property. However, town excise tax records may provide you with what cranes are owned and their weight class. Isn't there a 500 square foot limit to R2 combined business/residential use? I don't believe it is possible for two large cranes, forklift, steel beams, gases, all equipment needed to fabricate metal to weld, grind, sand blast and any other equipment or vehicles they have in order to run their business to fit entirely within the dwelling. Approximate size of the larger crane is: 38' long x 8.5' wide x 12' high and the approximate size of the smaller crane is: 28' long x 8' wide x 10' high. Also, isn't there a 10,000 pound limit for R2 zoning? Maybe tax records can help with Gross Vehicle Weights for the cranes and other equipment? The larger crane must have a G.V.W. of 80,000 pounds or more and the smaller crane 50,000 pounds. In the Bonica's opinion there is no possible way that the larger Foley Welding crane that travels up and down Wyndcliff Drive on a regular basis can fit entirely into the establishment on the Foley residential property. You can see Foley's cranes parked outside their residence on a regular basis from the new development off 2A.

The Bonica Family has heard & seen the cranes driving by their home on Wyndcliff Drive routinely since the Foley's moved in approximately seven (7) years ago. The Foley's have no

regard for hours of business or matters of holidays, Sundays, AM or PM. Whatever suits their needs is fine by them. Cranes go to work as early as 5 AM and have returned as late as midnight. The Bonica's feel the Foley's could easily work the hours that all the other companies must maintain, for example, 7 AM - 7 PM, no Sundays or holidays. Do the Foley's have a special permit for maintaining their hours? Are there time restrictions in the Bylaws for start up and finish times for mobile business on private roads or anywhere else in town? Can a business in a R2 zone work Sundays and holidays?

The Bonica's are also fearful that their children or another child may be hurt or killed by the large cranes and delivery trucks driving up and down Wyndcliff Drive. It is common knowledge that Frank Foley has flipped the larger crane over just a short time after he bought it and John Bonica is wondering if he is even qualified to operate such equipment. Does Frank Foley have a Massachusetts Hoisting License? It took a large Astro Crane to upright Foley's flipped crane. Foley's crane was badly damaged and the Bonica's didn't see that crane for quite some time after the accident and the second crane was used in its replacement. It is believed that having any such equipment would be a safety hazard in a residential area, especially if the operator is unqualified. Would the Town of Acton have any liability for allowing such activity on a private (R2) road?

John Bonica has spoken to several drivers delivering large steel beams, welding stock, etc. to the Foley property. Sometimes the delivery trucks were unloaded by Frank Foley down on the circle with the Foley forklift. Bob Batts, a resident of Wyndcliff Drive and the Manager of the Wyndcliff Drive Road Fund, mentioned to John Bonica that a large truck tried to deliver steel beams to his house.

On the safety issue, a welding business uses hazardous materials in the course of normal operation, so there is most likely storage of hazardous gases and other materials on the Foley property in order to run the Foley Crane & Welding business. John Bonica also questioned whether or not Wyndcliff Drive was in a Ground Water Protection District and if there might be any violations there also. With concern to running a crane and welding business within sight of a town water supply, is there risk of explosion or pollution, etc.? The Bonica's have also heard that there may have been or still are some issues with the Acton Water Department and the Foley Crane & Welding business. Perhaps the Acton Water Department can shed some light on the daily on goings of the Foley Crane & Welding business? The Acton Water Department phone number is 978-263-9107.

The Bonica's have been told that during the construction of the Foley's home, the Acton Fire Department ordered a special disconnect for their electric service in case of an emergency or fire because of the concern of a 3 phase industrial electric service on a residential service. Why would a residence or a mobile business need such a service that is three (3) times a normal service? The Bonica's believe this is to power large equipment such as welders, bridge ports, lathes, cutters and benders. They also feel this proves what the Foley's have planned to do right from the start of the construction of their home. This type of service is only needed for extreme power for extreme equipment.

The Bonica's currently have 24 / 7 digital computerized surveillance with digital recorder (they can burn DVD of information) on their property and Wyndcliff Drive. John Bonica has also taken many pictures of what he believes are violations of the Bylaws of the Town of Acton. The Bonica's will cooperate with you fully and provide you with copies of the surveillance material and / or photographs that you feel will be helpful. We will need the photograph exhibits returned to us for possible future legal action, but we give you permission to make copies of any photographs that you feel will be of use to you.

We appreciate your speedy response to an ongoing problem. Please send your reply and all future correspondence regarding this matter to our email at john.bonica@comcast.net and also regular postal mail to P.O. Box 2285, Acton, MA 01720. Please forward copies to both the Town Council and Town Manager, we will forward c.c. all other parties.

Sincerely,

Handwritten signature in cursive script, appearing to read "John & Christine Bonica".

John & Christine Bonica

cc: Town Manager
Board of Health
Planning Board
Selectman
Fire Department
Water Department
Bob Batts, Manager Wyndcliff Drive Road Fund
Steve Murra, Esq.
Todd Fenniman, Esq.

Enclosures: Photographs
Logs
List of suppliers & clients