

9/22  
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**INTERDEPARTMENTAL COMMUNICATIONS**

**OFFICE OF THE TOWN CLERK**

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DATE: September 12, 2003

TO Board of Selectmen, Don Johnson, John Murray

FROM Ed Ellis:

Subject: Special Town Meeting

The High School AUDITORIUM IS NOT AVAILABLE. However the newly renovated Junior High School Auditorium which seats 500 is available on October 20, 21 and 22<sup>nd</sup>. The Moderator, Don MacKenzie, is available any Monday through Thursday evenings the weeks of October 12 and the 19 .

I would like to suggest Monday October 20, 2003 only as past town meetings have normally been held on Monday nights

October 20 would allow ample time for posting the warrant, 14 days, and advertising of the special voter registration day, to be held 10 days prior to the date of the town meeting.

Regards Ed

Given the suggested schedule  
you have time to close the warrant  
at either meeting (9/16 or 9/22)



TOWN OF ACTON  
 472 Main Street  
 Acton, Massachusetts 01720  
 Telephone (978) 264-9636  
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Planning Department

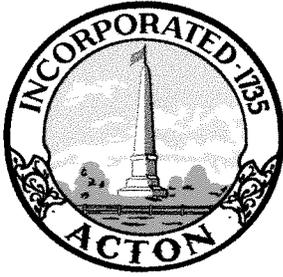
**INTERDEPARTMENTAL COMMUNICATION**

**To:** John Murray, Assistant Town Manager **Date:** September 11, 2003  
**From:** Roland Bartl, AICP, Town Planner *R.B.*  
**Subject:** Zoning Petition for 111 Great Road Parcel  
 Scheduling of Legal Ads and Postings, Public Hearing, and Special Town Meeting

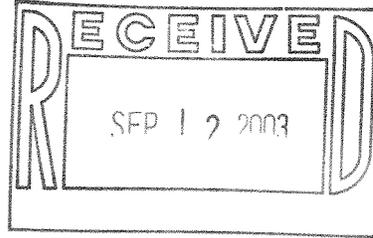
Day#	Date	Legal Dates/ Deadlines	Practical Considerations
0	September 8, - Mon	<i>Petition Certified – Special Town Meeting required within 45 days</i>	
1	9 - Tue		
2	10 - Wed		
3	11 - Thu		
4	12 - Fri		
5	13 - Sat		
6	14 - Sun		
7	15 - Mon		
8	16 - Tue		
9	17 - Wed		
10	18 - Thu	<i>1<sup>st</sup> legal ad placed for 10/15 hearing</i>	Earliest possible date for 1 <sup>st</sup> required legal ad on required zoning hearing in Beacon <sup>1</sup>
11	19 - Fri		
12	20 - Sat		
13	21 - Sun		
14	22 - Mon		
15	23 - Tue		
16	24 - Wed		
17	25 - Thu	<i>2<sup>nd</sup> legal ad placed for 10/15 hearing</i>	Earliest possible date for 2 <sup>nd</sup> legal ad in Beacon
18	26 - Fri		

<sup>1</sup> Only the Beacon clearly qualifies as a newspaper of general circulation (MGL 40A, 5) in Acton. Also, widely available in Acton is the Boston Globe where a legal ad could perhaps appear a bit earlier at a greater cost. However, I suspect hardly anybody would be looking for Acton legal ads in the Boston Globe. The Beacon's submission deadline for legal ads is on Friday before the next Thursday's publication date.

19	27 - Sat		
20	28 - Sun		
21	29 - Mon		
22	30 - Tue		
23	October 1 - Wed		
24	2 - Thu	<b>Earliest possible date for zoning hearing not less than 14 days after first legal ad.</b>	
25	3 - Fri		Friday
26	4 - Sat		Saturday
27	5 - Sun		Sunday
28	6 - Mon		Potential alternate hearing date
29	7 - Tue		Regular Planning Board meeting booked with housing forum "To live in Acton"
30	8 - Wed		2 <sup>nd</sup> night of Planning Board housing forum
31	9 - Thu		Potential alternate hearing date
32	10 - Fri		Friday
33	11 - Sat		Saturday
34	12 - Sun		Sunday
35	13 - Mon		Columbus Day
36	14 - Tue		Potential alternate hearing date
37	15 - Wed	<b>Public hearing on petition zoning article</b>	First date after 10/2 when Planning Board quorum is available.
38	16 - Thu	<b>Earliest possible day for Special Town Meeting</b>	Given the Date of Public Hearing by Planning Board
39	17 - Fri		
40	18 - Sat		
41	19 - Sun		
42	20 - Mon		
43	21 - Tue		
44	22 - Wed		
45	23 - Thu	<b>Last possible day for Special Town Meeting</b>	



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**INTERDEPARTMENTAL COMMUNICATION**

**To:** John Murray, Assistant Town Manager **Date:** September 10, 2003  
**From:** Roland Bartl, AICP, Town Planner *R. B.*  
**Cc:** Garry Rhodes, Building Commissioner  
**Subject:** Zoning Protection for Site Plans

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You had asked for clarification on when and how site plans gain protection from zoning changes.

The Acton Zoning Bylaw provides in section 8.5:

**"Building and Special Permit Exemption – An amendment to the Zoning Bylaw shall not apply to a building permit, special permit or site plan special permit, the application for which has been duly filed as required by this Zoning Bylaw or the Massachusetts General Laws before the first publication of notice of the public hearing on such amendment required by Massachusetts General Laws Ch. 40A, s. 5; provided that the applicant proceeds diligently to obtain such permit and provided further that the USE or construction is commenced within six (6) months after the issuance of the permit and the expiration of all applicable appeal periods. In cases involving construction, such construction shall be continued through to completion as continuously and expeditiously as is reasonable, provided however that if such construction has ceased for a period of two or more years it shall be considered abandoned pursuant to Section 8.2.4."**

Accordingly, the recent filing of a site plan application for 107-111 Great Road would have frozen zoning for the locus as it currently applies and would have rendered the locus immune from any zoning changes that had not already been advertised, including any changes by petition, as long as the applicant had continuously and expeditiously followed through on the permit and made progress on implementing the plan after approval. No zoning changes were advertised before the filing of the site plan application.

The site plan application was later withdrawn. A zoning petition affecting the locus was then received and certified. I will advertise a public hearing on the petitioned zoning change as soon as I know the Planning Board member's availability for an extra meeting.