

19

**Christine Joyce**

**From:** Burak, Mark [MBURAK@nixonpeabody.com]  
**Sent:** Friday, September 19, 2003 7:37 AM  
**To:** Burak, Mark; Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Cc:** Bob Jack; John G. Scanlon; Pat Halm II; Brown, Stan (E-mail); samnablo; cbirnbrich@thedartmouthgroup.com; William S. Beebee (E-mail); Ellen M. Carman (E-mail); terry.manning1@attbi.com; Jim Wu; Bill Beebee (new work)  
**Subject:** RE: To the Board of Selectmen, Town of Acton 4 August, 2003/Davis Road Acceptance

Dear Board and Mr. Johnson:

I sent this email six weeks ago and did not receive any response. While I understand that the issue was discussed that night, I would appreciate hearing from you regarding the town's position on this issue.

Thank you for your consideration.

Mark H. Burak  
Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110  
ph: 617.345.1242  
fax 866.947.1787  
mburak@nixonpeabody.com

-----Original Message-----

**From:** Burak, Mark  
**Sent:** Monday, August 04, 2003 9:29 AM  
**To:** 'bos@town.acton.ma.us'; 'manager@town.acton.ma.us'; rbartl@town.acton.ma.us; dabbt@town.acton.ma.us  
**Cc:** Bob Jack; John G. Scanlon; 'Halm, Pat Home (E-mail)'; 'Brown, Stan (E-mail)'; 'samnablo'; Cathy Birnbrich (cbirnbrich@thedartmouthgroup.com); William S. Beebee (E-mail); Ellen M. Carman (E-mail); Manning, Terry L. (terry.manning1@attbi.com); Jim Wu; Bill Beebee (new work)  
**Subject:** RE: To the Board of Selectmen, Town of Acton 4 August, 2003/Davis Road Acceptance

Dear Board of Selectmen and Mr. Johnson:

As the current President of the Bellows Farm Condominium Board of Trustees, I write on behalf of Bellows Farm Condominium regarding the issue of the acceptance of Davis Road (and Bellow Farm and Briar Hill Roads) that will be discussed during the citizens' concern portion of your meeting tonight.

We believe it is of paramount importance that the Davis/Briar Hill/Bellows Farm road acceptance be place on the town meeting warrant for Spring 2004. With 117 homes, at least two thirds of which have children (many very young), safety is an extremely important issue to our community. Speeding has been a continuing problem in our neighborhood and we have asked for police enforcement of speeding laws but cannot obtain it due to the private status of these significant roads.

There is no question that the intent of the subdivision plan is that these roads become public roads upon the completion of Bellows Farm (which occurred nearly three years ago). We also understand that the Developer has completed all items needed for the Town to accept these roads. We understand, however, that the reason this has not been accomplished is that a small portion of Davis Road ("Parcel F") was inadvertently conveyed to Briar Brook Condominium years ago and thus the Town will not accept Davis

9/19/2003

Road because it cannot accept all of Davis Road.

While we understand the position of the Arbors, it is not clear to us whether or not the developer of Bellows Farm, Northwest Development, has an obligation to obtain a reconveyance from Briar Brook Condominium or whether it is possible to do so. Indeed, it appears that Parcel F was inadvertently conveyed to Briar Brook years ago before Northwest Development became involved. We agree with the Arbors' Board that any consideration to Briar Brook to do so, beyond perhaps the legal work, would be inappropriate. However, it appears that insisting that the developer undertake an obligation it may not have or may be unable to accomplish may ultimately prove ineffectual and time consuming.

As I understand, the Town has the option of electing to "take" Parcel F, which would allow it to accept the entirety of Davis Road. I also understand that the Town has an informal policy of not engaging in takings because of potential legal complications. However, because of important public safety issues which are very important to our residents (and the residents the Arbors), our view is that the Town should reconsider that position and take Parcel F. That small portion of Davis Road has no real value at all (except, perhaps, to Briar Brook to leverage undeserved "consideration"). Thus, the Town should be able to take that portion of Davis Road with minimal problem or cost. This solution would avoid unnecessary, time consuming and ineffective legal wrangling between Northwest, the Town and Briar Brook while accomplishing the goal of making Davis Road and adjoining roads public ways and allow for community policing of speeding.

Alternatively, if the Town is adamant on not engaging in a taking, despite the public safety issue, we believe the Town should consider accepting the remainder of Davis Road, along with Briar Hill and Bellows Farm Roads now and let the Parcel F issue resolve itself over time.

I may be able to attend tonight's meeting but my schedule is unclear. However, my co-trustee, Bill Beebee, will be present. We also understand that the citizen's concern portion of the meeting is necessarily brief. If this issue cannot be fully discussed tonight, we would ask that you consider meeting with me and possibly other members of our Board to address this concern.

Thank you for your consideration.

Mark Burak  
1 Old Cart Path

Mark H. Burak  
Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110  
ph: 617.345.1242  
fax 866.947.1787  
mburak@nixonpeabody.com

-----Original Message-----

**From:** samnablo [mailto:samnablo@comcast.net]  
**Sent:** Thursday, July 31, 2003 12:33 PM  
**To:** rbartl@town.acton.ma.us; Burak, Mark; dabbt@town.acton.ma.us  
**Cc:** Bob Jack; John G. Scanlon; 'Halm, Pat Home (E-mail)'; 'Brown, Stan (E-mail)'  
**Subject:** To the Board of Selectmen, Town of Acton 4 August, 2003

Please find attached a note I prepared for use in meeting with the Board of Selectmen in the Citizen's section on Monday, August 4, 2003 at 7 pm.

Sam V. Nablo  
16 Quail Run.

## Christine Joyce

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**From:** Alcaide, Mark [Mark.Alcaide@FMR.COM]  
**Sent:** Thursday, September 18, 2003 2:40 PM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** RE: Davis Road acceptance

Dear Board member:

As a resident of Bellows Farm and a registered voter, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town consider "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many, many small children here and thus the safety issue is even more pressing. I sincerely appreciate your help and consideration.

Very truly yours,

Mark and Pam Alcaide  
10 Settlement Way

## Christine Joyce

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**From:** atso@comcast.net  
**Sent:** Thursday, September 18, 2003 7:34 PM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** RE: Davis Road acceptance

Dear Board member:

As a resident of Bellows Farm and a registered voter, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town consider "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many many small children here and thus the safety issue is even more pressing. I sincerely appreciate your help and consideration.

Very truly yours,

Angie Tso

## Christine Joyce

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**From:** krishna srikrishna [ksrikrish@yahoo.com]  
**Sent:** Thursday, September 18, 2003 8:55 PM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Cc:** krishna\_srikrishna@mator.com  
**Subject:** Acceptance of Davis Road, Bellows Farm & BriarHill Roads

P. Srikrishna  
2 Mossy Lane,  
Acton, MA

Dear Board member:

RE: Acceptance of Davis Road, Bellows Farm & BriarHill Roads

As a resident of Bellows Farm in Acton, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town consider "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many many small children here and thus the safety issue is pressing. We strongly feel the need for street lights for the sharply curved part of Davis Road entering Bellows Farm and the uphill section of BriarHill Road especially on snowy winter nights. The town acceptance of these roads would be helpful to install lights and ensure safe driving on these roads.

I sincerely appreciate your help and consideration.

Sincerely yours,  
P. Srikrishna

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**Christine Joyce**

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**From:** Puming Zhan [pumingz@yahoo.com]  
**Sent:** Thursday, September 18, 2003 9:15 PM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** RE: Davis Road acceptance

Dear Board member:

As a resident of Bellows Farm, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town consider "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many many small children here and thus the safety issue is even more pressing. I sincerely appreciate your help and consideration.

Very truly yours,

Puming Zhan  
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## Christine Joyce

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**Sent:** Thursday, September 18, 2003 7:34 PM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
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Very truly yours,

Angie Tso

## Christine Joyce

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**From:** Gabriel R. Toro [toro@riskeng.com]  
**Sent:** Friday, September 19, 2003 6:09 AM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** Davis Road acceptance

Dear Board member:

As a resident of Bellows Farm and a registered voter, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town consider "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many many small children here and thus the safety issue is even more pressing. I sincerely appreciate your help and consideration.

Very truly yours,

Gabriel R. Toro

Gabriel R. Toro

toro@riskeng.com or gabrielt@alum.mit.edu  
3 Farmers Row  
Acton, MA 01720 USA  
ph. (978)266-1868  
fax (978)266-2639  
Alternate Fax and Voice mail (978)418-5981

## Christine Joyce

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**From:** Che, Ting-Shuo T (Ting-Shuo) [tingche@lucent.com]  
**Sent:** Friday, September 19, 2003 9:15 AM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** Please accept Davis, Briar Hill and Bellows Farm roads as public way.

Dear Board member:

As a resident of Bellows Farm and a registered voter, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town consider "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many many small children here and thus the safety issue is even more pressing. I sincerely appreciate your help and consideration.

Very truly yours,

Ting-Shuo Timothy Che  
2 Bramble Way, Acton, MA 01720

## Christine Joyce

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**From:** xiaohong chen [xhchen00@yahoo.com]  
**Sent:** Friday, September 19, 2003 9:24 AM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** RE: Davis Road acceptance

Dear Board member:

As a resident of Bellows Farm and a registered voter,  
I am very  
concerned about the continued delay in Town acceptance  
of Davis, Briar  
Hill and Bellows Farm Roads. I am asking that the  
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Very truly yours,

Chen, Xiaohong

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<http://sitebuilder.yahoo.com>

## Christine Joyce

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**From:** Yuming Liu [liu@vfri.mit.edu]  
**Sent:** Friday, September 19, 2003 10:14 AM  
**To:** Board of Selectmen; Manager Department; Roland Bartl; David Abbt  
**Subject:** RE: Davis Road acceptance

Dear Board member:

As a resident of Bellows Farm and a registered voter, I am very concerned about the continued delay in Town acceptance of Davis, Briar Hill and Bellows Farm Roads. I am asking that the Town considers "taking" the portion of Davis Road held by Briar Brook Condominium so that the Town may accept the entirety of Davis, Briar Hill and Bellows Farm roads. Making these roads public is a crucial public safety issue and we need town police enforcement of speeding laws immediately. There are many many small children here and thus the safety issue is even more pressing. I sincerely appreciate your help and consideration.

Very truly yours,

Yuming Liu, liu@vfri.mit.edu  
22 Longmeadow Way  
Acton, MA 01720

P.S. My family has two young kids. We live at the intersection between Longmeadow way and Davis Road. Enforcement of speeding laws is very critical to my children's safety.

## Christine Joyce

---

**From:** xiaohong chen [xhchen00@yahoo.com]  
**Sent:** Friday, September 19, 2003 9:24 AM  
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Chen, Xiaohong

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**Christine Joyce**

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## Christine Joyce

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Acton, MA 01720

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