

FYI

Roland Bartl

From: Stephen D. Anderson [SAnderson@AndersonKreiger.com]
Sent: Thursday, January 22, 2009 4:05 PM
To: Roland Bartl
Subject: Acton/GenPIBd: SAV and WAV FAR

Roland:

As we discussed today, please ask the Planning Board to discuss, without participation by Mrs. Davis-Honn, the proposal to hold a public hearing on potential zoning clarifications of or amendments to the SAV and WAV FAR provisions. An alleged ethics violation complaint has been made against the Board's prior vote to send certain amendments to a public hearing. To avoid any taint on the process, the matter should be considered ab initio.

As Town Counsel, I had originally initiated the request for a zoning amendment to clarify the Bylaw and resolve a dispute as to its proper interpretation. As Town Planner you had presented the Planning Board with a neutral slate of options for doing so. To preserve complete neutrality at the outset of the public hearing on the question of whether and how the SAV and WAV FAR provisions should be clarified or amended, I recommend that the Board re-vote to notice a public hearing on the zoning options previously brought to the Board's attention. After the Board hears from property owners in the districts and from the public at the hearing, the Board can then determine whether it will recommend any FAR amendment and, if so, what it will recommend. This procedure should moot any claim that the process has somehow been irrevocably tainted by the alleged violation of the state ethics act.

Steve.

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