File

SEPTEMBER 4, 1992

TO: Board of Selectmen

FROM: NANCY TAVERNIER, Chairman

SUBJECT: SELECTMEN'S REPORT

##

AGENDA

ROOM 204

7:30 P.M.

SEPTEMBER 8, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON & NET&T- CONCORD ROAD - Joint identical poles.

2. 7:40 ACTON MEMORIAL LIBRARY FOUNDATION - Present gift for FY93 Sunday hours.

3. 7:45 HISTORIC DISTRICT COMMISSION - OVERSIGHT MEETING

4. 8:15 HISTORIC COMMISSION - OVERSIGHT MEETING

5. 8:30 CML Group - Site Plan #7/24/92-336 (Hunter)- 524 Main Street - Enclosed please find staff comments for Board review.

6. 8:45 MOBIL OIL - 24 Hour Night Hours Bylaw - The new operator of the West Acton station will be in to meet the Board and discuss the 24 hour license.

7. 9:00 DISCOVERY MUSEUM - Enclosed please find a request and staff comment on the 10th Anniversary Party scheduled for October 3, 1992

III. CONSENT AGENDA

8. ELECTION WORKERS - Enclosed please find the annual list for signature from the Town Clerk for the Election Workers.

9. PAPA GINO'S - Enclosed please find staff correspondence regarding a request for Transfer of Stock for Board action.

10. PASTA VILLIGO - 36 Great Road - Enclosed please find a request for Change of Manager's along with the required forms for ABCC for Board Action.

11. CABLE ADVISORY COMMITTEE - Enclosed please find a Charge prepared for Board review and action.'

12. WALDEN COMMUNICATIONS - Attached information describes a proposed change in the Site Plan for this property (site Plan #295) and for adjacent property of Dexter & Harpel (Site Plan #207).

IV. SELECTMEN'S CONCERNS

13. SUNDAY PACKAGE STORE OPENINGS - Enclosed please find correspondence from the Alcoholic Beverage Control Commission along with staff comment and request for board direction.

14. COORDINATING COMMITTEE PROCESS AFFIRMATION - Enclosed find correspondence from Selectmen Hunter.

15. AUDIT & INVESTMENT ADVISORY COMMITTEES - Enclosed find correspondence from Selectmen Hunter.

V. TOWN MANAGER'S REPORT

16. PERMIT FEES - Enclosed please find a recommendation from the Building Commissioner concerning wiring permit fees.

17. NON-FINANCIAL WARRANT ARTICLES - The Town Manager's Office has prepared a proposed time line for submission and review of non-financial warrant articles for the 1993 Annual Town Meeting.

18. CHAPTER 61A OFFER - Marshall Land - The enclosed material describes part of the Marshall land on Carlisle Road that has been under 61A classification and now is being offered for sale. The Town has the first refusal rights on this offer.

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Sept. 22
SARC Overview
Ft. Devens Reuse Update with BOS
Main Street Sidewalk

October 6

October 20
Phillips Coffee Use Permit
Prison Advisory Committee Oversight

November 3
November 17

754 acs

9/8/92

(1)

BOSTON EDISON AND NEW ENGLAND TELEPHONE
JOINT IDENTICAL LOCATIONS FOR INSTALLING POLES
NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 8th day of September at 7:31 o'clock P.M., upon the petition of Boston Edison Company and New England Telephone Company for joint or identical locations for the erection or construction of poles to be owned and used in common by them and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the following public ways of said Town:

Poles 11/58 and 11/59 Concord Road Northerly side point approx. 115 east of Horseshoe Drive

Two poles
Two guy wires and anchors

BOARD OF SELECTMEN

BY _____

Form 518C
648ACS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/3/92

TO: Board of Selectmen

FROM: Engineering Department

SUBJECT: Boston Edison & New England Telephone Petitions
Concord Road

We have reviewed the petition for the location referenced above and we have the following comments:

1) This petition is for the installation of two (2) new utility poles on Concord Road to act as guy supports for two (2) existing poles.

2) We have reviewed the petition for compatibility with our proposed culvert replacement project in this area and have determined that the proposed pole locations will not interfere with the proposed sidewalk. In addition, we have already met with representatives from Boston Edison at the site to ensure that the poles will be installed as shown on the petition plan.

3) We do not foresee any problems with this petition.

Dennis P. Ring
Dennis P. Ring
Engineering Assistant

9/8/92
5

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: August 31, 1992

TO: BOARD OF SELECTMEN
FROM: GARRY RHODES, BUILDING COMMISSIONER GAR
SUBJECT: SITE PLAN SPECIAL PERMIT #7/24/92-336
CML GROUP
524 MAIN STREET (HUNTER)

The CML Group is proposing to construct a three thousand, three hundred and sixty-one square foot (3,361 sq. ft.), two-story addition. It will be comprised of 1,630 square feet in the basement and 1,731 on the first floor. There will also be an additional 3,800 square feet of impervious cover consisting of a parking lot and sidewalks.

This building will be used for the offices of the CML Group. This USE is nonconforming and it was necessary for the petitioner to obtain a Special Permit from the Board of Appeals to expand the nonconforming use. The Hearing was held on July 20, 1992 and it was voted to grant the requested expansion, however, the decision has yet to be written.

With this expansion the floor area ratio will be .025, well within the .1 maximum allowed.

The petitioner also requested a Variance from the BOA to decrease the maneuvering aisle from 24′ to 20′. This would maintain the continuity of the existing parking lot which has a maneuvering aisle of 20′.

In 1983 the CML Group was granted a Variance for reserve parking. This was granted before the Zoning Bylaw allowed reserve parking. The petitioner requested a modification of the existing Variance to increase the reserve parking from seven spaces to fourteen spaces. The Board of Appeals granted this request.

CML Group does not have a septic system that is adequate to support the requested addition. The petitioner is aware of this and is proceeding accordingly.

Because of the small size of the addition, a traffic study will not be necessary.

The addition will be within 100′ of a wetland. The petitioner has filed with the Conservation Commission who will set necessary safeguards to protect these wetlands.

The drainage calculations mistakenly identified the pre- and post-development 10 year flood to be 4.5 C.F.S. when they are in fact 5 and 6 C.F.S. respectively. Section 10.4.3.1 of the Zoning Bylaw requires that the rate of storm water run-off from the site not be increased. The applicant should correct this discrepancy and make the appropriate changes to the plan.

As a matter of clarification, the flood plain delineation should be shown in its entirety on the site plan.

The following information which is required by the site plan rules and regulations is missing from the plans:

1) any hydrants within 500′ of the Building;
2) location of municipal fire alarms;
3) any underground utilities, including water lines;
4) dumpsters;
5) and restrict the hauling of earth to or from the site during the hours between 9:00 a.m. and 4:00 p.m. on weekdays.

The existing building has a master fire alarm box and fire alarm system. These should be extended into the addition. To ensure that the building has maximum fire protection, the proposed construction driveway should be preserved. This would ensure that vehicles can reach the rear of the building. It would be appropriate to loam and seed this area and place appropriate markings to ensure that the fire department stays on the driveway.

The most controversial issue is a sidewalk. The property has its frontage south of the Phillip's building but has its access drive on the McPherson property north of the Phillip's building. When the Post Office site was approved, a gift was given to construct a sidewalk from Post Office Square to Nagog Hill Road, including CML's legal frontage. Since CML has its access on the McPherson property, staff recommends that a sidewalk be constructed from the McPherson drive to the Phillip's building driveway. This would ensure that CML's employees have safe access to the existing sidewalk system.

The final issue is the hours when construction will occur. There is a residential area to the west of the CML building. It may be appropriate to limit construction from 7:00 a.m. to 6:00 p.m. Monday thru Friday. This will protect neighbors from unnecessary noise.

(869)

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson DATE: August 21, 1992

FROM: Roland Bartl, Town Planner R.B.

SUBJECT: Site Plan #7/24/92 - 336 - CML Group

The proposed addition is intended to expand professional office space. Since April 1988 professional office use is no longer a permitted use on the site. Therefore the proposal constitutes an extension of a nonconforming use for which a special permit from the Board of Appeals has been issued.

Given the low intensity of the use (4 additional employees according to the proponent) and the low total floor area ratio of only 0.025 (1/4 of maximum permitted floor area ratio), the proposal appears to be within the intent of the Master Plan to minimize additional traffic growth from this vicinity.

I recommend that installation of a sidewalk along the frontage of the Mac Inc. property should be required. This is where the proponent's driveway is located. The sidewalk should connect with the existing sidewalk located across from Post Office Square. A sidewalk along the frontage of the proponent's property had been installed in 1991 with funds made available from the post office construction.

xc: Garry Rhodes ✓
Planning Board

TOWN OF ACTON

Inter-Departmental Communication

DATE: August 25, 1992

TO: Don P. Johnson, Town Manager

FROM: Fire Chief

SUBJECT: Site Plan #7/24/92-336-CML Group

Don,

After review of the above named site plan, I would offer the following comments:

1. Due to the remoteness of the structure and the limited access, I would require that the addition to the structure be provided with an approved automatic and manual fire detection system. Said system will become part of and in addition to the existing fire alarm system which is directly connected to this department by a master fire alarm box. Approval of all plans by this department would be required.

2. As the plan shows a temporarily constructed gravel driveway, it would be advantageous that upon completion of the project this gravel base be retained for access by the Fire Department strictly in the event of an emergency. The gravel base could be covered over with grass or a lawn area.

Robert C. Craig
Fire Chief

cc: Garry Rhodes,
Building Commissioner

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

August 14, 1992

TO: Don P. Johnson, Town Manager

FROM: Dean A. Charter, Municipal Properties Director DAC

SUBJECT: Landscape review, Site Plan #7/24/92-336-CML Group

I have met with the applicant and reviewed the plans submitted for the above noted development. The applicant has made good use, in my opinion, of the preliminary site plan process, and any landscaping concerns I might have had at he initial meeting have been addressed. It is my feeling that the plans as submitted are adequate and in keeping with the intent of the bylaw.

DAC/106

cc: Gary Rhodes

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

August 27, 1992

TO: Garry Rhodes, Building Commissioner

FROM: Tom Tidman, Conservation Administrator TT.

SUBJECT: Site Plan Review #7/27/92-336 CML Group

A Notice of Intent for 524 Main Street, CML Group, has been submitted to the Conservation Commission (received 8/27/91), and will be heard at the next Conservation Commission meeting on September 9, 1992. After reviewing the submitted plans and having conducted a site walk with a representative from Acton Survey and Engineering on june 11, 1992, I am confident that the Commission will approve the project and issue an order of Conditions. The project as submitted meets our 40' wetlands buffer.

TT:ahm
591

GARRY.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/14/92

TO: Don P. Johnson, Town Manager

FROM: David F. Abbt, Engineering Administrator D. Abbt

SUBJECT: Review of Site Plan #7/24/92-336
CML Group, 524 Main St.

The Engineering Department has reviewed the subject site plan and has the following comments:

1) The west end of the Flood Plain Zone line should turn south and follow the 180 contour line.

2) In most cases, the haybale erosion barriers can be extended to include storm water runoff from all areas likely to be disturbed by construction.

3) The nearest hydrant should be shown on the plan.

4) The drainage calculations mistakenly identify the pre and post-development 10 year flows to be 4.5 c.f.s., when they are in fact 5 and 6 c.f.s. respectively (4.5 is the 24 hour 10 year rainfall). In order to comply with Section 10.4.3.1 of the Zoning Bylaw, some modification of the existing drainage swale will be necessary to retard the post-development 10 year peak flow.

5) I agree that for four additional staff and six new parking spaces, no traffic study is necessary.

6) With the stone leaching trench for the runoff and the modifications requested in item 4 above, compliance with section 4.3.6.2 of the ZBL (infiltration of runoff) should not be a problem.

[25]

C.C. G.R. | B.C.

ACTON HEALTH DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

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August 17, 1992

TO: Garry Rhodes, Building Commissioner

FROM: Doug Halley, Health Director

SUBJECT: Site Plan #7/24/92-336-CML Group

The Health Department has reviewed the site plan application of CML Group for the construction of an 1,731 square foot addition to the existing structure and associated parking located at 524 Main Street, Acton and has the following comments:

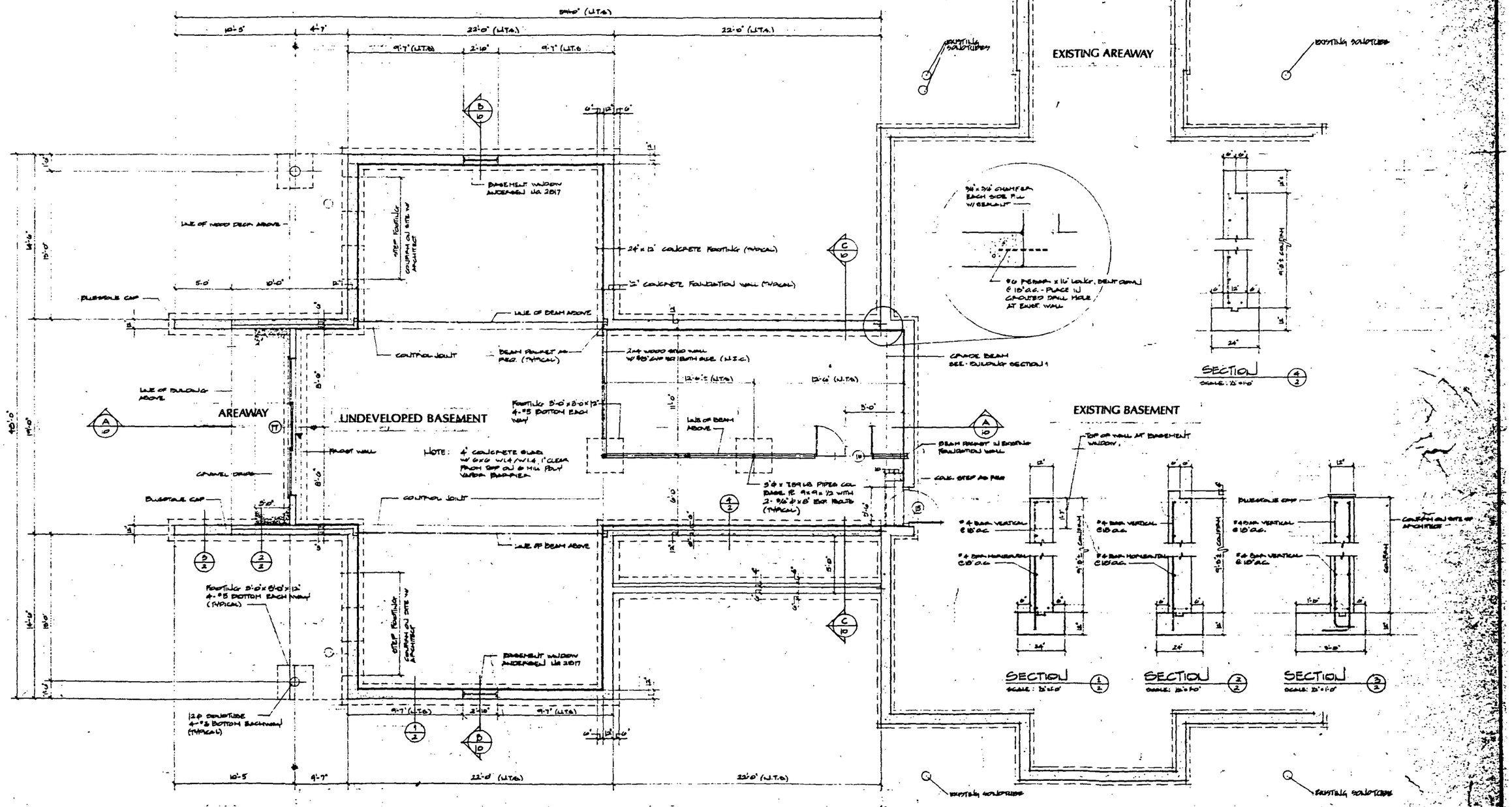
1. The existing septic system consists of three trenches with 630 square feet of leaching area.

2. Current Board of Health regulations require a minimum of 800 square feet of leaching area.

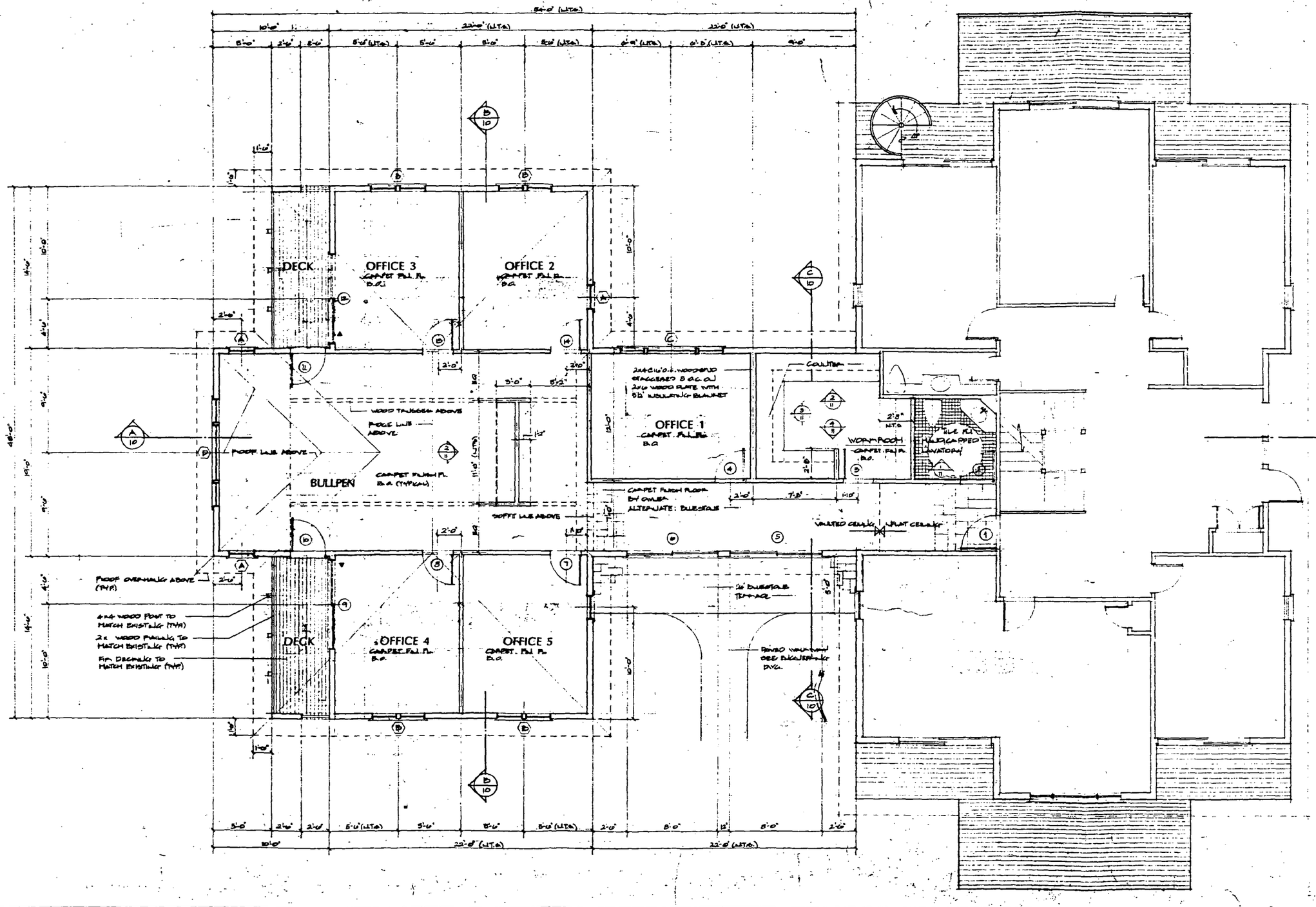
3. As per Title 5 the current septic system has the capacity to handle 406.8 gallons per day.

4. After construction of the addition the facility will require a septic system which has a capacity to handle 615 gallons per day.

Due to these factors the Health Department will require that the existing septic system be expanded by 50% prior to a building permit being issued for the new construction.



CML ADDITION	ACTON, MA	FOUNDATION PLAN	REVISIONS 1 21 MAY 1992
MOREHOUSE MAC DONALD and ASSOCIATES, INC.	ARCHITECTS	DATE: 16 MAY, 1992 · SCALE: 1/4" = 1'-0" · DRAWN BY: VMA	



CML ADDITION

MOREHOUSE MAC DONALD and ASSOCIATES, INC.

ACTON, MA

ARCHITECTS

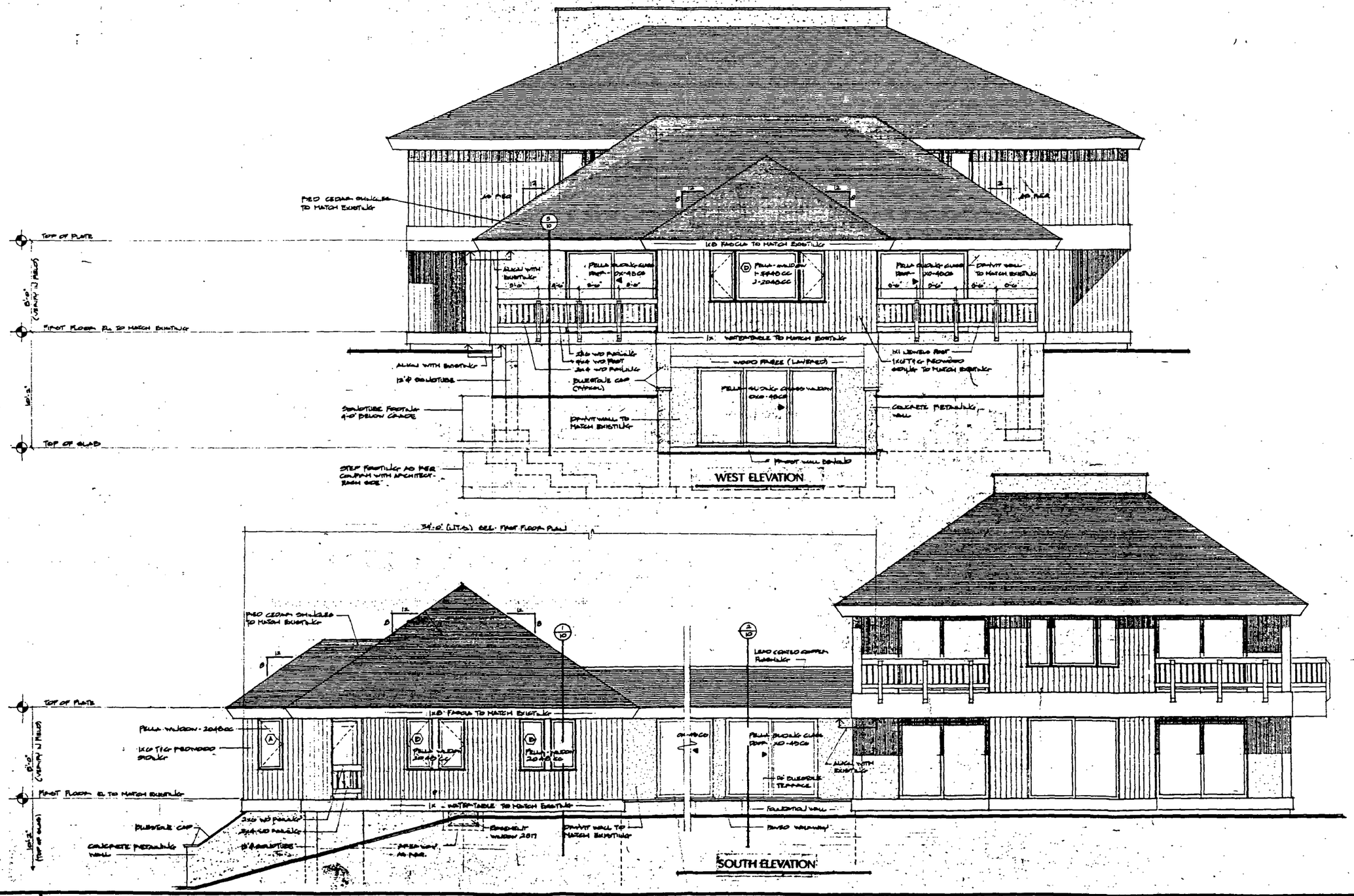
PROPOSED FIRST FLOOR ADDITION

DATE: 16 MAY, 1992

SCALE: 1/4"=1'-0"

DRAWN BY: KHA

REVISIONS	
1	21 MAY 92



CML ADDITION

ACTON, MA

MOREHOUSE MAC DONALD and ASSOCIATES, INC.

ARCHITECTS

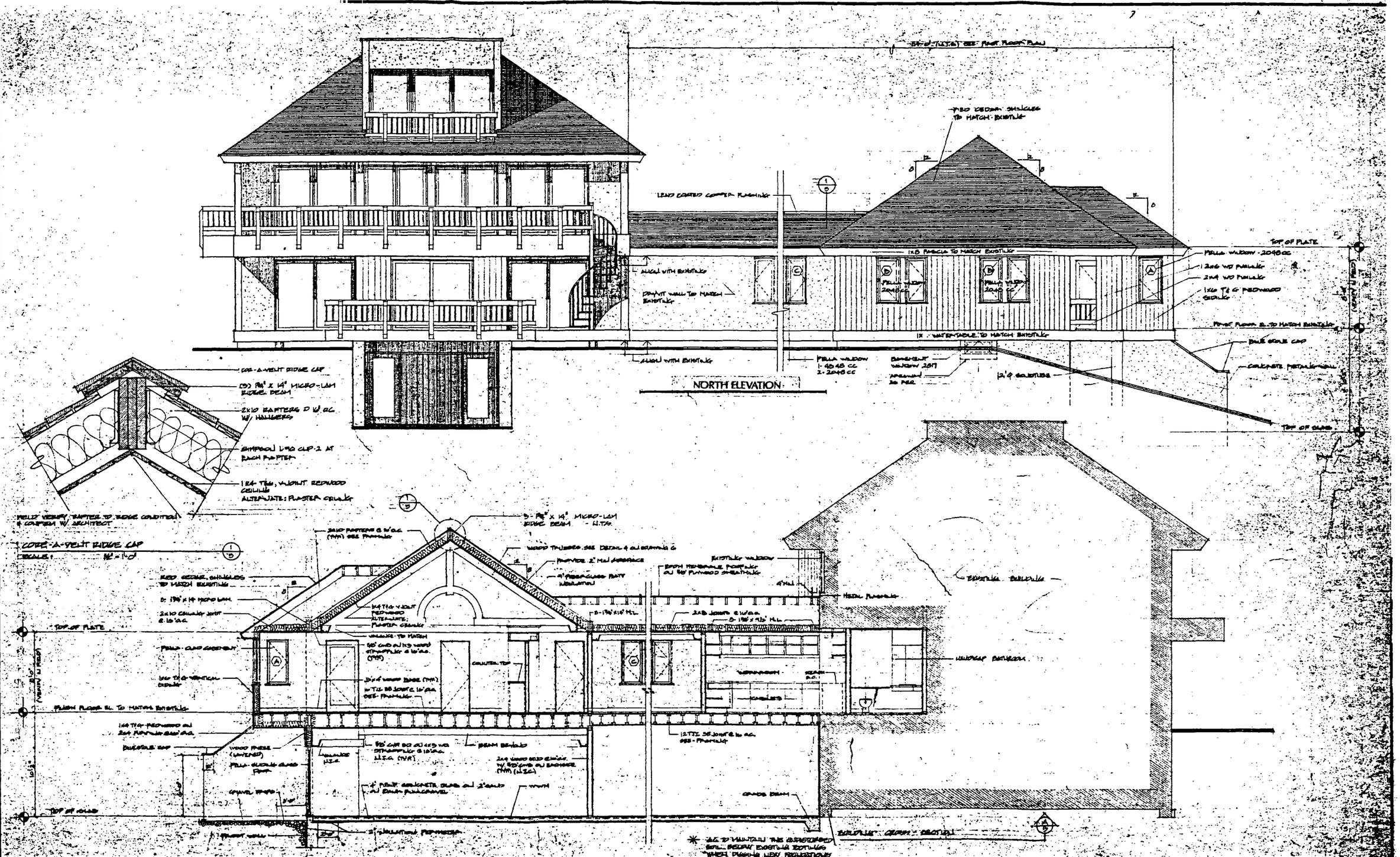
PROPOSED ELEVATIONS

DATE: 15 MAY, 1992

SCALE: 1/4" = 1'-0"

DRAWN BY: [illegible]

REVISIONS	
1	21 MAY 92



CML ADDITION

MOREHOUSE MAC DONALD and ASSOCIATES, INC.

ACTON, MA

ARCHITECTS

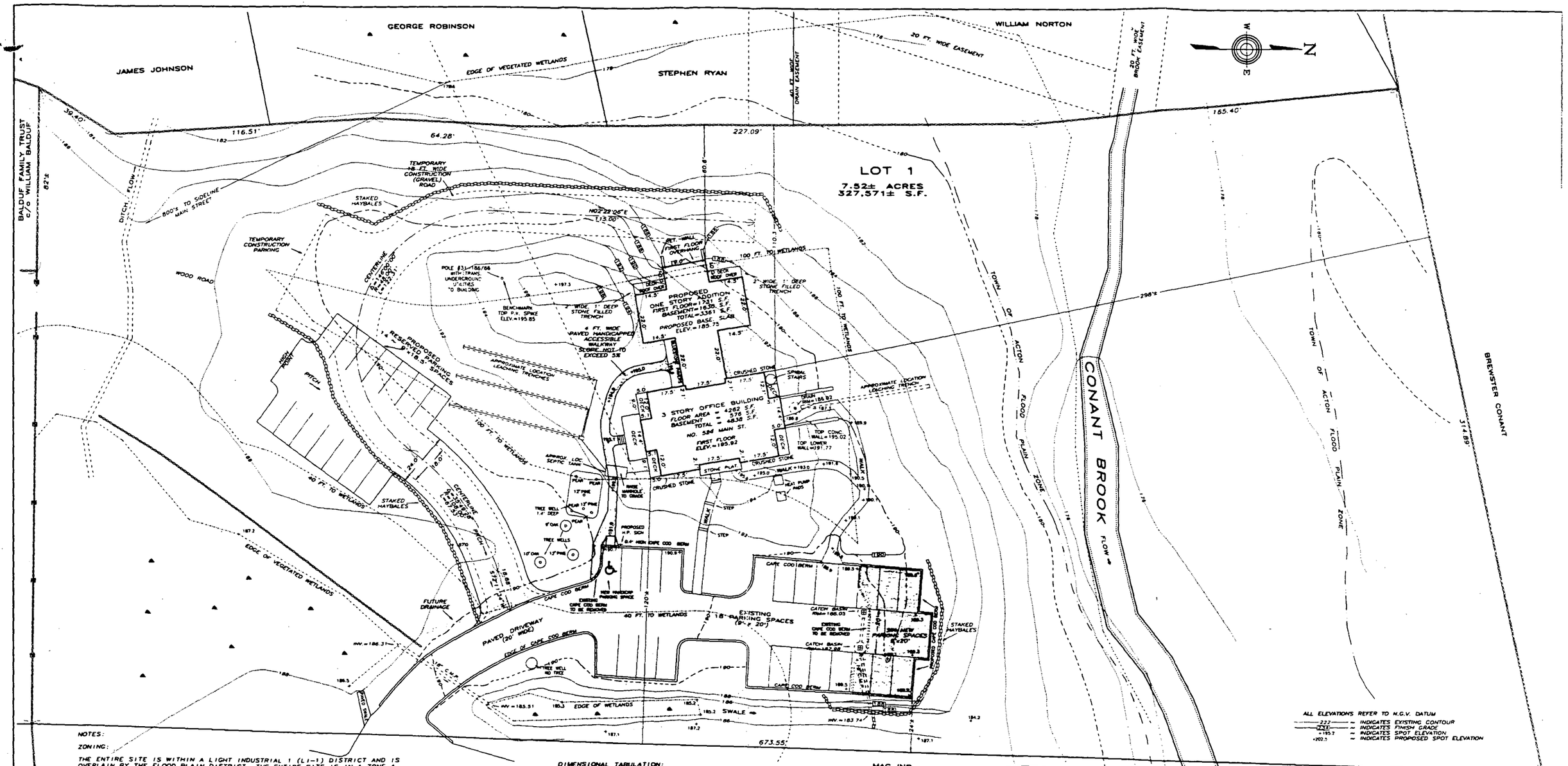
NORTH ELEVATION / SECTION A

DATE: 19 MAY, 1981

SCALE: 1/4" = 1'-0"

DRAWN BY: JM BRI

REVISIONS



FIRST PHILLIPS CORP.
c/o MARTINA PHILLIPS

NOTES:

ZONING:

THE ENTIRE SITE IS WITHIN A LIGHT INDUSTRIAL 1 (LI-1) DISTRICT AND IS OVERLAIN BY THE FLOOD PLAIN DISTRICT. THE ENTIRE SITE IS IN A ZONE 4 (WATERSHED PROTECTION AREA) OF THE GROUNDWATER PROTECTION DISTRICT.

USE:

THIS SITE PLAN IS FOR THE EXPANSION OF THE EXISTING STRUCTURE AND ITS USE AS THE CORPORATE HEADQUARTERS OF CML GROUP, INC. (SPECIAL PERMIT TO ALLOW EXPANSION OF A NON-CONFORMING USE UNDER 2.B.L. SECTION 8.2.3 HAS BEEN APPLIED FOR TO THE BOARD OF APPEALS).

IT IS NOT EXPECTED THAT THIS FACILITY WILL WILL GENERATE, STORE OR DISPOSE OF HAZARDOUS MATERIALS OR WASTES.

SIGNS:

THE EXISTING FREESTANDING SIGN AT MAIN STREET (SEE VARIANCE GRANTED IN HEARING NO. 88-44) IS TO REMAIN. NO ADDITIONAL SIGNAGE IS PROPOSED.

EROSION / SEDIMENTATION CONTROL:

STAKED HAYBALE SILT FENCES ARE TO BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES ON SITE AND ARE TO BE MAINTAINED IN PLACE UNTIL ALL SITE WORK IS COMPLETED AND VEGETATION HAS BEEN RE-ESTABLISHED.
ALL EXPOSED SLOPES ARE TO BE STABILIZED WITH LOAM AND SEED AS SOON AS IS PRACTICAL. THE TEMPORARY CONSTRUCTION ROAD IS TO BE LOAMED AND SEEDED WITH FIELD GRASSES WHEN CONSTRUCTION HAS BEEN COMPLETED.
THE CATCH BASINS SUMPS ARE TO BE CLEANED AT THE COMPLETION OF SITE WORK AND ANNUALLY THEREAFTER.

GENERAL NOTES:

FILL CONTAINING HAZARDOUS MATERIALS WILL NOT BE USED ON SITE.
THE LIMITS OF WORK WILL BE MARKED IN THE FIELD PRIOR TO START OF CONSTRUCTION ON SITE CLEARING.
THERE WILL BE NO EARTH REMOVAL FROM THE SITE. FOUNDATION SPOILS WILL BE USED FOR CONSTRUCTION GRADING OF THE TEMPORARY CONSTRUCTION ROAD.
NEW SIDEWALKS AND DRIVEWAY EXTENSIONS ARE TO CONSIST OF 12" OF GRAVEL AND 3" OF BITUMINOUS CONCRETE.

DIMENSIONAL TABULATION:

LOT SIZE...7.52 ACRES (327,571 S.F.)

LOT COVERAGES	EXISTING	PROPOSED
BUILDING COVERAGE	2,460 S.F. (0.73%)	4,137 S.F. (1.26%)
TOTAL COVERAGE	11,600 S.F. (3.60%)	15,600 S.F. (4.76%)
OPEN SPACE	315,771 S.F.	311,971 S.F.
PERCENT (MIN. 30%)	96.40%	95.24%

DEVELOPABLE SITE AREA: (DSA)

TOTAL LOT AREA=	327,571	S.F.
- WETLANDS =	12,700	S.F.
- FLOOD PLAIN =	39,700	S.F.
- NON-ZONED =	0	S.F.
- ACCESS/ROW =	0	S.F.
DSA =	275,171	S.F.

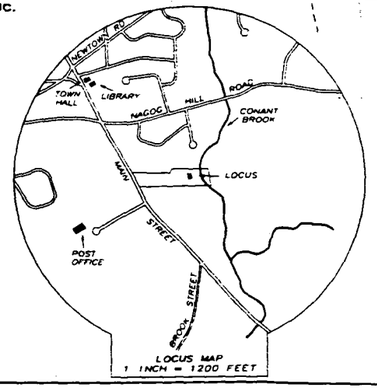
MAXIMUM NET FLOOR AREA: (NFA)
275,171 S.F. DSA x FAR @ 0.10 = 27,517 S.F. NFA
EXISTING FLOOR AREA = 4,838 S.F.
PROPOSED FLOOR AREA = 8,199 S.F.

YARDS:	MINIMUM	PROPOSED
FRONT	50'	805'
SIDE (RT.)	30'	120'
SIDE (LT.)	60'	80.6'
REAR	60'	298'

PARKING:
EXISTING ~ 25 SPACES...18 BUILT...7 RESERVE (SEE VARIANCE GRANTED IN HEARING NO. 83-11 & 12 RE: NUMBER OF SPACES AND DRIVEWAY WIDTH)

PROPOSED ~ 1731 S.F. @ 1 SPACE / 250 S.F. = 13 SPACES
PROPOSED ~ 13 SPACES....6 BUILT...7 RESERVE

RESERVE PARKING TOTAL = 14 = 37% OF TOTAL.



LOCUS MAP
1 INCH = 1200 FEET

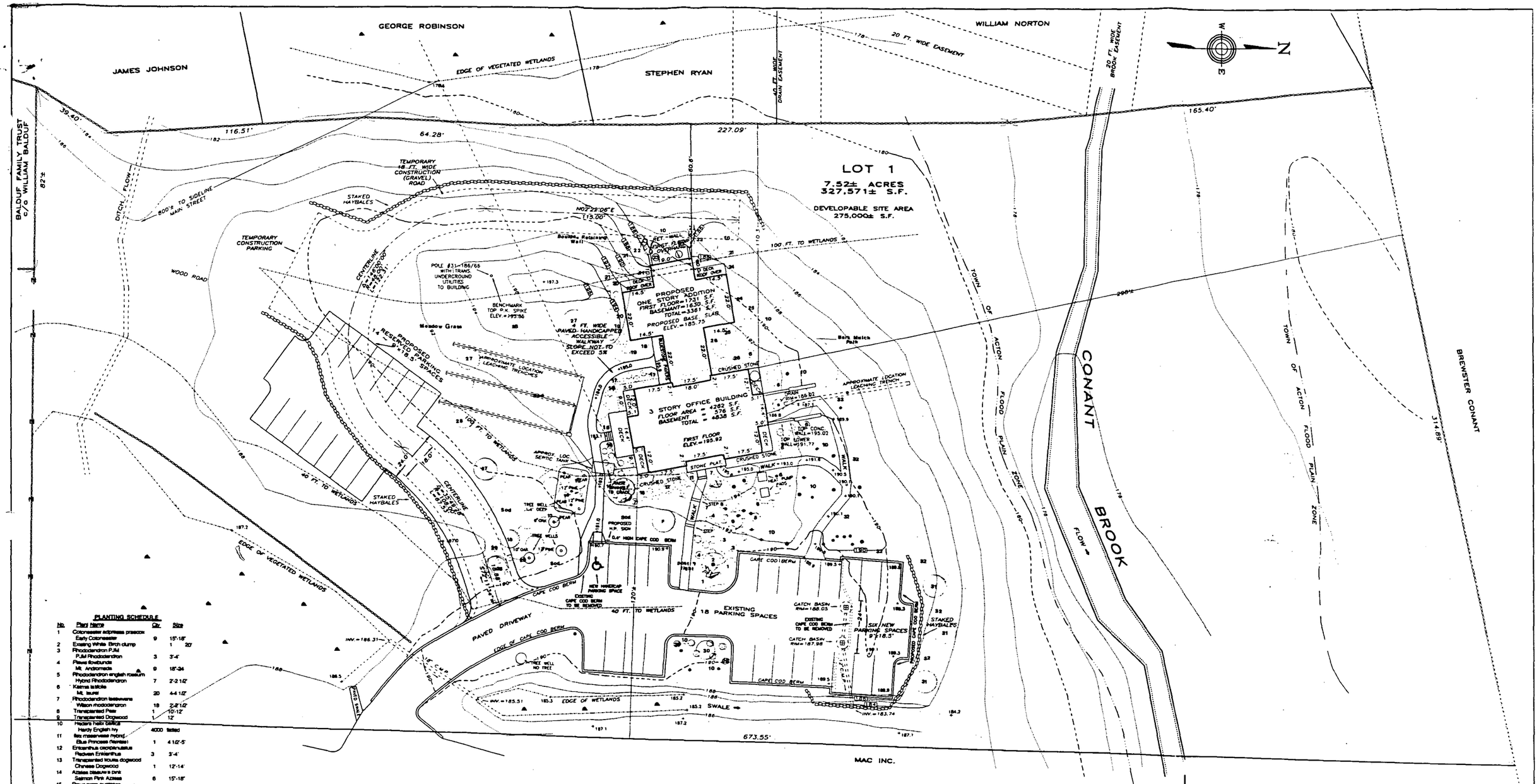
SITE PLAN OF LAND IN ACTON • MASS.

SHOWING PROPOSED ADDITION
OWNED BY: CML GROUP INC.

SCALE: 1 INCH = 20 FEET JULY 16, 1992

ACTON SURVEY & ENGINEERING, INC.
277 CENTRAL ST. • ACTON • MASS.

FILE NO. 26:



PLANTING SCHEDULE

No.	Plant Name	Qty.	Size
1	Cotoneaster adpressa praecox Early Cotoneaster	9	15"-18"
2	Existing White Birch clump	1	20'
3	Rhododendron P.J.M. P.J.M Rhododendron	3	3'-4'
4	Pieris floribunda Mt. Andromeda	9	18"-24
5	Rhododendron english roseum Hybrid Rhododendron	7	2'-2 1/2'
6	Kalmia latifolia Mt. laurel	20	4-4 1/2'
7	Rhododendron fastigiatum Wilson rhododendron	18	2'-2 1/2'
8	Transplanted Pear	1	10-12'
9	Transplanted Dogwood	1	12'
10	Hedera helix baltica Hardy English Ivy	4000	flatted
11	Ilex meserveae hybrid Blue Princess (female)	1	4 1/2'-5'
12	Enkianthus cerpiculatus Redvein Enkianthus	3	3'-4'
13	Transplanted Kousa dogwood Chinese Dogwood	1	12'-14'
14	Azalea blaauw's pink Salmon Pink Azalea	6	15"-18"
15	Pinus nigra austriaca Austrian Pine	6	7'-8'
16	Juniperus pfitzeriana Compact Pfizer Juniper	20	2'-2 1/2'
17	Rhododendron molly fordham Hybrid Rhododendron (white)	6	2'-2 1/2
18	Ilex meserveae hybrid Blue Prince (male)	1	4'-4 1/2
19	Pieris floribunda Mt. Andromeda	7	18"-24"
20	Rhododendron fastigiatum Wilson Rhododendron	7	2'-2 1/2'
21	Rhododendron chionoides Hybrid Rhododendrons (white)	12	2'-2 1/2'
22	Cotoneaster adpressus praecox Early Cotoneaster	14	15"-18"
23	Rhododendron carolinianum Carolina Rhododendron	6	18"-24"
24	Euonymus alatus compactus Dwarf Winged Burning Bush	5	3'-3 1/2'
25	Rhododendron ibis s purple Hybrid Rhododendron (purple)	5	2 1/2'-3'
26	Viburnum trilobum compactum Dwarf Cranberrybush Viburnum	5	3'-4'
27	Malus brandywine Hybrid Crabapple (rose pink)	3	2 1/2'-3" Cal
28	Malus hupehensis Tea Crab (rose red)	3	2'-2 1/2" Cal
29	Rhododendron dauricum pink Hybrid rhododendron	14	2 1/2'-3'
30	Transplanted birch Clump	1	6'-7'
31	Transplanted Kousa Dogwoods	3	
32	Fern Varieties Mixed	600	potted

ALL ELEVATIONS REFER TO N.G.V. DATUM

- 222 ~ INDICATES EXISTING CONTOUR
- 224 ~ INDICATES FINISH GRADE
- +195.7 ~ INDICATES SPOT ELEVATION
- +203.5 ~ INDICATES PROPOSED SPOT ELEVATION

BENCHMARK
TOP HYDRANT
ELEV = 193.63

RON BOUCHER ASSOCIATES

LANDSCAPE ARCHITECTS
199 MOSSMAN RD/SUDBURY MA 01776 617-443-3638

JOB TITLE **CML OFFICE BUILDING**			
DRAWING TITLE **Planting Plan**			
as noted SCALE	JOB NUMBER	*July 8, 1992* DATE	DRAWN BY

SITE PLAN OF LAND IN ACTON • MASS.

SHOWING PROPOSED ADDITION
OWNED BY: CML GROUP INC.

SCALE: 1 INCH = 20 FEET JUNE 9, 1992

ACTON SURVEY & ENGINEERING, INC.
277 CENTRAL ST. • ACTON • MASS.

MASSACHUSETTS • RONALD F. BOUCHER • NO 441 • REGISTERED LANDSCAPE ARCHITECT

FILE NO 263

9/8/92

7

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: September 3, 1992

TO: DON P. JOHNSON, TOWN MANAGER
FROM: GARRY A. RHODES, BUILDING COMMISSIONER
SUBJECT: OCTOBER 3, 1992 - CHILDREN'S DISCOVERY MUSEUM - 10TH. ANNIVERSARY -

As requested, I have met with staff members involved with this 10th. Anniversary event. The meeting was held with Deborah Gilpin, Deputy Director of the Children's Discovery Museum, Chief Robinson and Captain Bennett (representing the Fire Department).

It appears that a lot of thought has gone into the location of the displays and entertainment. They will all be located in the parking spaces with the maneuvering aisle left open for visitors and emergency vehicles, if needed.

There will be a first aid station in the new museum building and "porta-Johns" on site. A police detail will be assigned at the entrance on Main Street. The Museum is currently working with the Health Department for food booths.

Parking is the main concern. They are not proposing to allow any parking on site so parking must be dealt with off site. They are hoping on attracting between 2000 and 3000 guests. If you figure 4 people per car, there will be between 500 and 750 vehicles. Since the entertainment changes every 1/2 hour all day, it can be expected that most people will stay all day, in which case there should be accommodations to deal with at least 400 vehicles at one time. The South Acton train station lot can hold 228 vehicles. Since the event will be held on a Saturday it can be estimated that 150 spaces would be available at this lot. I am not sure how many spaces would be available at Donelan's Supermarket (I am assuming that the permission has been granted), but I expect that there will not be enough room to handle the remaining volume there.

Therefore, it is my recommendation that the museum have commitments for at least 250 spaces in addition to the 150 at the railroad lot (if the Board of Selectmen gives permission for its use). It is our recommendation that "no parking" signs be posted on Main and Prospect Streets. It is also our recommendation that at least 4 people be located off site to direct visitors to proposed parking lots. They should have radio communication to have the ability to alert each other when parking spaces become available.

The Museum will also need permits for tents and temporary wiring.

(871)

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 8/31/92

TO: Police Chief and Fire Chief, and Building Commissioner

FROM: John Murray, Assistant Town Manager

SUBJECT: October 3, 1992/ Children's Discovery Museum 10th Anniversary

As you may be aware, the Children's Discovery Museum will be holding a 10TH Anniversary Party on October 3, 1992 and they expect approximately 3,000 visitors. While you or members of your staff may have lready provided comments to the Museum, I wish to bring all our thoughts ogether in one document (much like a site plan decision). I have asked Gary Rhodes to collect your comments. Therefore, please have your comments to Gary by September 3rd. The Board of Selectmen will hear this matter on September 8th at 9 P.M.. Please be prepared, if necessary, to attend.

THE DISCOVERY MUSEUMS

• a creative children's museum • an inventive science museum •

Founder
President Emeritus
Donald B. Verger
Educator Exhibit Designer
Naturalist

Board of Directors
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Robert Skelly
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Patrick A. Cataldo, Jr.
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Linda O. Clark
Early Childhood Educator
Carlisle Public Schools
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Master of Education
Educational Consultant
Honorary Board Members
Dr. Daniel S. Cheever, Jr.
President
Massachusetts Higher Education
Assistance Corporation
Dennis J. Picard
Chairman and Chief-Executive Officer
Raytheon Company
Executive Director
Rob Moir
Deputy Executive Director
Deborah J. Gilpin

Professional Affiliations
American Association of Museums
Association of Youth Museums
Assoc. of Science Technology Ctrs.
National Association for the Education of Young Children
National Science Teachers Assoc.
New England Museum Association
Massachusetts Cultural Alliance
ms of Boston
ber of Commerce

August 25, 1992

Mr. Don Johnson
Town Manager
Acton Town Hall
Main Street
Acton, MA 01720

Dear Mr. Johnson:

On Saturday, October 3rd, The Children's Discovery Museum will celebrate its tenth birthday! We are planning a festival where we expect to have 2-3,000 visitors that day, from 10 AM to 4 PM. I spoke with John Murray today, who suggested how I should proceed from here. I have already spoken with Chiefs Craig and Robinson, and hope to meet as a group to review the entire plan for the day in more detail.

I am writing to **request a selectman vote to approve the use of the South Acton train station as a parking area on October 3rd.** We would like to shuttle visitors from the train station and the shopping plaza with mini-buses. **I am also requesting the authority to post signs at both parking lots to indicate the shuttle pickup, and an announcement sign on the front boulevard of The Children's Museum.** All signs will be within town guidelines, and I will provide drafts of the signs, along with a summary plan of the event prior to the selectman's meeting. John indicated September 8th at 9 PM as my tentative appearance at their meeting.

I appreciate your assistance in making this birthday celebration a success for all concerned. It seems amazing, but we have served over 750,000 visitors in our ten years - visitors whom I hope have also benefitted Acton.

Thank you, again, and I look forward to hearing from you.

Sincerely, Debbie J Gilpin

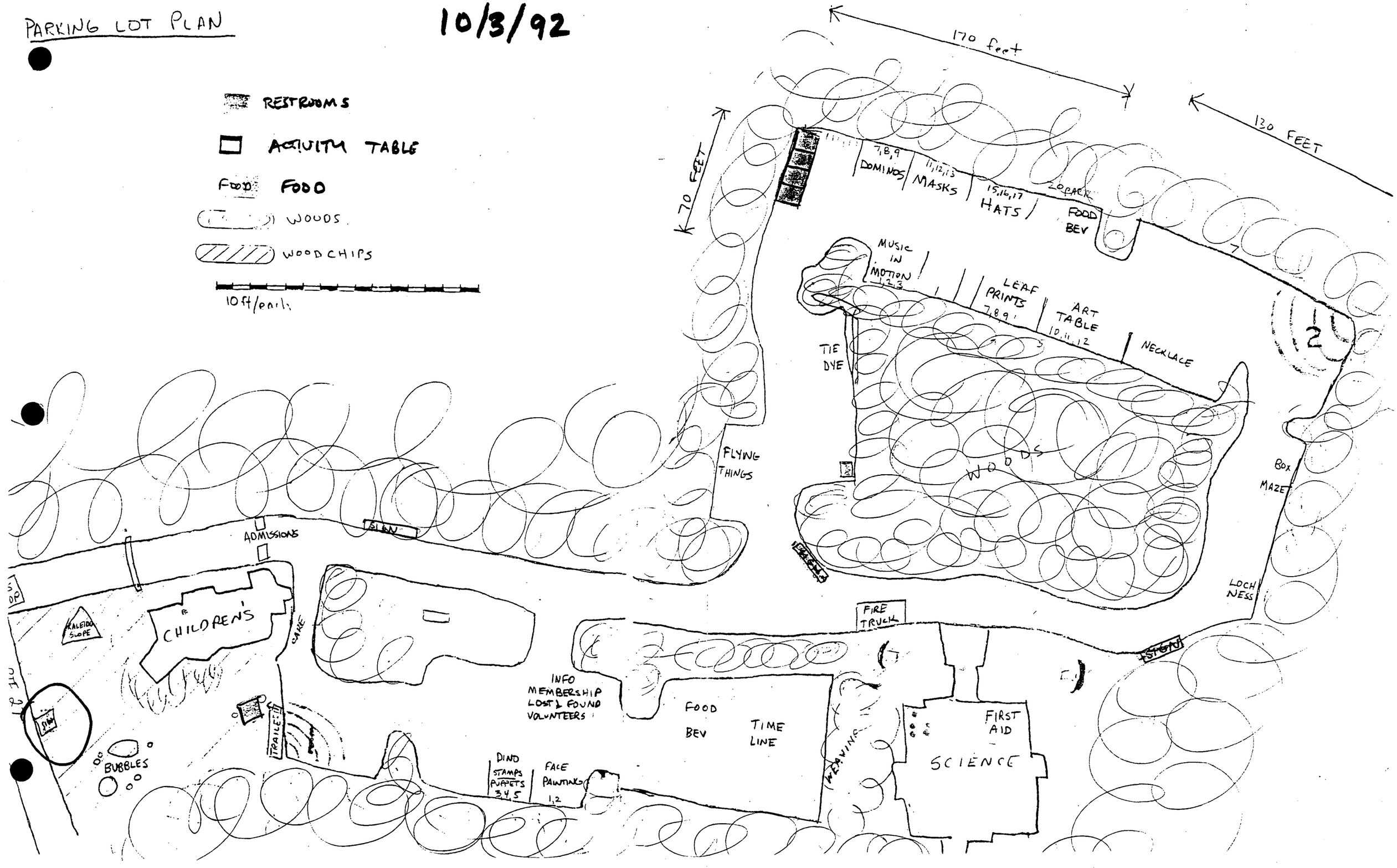
Deborah J. Gilpin
Deputy Director

The Discovery Museums, Inc.
Partners in Creative Education
Children's Discovery Museum/Science Discovery Museum

177 Main Street, Acton, MA 01720 Tel. (508) 264-4200 TDD (508) 264-0030

A DECADE OF DISCOVERY
10/3/92

PARKING LOT PLAN



9/8/92

7

TOWN OF ACTON
TOWN CLERK

472 Main Street
Acton, Massachusetts 01720
(508) 264-9615

Cornelia O. Huber
Town Clerk

Catherine Belbin
Asst. Town Clerk

September 1, 1992

TO: Board of Selectmen

FROM: Connie Huber

SUBJECT: Election Workers

Please approve the following individuals as election workers for fiscal year 1992-1993.

APPLETON, JOAN

ARMISTEAD, SHARON

ARNOLD, KATHERINE F. - WARDEN, PRECINCT 5

BAILEY, EDWARD

BAILEY, RUTH

BAYNE, SANDRA

BEAN, FRANCES E.

BINTLIFF, MARGARET O.

BROWN, MARJORIE

BUBIER, JANET - WARDEN, PRECINCT 3

CALKINS, JUNE

CARROLL, FRANCIS L.

CHARTER, ELIZABETH

CHOATE, ISABELLA

COLLINS, BRIDIE

COLLINS, FRANCES

COX, MARGARET

DAUPHINE, NATHALIE

FABER, CATHERINE

FELT, PRISCILLA - WARDEN, PRECINCT 4

FLAGG, CAROL

FLYNN, JULIA

GILMAN, PHOEBE

GREKULA, MABEL

HOOPES, JOAN

JEFFREY, MARILYN

KREA, CONSTANCE A.

KRESS, LUCILLE

LARSEN, MARGARET

LEMERE, ELIZABETH

LUCHFORD, RUTH

MALLARD, EDNA M.

MCBRIDE, BARBARA R.

MCLAUGHLIN, MAUREEN F. - WARDEN, PRECINCT 2

MILBERY, VIRGINIA

MILLER, EDWIN

MILLER, NANCY L.

MORRIELLO, JOAN B.

MOSS, JOANNE A.

NEAGLE, BARBARA E.

NEAGLE, GEORGE E.

NOWOKUNSKI, DOLORES

NYLANDER, BARBARA

ONORATO, JEAN A.

PERKINS, BEATRICE C.

PETROCCHI, ELEANOR

PHELPS, RUTH R.

PILLSBURY, ELMORE P.

PITTORINO, MARGARET T.

PIZZANO, DORIS

POPPERT, REGINA E. - WARDEN, PRECINCT 1

PRIEST, FAITH A.

REICH, CATHERINE

REICH, CATHY ANN

ROBINSON, PATRICIA

ROBINSON, PETER

SACCONE, DONALD E.

SACCONE, DONNA

SCHMELZER, JEAN P.

SHEEHAN, LILLIAN E.

SIMEONE, ANN C.

SOTOLONGO, CHARLENE

SPRAGUE, H. FLOURINE

SPRAGUE, WALTER

STEINMANN, MAUREEN

STORY, LAWRENCE

THIMOT, NORMA

TORKELSON, CYNTHIA E.

TORKELSON, STEPHEN W.

VARNO, MARIANNE

WETHERBEE, CHARLOTTE E.

WILLIAMS, DOROTHY E.

WILSON, BETSY

YOUNG, IRENE

NOTE: Except where indicated the individuals on this list may work at different precincts at diggerent rates according to the needs on election days. Pay rates range from $5.04 to $5.55 per hour.

D 24

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

9/8/92

(9)

****

DATE: 8/24/92

TO: Don Johnson, Board of Selectmen

FROM: Christine Joyce

SUBJECT: PAPA GINO'S

Please find the attached correspondence from the ABCC regarding the Proposed Transfer of Stock for Papa Gino's. Upon reviewing the material and request, I contacted Maurice DelVendo, Chief Investigator of the ABCC for clarification as to exactly what was required from the Town of Acton in regards to this request. He informed me that a Form 43 indicating Transfer of Stock was required as well a brief letter from the Board indicating that they see no reason not to grant this request for Transfer of Stock.

Attached please find Form 43 and draft letter for Board action.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

September 5, 1992

Alcoholic Beverages Control Commission
Leverett Saltonstall Building
100 Cambridge Street
Boston, MA 02202

RE: PAPA GINO'S TRANSFER OF STOCK
Route 62 -Powder Mill Road, Acton

Dear Investigator DelVendo:

The Board of Selectmen at their regular meeting of September 8, 1992 voted to approve the request of Papa Gino's Acquisition Corp. to amend their original application to include a Transfer of Stock. As you instructed in our telephone conversation of August 25, 1992, I have enclosed ABCC's Form 43 required for your files along with this letter indicating the Board's favorable action in this regard. I assume that ABCC is collecting the $50.00 processing charge required to be submitted with Form 43 at your level, therefore, no check is enclosed.

If you require additional information, please contact my office.

Very truly yours,

Christine M. Joyce
Town Manager's Office

file:PAPA GINO's

OFFICE OF THE

LOCAL LICENSING AUTHORITIES

MASSACHUSETTS

Acton, Mass., September 8, 1992

Alcoholic Beverages Control Commission
State Office Building
100 Cambridge Street
Government Center
Boston, Massachusetts 02202

Gentlemen:

We have this day granted, subject to your approval, a Restaurant license
(State whether a Hotel, Restaurant, Tavern, Club or "Package Goods" Store)

for the sale of Wine and Malt Beverages beverages
(State whether for all kinds of alcoholic beverages or wines and malt beverages only, or either)

To Papa Gino's Acquisition Corp.
(State the full name or names of the applicants or the full and proper name of a corporation together with the full name of the person designated to act as Manager or other Principal Representative)

On the Following Described Premises 82 Powdermill Road, Acton, MA 01720

(State the number of rooms that are to be used, the floor or floors upon which located, and the correct number of the street address. If a street or road is not numbered fix the location of the premises as definitely as possible in some other manner)

Application was filed 8/92 ABCC Letter (State the date and the exact time of day) Advertised N/a (State the date)

THE LOCAL LICENSING AUTHORITIES

By

Remarks: Amend Origial application to include Transfer of Stock
(State any additional information which may be useful)

(THE SPACE BELOW THIS LINE WILL BE FILLED IN AT THE OFFICE OF THE COMMISSION)

Boston, Mass., 19

Local Licensing Authorities

, Mass.

Gentlemen:

We have this day voted to the foregoing application.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Peter J. Connelly, Secretary

Remarks:

THIS COPY IS TO BE FORWARDED TO THE COMMISSION AND WILL BE RETURNED TO THE LOCAL LICENSING AUTHORITIES

FORM 43 HOBBS & WARREN, INC. PUBLISHERS

The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston, Mass. 02202-0002

Telephone: (617) 727-3040
Fax: (617) 727-1258

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

Gloria C. Larson
Secretary

Edward R. Redd
Chairman

July 16, 1992

To Local Licensing Authorities

Re: Papa Gino's

Ladies and Gentlemen:

The Commission has approved the transfer of the Wine and Malt Beverages licenses held by Papa Gino's of America, Inc. to Papa Gino's Acquisition Corp. (the "Licensee") in the more than 70 cities and towns in which Papa Gino's is licensed. The Licensee has requested approval of the following changes to its original application:

1. That the individuals and entities identified as the stockholders of the Licensee (the "Stockholders") in the original application hold their interests in the Licensee via a holding company. As a result, the Stockholders shall own all of the capital stock of Papa Gino's Holdings Corp. ("Holding"), which, in turn, shall own all of the capital stock of the Licensee.

2. Placement of an aggregate of less than 2% of the interests in the Licensee in trusts for the benefit of family members of certain Stockholders.[1]

3. An increase of Gordon H. Miles', Chairman and President of the Licensee, interest in the Licensee by 4%.

---

[1] J. Christopher Clifford's .3% interest in the Licensee shall be held by the Caroline M. Clifford Present Interest Trust; Catherine K. Clifford Present Interest Trust; and John C. Clifford Present Interest Trust. Richard K. Lubin's .3% interest in the Licensee shall be held by the Richard K. Lubin 1991 Daughters' Trust. A portion of Gordon H. Miles' interest in the Licensee shall be held by the Miles Family Trust (.49%) and the Andy and Ashley Trust (.12%).

4. The transfer by Gordon H. Miles of less than 2% of his interest in the Licensee to individuals not previously named as stockholders in the original application.[2]

With respect to the foregoing, the applicable law is that part of General Laws Chapter 138, Section 15A which reads:

"No stock in a corporation holding a license to sell alcoholic beverages shall be transferred, pledged, or issued without first obtaining the permission of the local licensing authorities and the commission."

The Commission interprets this provision, together with the rest of Section 15A to require newspaper notice and a public hearing only in those cases when:

1. Control of the corporation changes because of a stock transfer;

2. More than 10% of the stock is transferred, whether or not there is a change in control; or

3. The local licensing authority determines, in its discretion, that the public good would best be served with newspaper notice and a public hearing.

The Commission has conducted a preliminary review of the Stockholders' ownership of the Licensee via a holding company, the use of trusts and the new stockholders who will have less than a 2% interest in the Licensee. In light of the fact that the foregoing will not change the identity of the Licensee nor have a material effect on the ultimate control of the Licensee, the Commission has determined that it will accept your processing of these changes, if you so elect in your discretion, as an agenda item without requiring public notice or advertising. It is also acceptable to the Commission if you process these changes without requiring an appearance on behalf of Papa Gino's or its counsel at your meeting.

---

[2] Less than 2% of the interest in the Licensee which was to be held by Gordon H. Miles shall be held as follows: (a) .98% by Robert and Suzanne Washburn (which stock will be held in a family trust); and (b) .86% by Timothy O. Fisher and Audrey Hillman Fisher (part of which will be held in various family trusts).

If you or your Town Counsel or City Solicitor have any questions regarding the foregoing, please feel free to call **Maurice DelVendo**, Supervising Investigator, at (617) 727-3040.

Very truly yours,

Peter J. Connelly, Executive Secretary

PAPA GINO'S - CORPORATE STRUCTURE

Shareholders

The Berkshire Fund
McCown De Leeuw & Co. II, L.P.
McCown De Leeuw & Co. Associates, L.P.
McCown De Leeuw & Co. Offshore (Europe), L.P.
McCown De Leeuw & Co. Offshore (Asia), L.P.
Gordon H. Miles
Robert S. Washburn and Suzanne P. Washburn
Timothy O. Fisher and Audrey Hillman Fisher
Bradley M. Bloom
J. Christopher Clifford
Richard K. Lubin
Russell L. Epker
Carl Ferenbach
Jane Brock-Wilson
Kevin T. Gallagher
James J. Goodman
Garth H. Greimann

↓

Holding Company

Papa Gino's Holdings Corp.,
a Delaware corporation

↓

Wholly-Owned Subsidiary

Papa Gino's Acquisition Corp.,
a Delaware corporation
(the Licensee)

OFFICE OF THE

LOCAL LICENSING AUTHORITIES

MASSACHUSETTS

9/8/92 (10)

Acton, Mass., September 8, 19 92

Alcoholic Beverages Control Commission
State Office Building
100 Cambridge Street
Government Center
Boston, Massachusetts 02202

Gentlemen:

We have this day granted, subject to your approval, a Restaurant license
(State whether a Hotel, Restaurant, Tavern, Club or "Package Goods" Store)

for the sale of All Kinds of Alcoholic Beverages beverages
(State whether for all kinds of alcoholic beverages or wines and malt beverages only, or either)

To Pasta Villagio, Inc. Peter Demitropoulos, Manager
(State the full name or names of the applicants or the full and proper name of a corporation together with the full name of the person designated to act as Manager or other Principal Representative)

On the Following Described Premises 36 Great Road, Acton, MA 01720

One floor and basement for storage, front and rear exits.
(State the number of rooms that are to be used, the floor or floors upon which located, and the correct number of the street address. If a street or road is not numbered fix the location of the premises as definitely as possible in some other manner)

Application was filed 8/22/92 (State the date and the exact time of day) Advertised n/a (State the date)

THE LOCAL LICENSING AUTHORITIES

By

Remarks: Change of Manager to: Pasadiez Filiss
(State any additional information which may be useful)

(THE SPACE BELOW THIS LINE WILL BE FILLED IN AT THE OFFICE OF THE COMMISSION)

Boston, Mass., 19

Local Licensing Authorities

, Mass.

Gentlemen:

We have this day voted to the foregoing application.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Peter J. Connelly, Secretary

Remarks:

THIS COPY IS TO BE FORWARDED TO THE COMMISSION AND WILL BE RETURNED TO THE LOCAL LICENSING AUTHORITIES

FORM 43 HOBBS & WARREN, INC. PUBLISHERS

PETITION FOR CHANGE OF LOCATION OR MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

8-22 19 92

To the

Licensing Board for the

The undersigned respectfully petition for

The approval of the change of manager position for the Liquor Licence for Pasta Villaggio Inc. doing business at 38 Great Road Acton, MA 01720.
The new manager for your approval is
Pasquale Filiss, also known as "George" Filiss.

Charles Pappadopoulos
President

FORM 997 HOBBS & WARREN, INC., PUBLISHERS

FORM A

CHANGE OF MANAGER

S FORM IS COMPLETED WHEN THERE IS A CHANGE IN THE MANAGER OF A CORPORATION.

INSERT THE NAME OF THE LICENSEE ON LINE BELOW.

_____

(TELEPHONE NUMBER)

NAME OF NEW MANAGER: Pasa Diez Filiss

HOME ADDRESS: 12 Essex St Apt 4 Andover MA 01810

PLACE OF BIRTH: Aspen Colorado

DATE OF BIRTH: 6-13-70 REGISTERED VOTER: YES X NO ____

ARE YOU A CITIZEN: YES X NO ____

COURT AND DATE OF NATURALIZATION: _____

FATHER'S NAME: Lionell MOTHER'S MAIDEN NAME: Preissel

POLICE RECORD: (LIST FELONY OR ANY DRUG CONVICTIONS)

None

PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY:

(1) Assistant Manager PASTA Villagio, 36 Great Rd Acton
(2) Waiter - Pasta Villagio Andover MA. 63 Park St.
(3) Supervisor - BJ Wholesale Club Albany NY. (included Liq. Store

FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY OTHER LIQUOR LICENSE:

None

EMPLOYMENT FOR THE LAST TEN YEARS: (Dates, Position, Employer, Address)

1992 - Assistant Manager Pasta Villagio Acton MA 36 Great Rd
Aug 90 - Dec 91 - Waiter Pasta Villagio - 63 Park St Andover MA
Jan 90 - Aug 90 - Waiter - Chathouse - St Croix Virgin Islands
1988 - Oct 89 - Supervisor BJ's Wholesale Club Albany N.Y.

01/89

SEE OVER

DOCUMENTS NECESSARY FOR ABCC TO PROCESS LIQUOR LICENSE TRANSACTIONS, NEW LICENSES, TRANSFER OF LICENSE

BE SURE APPLICANT COMPLETES FORM FOR FINANCING (FORM C) IN ALL CASES

APPLICANT TO SUBMIT TO THE TOWN:

1. Five (5) page Application Form

2. **$50.00 certified check or money order made payable to ALCOHOLIC BEVERAGES CONTROL COMMISSION**

3. A. Articles of Organization (if a Corporation) as filed with the Massachusetts Secretary of State (Must contain the Seal of the Secretary of State)

   B. If the applicant is a partnership, a copy of the partnership must be included

   C. **If a Corporation, vote of the Board of Directors of the Corporation appointing a MANAGER.** ALL MANAGERS MUST BE UNITED STATES CITIZENS, AND MUST BE AT LEAST 21 YEAR OF AGE

4. Certified List of Abutters must be obtained from the Assessors office for applicant's use in notifying abutters in the case of a NEW LICENSE (for the purpose of liquor license applications, an abutter is a person whose property directly touches the proposed premises –not someone across the street.

5. A copy of the blueprints or a hand drawn sketch (drawn to scale) of the proposed new premises.

[redacted] C and [redacted]

997

Sept/90-849

9/8/92

(1)

ACTON BOARD OF SELECTMEN
CABLE ADVISORY COMMITTEE

COMPOSITION: 5-7 members to be appointed by the Board of Selectmen to serve for 3 year terms

MEETS: At least monthly, or as required, with issues as they arise

DURATION: Cable Advisory Committee will remain active at least through 1998, when the renewal of the cable license is completed.

PURPOSE AND DUTIES: The Cable Advisory Committee will serve in an advisory capacity to the Board of Selectmen. The purpose of the Advisory Committee is to provide input and perspective to the Board of Selectmen to enable them to make decisions in regard to the renewal of the current license between the town of Acton and Cablevision Systems Corporation, scheduled to expire in 1998.

The Cable Advisory Committee may:

1. Evaluate the current license with Cablevision to ascertain compliance on the part of the franchisee with the terms of the license.

2. Evaluate the quality and quantity of local programming, the quality of the production equipment, the quality of training and community outreach, and the budget of the access operation.

3. Become informed about changes in state and federal legislation and regulations relating to cable, the entry of telephone companies into video services, and any other related technological issues.

The Cable Advisory Committee shall keep records of its meetings and actions and file an annual report to the Board of Selectmen which shall be printed in the Annual Town Report. The Committee shall also keep and produce minutes of all meetings and shall submit copies of its official minutes to the Board of Selectmen and the Town Clerk.

273C:9/3/92

9/8/92

(13)

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: August 21, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Sunday Package Store Openings

The attached notice from the ABCC relates to Sunday Openings for Package Stores. I direct your attention to paragraph #1. This summary indicates that, with respect to Acton, this notice is different from the last several years in that the authorized holiday season now begins the Sunday before Thanksgiving. Previous authorizations were limited to the Sundays before Christmas and New Years.

The Board's policy has been to solicit requests from license holders and act on all applications at one meeting. Given the extended duration of the new legislation, I am seeking the Board's direction as to whether you wish to discuss this and determine a policy that is less than the maximum allowed and whether you wish to handle this procedurally as we have in previous years.

Don

DPJ:381

The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston, Mass. 02202 - 0002

Telephone: (617) 727-3040
Fax: (617) 727-1258

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

Gloria C. Larson
Secretary

Edward R. Redd
Chairman

7/31/92

NOTICE RE: SUNDAY PACKAGE STORE OPENINGS

1. Summary. Local option Sunday Package Store Openings, subject to certain conditions, are permitted for the days and communities described below. This notice modifies the last notice issued on this subject (12/31/91), in that authorized holiday season openings now begin with the Sunday before Thanksgiving.

2. Conditions.

(a) Local Licensing Authority approval is required in the form of a permit issued by the Authority after a public hearing. A permit may be of fixed duration, or, in the discretion of the Authority, may be approved as a term of the alcoholic beverage license, remaining in effect for all renewals subject to further action of the Authority.

(b) Stores may not open before noon.

(c) Stores may not open on January 1, July 4, or November 11, when such day is a Sunday, or on December 25.

(d) Stores must close not later than 11 P.M. (11:30 P.M. if the following day is a Monday holiday). The local authority may require an earlier closing.

(e) Employees must be paid at a rate not less than one and one half times the employee's regular rate.

(f) No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, deduction of hours, or any other penalty.

3. Thanksgiving through New Year's Sunday Openings: All Communities. Package Store openings in all communities are allowed on the Sunday before Thanksgiving and each Sunday thereafter until New Year's Day, subject to the conditions described above.

4. Year-Round Sunday Openings in Certain Communities. Year-round Sunday package store openings are allowed in certain communities (within ten miles of New Hampshire - see listing on back), subject to the conditions described above.

9/8/92 (14)

MEMORANDUM

September 2, 1992

To: Board of Selectmen

From: Doré Hunter

Subj: Coordinating Committee Process Affirmation

1. The Coordinating Committee will shortly be taking a first look at the Fiscal 1994 budget outline and the size of potential Proposition 2½ Override Question(s). It is possible that some extraordinary stresses and strains in the Coordinating Committee process may then arise, to the degree that the continuation of the philosophy of coordinated consensus among the leadership boards might come into question. I would like to suggest that the Selectmen take a few minutes to share with each other our views about the worth of the process as it has operated in the last few years, before the Coordinating Committee discusses specific Fiscal 1994 budget issues and those issues are brought back to this Board.

2. Several potentially troublesome factors which may be converging this fall and endangering the coordination process as it has operated, as viewed from my perspective, are:

There has been a change in the school staff leadership with, I think, a lessened commitment to the Coordinating Committee process.

The schools component of Town government has obtained two major sources of funding, "Choice" monies and this year's earmarked state per pupil grant monies, which will not be treated as pooled revenue or made part of the coordinating process. Those funds will be expended solely at the school administration's discretion. [There is indeed proposed legislation that would potentially earmark all school aide and require maintenance of effort, which would completely destroy any pooled revenue concept.] By comparison currently the municipal turn back of unexpended funds for Fiscal 1992, which exceeds the school's turn back, effectively becomes pooled revenue of which the schools take the lion's share.

The schools will come to the Coordinating Committee table having already given the teachers a generous wage increase [our best, but fragmentary, information is that the 5% medical benefit decrease may not offset the additional 1% in wages] which I doubt we can match on the municipal side - further contributing to an increasing gap between school and municipal wage scales [assumed - I can't currently lay out the evidence as I still do not the historical wage data requested from the schools]. We have never been able to get any agreement on coordination of wage negotiations with the schools, even

MEMORANDUM

though that is the single largest factor driving our budgets. This teacher raise became a "done deal" without any discussion in the Coordinating Committee that I can recall, or even any advice that they were close to a deal and what it might consist of. Now of course the problem becomes how to fund the deal, which in part probably translates into how much of an Override will be proposed, and how we cope with that wage precedent on the municipal side.

There is pressure on both the school and municipal sides to increase staff. With increased building activity, etc. it is going to become increasingly difficult to operate municipal government without the staff members the Town laid off during the period of relative inactivity. On the school side there are increasing student enrollments, even before the addition of "Choice" students. That enrollment problem is compounded by the fact that, during the recent period of lesser enrollment, the School Committee's class size policy was revised to lower the target elementary class size from 25 students to 22 pupils, thus retaining more teachers then and propelling a desire for additional teaching staff now.

The NESWC operating deficit is going to hit the municipal budget and the schools have to prepare to reopen and refurnish Merriam School, which will at the same time dry up the rental revenue stream there.

We did not seek an Override last year because we feared lack of voter approval while the schools were involved in the fantastically expensive process of dismissing Dr. McNulty and the economy was so sour. The avoidance mechanism was, of course, teacher salary deferral. The school administration is still critical of the purported lack of wisdom in not attempting last year to additionally expand the tax levy. My sense is that there will be a proposal to "catch up", i.e. go for an Override this year that would expand the levy to about what it would have been with moderate Overrides last year and this coming year. Unfortunately the economy is still not good, although things seem to be somewhat better in Acton, and I think this Board will have to consider very carefully how much more we are going to propose to add to next year's real estate tax bills, if for no other reason that the practical political question as to how much of an increase the voters will stand for.

3. These potentially troubling factors, and perhaps others, could possibly lead to several different steps being taken that destroy the coordinating process. A few possibilities are:

MEMORANDUM

The Board of Selectmen might find that proposed Override(s) exceeded their tolerable pain threshold and refuse to put a particular question on the ballot, refuse to include all the funding sought in a proposed ballot question, choose to craft multiple questions or put a question on the ballot and then recommend its defeat, all to the distress of the School Committees and/or Finance Committee.

The School Committees might decide that, through the Region's power of assessment and the Local School's probable ability to pack and persuade Town Meeting, the school community could simply appropriate to itself all the funds it would seek and leave the municipality to cope as best it could with the remanent, to the distress of this Board.

The Finance Committee might decide to conduct a campaign opposing an Override Question(s) and/or oppose the acceptance of a Regional School assessment and/or seek to reduce the Local School and/or municipal budgets at Town Meeting, to the distress of the other groups.

4. I submit that the negative effect of any of the possibilities outlined in paragraph 3. above would be substantial. Certainly the character of the Town would change if the major boards "go to war". It would not in the long run, in my opinion, much matter who "won" and who "lost" in regard to Fiscal Year 1994 funding. In the long run confrontation and battles at the ballot box/Town Meeting would make the Town as a whole the loser. Subsequent years would probably see the formation of differing interest groups interested in preserving/enhancing their favorite Town service, be it schools, fire, police, roads, elderly services, etc.

5. Certainly we want to maintain fine schools, those of us who have directly benefitted from the school in the past owe a debt to those who currently have children in the system and those who will in the future. We also want to maintain the various municipal services. There are limited funds available from the state. The real estate tax is not an infinite resource. The current and recently past members of this Board, the School Committee and the Finance Committee have been very successful so far in a period of fiscal retreat in maintaining levels of services. While we will all continue to be advocates for those portions of government for which we are individually and directly responsible, I hope we can all continue to work together and reach compromises that will offer our citizens the best package of services which can be purchased with the available dollars.

MEMORANDUM

6. I therefore suggest that the Board of Selectmen reaffirm its commitment to the Coordinating Committee process, while at the same time taking the position that the essence of the process is compromise by all participants and a responsible view in regard to taxes. I will be prepared to offer such a motion at our next meeting.

DORE

Copies to: Chairman, Regional School Committee
Chairperson, Local School Committee
Chairperson, Finance Committee
Town Manager
Acting Superintendent

9/8/92 (15)

MEMORANDUM

September 2, 1992

To: Board of Selectmen
Town Manager

From: Doré Hunter

Subj: Audit and Investment Advisory "Committees"

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1. At the last BOS meeting we discussed the Audit "Committee and the Investment Advisory "Committee" and, at Bill's request deferred further discussion to the next meeting. I firmly believe that neither "committee" should continue to be carried on the rolls of functioning volunteer committees, neither are indeed functioning currently and probably never were true committees. Both groups were and are Manager appointments and there is not reason the Manager could not continue to consult informally with whomever he chooses, but I see no need to continue to clutter up the Town organization with these entities. In particular I want to relieve the Volunteer Coordinating Committee from any responsibility to recruit for these two groups. I suggest that we do so at the next meeting.

2. There are, however, some functions that may have once been performed by these two groups that should be continued. The only useful function that the Audit "Committee' ever performed was the selection of an audit firm (now largely regulated by the procurement law), designation of particular areas of audit emphasis, and review of the audit report. The BOS and staff have handled the audit report review in recent years, I think the BOS ought to explicitly take on the other two functions, acting as always after receiving the Manager's recommendation. [In that regard we should be advised if there is still time to designate any area of special audit emphasis this year.] The Investment Advisory "Committee" function I would preserve, in regard to Town funds, would be the approval of a permissible investment list, even though that is largely governed by statute.

3. I would ask that these matters be put on the agenda and I will be prepared to offer appropriate motions.

DORE

9/8/92

(16)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: September 3, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner GAR
SUBJECT: Permit Fee Schedule for Wiring Permits

I have recently reviewed the current fee schedule for wiring permits. We had last updated our fees 5 1/2 years ago and I feel that it would be appropriate to do so again.

The Wiring Inspector is currently paid a fee based on the following:

-New Dwellings	$.50/1000.00 building cost (average $74.00)
-Electrical Alterations	$1.00/100.00 electrical cost
-New Commercial	$.50/1000.00 building cost
-Maintenance	$50.00/year
-Pool	$15.00
-Service Only	$15.00
-Administration Fee	$5.00 each permit

The Inspector is paid the entire fee less the $5.00 administration fee which is attached to each permit. In all cases a minimum permit fee is $15.00 which includes the administration fee.

Part of the problem in establishing a fair and equitable fee schedule is that the permit fee does not always reflect the cost of performing the inspections. On the average each permit requires two inspections. Each inspection takes approximately an hour to accomplish. If the fee truly reflected the cost of the inspector's time and expertise, the minimum permit cost would be about $35.00. This would represent a fee of $15.00 per inspection with each permit requiring two inspections. It is my belief that in some cases it would be counter productive to charge that rate. Electrical repairs, that make up the bulk of the permits, can cost anywhere between $50.00 to $1000.00 dollars. If the fee is set too large, residents and electricians would attempt to avoid getting permits and electrical hazards would increase within the town. In the past the larger permits, ie. commercial, new dwellings, substantial electrical alterations, have helped offset the smaller permit fees.

Last year 247 out of the 475 permits issued were for minimum fees of $15.00, of which the inspector collected $10.00 per permit. This paid the inspector $5.00 per inspection, which includes the use of his vehicle. 58 of the remaining 228 permit fees were between $15.00 and $25.00, whereby the inspector collected between $10.00 and $20.00 respectively. The remaining 170 permits (commercial, new dwelling, substantial electrical alterations) made up the bulk of the fees collected.

During the past year, the 475 permits issued resulted in the inspector being paid $12,151.00. Since each permit requires an average time of two hours, the inspector made an hourly rate of $12.79. I feel if we are to maintain professional services, we need to compensate at a rate of approximately $15.00 per hour. In order to accomplish this, I am proposing the following fee schedule:

*New Dwellings	$100.00
*Electrical Alterations	$1.00/$100.00 electrical cost
*New Commercial	$.50/$1000.00 building cost
*Maintenance	$75.00/year
*Pool	$50.00
*Service only	$25.00
*Minimum Fee	$25.00
*Administration Fee Included	

I would like to point out that the permit fee for pools has risen substantially from a low of $15.00 to $50.00. As I indicated before, $7.00 of the $50.00 is administration fee, leaving $43.00 for the inspector. A pool usually involves three inspections; bonding, trench, and final. Under the existing system the inspector makes $5.00 per inspection. Under the proposed fee amount, the inspector would make a little over $14.00 per inspection.

I also recommend that the administration fee be increased from $5.00 to $7.00 per permit. This administration fee increase would cover the ever increasing secretarial cost which is currently approximately $15.00 per hour. This amount includes the cost of benefits and building expenditures. This administration fee does not show up in the schedule as a separate item, but has been incorporated in the individual fees.

These increases would not have a negative impact on Town budgets because of the recently enacted "revolving accounts" which took effect this July 1, 1992. They will, in fact, increase Town revenues because the administration fees would be increased from $5.00 to $7.00 per permit. Using last year as an example, we would have collected an additional $950.00 in administration fees and we anticipate the same this year.

I would urge you to accept this proposal so that it may be implemented October 1, 1992.

(832)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

9/8/92

17

****

DATE: 8-27-92

TO: All Department Heads

FROM: John Murray

SUBJECT: FY 94 Budget and Warrant Article Timeline

DUE DATE	TASK
SEPT. 25	A FIVE YEAR CAPITAL REQUEST DUE
SEPT. 25	ADDITIONAL STAFFING REQUESTS (FULL AND PART TIME) DUE
OCT 13-16	CAPITAL BUDGET REVIEWS WITH MANAGER'S OFFICE AND FINANCE DIRECTOR
OCT. 13-16	ADDITIONAL STAFFING REVIEW WITH THE MANAGER'S OFFICE AND FINANCE DIRECTOR
OCT. 26	OPERATING BUDGET GUIDELINES DISTRIBUTED
NOV. 14	PRELIMINARY WARRANT ARTICLES (NON-FINANCIAL) DUE
NOV. 23	OPERATING BUDGET REQUESTS DUE (WILL INCLUDE A SCHEDULE OF FEES TO BE CHARGED)
DEC 09-23	OPERATING BUDGET REVIEWS WITH MANAGER'S OFFICE AND FINANCE DIRECTOR
DEC. 14	FINAL WORDING FOR ALL NON-FINANCIAL WARRANT ARTICLES DUE
JAN 18	MANAGER PRESENTS BUDGET TO BOARD OF SELECTMEN

9/8/92 (18)
Chris Manager's concerns

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9/3/92

TO: The Board of Selectmen

FROM: John Murray, Assistant Town Manager

SUBJECT: 42 Carlisle Rd. (Part of the Marshall Land)

Delivered today was a notice of intent to sell part of the "Marshall" land (6.2 acres). Therefore, the 120 day clock, as required by Chap. 61, for the Town to match the offer of $437,000 has started. The Town must decide on or before December 31, 1992 to match the offer or release its option (non-action will release the option).

Action 43 of the Master Plan is labeled as a high priority and it regulates the process concerning Chapter 61 properties with bona fide offers of purchase. Action 43 states "Bring all offers of land under Chapter 61, 61A, and 61B to Town Meeting for a vote". If the Board wishes to purchase said property, an override may also be required.

I will seek your direction at Tuesday's Selectmen's Meeting

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9633

SEP 3 - 1992

September 1, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Re: **Land and Buildings located on 42 Carlisle Road Acton, Massachusetts - Lot 4**

Dear Sir or Madam:

Enclosed herewith is a copy of an executed Purchase and Sale Agreement between the Trustees of the W.L.M. Trust et al. and Amy L. Davis et al. dated August 27, 1992 ("Agreement"). The land is described as Lot 4 on a plan of land in Acton, Mass. dated August 7, 1992, containing approximately 6.1787 acres, a portion of said plan being attached to the Agreement as Schedule A "the Premises"). A portion of said land is classified as forest lands pursuant to G.L. c. 61.

Pursuant to M.G.L. c. 61, §8, notice of intent to sell the Premises and to convert the land to another use is hereby given to you.

The undersigned have been informed by the office of the Board of Assessors that a portion of the Premises may have been classified by the assessors as agricultural land under G.L. c. 61A. The undersigned do not believe that any written application was ever filed under G.L. c. 61A and therefore no portion of the Premises is subject to the provisions of c. 61A. However, to the extent that any portion of the Premises is subject to the provisions of c. 61A, this letter constitutes notice of intent to sell the Premises and to convert the land to another use pursuant to G.L. c. 61A §14.

The obligations of the buyer under the Agreement to purchase the land and buildings described in the Agreement constitute a "bona fide offer to purchase said land" within Massachusetts General Laws, c. 61, §8 and c. 61A, §14.

The address of the undersigned record owners of the Premises for the purposes of this notice of intent is:

Andrew C. Bailey
c/o Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586.

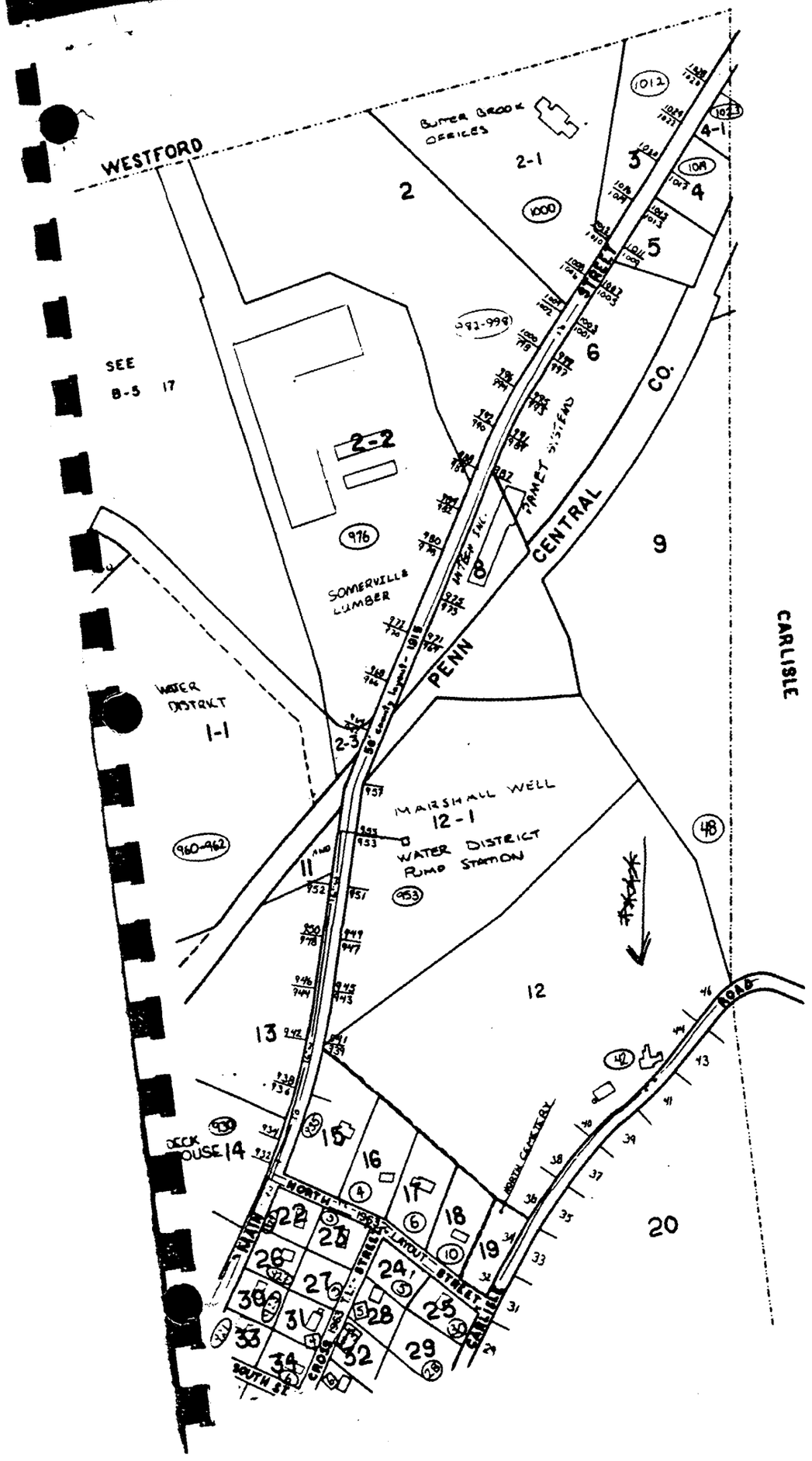
Very truly yours,

W.L.M. Trust and M.S.M. Trust,
By their Attorney,

Andrew C. Bailey

ACB/rbh
Enclosure

1/1-act


WESTFORD
BUTTER BROOK OFFICES
2-1
2
1000
1012
4-1
3
4
5
STREET
982-998
6
SEE
B-5 17
2-2
976
SOMERVILLE LUMBER
FARMER INC.
CENTRAL
CO.
9
PENN
CARLISLE
WATER DISTRICT
1-1
2-3
MARSHALL WELL
12-1
WATER DISTRICT PUMP STATION
960-962
11
953
48
12
13
DECK HOUSE 14
15
16
17
18
19
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NORTH CEMETERY
ROAD
NORTH
LAYOUT
STREET
MAIN
CARLISLE
22
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SOUTH ST

A-5 | A-6

DRAFT
Y-xrm File
9/8/92

SELECTMEN'S MEETING
AUGUST 25, 1992

The Board of Selectmen held their regular meeting on Tuesday, September 25, 1992, present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON- NAGOG HILL ROAD

DORE' HUNTER - Moved to approve with conditions satisfied regarding rebuilding of stonewall. NORM LAKE - Second. UNANIMOUS

VCC OVERSIGHT MEETING

Nancy Whitcomb, Chairman of the VCC introduced the members present and outlined the past years accomplishments. They have interviewed 48 different people during the past fiscal year. She explained the process used to recruit and interview people for placement. She further outlined several projects such as the Board of Health, Historic District Commission and Ft. Devens Task Force which they had successfully recruited for and found very good members for. Walter George explained his research project into the background, special qualifications and charges of the boards and committees throughout Town. Charlie Kadlec outlined his need to have an organized data base for the Committee to use to access lists and such. The requirements they wish and asked to be notified if anyone knew of any inexpensive soft ware which might be used for these lists. The ultimate goal he has would be to have it on the Town's hardware perhaps through a floppy.

The committee had several questions regarding the Recreation Commission. It appears that there is some confusion as to the name and charge of the current commission. Dore' outlined the Recreation Commission history of splitting to facilities planning at the Town level with programing at the School level. Anne suggested the NARA be a separate committee. Dore' thought the issue could be addressed at a future meeting. He commended the VCC on the fine job they were doing filling vacancies and providing minutes to the Board. VCC also wanted to know the status of the Investment Advisory Committee and Audit Monitoring COMMITTEE as well as Public Ceremonies. Dore' referred those to the Manager since they were Town Manager Appointments. Don explained they were Ad Hoc Committees before we had staff to oversee and were not utilized in the last several years. Dore' felt perhaps since they were of ad hoc nature perhaps they could be removed from the list and re-categorized and moved away from

VCC duties for recruitment. Bill wanted to address this at the next meeting.

Anne asked about a letter of thanks when members finish their terms. Nancy Whitcomb explained that they have thought about it as a committee and are looking at ways to let people know their efforts have been appreciated.

CONTINUED CABLE TV TRANSFER HEARING

Mr. Joseph Neal and John Hendricks responded to the concerns expressed at the last meeting. Bill questioned how rates were determined. They replied that it was reviewed annually and rates established. Ms. Ingraham of 6 Puritan Road thanked the Company for meeting with her to clarify her concerns but felt that there were still issues outstanding that needed to be addressed. She wanted the $50,000.00 budget explained. She also wanted Outreach training and the use of channels clarified. She stressed that the use of channels was at the discretion of the Licensing Authority and that as such, they should be asked for use permission.

Don Johnson mentioned the American's with Disability Act and asked about possible help that Cablevision could offer at Town meetings and what role they could pay to facilitate opportunities for citizens that would like to participate but due to a disability were unable.

Dore' Hunter felt it was time to establish a Cable TV Advisory Committee and to get them up and running prior to the time for renewal.

DORE' HUNTER - Moved to grant approval of Transfer contingent upon acceptance of the Bond filed 8/25/92. NORM LAKE - Second. UNANIMOUS VOTE.

COMMON VICTUALLER'S LICENSE - BEEF AND ALE

DORE' HUNTER - Moved to approve the Common Victualer License of Richard Tanzi Monday-Sat 6:00 to 12:00 and Sunday 1:00 to 12:00 midnight. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

BEER AND WINE ALCOHOLIC BEVERAGE TRANSFER
BEEF AND ALE - 134 Great Road

DORE HUNTER - Moved to approve the Transfer of the Beer and Wine Common Victualer License from John Pacelli to Richard Tanzi-NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted - DORE' HUNTER - Moved to accept. ANNE FANTON Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Ft. Devens Springfield Terminal - Anne explained the proposed line and operation and the need for EIR.

School COLA - Dore' reviewed the memo from John Murray and commented that the Coordinating Committee would get a report from the schools at the next meeting. Dore' expressed frustration that the comparative salaries had not yet been prepared by the school, he would like our staff to gather some numbers and see if they could get a picture of trends.

Health Costs - Nancy asked about the percentage used vs. contributed. She asked if there were anyway to adjust the costs. Don felt it would be difficult. Next year the Townside might suffer a large claim, Nancy wanted to know if there could be some way to track costs school vs. town, as it could equate to $250,000 in Municipal savings considering the current trends.

Concord Road/Newtown Road- Anne asked to have staff take action to look at all alternatives with regard to this intersection before placing a light. The Board discussed various approaches to solving the traffic situation at the center and potentially at Post Office Sq. as outlined in the Master Plan.

Letters of thanks - Nancy asked the Board's permission to draft two letters. A letter to the Police congratulating the Police on Accreditation and to the Beacon thanking the Garden Club for all their assistance in beautifying the Town. The Board agreed and directed Nancy to prepare the letters.

TOWN MANAGER'S CONCERNS

Don reported that there appears to be no need for a Fall Town Meeting at this time but would have a better idea in several weeks. The Board urged the Town Manager to avoid a Fall Town Meeting and associated costs if at all possible.

South Acton Bridge - Don explained the condition of the Bridge and that the rating has been moved from #26 on the list to #3. All trucks over 6 ton are prohibited from use and the Police

are monitoring this. The emergency vehicles are also banned from using the bridge and snow removal procedures are being formed. Bill asked for a press release to notify those on the other side of the status.

Police Sign - Mr. Adams a resident has donated a sign to replace the current Police sign. The proposed sign will have the Accrediation seal and will be given at no cost to the Town. Anne wanted to be sure that the sign met the Bylaw. Don said preliminary review by Building Commissioner has deemed it to be in compliance. DORE' HUNTER - MOved to accept the gift of the sign. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CAC - Land Bank - Don wanted to know if we wanted a member to participate. It was decided that we did and we could designate a Task Force member as our designee if they wanted a BOS member.

Fire Chief - Don announced that after review of 53 applications and his interviewing of 8 candidates with the final 4 interviewed by a panel of three, Robert Craig was appointed by unanimous vote as the Fire Chief. The chairman offered her congratulations.

Transfer Station - Don wanted the board to be aware of an issue at the transfer station. Apparently a residential sticker was purchased and is being used as a commercial use. We have withdrawn authorization to use this sticker and will no longer issue stickers to the offending party.

EXECUTIVE SESSION

ANNE FANTON - Moved to go into executive session for the purpose of discussing Litigation. DORE' HUNTER - Second. UNANIMOUS VOTE - Roll Call taken, ALL AYES.

The Board adjourned into Executive Session at 10:45 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(267)

EXECUTIVE SESSION

AUGUST 25, 1992

CHARTER ROAD SIDE WALK

Don updated the Board on the Charter Road Sidewalk issue as it pertained to George Charter and his Land Court Claim. He asked for Board direction. Dore' suggested we go forward and pursue the issue. The Board felt this is an important side walk and we should do everything possible to get it installed.

Adjourned session at 11:10 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secretary

OLNEY ASSOCIATES INC.
MANAGEMENT CONSULTANTS
SUITE 600 • 15 BROAD STREET • BOSTON • MASSACHUSETTS 02109
(617) 227-1642

cc: BOS

August 28, 1992

Mr. John Murray
5 Autumn Lane
Acton, MA 01720

Dear Mr. Murray:

Enclosed you will find a draft description of the Executive Director position. This draft was prepared after interviewing members of the Executive Committee, financial consultant Peter Buhler, legal counsel Ruth Ellen Fitch and meeting with Jerry Hopcroft.

It became apparent during the course of this assignment that NESWC is a complex and dynamic organization faced with extraordinary challenges in the near term as well as long range.

As one might expect, when seeking input from several sources, there was not a consensus on what the primary accountabilities of the position are--nor was there complete agreement on the relative importance of those position responsibilities.

The draft you have before you is an attempt to define the position based upon our objective review and analysis of all of the input. I expect it will generate comment and I welcome your feedback.

I would encourage you to review the description individually and also as a group within the Executive Committee.

Please send your comments and suggestions for revisions to me by Friday, September 4. I will, then, based upon a review of your input and further analysis, prepare a final draft and submit it to you along with the recommended performance standards of the position.

I wish to thank you for taking the time to meet with me. Your input was most helpful and I look forward to receiving your comments.

Sincerely,

Donald H. Tyler, Jr.

Donald H. Tyler, Jr.
Vice President

/csm
enclosure

dt82792c

DRAFT

J. Murray, Acton

POSITION DESCRIPTION

NESWC | EXECUTIVE DIRECTOR | 8/92

DUTIES

Under general direction of the Executive Committee, in conformance with the contract communities' bylaws, applicable State and Federal laws and regulations and contract documents, plan, organize, direct and control all aspects of NESWC operations including the following: financial management, oversight of service agreements with the plant operator, and related monitoring of plant operations and projected plant technology enhancements. Seek input, develop and present recommendations on matters relating to financial planning and forecasting, short-term and long-range planning and marketing strategies. Implement approved programs and initiatives and provide on-going analyses to measure their effectiveness. Develop relationships with governmental agencies, legislative bodies, the financial community, officials of member communities, the media and the general public.

In conjunction with the Executive Committee, establish and implement a sound plan of organization for NESWC to meet current and projected financial, technical, operational and administrative requirements; organize and select subcommittees, task forces and project teams to address and meet the objectives of the organization. Prepare, review and/or promulgate policy statements and procedures required for implementation and understanding of major initiatives.

Participate in developing and implementing short-term and long-range planning strategies such as securing sufficient landfill capacity, refinancing project bonds and preparing for new financings, preparing for future environmental protection requirements, increasing revenues, developing strategies to minimize future tipping fees, negotiating favorable service agreement extensions and other short-term and long-range strategies. Conduct related research, define and propose timely solutions and plans of action to appropriate committees for approval and oversee their effective implementation.

Establish, foster and maintain a communications network with member communities, the legislature, state agencies, the financial community, the media and the general public. Respond to inquiries, requests and complaints relating to NESWC operations, programs and activities within scope of authority and refer unresolved matters or those requiring approval of a higher authority to the Executive Committee. Maintain current knowledge of pending legislation having impact on the organization and advise member communities. Prepare and distribute newsletter and other publications to foster relations with member communities and other interested parties.

Olney Associates Inc.

DRAFT

J. Murray, Acton

POSITION DESCRIPTION

NESWC	EXECUTIVE DIRECTOR	8/92

DUTIES - CONTINUED

Plan, organize and manage the financial affairs of the organization under the direction of the Financial Affairs Subcommittee. Prepare and oversee the NESWC budget, develop plan for future capital needs, manage investment of community stabilization bond reserve and debt service restricted funds. Establish current tipping fees and develop financial models to assist in planning for the establishment of future tipping fees. Monitor financial performance of the plant and maintain financial controls relating to plant operations. Oversee implementation of service agreements with plant operator relating to annual tonnages, tipping fee formula, regulatory changes and other contract issues. Review and approve monthly certificates issued by plant operator to ensure receipt of appropriate revenues and proper allocation of expenses. Negotiate unusual or pass-through costs with plant operator. Authorize and monitor the performance of plant audits.

Conduct retrospective analyses of the organization's financial performance and develop financial models to meet current and projected financial needs and goals such as maximizing investment return, reducing debt service, establishing fund balances, etc. Prepare, issue and review requests for proposals and obtain services of outside professionals such as attorneys, accountants, financial advisors, investment bankers and others as authorized by the FAS or the Executive Committee. Oversee project performance and expenses and ensure coordination of results with other NESWC operations. Communicate results to appropriate committees. Responsible for the preparation and/or presentation of financial and operational reports.

Provide technical/engineering expertise to member communities on solid waste management and recycling issues. Monitor plant performance and proposed plant enhancements to ensure the interests of member communities are met. Negotiate and administer engineering, construction, and service contracts. Serve as liaison between plant operator and communities and resolve operational problems. Prepare and present reports to committees as appropriate.

Conceive and recommend a short-term and long-range marketing strategy to increase tonnage and to minimize tipping fee increases. Conduct market research, select target communities, present proposals and negotiate favorable short-term and long-range contracts.

Olney Associates Inc.

DRAFT

J. Murray, Acton

POSITION DESCRIPTION

NESWC | EXECUTIVE DIRECTOR | 8/92

DUTIES - CONTINUED

Prepare agendas, reports and related materials for a variety of committee/board meetings. Schedule meetings, post notices, record proceedings and distribute minutes. Make presentations to committees, respond to inquiries/requests and implement committee actions.

Manage NESWC office operations and personnel. Select staff, provide for their training and development and recommend changes in compensation to Executive Committee. Develop and update operating procedures manual and other operational documents. Oversee bookkeeping and recordkeeping functions and monthly report preparation. Establish and maintain bank accounts, verify and approve payment of invoices and sign checks. Prepare annual report of NESWC activities for distribution to member communities and others outside the organization.

Cooperate with and assist legal counsel in preparing for and resolving legal issues.

Oversee activities of contract legislative lobbyist and encourage support for NESWC legislative goals. Provide written and oral testimony in support of the organization's positions.

Maintain current knowledge of developments in the waste management and recycling areas through peer associations, study, attendance at seminars, meetings, etc.

Perform other related functions as may be required.

BASIC KNOWLEDGE

Duties require broad knowledge of the technology of solid waste disposal, recycling, environmental protection, finance, marketing, engineering and public administration.

EXPERIENCE

Work requires 10 to 15 years of progressively responsible related experience in the management of a regional solid waste district, including engineering, public administration and public law experience.

Olney Associates Inc.

DRAFT

J. Murray, Acton

POSITION DESCRIPTION

NESWC	EXECUTIVE DIRECTOR	8/92

INDEPENDENT ACTION

Under general direction of the Executive Committee, plan and manage all phases of the organization's operations in conformance with directives, bylaws and State and Federal laws/regulations. Contract for consulting services within scope of authority, select and terminate staff. Certain community and legal issues and approvals of non-budgeted funds are referred to the Executive Committee or other appropriate board/committee.

SUPERVISORY RESPONSIBILITY

Accountable for supervising and providing direction to the NESWC Office Manager.

Olney Associates Inc.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9-4-92

TO: Dore' Hunter

FROM: John Murray

SUBJECT: Analysis of Pay Scales

I have enclosed an analysis concerning compensation between Acton and Concord. While it does not address your concern of school vs. municipal pay rates, I thought it may be of some use to you.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 4/17/91

TO: Don P. Johnson

FROM: John Murray

SUBJECT:

A comparison of minimum and maximum pay rates for the like employees between Acton and Concord for FY92.

Position	Acton		Concord	
	L	H	L	H
Asst. Town Clerk	21,087	26,242	20,694	27,669
COA Director	26,873	33,446	30,562	44,315
Civil Engineer 1	23,244	28,896	22,463	32,571
Reference Librarian	28,214	35,102	24,262	35,180
Childrens Librarian	28,214	35,102	24,262	35,180
Cataloger	23,244	28,896	?	
Staff Nurse	24,401	30,343	?	
Lister	24,401	30,343	?	
Asst Library Dir.	29,606	36,853	28,298	41,032
Public Health Sanit	29,606	36,853	24,262	35,180
Civil Eng. II	28,214	35,103	24,262	35,180
Town Accountant	29,607	36,863	35,647	51,688
Building Insp.	29,607	36,863	28,298	41,032
Cemetery Supt.	29,607	36,863	?	
Conservation Adm.	29,607	36,863	33,007	47,860
Town Clerk	29,607	36,863	33,007	47,860
Nursing Supt.	32,631	40,625	?	
Civil Eng. III	32,631	40,625	33,007	47,860
Library Director	35,696	44,778	38,498	55,822
Asst. Assessor	35,970	44,778	35,647	51,688
Town Engineer	37,784	46,987	38,498	55,822
Muni. Prop. Dir.	37,784	46,987	?	
Building Comm.	37,784	46,987	33,007	47,860
Town Planner	37,784	46,987		
Public Health Dir.	37,784	46,987	33,007	47,860
Fire Chief	43,700	54,402	43,117	62,520
Police Chief	43,700	54,402	43,117	62,520
Dir. of Public Wks	45,856	57,135	43,117	62,520

Finance Dir.	45,856	57,135	43,117	62,520
Asst. Mgr.	0	52,000	43,117	62,520
Acct. Clerk/Typist	20,758	25,895	19,268	25,762
Admin. Asst./Sec	20,758	25,875	22,039	29,468
Board of Sele.Secty	21,798	27,206	22,039	29,468
Town Mgr. Secty.	21,798	27,206	23,471	31,383
Laborer	17,888	22,339	18,771	25,098
Cem. Crew Leader	21,798	27,206	23,427	31,320

MEMORANDUM

September 2, 1992

To: Board of Selectmen
Town Manager

From: Doré Hunter

Subj: Funds Oversight

---

1. There has been some discussion of what oversight would be appropriate by the Board of Selectmen in regard to any discretionary end of the year purchases or fund transfers now possible with the bottom line budget. To assist us in determining whether such is necessary and if so how it might best be implemented, I would first ask that the Manager provide the BOS a report as to how he exercised his discretion in the fiscal year that ended June 30, 1992. Recognizing that there are vacations pending and that other events press I would suggest the end of October as the due date.

2. The requested report should identify those amounts of money that were truly available for discretionary use, as opposed to budgeted and planned expenditures that were merely delayed until there was some assurance that the books could be balanced at year end. Stated another way the data I am looking for are what amounts of money, if any, were available to the Manager to be reprogrammed because expenditures for personnel or things that were contained in the budget were not made or the budgeted objective was attained at less cost than budgeted and how any such monies were utilized. The requested report should also identify the time frames in which decisions were made to release budgeted expenditures that had been deferred and when any surplus funding could first be identified.

3. It would be helpful if you would ascertain from the School's Staff how they currently handle any end of the year funds surplus. [When I was on the School Committee staff merely advised us of end of the year extra capital expenditures and provided an assurance that all other "extra" monies would be advantageously spent.]

4. As a step in this analysis and also to assist in the budget process I would further request that the Manager provide us in a single document, as soon as practicable after December 31, 1992, the actual half fiscal year expenditures in dollars and percentages for this year's budget and the comparable figures as of December 31, 1991, with annotations in regard to those accounts which are not being expended at a relatively uniform rate.

5. Finally, as a step in determining the degree, if at all, the BOS is to be involved in any end of the year fund transfer

MEMORANDUM

Subj: Funds Oversight
September 2, 1992
Page 2

decisions, we need to consider what philosophy, if any, the BOS should adopt. At one extreme would be an objective to return as much money to the next year's free cash as possible. One effect of such a policy, under the current rules of engagement, would be to effectively transfer the lion's share of any municipal savings to the Schools in the following year. Another effect might be to discourage any municipal effort to produce savings that could potentially be used for other unmet municipal needs. On the other extreme a policy calling for the spending of all appropriated monies whatever the need and whatever the savings affected might suggest waste and poor management.

6. Once the BOS has the requested data, and any comments the Manager might desire to make on this topic, I suggest we schedule an hour's time period to debate the subject and hopefully reach some consensus

DORÉ

MEMORANDUM

September 2, 1992

To: Board of Selectmen
~~Town Manager~~

From: Doré Hunter

Subj: Evaluation of Personnel

---

1. We recently looked at the Town Counsel situation and there has been some interest of at least one member of the BOS in constructing a more detailed evaluation process for the Town Manager's annual performance review. If only as a matter of symmetry I believe the BOS should consider the degree which, if at all, the Board should evaluate or participate in the evaluation of the other two direct staff appointments for which it is responsible, the Accountant and Town Clerk. So that we might better consider that question I request that the Manager provide us copies of the most recent evaluation he and his staff have prepared on the Accountant and Town Clerk, and provide us his comments re potential BOS involvement in the process.

DORE

CC: ROY WETHERBY - PLEASE FORWARD A COPY OF LATEST REVIEW FOR EACH. I WILL SEND TO BOS W/A COVER.

9/6

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

John J. Haley, Jr.
General Manager
Transportation Building
Ten Park Plaza
Boston, Massachusetts 02116

cc: BOS

SEP 2 - 1992

August 27, 1992

Nancy E. Tavernier
Chairman
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Dear Ms. Tavernier:

Thank you for your letter regarding the proposed Park and Ride lot in Littleton. Please be assured that we understand your concerns. We are undertaking a comprehensive review of all of our Commuter Rail schedules to determine where additional service and express trains would be appropriate. The Fitchburg Line will certainly be part of this review. In addition to increasing train capacity, we are looking at possible ways to expand parking capacity for Commuter Rail. We anticipate that the outcome of these reviews will assist us in developing measures that will alleviate your present concerns.

Our future plans call for the installation of double tracks beyond South Acton which would improve our ability to provide additional service. However, at this time we cannot commit to undertake the double track installation due to limited funding availability. As you are aware, this is just one of several projects competing for funding.

Thank you for your interest in Commuter Rail. Your comments are very much appreciated.

Sincerely,

John J. Haley, Jr.
General Manager

cc: BOS - FYI

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

August 31, 1992

TO: Donna Jacobs, Assistant Planner

FROM: Dean A. Charter, Municipal Properties Director

SUBJECT: Preliminary Review, Mill Corner

This memo is to amplify the comments I made in my earlier review of the above noted Subdivision.

The plans submitted did not include any information about street tree plantings, nor did it include any information about landscaping around the proposed PCRC clusters. This information is essential, and the developer should not be allowed to ignore the requirements.

There also seems to be many different versions of what, if any, land the developer proposes to transfer to the Town. It is my feeling that there is very little to be gained by the Town in accepting any land that would be left over from this development, in that we already have excellent access to Great Hill, would not attempt any maintenance of the donated land other than maybe a mowing of the area every three or four years, and that there would be a possible increase in liability to the Town in owning the old drainage structures and land in such close proximity to such a congested area. This is a good example of an area that should be held and maintained by the homeowners, as it would be of benefit to a very limited number of people (I'm going a bit far afield, but I feel that the same is the case for the roadways).

Finally, there is still some areas of Conservation Land that have been degraded by erosion from the site, and that problem should be corrected as part of the new development.

cc.: Town Manager
Town Engineer
Conservation Administrator

DAC/125

Don

FYI

Mobil Oil Corporation

WESTFORD TECHNOLOGY PARK
1 TECHNOLOGY PARK DRIVE
WESTFORD, MASSACHUSETTS 01886

CC: BOS - FYI

August 26, 1992

Gary Rhodes
Building Commissioner
Town of Acton
472 Main Street
Acton, MA 01720

Re: Mobil Service Station #01-JFH
Acton, MA

Dear Gary:

Please be advised that our engineers are currently working on conceptual sign plans for the freestanding ID sign which needs to be replaced at our Mobil Station on Massachusetts Avenue.

I expect to call you within two weeks to schedule an appointment to discuss the sign, once the plans have been completed.

Sincerely,

Donald P. Higgins Jr.

Donald P. Higgins Jr.

CC: J. S. Ballard

FILE COPY

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 8/31/92

TO: Bill Ryan, Interim Superintendent

FROM: John Murray, Assistant Town Manager

SUBJECT: Cafeteria Benefit Plan for the Acton Public Schools

I noticed in the Acton School Committee minutes dated August 6, 1992, that the Committee adopted the form, terms, and provisions of the Cafeteria Benefit Plan. As you are aware, the Town is the legal entity for the local school system, and to our knowledge no filing has been made with the IRS nor has the IRS approved a cafeteria benefit plan for our employer number. Also the Town Accountant is the person that is legally responsible to the IRS for depositing the correct amount of withholding taxes. Therefore please contact me as soon as possible concerning this matter, in order that your payrolls can be processed without any problems.

Bcc: BOS
Town:
Manager
Finance Director
Accountant

MERRICK AND LOUISON
ATTORNEYS AT LAW
153 MILK STREET
BOSTON, MASSACHUSETTS 02109

DOUGLAS I. LOUISON
NANCY MERRICK

STEPHEN C. PEAFF

TEL.: (617) 426-4643

August 18, 1992

CONFIDENTIAL

CC: BOS
TOWN COUNSEL (M. CALLAGHAN)
ROY WETHERBY
FILE

8/24

George W. Robinson, Chief
ACTON POLICE DEPARTMENT
P.O. Box 212
Acton, Massachusetts 01720

RE: Rafael Garcia v. Town of Acton, et al
Civil Action No. 91-11219-K

Dear Chief Robinson:

I am very pleased to advise that the Court has allowed in part our previously filed motion for summary judgment. The Court has dismissed the federal civil rights claims against the Town, you and Albert Crowley.

The Court stated that the only remaining possible federal claim is against the unidentified officer "Richard Roe" (in plaintiff's opposition, he asserted that "Roe" is more than likely Detective Grey). Plaintiff asserts that Grey intentionally provided the assistant district attorney false information regarding the plaintiff at the bail hearing.

The Court has given the plaintiff until August 17, 1992 to identify "Roe" and serve the officer. The Court stated that if this was not done it would dismiss that claim as well. As a result, there would be no federal jurisdiction and the Court would remand the remaining state claims to state court.

Please advise me if in fact Detective Grey has been served with a summons.

The Court denied, without prejudice, the motion on the state law claims of negligence, false imprisonment, emotional distress and the Massachusetts Civil Rights Act. If the Court retains jurisdiction because the plaintiff adds Detective Grey, I will renew the summary judgment motion on the remaining claims. If the plaintiff does not, and the Court remands the remainder of the claims to state court, I will then file summary judgment motions once and if plaintiff refiles the complaint.

I am very pleased with this result as it seriously undercuts the plaintiff's case. Please contact me if you have any further questions or concerns.

Very truly yours,

Douglas I. Louison

August 8, 1992

Dear Fire Chief,

On Wed. Aug. 5 I was an observer at the fire at Maynard High School which is near where I live. Fire trucks from Acton were there helping the Maynard fire dept. I was disturbed because I saw several of the Acton Auxilary Fire Dept. smoking in the parking lot next to the High School when they took breaks. I always thought that you cannot smoke in your uniform, and also that firefighters aren't supposed to be smoking when they are on duty. This did not look good for Acton. Also they had a young girl helping them bring tonic and water to the firefighters. This girl was pregnant. I do not feel that you should send a pregnant teenager to a fire because this cannot be good for the girl or for the baby. I am concerned about what I saw and want you to know.

A Maynard resident who used to be a call firefighter

CONFIDENTIAL Forwarded to C.D. 8/11/92

CC: BOS - FYI

THIS ANONYMOUS NOTE WAS REC'D BY FIRE CHIEF AND HAS BEEN ADDRESSED. FORWARDED FOR YOUR INFO. ONLY.

Town Manager

CC: BOS - FYI

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720 (508)264-9632

August 31, 1992

Donald Foster
Foster Masonry Products Inc.
22 Everett Street
PO Box 65
Westwood, MA 02090

Re: Property at 25 Lawsbrook Road, Acton, MA

Dear Mr. Foster:

This letter concerns the property located at 25 Lawsbrook Road and identified on the Acton Town Atlas Map H-4, parcel 128. Our records indicate that you are the legal owner of this property. I am aware that you were converted to Chapter 7 (liquidation) by the U.S. Bankruptcy Court on August 5, 1992, case #92-13884-WCH. Therefore, I am by copy of this letter notifying Mr. Kevin Murphy with Shawmut Bank; Mr. Joe Butler with Barron and Stadfeld; Mr. Bill Jacob with Boroff and Associates; and Mr. Stephen Levine with Brown, Rudinick, Freed and Gesmer.

On August 29, 1992 the Acton Fire Department responded to a fire at 25 Lawsbrook Road. It appears that a large propane cylinder was ignited. This cylinder was brought to the attention of Shawmut Bank by Capt. Edward Bennett on July 16, 1992.

As Acton Building Commissioner, I visited the site today to observe the damage caused by this fire. The fire damage was minimal but there was potential for serious injury.

As provided for under Massachusetts General Laws Chapter 143 Section 6, I am notifying you that your buildings are unused, uninhabited and open to the weather. Vandals have broken into all buildings and there is the potential of further fires and/or injury from unlawful entry. It was also noted that large pallets of blocks in the yard have begun to list to the side and will eventually fail and are therefore dangerous to life or limb. It also appears to me that these buildings would be especially unsafe in case of additional fires. As the fire alarms are non-existent and the buildings isolated from view, it is difficult to detect fires and next to impossible to see if someone is injured. I have therefore affixed upon the exterior a notice of the dangerous conditions. In order for you to correct these conditions you shall board up all doors and areas of potential entrance to the buildings. You shall also ensure that all stacks of blocks are not over 2 pallets high.

As the person herein so notified, as required by MGL Chapter 143, Section 7, you shall have until 12:00 noon of the day following the service of this notice in which to begin to make the building safe and secure and to restack the block pallets. You also shall employ sufficient labor to speedily make it secure.

You are cautioned that failure to comply with this order in the time allowed will result in the Town taking action as directed by MGL Chapter 143, Section 8.

If you have any questions I can be reached at 264-9632 Monday thru Friday, from 8:00 to 5:00.

Sincerely,

Garry A. Rhodes

Garry A. Rhodes
Building Commissioner

GAR/vjs

Certified

cc: Mr. Kevin Murphy; Shawmut Bank
1 Federal Street, Boston, MA 02211
Mr. Joe Butler; Barron and Stadfeld
2 Center Plaza, Boston, MA 02108
Mr. Bill Jacob; Boroff and Associates
55 Summer Street, Boston, MA 02110
Mr. Stephen Levine; Brown, Rudinick, Freed and Gesmer
1 Financial Center, Boston, MA 02111
Acton Town Manager
Board of Health
Police Department
Fire Department

The Commonwealth of Massachusetts

Executive Office of Transportation and Construction

Department of Public Works

Ten Park Plaza, Boston, MA 02116-3973

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

RICHARD L. TAYLOR
SECRETARY

JAMES J. KERASIOTES
COMMISSIONER

August 28, 1992

CC: D. ABBT - PLEASE REBOND AS APPROPRIATE.

CC: BOS - FYI

9/5

Town of Acton
Board of Selectmen
Town Hall
Acton, MA 01720

National Bridge Inspection Standards (NBIS)
Underwater Bridge Inspection
Concord Road/Nashoba Brook
Br. No. A-2-18
Structure No. MUN 401 018 100

Subject: RECOMMENDATION TO REPAIR BRIDGE DECK

Dear Board of Selectmen:

Two granite slabs that support the deck of the bridge which carries Concord Road over the Nashoba Brook have cracked and settled from 0.1′ to 0.3′.

The Department recommends that the deck be repaired.

Enclosed is a copy of the Department's Underwater Inspection Report which details this condition.

A copy of the report is on file at our District #4 Office located in Arlington. Please feel free to contact the District with any questions you may have concerning the bridge.

Sincerely,

Joseph P. Gill

Joseph P. Gill, P.E.
Bridge Engineer

JPD/ag

cc: RAS, DHE District #4
Enclosure Certified Mail

The Massachusetts Department of Public Works
The Massachusetts Highway Department

MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS

UNDERWATER OPERATION TEAM

DIVERS ACTIVITY REPORT

city/town	2-district	bridge dept. no.	8-structure no.	93b date inspected
ACTON	4	A-2-18	MUN 401 018 100	7-22-92

31 Foundation Type: —	dive master: J. FITZGERALD
07-facility carried: CONCORD RD.	team members: J. DONAHUE, J. DESMOND, R. BONICA

06-features intersected	depth	visibility	current
NASHOBA BROOK	5'	3'	NIL

level of inspection	bottom conditions	water conditions
II	SAND GRAVEL BOULDERS	POLLUTION UNKNOWN

Item 60 (Underwater) — 5

Substructure

1. Abutments

Wings / RETAINING WALL	5
Breastwall	5
Pointing	NA
Footings	X
Piles	X
Scour	NA
Undermining	NA
Settlement	5

2. Piers or Bents

Stem	5
Pointing	NA
Column	NA
Footing	X
Piles	X
Scour	NA
Undermining	NA
Settlement	NA

3. Pile Bents

Concrete Piles	NA
Timber Piles	NA
Diagonal Bracing	NA
Horizontal Bracing	NA
Fasteners	NA

Item 61 (Underwater) — 8

Channel and Channel Protection

1. Debris	8
2. Aggradation	8
3. Fender System	NA
Piles	NA
Diagonal Bracing	NA
Horizontal Bracing	NA
Wales	NA
Fasteners	NA
Ladders	NA
4. Utilities	X
5. Rip Rap	NA

Item 113

Scour Critical Bridges	
Scour	
a) Footing exposed	N
b) Undermining	N
Scour Countermeasures	
Sheeting	N
Rip rap	N
Other	N

Y=YES N=NO

X=UNKNOWN NA=NOT APPLICABLE IA=INACCESSIBLE

BI 8-1-90

Remarks, Photos and Sketches

city/town	bridge dept. no.	8-structure no.	93b-date inspected
ACTON	A-2-16	MUN 401 018 100	7-22-92

THIS IS A TWO SPAN DRY LAID FIELDSTONE STRUCTURE THAT SUPPORTS 16 GRANITE SLABS AND 3 CONCRETE SLABS REINFORED WITH RAILROAD TRACK. SEE PAGE 3 PLAN VIEW FOR SLAB LOCATION AND CRACKED SLAB LOCATION.

LEFT ABUTMENT - NO FOOTING EXPOSED, NO UNDERMINING. AVERAGE PENETRATION 1', MAXIMUM PENETRATION 4'. FIELDSTONE IN BREASTWALL UNDER DOWNSTREAM FASCIA APPEARS CRUSHED.

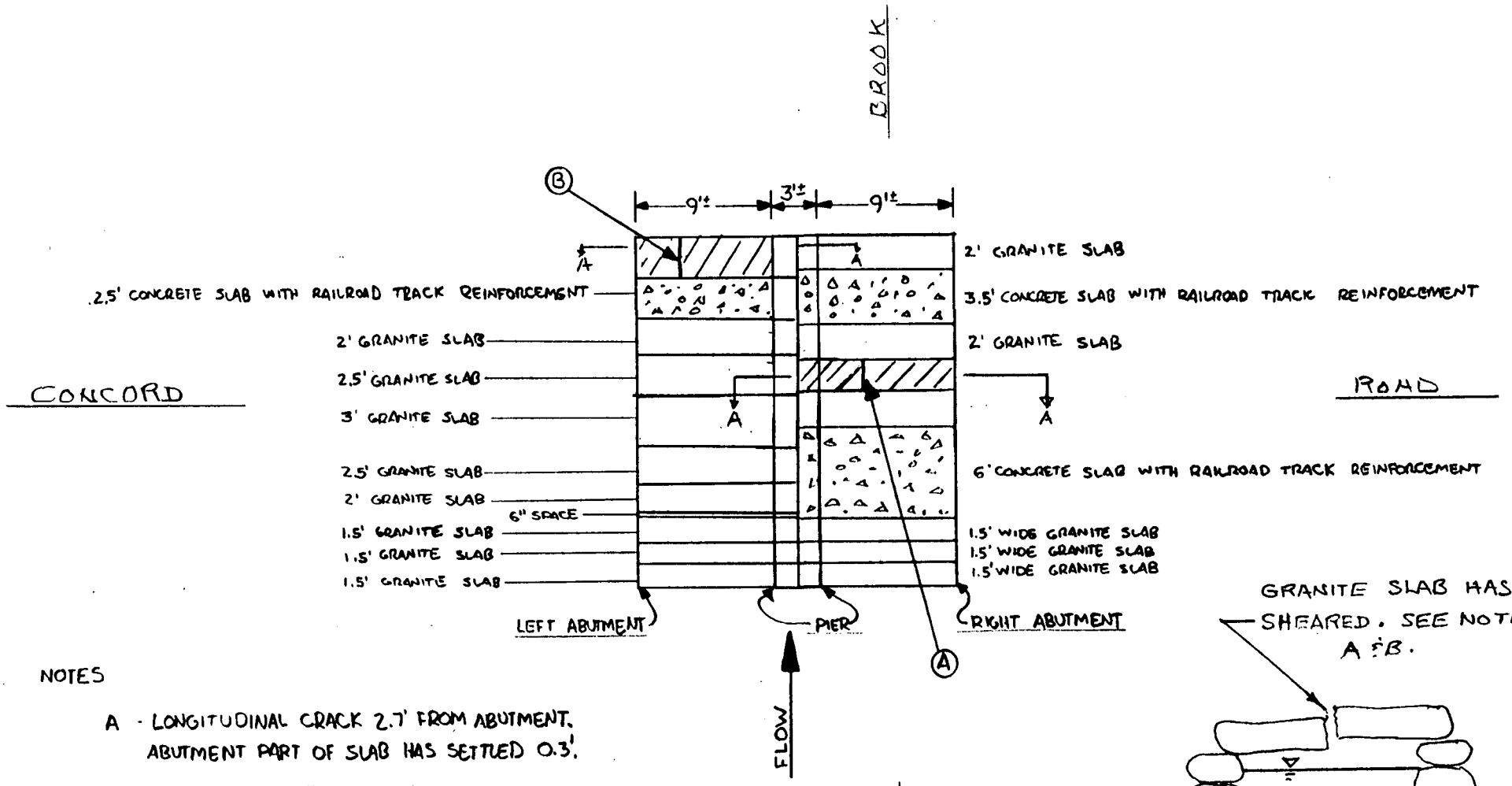
PIER - NO FOOTING EXPOSED, NO UNDERMINING. AVERAGE PENETRATION 1', MAXIMUM PENETRATION FULL DEPTH (3') AT VARIOUS LOCATIONS.

RIGHT ABUTMENT - NO FOOTING EXPOSED, NO UNDERMINING. AVERAGE PENETRATION 1', MAXIMUM PENETRATION 4'. 1' FROM DOWNSTREAM END OF BRIDGE 1/4" CRACK RUNS THROUGH THE TOP STONE IN BREASTWALL.

SEE PAGE 4 PLAN VIEW WITH SOUNDING COMPARISONS

John F Finnegan III
DIVE MASTER

PLAN OF UNDERSIDE OF DECK SHOWING GRANITE SLABS & CONCRETE REPAIRS.
TWO SLABS HAVE SHEARED SINCE REPAIRS WERE MADE.

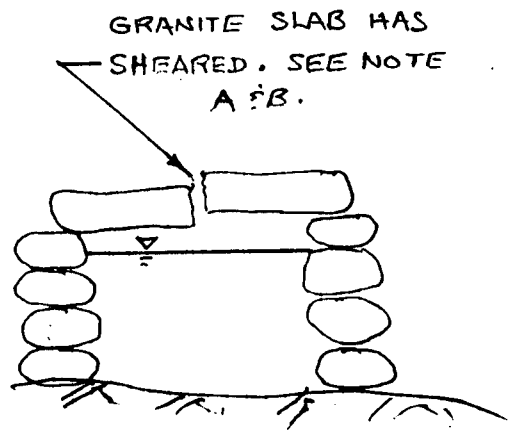


PLAN VIEW
NO SCALE

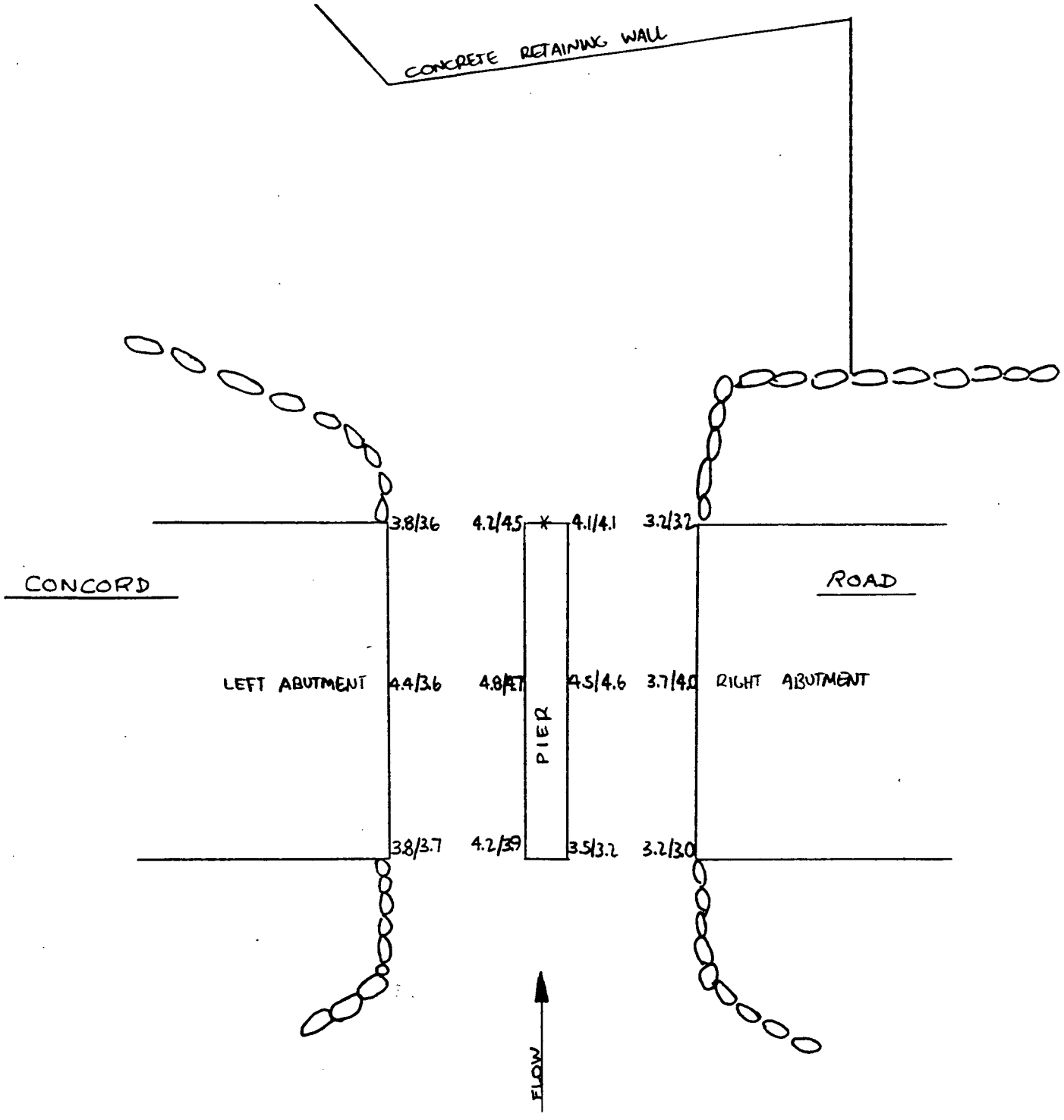
NOTES

A - LONGITUDINAL CRACK 2.7' FROM ABUTMENT. ABUTMENT PART OF SLAB HAS SETTLED 0.3'.

B - LONGITUDINAL 1/4" CRACK 3' FROM ABUTMENT. 0.1' SETTLEMENT. FIELDSTONES IN ABUTMENT BELOW FASCIA APPEAR CRUSHED.



A-A
(NO SCALE)



NOTES

- * WATERLINE IS 0.7' BELOW BOTTOM OF DECK AT DOWNSTREAM END OF PIER.
- SOUNDINGS ARE COMPARED AS FOLLOWS

  1989 / 1992

PLAN VIEW
1" = 10'

MASSACHUSETTS HIGHWAY DEPARTMENT UNDERWATER OPERATIONS
ACTON A-2-18 CONCORD RD. / NASHOBA BROOK
7-22-92 PAGE 4 OF 4

CC: BOS
FT. DEVENS TASK FORCE
PL. BD.

9/5

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR
ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR
SUSAN F. TIERNEY
SECRETARY

(617) 727-9800

August 26, 1992

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	: Fort Devens Redevelopment - Interim Project # I - Intermodal Transportation Transfer Facility
PROJECT LOCATION	: Ayer, Harvard, Lancaster and Shirley
EOEA NUMBER	: 9116
PROJECT PROPONENT	: Massachusetts Government Land Bank and Boston and Maine/Springfield Terminal
DATE NOTICED IN MONITOR	: July 8, 1992

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

This project is the first "interim project" proposed for the reuse and redevelopment of Fort Devens. By a Certificate of this date, I have designated the Fort Devens redevelopment project as Major and Complicated, in accordance with 301 CMR 11.12 and provided for early review of individual reuse proposals as they may be identified.

This first interim project is the leasing and development of a 34 acre site with rail sidings and 9 buildings for handling seaborne containers and truck trailers. Containers would be loaded onto railroad cars at the Moran Terminal in Boston and brought to the site by rail. At the facility some rail cars will be reconfigured for trains bound north towards Maine and west through Albany and Chicago to Canada and western and southern areas of the United States. Other containers or trailers would be off-loaded for transfer by truck to local sites. Still other containers would be stored onsite for unloading and distribution or for collection and loading onsite for shipment by rail.

The project as proposed consists of a maximum of two roundtrip train trips per day between Moran Terminal and Fort Devens. This level of activity is predicted to generate approximately 450 truck trips a day. The primary rail routes that will be used are the Charlestown Branch to the North Station area, the Lowell Branch north to the Stony Brook Branch to Willow Junction, the Fitchburg Branch to Ayer and the Ayer/Worcester Branch to Fort Devens.

Because one of the tracks B&M proposes to use traverses a site designated as a disposal site under G.L. c. 21E, approval of the Department of Environmental Protection is required prior to the use of this track. The project as currently proposed does not appear to require improvements to state-owned railroad infrastructure; however, any future improvements would require state approval. The Massachusetts Government Land Bank is involved in the lease negotiations between the Department of Defense and Boston and Maine as a third party to the lease; it is neither lessor nor lessee.

B&M and/or the Land Bank have identified the following infrastructure improvements as desirable for the project: paving of the transfer area; rebuilding of No Name Street; and raising the height of the railroad overpass at Barnum Road.

It is my judgment that the project reviewed herein does not have the potential for significant impacts to the environment so as to warrant the preparation of an EIR. Moreover, given the limited involvement of the state agencies my jurisdiction over the project is limited.

I do note, however, that any changes in the project that will increase the proposed level of activity described in this Certificate or involve future state approvals will require that the proponent submit a Notice of Project Change for a determination as to whether further environmental review is required. Examples of such changes would be the construction of a new access to Route 2, infrastructure improvements to rail segments owned by the Commonwealth, proposed regular use of the Ayer/Worcester Route for container shipment south and any proposal to increase the number of train trips currently proposed or the 450 truck trips currently expected to be generated.

8-26-92
Date

Susan F. Tierney
Susan F. Tierney, Secretary

Comments received :
- DEP/AQC - 8/17/92
- NMCOG - 8/17/92
- DEP/CR - 8/20/92
- JBOS - 8/14/92
- Harvard FDTF - 8/11/92
- C Sellars - 8/11/92
- Harvard Bd of Health - 8/13/92
- Lancaster FDRTF - 8/14/92
- NRWA - 8/12/92
- MACC - 7/14 & 8/31/92
- MAPC - received 8/14/92
- Lancaster Conservation Commission - 8/12/92
- Acton Selectmen - 8/10/92
- CITPlan - 8/12/92
- JPB - 8/10/92
- DOA - 8/10/92
- EOTC - 8/14/92
- Massport - 7/29/92
- Littleton Selectmen - 7/23/92
- Mass Audubon - 7/27/92
- MRPC - 7/29/92
- Bolton Airport Committee - 7/20/92
- K Field - 8/7/92
- Concord Selectmen - 8/6/92
- M Donohoe - 7/30/92
- Lancaster Selectmen - 8/14/92
- Littleton Selectmen - 8/11/92
- Citizens to Protect Harvard - 8/11/92

SFT/DES/ds

CC: BOS
FT. DEVENS TASK FORCE
PL. BD.

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

August 26, 1992

(617) 727-9800

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS

ESTABLISHING A SPECIAL PROCEDURE FOR A

MAJOR AND COMPLICATED PROJECT

PROJECT NAME	: Fort Devens Redevelopment
PROJECT LOCATION	: Ayer, Harvard, Lancaster and Shirley
EOEA NUMBER	: 9116
PROJECT PROPONENT	: Massachusetts Government Land Bank
DATE NOTICED IN MONITOR	: July 8, 1992

With the consent of the proponent, the Massachusetts Government Land Bank, I designate this project as a "Major and Complicated Project" pursuant to M.G.L. C.30 s.62A and 301 CMR 11.12. The project is the redevelopment of those portions of Fort Devens currently proposed to be surplussed by the Department of Defense. Given the nature of this project, designation of it as Major and Complicated is appropriate and will allow for the necessary flexibility and coordination with the National Environmental Policy Act (NEPA) review process. The designation will:

* Permit coordination with the NEPA process, enhancing public understanding and participation, and conserving public and private environmental impact analysis and review efforts;

* Enable timely commencement of certain portions of the project that may benefit the environment;

* Enable timely commencement of certain reuse activities that will not cause significant damage to the environment and that may be beneficial to the economy of the region; and

* Provide for timely review of portions of the project that may cause significant damage to the environment.

The following Special Procedure sets forth the specific review steps for this project and describes the role of the Citizens Advisory Committee (CAC). (See Step 7 for the establishment of the CAC.)

1. The Secretary and the proponent will jointly develop a preliminary scope for a Master Environmental Impact Report ("Master EIR") and submit it to the CAC for its review. The CAC shall submit comments to the Secretary on the preliminary scope no later than forty-five days after the first meeting of the CAC, which shall be convened by the Secretary. The Secretary will issue a Certificate finalizing the MEPA scope ("the MEPA Scope") in accordance with 301 CMR 11.06. A copy of the MEPA Scope will be submitted to the Department of the Army ("Army"). The proponent, the MEPA Unit and the Department of Environmental Protection will also participate in the NEPA scoping sessions conducted by the Army. After the NEPA scope has been finalized, the proponent shall provide a copy to the Secretary and the CAC.

2. The Draft and Final Environmental Impact Statements (EIS's) prepared by the Department of the Army pursuant to the National Environmental Policy Act and related to the reuse of Fort Devens will be submitted as components of the Draft and Final Master EIRs for the overall redevelopment project as anticipated by 301 CMR 11.13. The proponent shall supplement the documents prepared by the Army as necessary prior to their submission as the Draft and Final Master EIRs to ensure compliance with the MEPA scope. Conclusions reached or findings made in the Draft and Final Master EIRs may differ from those reached by the Army in the NEPA process. The Draft and Final Master EIRs will be subject to a 30-day public review and comment period. The proponent will hold a public meeting in the project area during the review period of the Draft and Final Master EIRs to review the document and take comments. Extensions of the comment period on the Draft Master EIR shall be considered in accordance with the procedures set forth at 301 CMR 11.08(2). The Secretary will issue a Certificate evaluating the adequacy of the Draft and Final Master EIRs seven days after the close of the comment periods.

3. The proponent may identify reuse proposals for portions of the project that are proposed to be implemented prior to the completion of the Draft and Final Master EIRs ("Interim Projects"). For each such Interim Project, the proponent shall submit a Notice of Interim Project and circulate it in accordance

with 301 CMR 11.24, to members of the CAC, and to others as the Secretary may designate. Notice of the Interim Project will be published in the Environmental Monitor for a 20-day comment period. At the request of the Secretary, a public consultation session shall be held. A decision as to the need for preparation and review of further documents will be issued within ten days after the close of the comment period. The Secretary may determine either that: no further review is required; a single final Interim EIR is required; a draft and final Interim EIR are required; or a separate ENF must be prepared and reviewed in accordance with standard MEPA procedures. At the discretion of the Secretary, an Environmental Assessment prepared pursuant to NEPA may serve as an Interim EIR hereunder. Any Interim EIR will be subject to a 30-day period for public review and comment, with a Certificate evaluating the adequacy of the document to be issued seven days after the close of the comment period. If an Interim Project is categorically included pursuant to 301 CMR 11.25, the proponent may request a waiver and the procedures set forth at 301 CMR 11.18 shall be followed.

4. The Massachusetts Aeronautics Commission is currently studying the need and siting alternatives for a second airport alternative to Logan International Airport. Should Fort Devens be selected as an alternative site, a separate ENF shall be filed.

5. If the Army determines to surplus additional portions of Fort Devens, the proponent shall file either a Notice of Project Change or an additional ENF that shall be published for a 20-day comment period. A consultation session may be held at the discretion of the Secretary. The Secretary, in consultation with the proponent and the CAC, may revise the scope for the Master EIR as necessary.

6. This Major and Complicated Procedure shall terminate upon the Secretary's determination that the Final Master EIR adequately and properly complies with MEPA and its regulations. After the termination of this procedure, future actions will be governed by the MEPA statute and regulations.

7. Pursuant to the authority of the Secretary under 301 CMR 11.12, a Citizens Advisory Committee will be established to assist the Secretary in the review and evaluation of the environmental impacts of the project. The appointments to the CAC, which shall be made by the Secretary, shall reflect a balance of membership and represent a broad range of views.

The CAC shall have the following roles:

* to review and comment upon the preliminary scope for the Master EIR;

* to review and comment upon the Draft Master EIR prior to its submission for MEPA review;

* to review and comment upon the Final Master EIR prior to its submission for MEPA review; and

* to review and comment upon other environmental review documents submitted to the Secretary for public review and comment.

CAC GOALS AND PROCEDURES

A. The CAC should have consensus as a goal, but until the EIRs are complete it is understood that the diversity of opinions on the CAC may require majority and minority positions. Thereafter, the CAC should strive for consensus, bearing in mind that the CAC's recommendations are purely advisory, and that there is strength in unity. I ask that, as the CAC proceeds, the Secretary be informed of its progress through copies of the mailings.

B. The MEPA Unit shall act as moderator at the first two meetings of the CAC. Thereafter, the CAC shall by majority vote elect one of its members to serve as chairperson.

C. The proponent shall provide the following services to the CAC: arrangement of meeting rooms, taking of minutes, reproduction and mailing to CAC members of minutes, notices and materials to be reviewed.

D. It is the Secretary's intention that members of the CAC shall not be deemed "special state employees" pursuant to MGL C. 268A, and to that end the Secretary provides that the CAC:

1) shall be constituted informally, not by statutory or regulatory mandate;

2) shall be short-lived, in existence during the time required for preparation of the Draft and Final Master EIRs;

3) shall serve without compensation or reimbursement of expenses;

4) will not expend public funds; and

5) will not be required to issue a formal report or conclusions.

E. Meetings of the CAC should be held on an as-needed basis, as determined by the moderator. Any materials to be reviewed at a meeting should be provided to the CAC at least a week in advance of the meeting, with the exception of the Draft and Final Master EIRs, which should be provided to the CAC thirty days prior to each document's submission to the Secretary.

The proponent or the Secretary may at any time propose amendments to this special procedure. Suggested amendments shall be published in the Environmental Monitor for a thirty day review period, followed by a seven day period for the decision of the Secretary.

8/26/1992
Date

Timothy A. Bassett,
Executive Director
Massachusetts Government Land Bank

EOEA #9116 Major and Complicated Procedure August 26, 1992

8-26-92
Date

Susan F. Tierney
Susan F. Tierney, Secretary

SFT/DES/ds

AUG 26 1992

Joint Boards of Selectmen

Ayer • Harvard • Lancaster • Shirley — *Working for Ft. Devens' Future*

Base Reuse Community Resource Center
Fort Devens, Antietam Street, Building P-5
P.O. Box 350, Ayer, MA 01432-0350
(508) 772-6340 Fax (508) 772-7577

cc: BOS
FORT DEVENS TASK FORCE
PLANNING BD.

9/5

Re: Ft. Devens Environmental Notification Form Comments

Dear Friend:

Enclosed please find a copy of the comments we recently submitted to the Massachusetts Secretary of Environmental Affairs with regard to the reuse of Ft. Devens. The comments are in response to the Environmental Notification Form (ENF) filed by the Massachusetts Government Land Bank to begin the state environmental review process for reuse. The ENF also requested approval of an intermodal truck/rail facility proposed by the Boston and Maine Railroad on approximately 34 acres of Ft. Devens land.

The Joint Boards of Selectmen, representing the Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley, strongly supports an open and participatory reuse planning process for the base, including representatives of parties who may be affected by the base's closing and/or reuse. We encourage you to participate in the process and look forward to working with you toward successful reuse which benefits the north central region of the state.

Please do not hesitate to write or call if you have any immediate questions or concerns.

Very truly yours,

Brett M. Doney
Project Coordinator

Enclosure

Joint Boards of Selectmen

Ayer • Harvard • Lancaster • Shirley *Working for Ft. Devens' Future*

Base Reuse Community Resource Center
Fort Devens, Antietam Street, Building P-5
P.O. Box 350, Ayer, MA 01432-0350
(508) 772-6340 Fax (508) 772-7577

COPY

14 August 1992 BY HAND

Susan Tierney, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, 20th Floor
Boston, MA 02202

Attention: MEPA Unit - File #9116
Fort Devens Redevelopment ENF Comments

Dear Secretary Tierney:

On behalf of the Joint Boards of Selectmen (JBOS) of the Fort Devens host communities of Ayer, Harvard, Lancaster and Shirley, I am pleased to submit the following comments on the Environmental Notification Form (ENF) filed by the Massachusetts Government Land Bank (Land Bank) for the redevelopment of Fort Devens. At the outset, please accept our thanks and appreciation for the excellent work of your staff and that of the Department of Environmental Protection in support of the Ft. Devens reuse effort. We look forward to continue to work with you in the coming years to achieve successful reuse of the base.

The JBOS, representing the host communities, are committed to a timely, diverse and dynamic reuse of Ft. Devens to replace, indeed improve upon, the economic activity of the base and to enhance the opportunities and quality of life of residents of the north central region of the Commonwealth. Early estimates indicate that the base stimulates over $820 million dollars in annual economic activity, provides services to over 92,000 veterans and retirees, and draws thousands of residents to the region. In addition to the loss of jobs, economic activity and residents, the host communities face significant increased burdens on already strained municipal service budgets as federal jurisdiction over base lands is removed. Overcoming these challenges in an era of restricted public budgets and slow economic growth requires a cooperative effort of local, regional, state and federal public and private participants. From the start, the JBOS has been committed to such a cooperative effort in which all parties are active, informed participants (see enclosed JBOS Mission Statement and Harvard Board of Selectmen Position on Ft. Devens Redevelopment).

We support the beginning of the MEPA process for the reuse of Ft. Devens and applaud Land Bank's commitment of significant resources to the effort. As a partner in the reuse effort, we submit the following comments for your review with the intent of constructively strengthening the reuse process and ultimately assisting it to move forward in a timely and consensus fashion.

ENF Clarification's

Our comments are submitted with the understanding of the following clarification's made by David Shepardson, MEPA Project Director, at the scoping session on 23 July:

1) the ENF covers all land areas of the existing Ft. Devens, including South, Main and North Posts for a total of approximately 9,338 acres;

2) the scope of the ENF does not include a regional or second major airport which would require a separate ENF filing and MEPA process;

3) the "Request for Early Approval of the Reuse Facilities" paragraph on Exhibit A of the ENF is an actual request for immediate early approval consideration by the Secretary.

The 10 August issue of the Environmental Monitor announced the Secretary's decision to designate a Citizens Advisory Committee (CAC) for the Ft. Devens reuse and requested nominations by 30 August. We will be forwarding suggested nominations under separate cover after consultation with local and regional parties. As discussed below, an independent and representative CAC is a critical component to insure adequate environmental review of a project of this scope, complexity and duration. We commend the Secretary and the Land Bank for timely action in this regard.

Key Findings

The key findings of the JBOS are as follows:

1. The request for designation as a "major and complicated project" should be granted.

2. Successful reuse of Ft. Devens requires a cooperative planning effort involving local, regional, state and federal public and private parties conducted in an open public participatory process.

3. The scope, complexity and duration of the project require independently funded Citizens Advisory and Technical Advisory Committees representative of all interested parties.

4. The project site includes critical natural habitats and resources. Reuse activities could potentially impact every MEPA review category excluding coastal and tideland resources. It is too early in the process to determine whether all such impacts will be positive.

5. The proposed MEPA review process does not insure adequate environmental review of interim and long-term projects.

6. The JBOS supports the interim use of approximately 34 acres as a rail/truck intermodal facility. However, inadequate information has been provided in the ENF to allow for public review and assessment of the potential environmental impacts. We request that the ENF be amended with the necessary additional information, followed by a thirty day review period before determination of the project's environmental impact significance and subsequent MEPA review process required, if any.

Supporting Documents

The following supporting documents are enclosed with these comments as requested by Mr. Shepardson [Supporting documents have not been provided to parties receiving copies of these comments, but are available from the Base Reuse Community Resource Office at (508) 772-6340.]:

- JBOS Mission Statement

- Governor's Executive Order #312
- Ft. Devens Redevelopment Board Initial Report dated 31 December 1991
- Ft. Devens Redevelopment Board Interim Report dated July 1992
- U.S. Department of Interior, Fish and Wildlife Service, Report titled "Survey and Evaluation of Wetlands and Wildlife Habitat, Fort Devens, Massachusetts"
- Massachusetts Government Land Bank Enabling Act (St. 1975, c. 212), as amended
- Department of Public Works, Town of Ayer, Massachusetts, "Draft Report on Water Supply and Distribution System Study" dated February 1990
- Lead and Asbestos Study at Fort Devens Housing Units dated 21 October 1991
- Ft. Devens Development Corporation proposed legislation and overview (Senate bill #1641, House bill #5823)
- Harvard Board of Selectmen "Position on Redevelopment of Fort Devens"
- Fort Devens Feasibility Study (FS) for Group 1A Sites dated June 1992
- Portions of Final Environmental Impact Statement for Ft. Devens Base Realignment dated June 1990 describing natural resources of the base
- Summary of Remedial Investigation at Shepley's Hill Landfill, Fort Devens, Massachusetts, dated 4 June 1992
- Proposed DOD Facilities and Natural/Environmental Analysis maps of Ft. Devens prepared by Beals and Thomas, Inc., on behalf of Land Bank
- Distribution of Aquifers in Glacial Sediment map by Goldberg-Zoino and Associates, dated 1976

Specific ENF Comments

1. We are concerned that the "Suggested Provisions: Special Procedure for Major and Complicated Project" and the "Proposed Boston and Maine/Springfield Terminal Rail Facility Project" attachments to the ENF were not available for public review until 8 July and 23 July respectively.

2. We are concerned that MEPA denied our request for an additional evening scoping session to accommodate regional residents who cannot attend meetings during business hours. We respectively request that evening sessions be scheduled in the future to allow for full public participation.

3. We support Land Bank's filing of the ENF as proponent, but reserve the right for the host communities and other public and private entities to become project proponents in the future, either in partnership with the Land Bank or independently of this filing.

4. The probable 9,000 job loss resulting from closure of the base is understated by at least twofold when indirect private sector job loss is taken into account.

5. It is too early in the process to determine if long term potential environmental impacts will be positive as indicated on page 2, section E.

6. The list of alternatives provided on page 2, #2., should be amended to remove the "regional airport," given Mr. Shepardson's clarification discussed above and to add other potential uses which have been publicly discussed including a federal prison complex, expansion of the OxBow National Wildlife Refuge and creation of a river visitor center, facilities for the homeless, public recreational facilities, affordable housing, commercial and industrial development. The ENF incorrectly states that continued military use is not an option; the Army and Air Force have already decided to continue military use of over half of the base area (see enclosed Beals and Thomas Proposed DOD Facilities map). Ft. Devens has also been included as a potential site for a domed stadium in a state-commissioned feasibility study.

7. While MEPA is primarily concerned with state and federal permitting, all parties should be aware that local permits and approvals may be required for projects, including zoning and provision of municipal services. Exhibit B should be amended to include potential local permits. We request

clarification of the "zoning exemption" listed under Department of Public Utilities. It should also be noted that any action by Land Bank to acquire base property within one year from the date of the Army's advertisement or notice of the availability of such property for state and local acquisition requires the approval of the host communities (see enclosed Land Bank Enabling Act and Executive Order #312). The Army has not yet scheduled advertisement or notice for state and local acquisition (state and local screening) and typically waits until base reuse planning is further along.

8. The Section II, Project Description, is necessarily vague at this stage in the process, however, this section and Section III, Assessment of Potential Adverse Environmental Impacts, should be filled out in detail for the proposed intermodal facility or a separate ENF should be filed for this proposed interim project. Ft. Devens' Public Affairs Office has provided information indicating that the gross floor area on base is 8,373,420, substantially higher than the figure provided in Section II C.

9. We are troubled by the responses to Section III, Assessment of Potential Adverse Environmental Impacts questions. It is too early in the process to determine the scope and attributes of potential environmental impacts, except to state that possible projects may have negative or positive impacts. "Current planning preference" is unacceptable as a source because the Land Bank is only one player in the planning process, a process which by our standards and definition has not yet begun (see comments below under "Participatory Planning Process"). It is commendable that Land Bank's evident intent is to plan for redevelopment which is beneficial to the environment, certainly that is our shared goal, but it is not possible at this time to exclude any area of environmental review. This re-enforces our comment above that separate ENF's should be filed for each interim use to determine the potential environmental impacts of a proposed interim project.

10. The term "outdated" should be deleted from Section III, 5., because it has not yet been determined whether the existing sewer treatment plant, which currently serves the entire base with significant excess capacity, is outdated. We realize that the treatment plant is not in compliance at this time, however, the Army is working to bring it into compliance and it should be given the chance to do so. The existing water and sewer infrastructure on base are critical components to successful reuse.

11. Section III, E., 2., response is incorrect in that many potential uses, including the proposed interim intermodal facility, will involve the handling and transport of hazardous and/or toxic materials. Indeed, protection of the large water aquifer situated on the eastern edge of the Main Post is the most significant issue with regard to the intermodal facility (see enclosed Goldberg-Zoino and Associates aquifer map).

12. Public notices should be published in newspapers covering the entire potential impact area; additional papers at the least should include the Lowell Sun, Clinton Item, Sentinel Enterprise and the Post Dispatch (the post's weekly newspaper).

13. The Master Environmental Impact Report section, Suggested Provisions, page 3, should be re-written. The Environmental Impact Statements (EIS's) to be prepared by the Army will focus solely on the Army's intended activities involved with closing portions of the base and developing new facilities within the Reserve Enclave. While we commend Land Bank for its early recognition of the need to coordinate the timetables of the MEPA and NEPA review processes to avoid unnecessary delay of base reuse, it should be clear to all parties that the Army EIS's will be insufficient for submittal as a master Environmental Impact Report for the reuse. Preparation of the EIS's will generate much of the baseline information necessary for preparation of the master EIR, however, the master EIR must focus on future uses of those areas of the base excessed by the Army. If the master EIR is prepared in a participatory process as we recommend below, a thirty day review period may suffice. However, given the current lack of such a process and the complexity of the reuse project, we recommend a minimum of a sixty day review period and 30 day period for decision by the Secretary.

14. We accept the provisions described in the Interim Projects section, Suggested Provisions, 2., page 4. Consequently, we ask the Secretary to determine that the first proposed interim project, the intermodal facility, has not met the proposed provisions in the following ways:

    1) a full and complete description of the proposed interim project has not been submitted and made available for public review and comment;

    2) insufficient information is available to determine if the project exceeds MEPA review thresholds, however, the information that has been made available indicates that the project may exceed MEPA thresholds.

    We support the intermodal facility and agree with Land Bank that its success is critical to private enterprise development on the base. However, we cannot abdicate our responsibility to insure that critical natural resources, most particularly the large aquifer on which the towns and Devens depends, are protected. We are confident that the necessary information can be produced in a very timely fashion and have been working with the Land Bank and Guilford Industries on a daily basis to achieve this. We ask that the Secretary withhold any decision on this interim project until this information has been made available to the public with an appropriate review period. Please note that such information has not yet been provided to the Ft. Devens Redevelopment Board and, although the Board has only advisory power, it has not yet taken a position with regard to the intermodal facility. Given that no lease proposal has yet been submitted to the Army for its review and negotiation, we believe this process can be completed in a manner satisfactory to all parties without causing delay to the start of intermodal operations.

15. Suggested Provisions, section 3. Major Interim Projects, fails to insure adequate environmental review of interim projects with potential environmental impacts and should be re-written. We strongly object to allowing the construction or operation of any interim use prior to the completion and acceptance of an EIR if the Secretary has determined that an EIR is required for a proposed interim project. Indeed, all interim projects should be held to a higher standard of scrutiny than long-term projects incorporated in the master EIR because such interim projects will be reviewed without the benefit of the baseline information produced in the drafting of the master EIR. In addition, interim projects must be carefully considered to protect against negative impacts on alternatives for base reuse so as not to preclude or injure alternative uses.

16. Suggested Provisions, section 4. Non-Major Interim Projects, should be revised. We are concerned that the apparent difference between proposed definition determining "Major" and "Non-Major" interim projects is not based on potential environmental impacts. The significance of any proposed interim project, at least for MEPA review purposes, must be based on environmental impact. The proposed thresholds are subjective in nature and open to interpretation with no reference to environmental impact. For example, does the proposed intermodal facility represent a change of use? Since the land has never been used for a truck/rail transfer facility with increased traffic results, we believe it represents a change of use. The proponent does not.

JBOS FINDINGS & RECOMMENDATIONS

Major and Complicated Project Designation

We support designation of the reuse of Ft. Devens as a Major and Complicated Project because of its scope, complexity and duration. It is anticipated that the project will involve several proponents, including each of the host communities or their designees. After considerable research and discussion of past base reuse efforts in the Commonwealth, we favor the creation of a public not-for-profit corporation with local, regional and state participation to be the lead development agency in partnership with the Land Bank which would be the lead state agency and financing entity. This model has worked well for the successful redevelopment of Westover Air Force Base on which the enclosed Ft. Devens Development Corporation legislation is based. Similar successful models include the South

Boston Army Base with Boston's Economic Industrial Development Corporation, the Charlestown Navy Yard with the Boston Redevelopment Authority, the Miles Standish Industrial Park with the Taunton Development Corporation, and, similarly, the Chelsea Naval Hospital and the Watertown Arsenal.

Many local and regional entities have suggested that the JBOS become a proponent as part of this ENF. The JBOS is a public policy body composed of the selectmen of the four host communities; it is not a development entity. The JBOS has played and will continue to play a critical role in formulating policies with regard to the base reuse at the local level. Key issues to be addressed in the coming months include provision of municipal services, zoning and natural resource protection. We need an entity whose sole purpose is successful reuse of the base; an entity with local, regional and state support and legitimacy. As importantly, we also need the support and technical and financial assistance of the federal and state governments, the Land Bank being designated by the Governor as the lead state agency.

Participatory Planning Process

Successful reuse can only be achieved with the participation, support and consensus of local, regional, state and federal entities. A planning process, as envisioned in the Governor's Executive Order #312, must be established which provides all interested parties with an informed, active participatory role in an open process aimed at reaching consensus. We cannot afford to go our own ways, ending either in piece-meal development, litigation or both. Ft. Devens' closing is a severe blow to the state; it is also an opportunity for planned development on an unprecedented scale in the Commonwealth. The project demands a visionary planning process and MEPA is one tool available to insure that this process takes place.

Developing a base reuse plan with consensus support, a short and long term development strategy and an implementation action plan is the most critical task we face. If we cannot accomplish this, the opportunity to create a new economic engine in north central Massachusetts will be lost, as well as the opportunity to demonstrate what this state can do with its unique array of public and private technical prowess.

We invite all interested parties to sit down and devise a planning framework and schedule for the next two years. This is not an attempt to replace or circumvent the efforts of all parties to date, but to extend a willingness to work in a timely cooperative fashion to address the serious problem we face.

Citizens and Technical Advisory Committees

We request that the Secretary form a Citizens Advisory Committee representative of the host communities and the region most impacted by the closure and reuse of Ft. Devens. To operate effectively, the CAC requires staff support and independent funding. We welcome the Secretary's request for nominations and urge all interested parties to participate. If desired, we would be pleased to offer working space for the CAC in the Base Reuse Community Resource Office and access to our resource files and information.

The complexity and scope of the project is of such a scale as to also require a Technical Advisory Committee (TAC) to support the CAC in its review of proposed activities on the base. We urge the Secretary to create a TAC with independent funding as appropriate and to encourage the TAC to provide timely information to the public and interested parties concerned about specific reuse proposals.

Natural Resources and Potential Environmental Impacts

As we noted at the scoping session, Ft. Devens features critical natural habitats and resources which must be protected, and enhanced when possible. Enclosed please find copies of a recent U.S. Fish and

Wildlife report detailing key natural habitats on the base and sections of the discarded 1990 Final Environmental Impact Statement for Ft. Devens Base Realignment describing flora and fauna found on the base.

Drinking water is available in abundant supply from the large aquifers on the base, water which is needed for reuse of the base and also by the abutting towns to augment scarce supply. This resource has already been placed at risk by contaminants released on the site and on abutting properties. We are particularly and urgently concerned about potential contaminants in the area of Grove Pond on which borders large well fields for Ft. Devens and the Town of Ayer. Field research conducted for the Army and released several weeks ago indicate significant contamination to Plough Shop Pond (see enclosed Fort Devens Feasibility Study for Group 1A Sites dated June 1992 and Summary of Remedial Investigation at Shepley's Hill Landfill dated 4 June 1992). The extent and spread of the contamination has not yet been determined. Of particular concern is whether a release area abutting the railroad tracks on the west Plough Shop Pond side also exists on the east Grove Pond side which has not yet been tested. We applaud DEP's efforts to get this issue resolved, but wish to notify all parties that this issue cannot be left unresolved for much longer. The issue relates directly to this ENF because the area is situated near the proposed intermodal facility and the Boston and Maine Railroad has been named by DEP as a potentially responsible party for the release abutting the tracks.

The MEPA review scope should include all categories of review, excluding coastal and tidal resource areas. It is impossible at this time to determine whether reuse impacts will be positive or negative. Reuse activities should not interfere with or reduce the unified support for timely clean-up of all release sites on Ft. Devens.

Rail/Truck Intermodal Facility

Despite our support for creation of a rail/truck intermodal facility and our understanding of its critical role in base reuse, we must urge the Secretary to withhold any decision for early approval until adequate information has been made available for public review.

The information provided up to the time of the scoping session is incomplete, inadequate and incorrect. The handout provided at the scoping session indicates no net increase in traffic, air pollution and noise pollution. Yet the proposed change of use to an intermodal facility is projected to introduce up to 550 vehicle trips per day, 450 of which would be trailer trucks, in addition to up to several new trains per day of up to 100 cars. Interim projects must be reviewed in comparison to existing use of the proposed site, not in comparison to the entire base once closed. Comparison to the entire base once closed makes no since; it anticipates that nothing will be done to reuse the other 9304 acres of the base. Comparison with the existing uses of the proposed intermodal facility indicates a marked increase of activity in this area with subsequent potential environmental impacts.

The proposed facility is situated over a large aquifer critical to the area (see enclosed Goldberg-Zoino map of Distribution of Aquifers in Glacial Sediment). Reuse activity must be undertaken with protection of the aquifer a primary consideration. Therefore, we request the Secretary to require a hazardous and toxic material operational and emergency response plan for the intermodal facility. We also request action with regard to the existing release abutting the rail tracks prior to approval of increased activity by Boston and Maine Railroad.

We strongly support the timely reuse of the base, but pressure to reuse the base quickly cannot allow Ft. Devens to turn into an unplanned dumping ground or warehouse area creating few, if any, jobs. The Boston and Maine proposal has been around in various forms for over ten years. Surely we can take the time necessary for adequate review. We request the proponent to file more complete information with the MEPA unit in the form of an ENF for the intermodal facility, followed by a thirty day public review and comment period. The Army has yet to receive any written request for the use of the area and the EPA must still approve the proposal in terms of the ongoing Superfund clean-up. We are confident that

the MEPA review recommended above can be concluded prior to federal review and approval, therefore, no delay will be created by state action.

After appropriate public review, we suggest that the Secretary's determination for the proposed interim use contain thresholds limiting use of the facility beyond that described without further environmental review. We have discussed setting a limit on activities (such as no more than 450 truck trips per day) with the Land Bank which has agreed that this is appropriate.

Thank you in advance for your review and consideration of these comments and for your continued support of the reuse of Ft. Devens. We look forward to working with you and your staff to insure a timely, comprehensive and participatory environmental review of the overall reuse project and of proposed interim projects.

Very truly yours,

Brett M. Doney
Project Coordinator

cc: *Host Communities:*
Joint Boards of Selectmen
Ft. Devens Reuse Town Task Forces
Joint Planning Boards
Joint Boards of Health
Joint Conservation Commissions
Local Housing Partnerships
Town Administrators

Impact Region:
Montachusett Regional Planning Commission
Metropolitan Area Planning Council, MAGIC Sub-Region
City of Fitchburg
City of Leominster
Town of Acton
Town of Ashby
Town of Bolton
Town of Boxborough
Town of Clinton
Town of Concord
Town of Dunstable
Town of Groton
Town of Littleton
Town of Lunenburg
Town of Pepperell
Town of Sterling
Town of Stow
Town of Townsend
Town of Westford

Business, Environmental & Community Organizations:
Acton Chamber of Commerce
Ayer Chamber of Commerce
Ayer Industrial Commission
Clinton/Lancaster Chamber of Commerce

Harvard Business Association
North Central Chamber of Commerce
Shirley Development & Industrial Commission
Shirley Downtown Business Association
Conservation Law Foundation
Massachusetts Association of Conservation Commissions
Massachusetts Audubon Society
Nashua River Watershed Association
U.S. Fish and Wildlife Foundation
ASSERT
CITPLAN
Citizens to Protect Residential Harvard

State of Massachusetts:
Governor William Weld
Lt. Governor Paul Cellucci
Senator Robert Antonioni
Senator Arthur Chase
Senator Robert Durand
Senator Lucile Hicks
Senator Nancy Sullivan
Rep. William Constantino
Rep. Emile Goguen
Rep. Geoffrey Hall
Rep. Robert Hawke
Rep. Augusta Hornblower
Rep. David Lionett
Rep. Pamela Resor
Rep. Patricia Walrath
Robert Kennedy, Governor's Council
Ft. Devens Redevelopment Board
Massachusetts Government Land Bank
Executive Office of Communities and Development
Executive Office of Economic Affairs
Executive Office of Transportation and Construction
Massport

Federal Government:
Senator Edward Kennedy
Senator John Kerry
Rep. Chester Atkins
Rep. Joseph Early
Rep. John Olver
Paul Johnson, Deputy Assistant Secretary of the Army
Col. Richard W. Hoover, Commander, Fort Devens
Col. Art Osgood, Office of Economic Adjustment
Gary B. Paterson, U.S. Army Corps of Engineers
H. Carter Hunt, Jr., Ft. Devens Transition Manager
Federal Bureau of Prisons
U.S. Fish and Wildlife Service

Other Proponents:
Guilford Industries, Inc.
Life for the Little Ones, Inc.
Somerville Homeless Coalition

cc: BOS

MAGIC

Acton
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

MINUTEMAN ADVISORY GROUP ON INTERLOCAL COORDINATION
A Subregion of Metropolitan Area Planning Council

Minuteman Advisory Group on Interlocal Coordination

60 Temple Place, Boston, MA 02111 617 / 451-2770

MEETING NOTICE

September 10, 1992
Old Meeting Room, 2nd floor
29 Middle Road
Boxborough

7:30 p.m.	Fort Devens Reuse
	Brief discussion of tour -- issues and questions to be addressed at the forum
	Progress report on forum plans
8:00 p.m.	Updates and Business Matters
	Appointment of designee to Devens CAC Town Reports for MAPC's collection Land Bank Bill status MAGIC contributions By-law review subcommittee
8:20 p.m.	The State's HOME Program
8:30 p.m.	Schedule is tentative. One of the following will take place:
	Presentation of the Land Resources Element of MetroPlan 2000, including open space protection and mapping on a local and subregional level.
	Planning for subregional discussion of housing options. Ideas include: a survey of local affordable housing strategies, resources, organizations, etc.; a meeting of local housing actors; consideration of subregional activities; recommendations on state and federal policies and programs.

* * * SAVE THE DATE * * *

FT. DEVENS REUSE FORUM

THURSDAY EVENING, OCTOBER 1, 1992

ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

SEP 2 - 19

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

August 28, 1992

cc: BOS - FYI

CONFIDENTIAL

Mr. Roland Bartl
Town Planner
472 Main Street
Acton, MA 01720

Dear Roland: (DiDuca v. Acton - Farm Hill Subdivision)

I enclose copies of two Notices of Deposition of you and Anne Fanton in this case, for September 10. The cover letter says we can arrange a more convenient date if that is desirable. I will be starting rate hearings on September 8, so it may not be possible for me. I will talk with you and with Anne about the schedule early next week.

You will see that they ask for all documents the Town has relating to the zoning of the land and to approval of the subdivision, including the prior zoning. We should produce the same documents in both depositions, and I will rely largely on you to see to that, but I think I already have copies of most of the stuff relating to the subdivision design and to the 1990 rezoning. We need to see what, if anything, there is in the file about the original zoning.

I am sending Anne Fanton a copy of this letter and her deposition subpoena also.

Very truly yours,

Acheson H. Callaghan

AHC/dcb
Enclosures

cc: Anne Fanton
Anne Marie Hill, Esq.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX , SS.

ROSEMARIA SULLIVAN AND HARRIET MCFARLAND, TRUSTEES OF THE DIDUCA FAMILY TRUST,

Plaintiff (s),

v.

TOWN OF ACTON,

Defendant (s),

Land Court

Department of the Trial Court

No. 158-221

NOTICE OF TAKING DEPOSITION

To: Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
One Beacon Street
Boston, Massachusetts 02108

Please take notice that, commencing at 9:00 o'clock a.m. on September 10, 19 92, at the offices of D'Agostine, Levine & Gordon, P.C., 268 Main Street, Acton, MA 01720, the Plaintiffs in this action, by ~~his (her) (its)~~ their attorney (s), will take the deposition upon oral examination of Roland Bartl, Town Planner,

pursuant to Rule 30 of the Massachusetts Rules of Civil Procedure, before Mary L. McCarthy, Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Please take further notice that the above-named witness is required to produce at the time and place of deposition the following:

Any and all documents relating to zoning and rezoning of the property owned by the Plaintiffs on Great Road, Acton, Massachusetts, since the adoption of the Acton Zoning By-Law.

Any and all documents relating to the submission and approval of the definitive subdivision plan which is the subject matter of Land Court Department of the Trial Court Misc. Action No. 157-585.

Any and all documents relating to the amendments to the Acton Zoning By-Law adopted on or about April 24, 1990.

For definition of "documents" see Schedule A attached hereto.

Respectfully,
D'AGOSTINE, LEVINE & GORDON, P.C.
By:
Louis N. Levine
Attorney (s) for the Plaintiffs
268 Main Street
Acton, Massachusetts 01720
(508) 263-7777

CERTIFICATE OF SERVICE

I hereby certify that on August 27 19 92, I served the above notice on the Defendant in the above-entitled action by mailing a copy thereof, postage prepaid, to ~~his (her) (its)~~ counsel of record, Acheson H. Callaghan, Jr., Esquire; Palmer & Dodge; One Beacon Street; Boston, Massachusetts 02108.

D'AGOSTINE, LEVINE & GORDON, P.C.
By:
Louis N. Levine
Attorney (s) for the Plaintiffs
268 Main Street
Acton, Massachusetts 01720
(508) 263-7777

cc: McCarthy Reporting Service
37 Harvard Street
Worcester, MA 01608
753-3889

SCHEDULE A

"Documents", as used herein, means and includes originals in each instance (or copies thereof if originals are unavailable) of all writings, records, written, printed, typed or graphic matter, and all tangible things, of every type, kind and description, however produced, copied or reproduced, whether draft or final, original or reproduction signed or unsigned, regardless of whether approved, sent, received, redrafted, erased or otherwise defaced or mutilated, from whomever and wherever obtained, including, without limiting the generality of the foregoing, all of the following: abstracts, accountants' workpapers, accruals, acknowledgments, affidavits, agreements, analyses, annual reports, appointment books, appointment records, appraisals, articles of incorporation and amendments thereto, audio recordings, whether transcribed or not, audit programs, audit instructions and other audit materials, audit reports, balance sheets, bids, billings, bills, bills of lading, binders, blanks, books of account, brochures, budgets, by-laws, cablegrams, calendars, cash flow projections, certificates, certificates of deposit, charter, charts, checks and checking account records, circulars, commitment letters, communications, compilations, computer cards, computer printouts, computer programs, computer readouts, computer tapes, confessions, confirmations, and responses to confirmations, contracts, correspondence, court pleadings, covenants, credit analyses, reports, data compilations from which information can be obtained or translated through detection devices, data processing cards, disks and tapes or readable computer-generated interpretations thereof, date records, delivery records, desk calendars, diaries, drafts, draw or funding requests, drawings, entries, estimates, expense reports, field notes, files, filing of record, films, financial analyses, financial statements, forms and form documents, graphs, handbooks, income statements, indices, instruments, intraoffice and interoffice communications, inventory tags and records, invoices, itemizations, joint venture agreements, journals, leases, ledgers, letters, licenses, liens, logs, mail receipts (registered or certified), management reports, manuals, maps, market studies, meeting reports, memoranda, memoranda of all conversations including telephone calls, mortgages, minutes, newspaper, magazine or trade journal articles or advertisements notations, notes, offers, operating statements, opinions, order forms, orders, pamphlets, payroll records, permits, personal statements or interviews or summaries thereof, personnel files, photocopies, photographs, pictures, plans, plates, press releases, pro formas, projections, proposals, prospectuses, publications, purchase orders, releases, receipts, recordings, records, records of account, regulations, rent rolls, reports, requisitions, research, resolutions, reversals, security instruments, sketches, specifications, statements, statistical data records, stenographic or handwritten notes or transcripts of such notes, stock certificates or records, studies, submissions, summaries, surveys, system analyses, tabulations, tag control documents, tapes or tape recordings, tax returns and records, telecopies, telegrams, telephone records and invoices, telexes, texts, time records, title reports, policies and commitments, training manuals, transcripts, travel records, receipts and vouchers, treasury bills, valuations, video recordings, warehouse receipts, wire records or

transfers, writings or workpapers, as well as any other matter or media imilar to any of the foregoing, however denominated, along with all on-identical (or, by reason of subsequent annotation, no longer identical) copies, drafts or versions thereof and all copies thereof containing any commentary, notations or markings whatsoever.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX , SS.

ROSEMARIA SULLIVAN AND HARRIET MCFARLAND, TRUSTEES OF THE DIDUCA FAMILY TRUST,

Plaintiff (s),

v.

TOWN OF ACTON,

Defendant (s),

Land Court
Department of the Trial Court
No. 158-221

NOTICE OF TAKING DEPOSITION

To: Acheson H. Callaghan, Jr., Esquire
Palmer & Dodge
One Beacon Street
Boston, Massachusetts 02108

Please take notice that, commencing at 12:00 o'clock p.m. on September 10, 19 92, at the offices of D'Agostine, Levine & Gordon, P.C., 268 Main Street, Acton, MA 01720, the Plaintiffs in this action, by ~~his (her) (its)~~ their attorney (s), will take the deposition upon oral examination of Anne B. Fanton

pursuant to Rule 30 of the Massachusetts Rules of Civil Procedure, before Mary L. McCarthy, Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Please take further notice that the above-named witness is required to produce at the time and place of deposition the following:

Any and all documents relating to zoning and rezoning of the property owned by the Plaintiffs on Great Road, Acton, Massachusetts, since the adoption of the Acton Zoning By-Law.

Any and all documents relating to the submission and approval of the definitive subdivision plan which is the subject matter of Land Court Department of the Trial Court Misc. Action No. 157-585.

Any and all documents relating to the amendments to the Acton Zoning By-Law adopted on or about April 24, 1990.

For definition of "documents" see Schedule A attached hereto.

Respectfully,
D'AGOSTINE, LEVINE & GORDON, P.C.
By: Louis N. Levine
Attorney (s) for the Plaintiffs
268 Main Street
Acton, Massachusetts 01720
(508) 263-7777

CERTIFICATE OF SERVICE

I hereby certify that on August 27 19 92, I served the above notice on the Defendant in the above-entitled action by mailing a copy thereof, postage prepaid, to his (her) (its) counsel of record, Acheson H. Callaghan, Jr., Esquire; Palmer & Dodge; One Beacon Street; Boston, Massachusetts 02108.

D'AGOSTINE, LEVINE & GORDON, P.C.
By: Louis N. Levine
Attorney (s) for the Plaintiffs
268 Main Street
Acton, Massachusetts 01720
(508) 263-7777

c cCarthy Reporting Service
37 Harvard Street
Worcester, MA 01608
753-3889

(Additional forms available from McCarthy Reporting Service at no charge)

SCHEDULE A

"Documents", as used herein, means and includes originals in each nstance (or copies thereof if originals are unavailable) of all writings, records, written, printed, typed or graphic matter, and all tangible things, of every type, kind and description, however produced, copied or reproduced, whether draft or final, original or reproduction signed or unsigned, regardless of whether approved, sent, received, redrafted, erased or otherwise defaced or mutilated, from whomever and wherever obtained, including, without limiting the generality of the foregoing, all of the following: abstracts, accountants' workpapers, accruals, acknowledgments, affidavits, agreements, analyses, annual reports, appointment books, appointment records, appraisals, articles of incorporation and amendments thereto, audio recordings, whether transcribed or not, audit programs, audit instructions and other audit materials, audit reports, balance sheets, bids, billings, bills, bills of lading, binders, blanks, books of account, brochures, budgets, by-laws, cablegrams, calendars, cash flow projections, certificates, certificates of deposit, charter, charts, checks and checking account records, circulars, commitment letters, communications, compilations, computer cards, computer printouts, computer programs, computer readouts, computer tapes, confessions, confirmations, and responses to confirmations, contracts, correspondence, court pleadings, covenants, credit analyses, reports, data compilations from which information can be obtained or translated through detection devices, data processing cards, disks and tapes or readable computer-generated interpretations thereof, date records, delivery records, desk calendars, diaries, drafts, draw or funding requests, drawings, entries, estimates, expense reports, field notes, files, filing of record, films, financial analyses, financial statements, forms and form documents, graphs, handbooks, income statements, indices, instruments, intraoffice and interoffice communications, inventory tags and records, invoices, itemizations, joint venture agreements, journals, leases, ledgers, letters, licenses, liens, logs, mail receipts (registered or certified), management reports, manuals, maps, market studies, meeting reports, memoranda, memoranda of all conversations including telephone calls, mortgages, minutes, newspaper, magazine or trade journal articles or advertisements notations, notes, offers, operating statements, opinions, order forms, orders, pamphlets, payroll records, permits, personal statements or interviews or summaries thereof, personnel files, photocopies, photographs, pictures, plans, plates, press releases, pro formas, projections, proposals, prospectuses, publications, purchase orders, releases, receipts, recordings, records, records of account, regulations, rent rolls, reports, requisitions, research, resolutions, reversals, security instruments, sketches, specifications, statements, statistical data records, stenographic or handwritten notes or transcripts of such notes, stock certificates or records, studies, submissions, summaries, surveys, system analyses, tabulations, tag control documents, tapes or tape recordings, tax returns and records, telecopies, telegrams, telephone records and invoices, telexes, texts, time records, title reports, policies and commitments, training manuals, transcripts, travel records, receipts and vouchers, treasury bills, valuations, video recordings, warehouse receipts, wire records or

transfers, writings or workpapers, as well as any other matter or media similar to any of the foregoing, however denominated, along with all on-identical (or, by reason of subsequent annotation, no longer dentical) copies, drafts or versions thereof and all copies thereof containing any commentary, notations or markings whatsoever.

CC: BOS.

HISTORIC DISTRICT COMMISSION

MINUTES: August 10, 1992

Members present: [redacted], Forbes, Gates, Moran, Mowry, Peterman, Schmidt

Minutes of July 27 were approved as ammended.

ANNOUNCEMENTS: Forbes reported Gary says Christian Science sign is in violation of sign by law, and he will tell them they need a sign permit, and HDC approval. Proposals are being considered for parking along the Town Common on Main St.--it is being studied by the engineers--abutters will be notified. Mill Corner preliminary site plan was approved with conditions; comments before September 8. Hearthstone Farm preliminary site plan: Historical Commission and HDC both said screening was needed for the Mark White homestead on Strawberry Hill Rd. Playground Committee contacted Forbes and said everything is very much in the planning stage.

NEW BUSINESS:

Peter Moller, Groton, request for HDC policy info. Gates will send brochure.

Mowry was designated Acting Chairman while Forbes on vacation, and Gates will check mail box.

Procedures for calling a special meeting if necessary were reviewed.(Contact Mun. Prop. for room, type announcemnt of meeting and give to Town Clerk for posting 48 hours before.

The Town Clerk's office has requested that all intermediate documents that have to do with certificates be held until the certificate is issued.

OLD BUSINESS:

IT WAS UNANIMOUSLY VOTED, THAT SINCE THERE HAD BEEN NO RESPONSE IN THE 10 DAY WAITING PERIOD, WE APPROVE A CERTIFICATE OF APPROPRIATENESS FOR THE CRAFTY CREATION SIGN. (Mowry will sign and distribute.)

Davis Monument light installation-- a decision is due by 9/11--Mowry reported he had contacted Dennis Schweppe, lighting specialist, and inquired about ground level or below fixtures. It was discussed that if fixtures were at ground level they would be out of HDC jurisdiction. It was suggested we ask Dean Charter to our next meeting to discuss

Vacation schedule update-- Forbes and Moran away 8/24
Moran has completed owner address corrections and remailing of start-up notices.
Moran will write the letter to realtors for notification of districts, and HDC start-up.
NEXT MEETING: aug. 24: room 121
SELECTMEN'S OVERSIGHT MEETING OF HDC: Tues, Sept. 8, 7:45 p.m.
IF NEEDED, A SPECIAL MEETING OF THE HDC will be held after the oversight meeting on 9/8. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Joan Gates, secretary

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

CC: BOS

STEERING COMMITTEE MEETING

AGENDA

Thursday - 3:30 p.m.
September 10, 1992

Wayland Town Building
School Committee Room
(2nd Floor)

1. Approval of Minutes of May 21, 1992.....*Wm. G. Zimmerman*

2. Report of Executive Director/Treasurer.....*Jack Wilson*

3. Update on Key State Budget/Legislative Issues;
   (Proposed Letter To All Legislators re: Education Reform and Modification of Proposition 2-1/2).....*Frank LeBart*

4. Update on McDuffy vs Robertson.....*Bob Hilliard*
   Linda Greyser

5. Seminar for Legislators (further discussion and Refinement).....*All*

6. Plans for October Annual Meeting (as required by By-Laws).....*Frank LeBart/All*

7. Old/New Business.....*All*

* * * * * * * * * * *

If you are unable to attend this meeting, please call:

FRANK LEBART (617) 934-7411

or

JACK WILSON (508 358-2489

(8/20/92)

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMITTEE

To: All Representatives & Senator
Commonwealth of Massachusetts

August 20, 1992

From: Suburban Coalition

Re: Education Reform and Modification of Proposition 2-1/2

Thank you for overriding the Governor's veto of the $175 million for education and restoring the $23 million in lottery funds. We are most grateful to you. Adequate funding for our cities and towns is a critical issue. We appreciate your support !

We are also on record as favoring education reform and we hope you will revisit that. The details and substance of education reform are, of course, critical and we will be following that issue with great interest. We believe all the current proposals can be further refined and improved, especially with regard to improved state funding.

We also hope you will override the Governor's vetoes of the indexing of Proposition 2-1/2 and the exclusion of the overlay from the levy limit. The overlay is not a municipal expenditure in the usual sense and should be excluded. There was considerable question about including the overlay in the levy limit when Proposition 2-1/2 was first passed. That should be corrected **NOW!**

The Suburban Coalition has favored the indexing of Proposition 2-1/2 since it was first proposed by the Hamill Task Force. This makes eminent good sense and is reasonable and rational. We believe the indexing of Proposition 2-1/2 should be done **WITHOUT** the requirement of a local referendum. Many of our members have been involved in overriding Proposition 2-1/2 - some successfully, some unsuccessfully. Overrides require great effort and time and are divisive to the sense of community. As you know, communities do not have to spend up to the levy limit and the present law provides for an underride. So the argument that indexing Proposition 2-1/2 will result in excessive municipal expenditures is erroneous.

The best long-term solution is, of course, increased state revenue sharing. In the meantime, fine tuning Proposition 2-1/2 makes good sense. **We are counting on your support. Please don't let us down. There is too much at stake!**

Frank T. LeBart
Chairman
(617) 934-7411

John B. Wilson
Executive Director
(508) 358-2489

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND MASSACHUSETTS 01778

STEERING COMMITTEE - 8/20/92

CHURCHILL, Mr. Leon Asst. Town Manager	367 Main Street Hyannis MA 02061	(508) 790-6205
CIRILLO, Mr. Steven Financial Director	Newton City Hall 1000 Commonwealth Ave. Newton Centre, MA 02159	
CROWE, Mr. Leo School Business Admin.	Westwood Public Schools 660 High Street Westwood, MA 02090	(671) 326-7500
DUTKEVITCH, Mrs. Sandy Steering Committee	148 Atwell Circle Marshfield, MA 02050	(617) 834-8625
DILLON, Sherry Concord/Carlisle Regional School Committee	84 Oakknoll Road Carlisle, MA 01741	(508) 365-4382
GREYSER, Mrs. Linda L. (former S.C. Member)	46 Campbell Road Wayland, MA 01778	(508) 358-4433
HALDEMAN, Mrs. Louise (Chair, Personnel Board)	384 Hayward Mill Road Concord, MA 01742	(508) 369-8562
HILLIARD, Mr. Robert Town Financial Director	Town Building 41 Cochituate Road Wayland, MA 01778	(508) 358-7701 Ext. 129
KEHOE, Mr. Daniel Supt. of Schools	Millis Public Schools Plain Street Millis, MA 02054	(508) 376-7000
KUPCHIK, Dr. Herbert School Committee	3 Nolin Street Natick, MA 01760	(508) 653-7366
LE BART, Mr. Frank T. Chairman, Suburban Coalition	6 Oceanwoods Drive Duxbury, MA 02332	(617) 934-7411
POPE, Mr. Walter Finance Committee	28 Moore Road Wayland, MA 01778	(508) 358-2462
RYAN, Mrs. Eileen CARE	16 Observatory Waye Marshfield, MA 02050	
SINRICH, Mr. Phil	Sharon Public Schools One School Street Sharon, MA 02067	
TARR, Mr. Ted Selectman	133 Marmion Way Rockport, MA 01966	(508) 546-2226

WAYLAND TOWN BUILDING
WAYLAND MASSACHUSETTS 01778

STEERING COMMITTEE - 8/20/92 (continued)

THALER, Mrs. Roni Capital Outlay Committee	10 Condor Road Sharon, MA 02067	(617) 784-1094
WILSON, Mr. John B. Exec. Director/Treasurer Suburban Coalition	8 Lincoln Road Wayland, MA 01778	(508) 358-2489
ZIMMERMAN, Dr. William G., Jr. Superintendent of Schools	Wayland Public Schools 41 Cochituate Road Wayland, MA 01778	(508) 358-7728 ext. 137

* * * * * *

ASSOCIATES - 3/1/92

BARNETT, Jessica D.W.	217 Humphrey Street Marblehead, MA 01945	
CARROLL, Mr. Joseph M. Supt. of Schools	Masconomet Regional Sch. Dist. 20 Endicott Road Topsfield, MA 01983	
DI GIAMMARINO, Dr. Frank Director of Planning	1557 Massachusetts Ave. Lexington, MA 02173	
EVANS, Nancy "Hasty" State Representative	75 Claypit Hill Road Wayland, MA 01778	(508) 358-4832
FOBERG, Mrs. Ellen L. Board of Selectmen	Zoar Road, P.O. Box 279 Rowe, MA 01367	
FREED, Mrs. Rebecca Z. Board of Selectmen	345 Main Street Norwell, MA 01061	
GIBSON, Mr. Gordon	Danvers Public Schools 64 Cabot Road Danvers, MA 01923	
HICKS, 'Cile (Lucile) State Senator	5 Wildwood Road Wayland, MA 01778	(508) 358-2330
HUSTER, Ms. Diane J.	No. Andover Public Schools 675 Chickering Road No. Andover, MA 01845	
KENNEDY, Dr. Donald Supt. of Schools	Duxbury Public Schools 130 St. George St. Duxbury, MA 02332	(617) 934-5601

WAYLAND TOWN BUILDING
WAYLAND MASSACHUSETTS 01778

STEERING COMMITTEE - 8/20/92 (continued)

MANCINI, Cecelia	273 Country Way Franklin, MA 02038
MANN, Honorable Theodore Mayor, City of Newton	Newton City Hall 1000 Commonwealth Ave. Newton Centre, MA 02159
MC CAFFREY, Mr. Michael D. Supt. of Schools	Dennis-Yarmouth School District 296 Station Avenue So. Yarmouth, MA 02664
MORAN, Mr. James School Committee	960 Washington Street Canton, MA 02021
MULLIN, Mr. Joseph W. Secretary/Bd. of Selectmen	Weston Board of Selectmen P.O. Box 378 Weston, MA 02193
RUTHERFORD, Mr. Warren J. Town Manager	Town of Barnstable 367 Main Street Hyannis, MA 02061
STORY, Ms. Elizabeth Selectwoman	Essex Board of Selectmen Town Hall, Martin Street Essex, MA 01929
TAVERNIAN, Mrs. Nancy Selectwoman	Acton Board of Selectmen Town Hall, 472 Main Street Acton, MA 01720
THOMPSON, Mr. Richard E. Executive Secretary	Town of Sudbury Town Hall Sudbury, MA 01776

cc: BOS
COORD. COMM.

THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION
JOHN W. MCCORMACK BUILDING
ROOM 1101
ONE ASHBURTON PLACE • BOSTON, MA 02108
(617) 727-9380

JOHN J. MCGLYNN
COMMISSIONER

JOSEPH I. MARTIN
FIRST DEPUTY COMMISSIONER

BARBARA J. PHILLIPS
COUNSEL

AUG 31 1992

M E M O R A N D U M

TO: Middlesex County Retirement Board and Towns whose employees are members of the Middlesex County Retirement System

FROM: JOHN J. McGLYNN, Commissioner

DATE: August 25, 1992

- -

Section 48 of Chapter 133 of the Acts of 1992 established an option that would enable municipalities to create a retirement incentive program for employees. The statute provides that the retirement incentive program may be accepted only by towns whose employees are members of a retirement system that has established a funding schedule pursuant to G.L. c. 32, s. 22D or G.L. c. 32, s. 22(6A) prior to July 1, 1992 or who accept the provisions of G.L. c. 32, s. 22D after July 1, 1992.

G.L. c. 32, s. 22(6A) requires that the funding schedule established under that section be approved by the Division of Public Employee Retirement Administration Actuary. Our records indicate that the Middlesex County Retirement System established a funding schedule which was submitted and approved by the Actuary on July 20, 1992.

Thus, the Middlesex County Retirement System does not presently meet the criteria set out in section 48 to allow member towns to accept a retirement incentive program. As a result, absent further legislative action in the form of an amendment to the statute G.L. c. 32, s. 22D which would allow acceptance of that provision after July 1, 1992 or the enactment of a Home Rule Petition authorizing acceptance of G.L. c. 32, s. 22D by the Middlesex County Retirement System, the towns whose employees are members of the Middlesex County Retirement System *cannot* accept the provisions of the Retirement Incentive Program described in the attached memorandum.

JJM/BP/cjc
2203g

Attachment

cc: Chairman, Board of Selectmen
Town Moderator

THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION
JOHN W. MCCORMACK BUILDING
ROOM 1101
ONE ASHBURTON PLACE • BOSTON, MA 02108
(617) 727-9380

JOHN J. MCGLYNN
COMMISSIONER

JOSEPH I. MARTIN
FIRST DEPUTY COMMISSIONER

BARBARA J. PHILLIPS
COUNSEL

M E M O R A N D U M

TO: All County Retirement Boards and Towns whose employees are members of a County Retirement System

FROM: Commissioner John J. McGlynn

RE: Retirement Incentive Program

DATE: August 25, 1992

- -

Section 48 of Chapter 133 of the Acts of 1992, the recently approved Fiscal Year 1993 State Budget, established an option enabling cities, towns and counties to create a Retirement Program for municipal employees. In an effort to assist you in implementing such a program, PERA has conducted an analysis of this legislation. The analysis is not exhaustive and if you have inquiries regarding specific aspects of the statute, it is suggested you contact the counsel who provides legal services to you.

Please note that this memorandum is intended to assist County Retirement Boards in implementing a Retirement Program if such a program is adopted by municipalities whose employees are members within a county retirement system. A separate memorandum has been issued that pertains to City and Town Retirement Systems.

It should be noted that the statute requires that to be eligible an individual must be an employee of the "municipality" on the effective date of the act. The eligibility provisions in the first paragraph of the bill contains no reference to county employees. It is the opinion of this Division that because county employees are not mentioned in the pertinent section, absent further legislation, county employees are not eligible for an retirement incentive. Until there is further legislative action, it is the opinion of this Division that no action may be taken with respect to county employees.

TO: All County Retirement Boards and Towns whose employees are members of a County Retirement System
FROM: Commissioner John J. McGlynn
RE: Retirement Incentive Program
DATE: August 25, 1992

- -

ACCEPTANCE

The statute provides that the retirement incentive program may be accepted only by towns who are part of a retirement system that has established a funding schedule pursuant to G.L. c. 32 s. 22D or G.L. c. 32 s. 22 (6A) prior to July 1, 1992 or who accept the provisions of s. 22D after July 1, 1992.

Although provisions of the budget provide that the Retirement Incentive Program option may be adopted by Cities, Towns and Counties which accept G.L. c. 32, s. 22D after the effective date of the budget, that provision is, absent further legislative action in the form of an amendment to this statute or a Home Rule Petition authorizing acceptance of s. 22D, rendered ineffective due to the fact that the law does not amend s. 22D to authorize acceptance beyond December 31, 1990.

Each municipality whose employees are members of a County Retirement System may accept the provisions of the statute for its employees. The statute may be accepted through July 15, 1993.

In order to establish a Retirement Incentive Program, the statute:

(1) must be accepted by vote of the Legislative Authority, and

(2) must be accepted by the Executive Authority

The Legislative Authority in a town is the Town Meeting.

The Executive Authority in a Town is the Board of Selectmen.

TO: All County Retirement Boards and Towns whose employees are members of a County Retirement System
FROM: Commissioner John J. McGlynn
RE: Retirement Incentive Program
DATE: August 25, 1992

- -

ELIGIBILITY

In order to be eligible to participate in a Retirement Incentive Program, an individual must meet the following criteria. He or she must:

(1) be a member of the retirement system on the date of acceptance of the program by the town, and
(2) be an employee of the municipality on the effective date of the statute (July 1, 1992), and
(3) be eligible to receive a superannuation retirement allowance under G.L. c. 32, s. 5 (age 55 and at least 10 years of creditable service) on the retirement date set forth in the application, or
be eligible to retire under G.L. c. 32, s. 10(1) (under age 55 and at least 20 years of creditable service) on the retirement date set forth in the application.

This eligibility must exist prior to the addition of years of age or service granted by the incentive.

LIMITATION ON PARTICIPATION, ADDITIONAL AGE AND ADDITIONAL CREDITABLE SERVICE

The Executive Authority (Board of Selectmen in a Town) may limit the number of employees who will be allowed to participate in the Retirement Incentive Program. It is the opinion of this Division that the law does not allow the Executive Authority to establish limits on participation by job category or Group Classification. Limits may only be established with regard to the maximum number of town employees who may participate. If participation is limited, individuals with longer periods of creditable service must be approved for retirement prior to those with less creditable service. For purposes of making this determination, all past creditable service is considered, including service in other c. 32 systems.

The Executive Authority may also limit the number of additional years of creditable service or age or combination thereof that will be granted to employees who participate in the Retirement Incentive Program.

TO: All County Retirement Boards and Towns whose employees are members of a County Retirement System
FROM: Commissioner John J. McGlynn
RE: Retirement Incentive Program
DATE: August 25, 1992

- -

APPLICATION PROCEDURES

In order to receive the incentive, the individuals must:

(1) File a written application after July 1, 1992 but no later than July 15, 1993.
(2) Specify a retirement date in the application which may be no earlier than September 1, 1992 and no later than 45 days after acceptance of the Retirement Incentive Program by the city or town.
(3) Specify a retirement date within 45 days following acceptance of the Retirement Incentive Program option by the town.

This Division strongly suggests that the boards notify employees of these requirements. In order to insure knowledgeable decision-making by eligible employees, you must notify employees as soon as possible following acceptance of this statute by the applicable town.

RETIREMENT INCENTIVE

Unless the Executive Authority has limited the additional years of service or additional years of age or combination thereof, any eligible applicants will be entitled to increase age by up to five years or creditable service by up to five years, or any combination of years and service, the sum of which equals not more than five years. It should be noted:

(1) In no event may a participant receive more than a total of 5 years.
(2) Although the Executive Authority may limit the number of participants and the number of years which will be granted as an incentive, the number of years may not be increased.
(3) The individual may not by virtue of the incentive establish eligibility for retirement under a provision of G.L. c. 32 which differs from that for which the individual was eligible prior to the incentive.

RETIREMENT BOARD RESPONSIBILITIES

In addition to processing retirements, the Board is authorized to promulgate regulations for the implementation of the Retirement Incentive Program. These regulations must be consistent with law and any limits established by the Executive authority. Regulations should be issued, particularly if limits are placed on the program. Issues such as Notice to Employees, Implementation of Any Limits, and Acceptance Procedures should be addressed.

TO: All County Retirement Boards and Towns whose employees are members of a County Retirement System
FROM: Commissioner John J. McGlynn
RE: Retirement Incentive Program
DATE: August 25, 1992

- -

Any such regulations are subject to review and approval by the Commissioner of PERA pursuant to G.L. c. 7, s. 50(b). An expedited review and approval process has been established to deal with regulations for implementing the Retirement Incentive Program.

FUNDING SCHEDULE FOR COSTS/LIABILITIES OF THE RETIREMENT INCENTIVE PROGRAM

Pursuant to the Retirement Incentive Program, the Board must establish a funding schedule to offset the costs and actuarial liabilities attributable to the Retirement Incentive Program. The funding schedule must eliminate the additional costs and liabilities on or before June 30, 2008.

The statute provides that the actuarial liability determined under the schedule is deemed to be an obligation of the applicable town. It is the opinion of this Division that this provision would allow a County Retirement Board to prepare a funding schedule in which the costs and actuarial liabilities for municipalities which accept the sections are the obligation of each such municipality. Municipalities that do not accept the statute would not bear any cost.

The funding schedule regarding the Retirement Incentive Program's cost and liabilities must be filed with the Joint Committee on Public Service and the House and Senate Ways and Means Committees on or before March 1, 1994. This schedule must be updated once every three years and updates are to be filed with the Committees on or before March 1.

REPORTING REQUIREMENTS

PERA is directed to analyze, study and valuate costs and liabilities attributable to the additional benefits payable under a Retirement Incentive Program. Prior to December 31, 1993, the Commissioner must file a report with the Retirement Board, local officials and the Joint Committee on Public Service. Under separate cover we will request specific information necessary to conduct that study from Boards of cities and towns which adopt the Retirement Incentive Program.

JJM/BP/mlm
2186g

cc: BOS

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To : Chief Executive Officers
Advisory Board Members
Overseers of Solid Waste

From : Francis J. Hopcroft
Executive Director

Subject: CLARIFICATION OF FY 92 COMMUNITY STABILIZATION FUND BILLINGS

Date : August 31, 1992

Considerable confusion concerning the purpose and calculation of the backup CSF billings made for FY92, and their relationship to GAT, has recently been expressed. This memorandum is intended to help clarify those issues.

When it became clear in December of 1991 that the Community Stabilization Fund would run out of money prior to the end of the fiscal year. The Executive Committee reviewed the root causes of the shortfall in revenues and the options available to remedy it. The cause was determined to be associated principally with the severe underdelivery of tonnage relative to GAT by almost all of the member communities.

The CSF was created in a manner such that when the actual tipping fee, calculated in accordance with the Service Agreement, exceeds the flat rate fee set by NESWC, the individual community balance in the CSF can be drawn down to pay the difference. That is what has been happening since FY 88. During that period, and continuing up through December of 1992, the flat rate tipping fee was being billed on the basis of delivered tons, only. The calculated tipping fee was simultaneously being billed on the basis of the greater of delivered tons or guaranteed tons. That means that the difference between the two tipping fees became a constant draw on the CSF. Hence, the observation that the account would probably go to zero before the end of fiscal year 92.

The correction agreed to by the Executive Committee consisted of three parts:

1. Beginning with the actual December, 1991, bill, issued in January, 1992, members would pay the flat rate tipping fee on the basis of the greater of guaranteed tonnage or delivered tonnage every month.

2. A special assessment would be made against each of the members in an amount equal to what would have been paid during the months of July through November of 1991 if the first part of the correction had been in effect during that period. In other words, members would wind up at the end of the fiscal year having paid the full flat rate tipping fee for the greater of delivered or guaranteed tonnage for the full fiscal year. In order to avoid a significant dollar hit in January, the decision was made to spread that special assessment out over the remaining seven months of the fiscal year by charging 1/7 of the total amount in each monthly statement, including the actual December statement.

109/123 Main Street • North Andover, MA 01845 • Telephone (508) 686-6234 • FAX (508) 688-4204

3. If any member community CSF balance fell to zero at any time during the year, the member would be assessed enough to bring the balance back to at least zero.

In order to implement these corrections, MRI did three things:

a. MRI changed the billing formula to show flat rate billing for the greater of guaranted or delivered tons.

b. MRI developed, and sent each month, a special bill for 1/7 of the backup amount.

c. MRI agreed to send separate bills to any community carrying a negative balance in its CSF account.

The net result of those changes was that those members which had budgetted for their full GAT, and which did not significantly overdeliver, would still be within their budgets at the end of the fiscal year. Those members which budgetted for less than their guaranteed annual tonnage would be short cash in the refuse account at the end of the year.

The question of the impact Base Fee Credits would have on the overall budget of specific members was then raised. The questions were whether tonnage delivered in excess of guaranteed tonnage during the last few months of the fiscal year would offset underdeliveries of tonnage in the early months of the fiscal year, and, if so, how that offset would affect the total dollars required to be paid by the member for the fiscal year as a whole.

When a community delivers tonnage in excess of its GAT, more money is put into the revenue account than is required for payment of the monthly obligations. That is true because the calculated tipping fee is based primarily (but not entirely) on guaranteed tonnage, rather than on delivered tonnage. That excess revenue is supposed to flow into, and accumulate in, the Base Fee Credit Fund.

At the end of the fiscal year, money in the Base Fee Credit Fund is supposed to be redistributed to the members in a two-tier distribution. The first distribution requires that MRI look back over the delivery patterns of the members who have contributed funds to the Base Fee Credit Fund during the year. To the extent that a member underdelivered tonnage in one month and overdelivered tonnage in another month, the amount paid into the Base Fee Credit Fund for the overdelivered portion of the matching tonnages is given back as a Tier 1 distribution. Thus, if a community underdelivered by an average of 20 tons per month for the first ten months and then overdelivered by an average of 150 tons per month for the last two months, 200 of the overdelivered tons would be used to offset the 200 underdelivered tons and the Base Fee Credit Fund contribution associated with the 200 overdelivered tons would be given back to the member as a Tier 1 distribution. The Base Fee Credit Fund contribution associated with the remaining 100 overdelivered tons would become part of the Tier 2 distribution amount.

After all the Tier 1 distributions have been made, any money remaining in the Base Fee Credit Fund is distributed back to all the members proportionally on the basis of GAT.

Therefore, it would normally be expected that a member which overdelivered, purposefully, in the last few months of the fiscal year, with the intent of offsetting underdeliveries from the early part of the fiscal year, would see a Base Fee Credit Fund distribution on its July bill reflecting the distribution of Base Fee Credit Fund amounts.

Two things happened at the end of FY92 to upset this normal flow of funds. The first is that many members tried to make up significant tonnage in the last two months of the fiscal year, rather than to adjust tonnages over several months. Tonnage delivered in month 1 is billed in month 2. It is paid for in month 3 and it becomes available for use in the project, or for distribution to the Base Fee Credit Fund, in month 4. Therefore, members which tried to fix their whole annual GAT shortfall at the end of the year were frustrated by the inability of the billing/payment/availability cycle to put the money into the Base Fee Credit Fund fast enough to allow for the expected Tier 1 distribution.

The second thing that happened is that some members have failed to pay the bills owed. The special assessments made to correct the CSF imbalance were not penalties for underdeliveries. They were assessments to correct underbilling of the flat rate tipping fee. They were assessed against guaranteed tonnages whether those tons were delivered or not. When those fees were not paid, money was taken from the Base Fee Credit Fund, as the Service Agreement requires it to be, to make up the differences. Those withdrawals from the Base Fee Credit Fund depleted that account. Consequently, by not paying the assessments levied, members have caused themselves and/or others to suffer the loss of Base Fee Credits which might otherwise have been due.

The special assessments and the Base Fee Credit Fund distributions are not directly linked and the failure to pay the assessment, in anticipation of the credit, does not work. A member can not receive a credit unless funds are physically available from which to pay the obligations represented by that credit. Nevertheless, that fact does not mean that payment of all the amounts currently due and payable would necessarily result in an automatic or immediate credit from the Base Fee Credit Fund, even if such a credit would have been due had all the bills been paid in a timely fashion. The reason for this anomoly is that the delay in receipt of the payments has caused the financial cycles to move into another fiscal year. What should happen, if the Service Agreement formulae are followed rigorously, is that the monies would accumulate in the Base Fee Credit Fund over the next year and be redistributed at the end of FY 93. Because of that delay, it is also likely that the Tier 1 distribution for FY 93 will be skewed and that the Tier 2 distribution will end up being larger than normal.

To avoid that, it will be necessary for all the members to pay their outstanding obligations and for the distribution of Base Fee Credit Funds to be calculated as of June 30, 1992, as if the obligations had been paid on time, and for a special distribution to then be made. That would require a specific vote of the Executive Committee and the cooperation of MRI.

Note carefully, however, that there will be insufficient money in the Base Fee Credit Fund to do a proper, retroactive distribution unless all the members first honor all of their outstanding financial obligations to the project. If that does not happen, the members who have paid their obligations will continue to carry those which have not done so.

Members are referred to Section VI.2.(iv)a. of the Service Agreement for specific language regarding the Base Fee Credit Fund and the distribution of monies from that fund.

WHEELABRATOR TECHNOLOGIES INC.
MASSACHUSETTS REFUSETECH INC.
NORTH ANDOVER RESCO
NESWC COMMUNITIES
ACCOUNTS RECEIVABLE AGING

as of 8/18/92

	Current	Past Due			
	JULY Tonnage	JUNE Tonnage	MAY Tonnage	PRIOR PERIOD Tonnage	Total
	(Billed 8/15/92)	(Billed 7/15/92)	(Billed 6/15/91)		
Community					
Acton	91.579.52		53.233.69		144.813.21
Andover	80.048.70				80.048.70
Arlington	147.471.77				147.471.77
Bedford	35.569.41				35.569.41
Belmont	95.030.32	103.477.45			198.507.77
Boxborough	7.897.39				7.897.39
Burlington	69.955.30				69.955.30
Carlisle	14.333.29				14.333.29
·cut	79.247.71				79.247.71
.lton	19.239.07	31.647.03	32.107.11		82.993.21
Lexington	70.634.14	68.763.82			139.397.96
Lincoln	14.757.44				14.757.44
Manchester	16.271.12				16.271.12
N.Andover	54.775.20				54.775.20
N.Reading	33.522.40				33.522.40
Peabody	154.959.95		158.279.03		313.238.98
Tewksbury	74.016.58				74.016.58
Watertown	108.757.91				108.757.91
Wenham	9.107.27				9.107.27
Westford	43.654.69	95.662.76	56.481.57		195.799.02
West Newbury	10.770.55				10.770.55
Wilmington	60.593.87	59.452.63			120.046.50
Winchester	79.199.86				79.199.86
	1.371.393.46	359.003.69	300.101.40	0.00	2.030.498.55

To BOS.

I have forwarded this memo for your consideration. I disagree with Roland's comments concerning the on going capabilities of staff. The Technical expertise is there, but both planning and engineering have absorbed 33% staff reductions and in my opinion their current work load is excessive. John 9-4-92

Town of Acton
Department Planning

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: John Murray DATE: September 2, 1992

FROM: Roland Bartl, Town Planner RB.

SUBJECT: Concord Road / Newtown Rd. / Main Street Intersection

---

The implementation program of the Master Plan recommends minor alignments and the installation of a traffic signal at the above referenced intersection. However, the program also recommends that prior to implementation of this recommendation transportation management measures (i.e. turn restrictions, traffic diversion, one-way patterns) be evaluated and tried on an experimental basis (Recommendation 11 on page 74 & Fig.3 from Master Plan attached).

Various degrees of further study have been recommended in the implementation program for a number of other intersections or roadway links, such as Strawberry Hill Road, Kelley's Corner, and the South Acton intersections.

Other information pertaining to the subject intersection:

- Accident Summary 1984-1987 (see attached Table 3 of Master Plan):

  13 accidents per year. Intersection ranks 7th out of 18 in number of accidents.

- Intersection Level of Service (see attached Table 5 of Master Plan):

  Level of Service D (AM).
  Level of Service F (PM).
  Level of Service A means the intersection functions well with much excess roadway capacity. Level of Service F means that the intersection fails with demand exceeding capacity, excessive delays, etc. Level of Service D means moderate to long delays which are considered acceptable for short durations (i.e. rush hour), particularly in urban areas.

- Peak Hour Traffic Volumes (see Figure 7):

  AM Main Street approach north bound 805

	Main Street approach south bound	485
	Concord Road approach west bound	65
	Newtown Road approach east bound	135
PM	Main Street approach north bound	850
	Main Street approach south bound	930
	Concord Road approach west bound	145
	Newtown Road approach east bound	80

The bulk of traffic is on Main Street. The consultant in the Master Plan points out that in this situation (as is the case on many other intersections) traffic on the main artery is little affected. However, lack of gaps or insufficient gaps in the flow of traffic on the main artery makes turns or crossings from and into side streets extremely difficult, time consuming and dangerous, and causes the intersection to have a low Level of Service rating, or even to fail. (See also accident statistic for probable cause of accidents).

- Average Daily Traffic Volumes (Fig. 3 of Master Plan):

  Volume on Main Street at 17 - 18 Thousand cars per day;
  Volume on Concord Road at ~ 5000 cars per day;
  Volume on Newtown Road at ~ 2500 cars per day.

Comments:

1. Heavy traffic on Main Street is the principle and possibly only reason for the intersection's problems.

2. Diverting side street traffic (i.e. one way) or limiting turns (i.e. no left turn from Main Street, right turn only from side streets) would reduce the problems at this intersection without correcting their cause, and possibly at the cost of aggravating a similar problem at a nearby intersection and/or of loading through traffic on residential streets that up to now have experienced only local access traffic. Traffic management measures of this type affecting only the immediate network surrounding this intersection can be proposed, evaluated and tried on an experimental basis by Town staff. This is what I thought was intended under Recommendation 11.

3. A more comprehensive proposal and evaluation of traffic management measures which would affect a significant number of roadways through large scale detouring would require the expertise of a traffic planning consultant. Definition of a meaningful scope within an affordable budget may be difficult for such a project. You have suggested that remaining Master Plan funds could pay for such a study. There are $6464.50 in Warrant Article funds and $250.26 in gift monies available for Master Plan related expenditures. While I have not researched the possible cost of a more comprehensive study, it is my estimate that these funds will not nearly be enough to pay for it.

3. If the choice should be made to install a signal with or without further studies and experiments on alternative traffic management measures, it should be evaluated if this signal would replace or supplement the signal planned for

Post Office Square.

4. In closing I note that we are currently in the process of developing two village plans. Expenditures related to the South Acton village plan or its implementation could be funded from the $150,000.00 Great Hill gift account. However, the West Acton village plan is not funded at all. I had hoped that the comparatively little remaining Master Plan funds could be utilized for the West Acton village plan and its implementation.

xc: David Abbt

[rhb.idc.92*1]

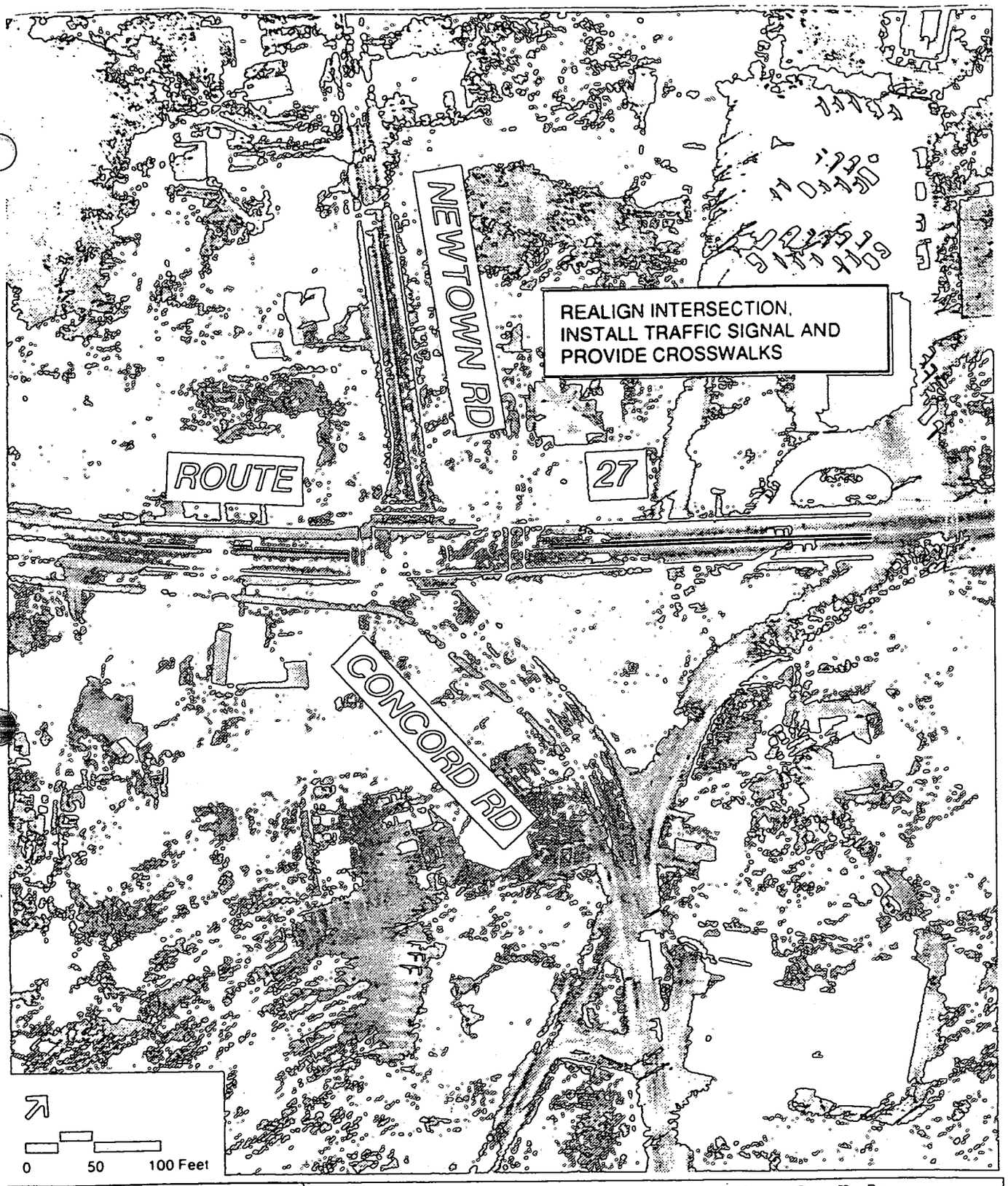
Acton Center

Recommendation 11: Upgrade the intersection of Route 27 with Concord Road and Newtown Road (Figure 3).

The Route 27, Concord Road and Newtown Road intersection in Acton's town center presently experiences a high number of accidents. In addition, the lack of gaps in the Route 27 traffic stream make it difficult for side street traffic to cross or enter Route 27 traffic flows. To address this problem, it is recommended that some minor alignment changes be made to Concord Road and that a traffic signal with pedestrian activation be installed at this intersection. In order to minimize the impact of the signal on the aesthetic character of the town center, it is recommended that a nontraditional signal design be employed that makes use of wood rather than metal support structures. Also, consideration should be given to installing signals on side-mounted posts rather than on overhead wire or mast arms. Installation of the traffic signal should greatly enhance cross street traffic operations at this intersection for vehicles and pedestrians. In addition, by introducing gaps in the Route 27 traffic stream, this signal may benefit side street traffic movements at nearby intersections such as the Nagog Road and Route 27 intersection. Prior to implementation of this recommendation, transportation management measures should be evaluated and tried on an experimental basis. These could include restriction of turning movements, traffic diversion, or other measures.

Cost: Approximately $150,000 for design and installation.

Priority: Medium. While roadway capacity and safety issues identify this as an important roadway improvement, the situation is unlikely to worsen significantly in the near future as constraints elsewhere on the roadway system will limit the amount of traffic growth experienced on Route 27 in the town center.



Vanasse Hangen Brustlin, Inc.

Acton Center
Conceptual Improvements

Figure 3

Table 3

Accident Summary 1984 to 1987

Location	Accidents Per Year	Possible Cause
Route 111 at Central Street	30	• Lack of appropriate traffic control (signalization) • Limited sight distance for exiting Central Street southbound
Route 27 at Route 111 (Kelley's Corner)	23	• Multiple curb cuts on intersection approach and departure lanes • Lack of exclusive turn lanes • Advance warning signs on Route 27 in disrepair
Route 27 at Routes 2A/119	17	• Outdated post-mounted traffic signal layout provides poor visibility • Undefined right-turn lane on Route 27 southbound at Shell Station
Route 2 at Taylor Road and Piper Road	16	• High volume intersection • Free right-turn lane on Route 2 eastbound approach leads to single lane departure • Old signal installation • Inadequate signing and signal head indications
Route 2 Ramps at Route 27	14	• Heavy side street volumes merging with high volume main-line traffic flows
Route 2 at School and Wetherbee Street	14	• Side street volumes crossing heavy mainline traffic flows
Route 27 at Concord Road and Newtown Road	13	• Side street vehicles using unsafe gaps to turn onto Route 27

Table 3 Continued

Location	Accidents Per Year	Possible Cause
Route 2A between Harris Street and Route 27	13	• High curb cut density • Combination of high volume of turning movements and through traffic
Route 27 at School Street and Railroad Street	10	• Lack of advance warning signs on Route 27 intersection approaches • 35 mph speed zones on Route 27 north and south of intersection • Poor sight distance on all intersection approaches • Stop sign on School Street westbound intersection approach inadequately located
High Street at Conant Street	9	• Poor intersection delineation • Lack of advance warning signs on High Street • No STOP sign on Conant Street • Poor exiting sight distance from Conant Street looking to the east partly due to pile of fill in southeast corner of intersection
Summer Street at Willow Street	8	• None noted–fairly recent installation of STOP signs and advance warning signs
High Street at Parker Street	8	• No advance warning signs on High Street • Sight distance from Parker Street southbound to the west limited by telephone pole and hedges in northwest corner of intersection
Route 2 at Route 111	7	• High volume weaving area

Table 3 Continued

Location	Accidents Per Year	Possible Cause
Route 2A/119 at Nagog Park	7	• None noted–recent improvements made to traffic signal and roadway geometrics
Piper Road at School Street	6	• Lack of advance warning signs on Piper Road • STOP sign on Piper Road poorly located
Route 27 at Harris Street	6	• Lack of advance warning signs on Route 27 • Limited sight distance
Route 27 at Brook Street	5	• Lack of advance warning signs on Route 27 northbound • STOP sign on Brook Street poorly located • Two-way flow permitted on both sides of channelization island on Brook Street approach • Limited sight distance due to grade on Route 27
Route 27 at Prospect Street	5	• Poor geometrics results in high number of potential conflict points

Table 5

Unsignalized Intersection Level-of-Service Summary

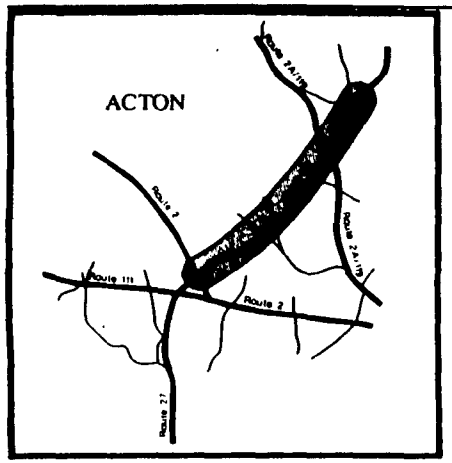
Location	Level-of-Service Morning Peak Hour	Level-of-Service Evening Peak Hour	Location	Level-of-Service Morning Peak Hour	Level-of-Service Evening Peak Hour
Route 27			Route 2A/119		
Quarry Road	A	A	Wetherbee Street	E	D
Harris Street	B	B	Pope Road	E	E
Brook Street	D	F	Concord Road	E	D
Nagog Hill Road	C	D	Brook Street	D	D
			Harris Street	B	D
			Route 111		
Concord Road	D	F	Prospect Street	C	D
Route 2	C	D	Central Street	F	F
Westbound Ramps			Arlington Street	D	E
Route 2	F	F			
Eastbound Ramps					
Prospect Street	E	D			
Central Street	F	D			
Railroad Street	E	D			
School Street	F	F			
Maple Street	NA	NA			
High Street	D	F			

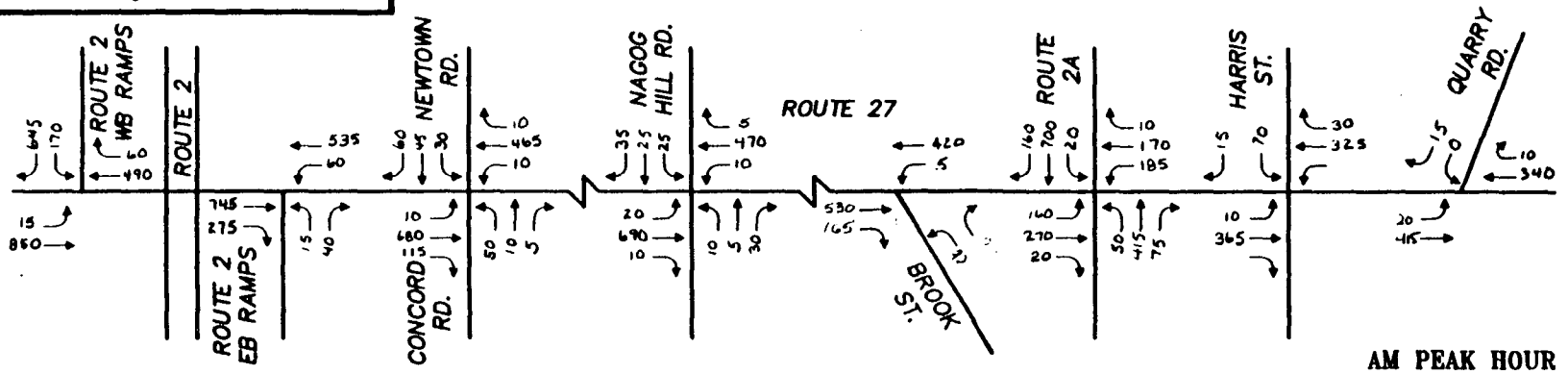
Signalized Intersections

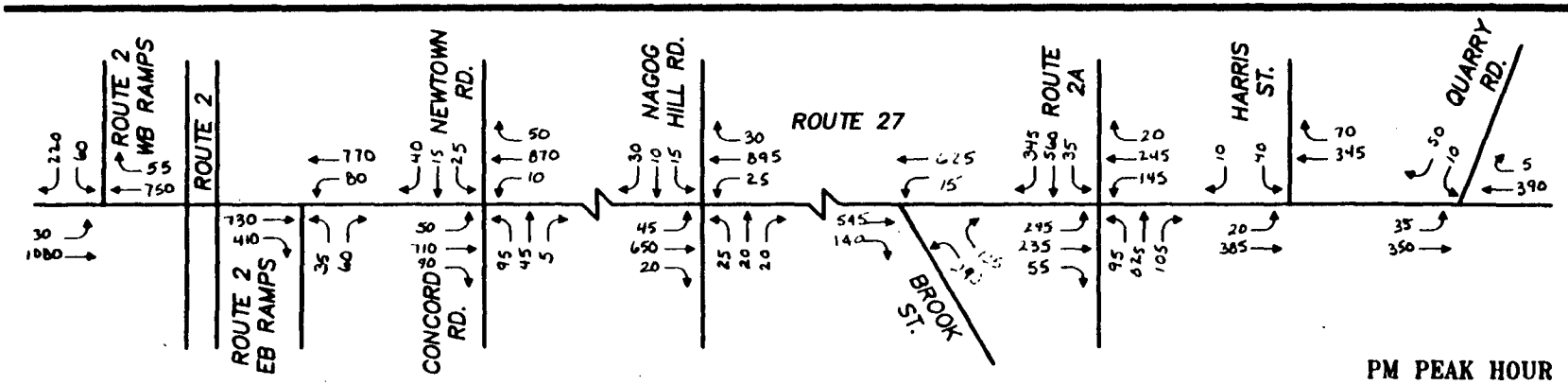
An analysis of the four signalized study area intersections–Route 2 at Piper Road and Taylor Road; Route 27 at Route 2A/119; Route 27 at Nagog Park; and Route 27 at Route 111 (Kelley's Corner) was conducted based on the methodology presented in the Highway Capacity Manual. The existing traffic signal timing and phasing information was obtained from field observations and traffic signal permits.

A summary of volume-to-capacity ratios and level-of-service designations for the signalized study area intersections is presented in Table 6.

1989 Existing Peak Hour Traffic Volumes Rte. 27 (North of Rte. 111)





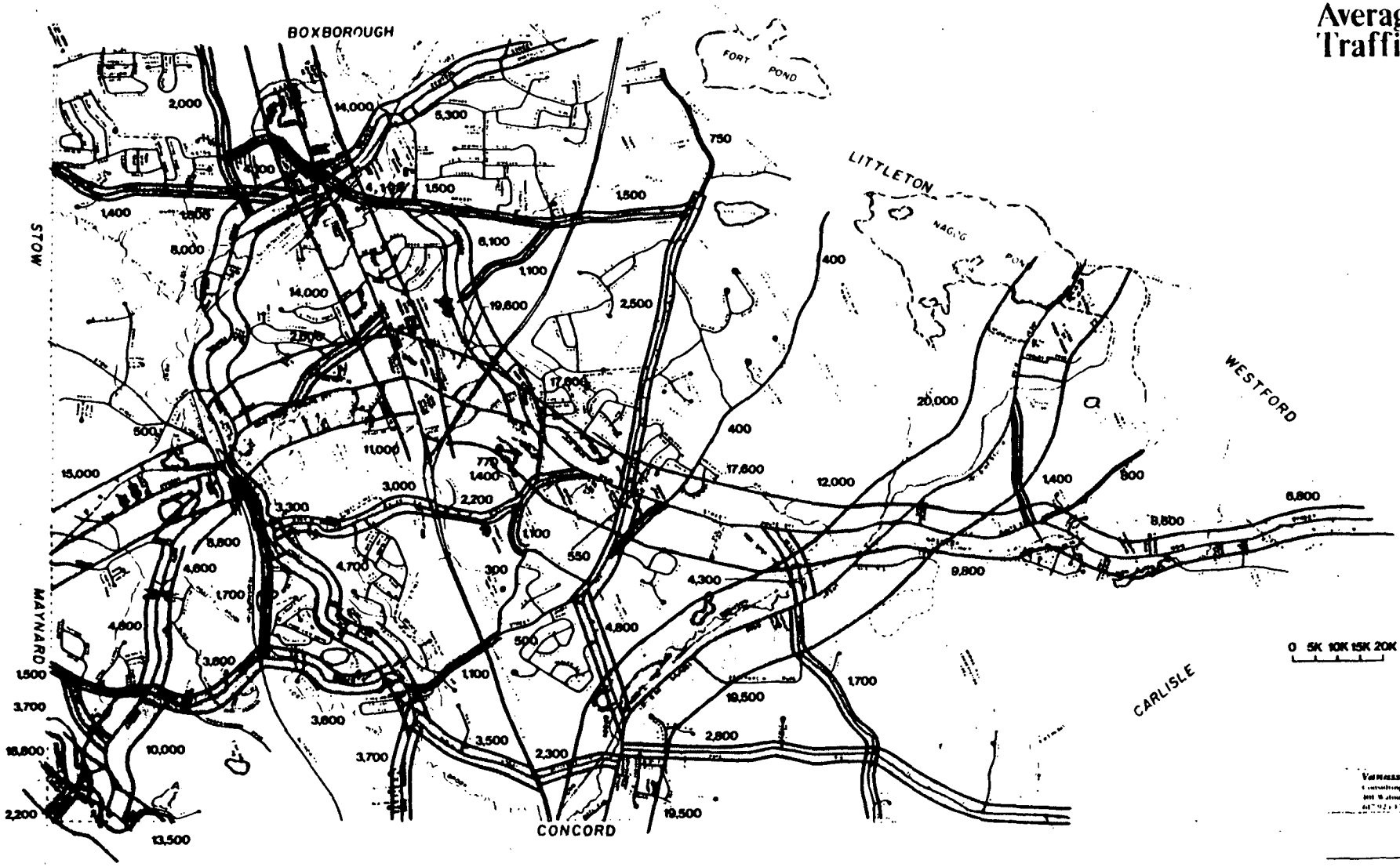


Vanasse Hangen Brustlin, Inc.

Not to Scale

Fig. 7

1989 Average Daily Traffic Flows



Vanasse Hangen Brustlin, Inc.

Fig. 3

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: September 8, 1992

TO: John Murray, Asst. Town Manager
FROM: Garry Rhodes, Building Commissioner GRR
SUBJECT: Children's Discovery Museum Additional Information

This is a follow-up to my previous IDC concerning the 10th. Anniversary Party, October 3, 1992.

I have not seen any proposed signs for this event. It should be pointed out that the Town Manager has asked the Town Planner and myself to draft rules and regulations pertaining to them, but as of this date it has not been finished. I do have the following thoughts for guidelines:

1) Remove all signs as of Oct. 4, 1992;

2) only four (4) A-Frame signs at 10 sq. ft. each;
(this would be consistent with the size allowed for special event signs)

3) as many poster signs (similar to Lion's Club fair signs) as they wish, but not fastened to trees.

I have also reviewed the parking spaces located in other municipal lots that may be available:

36 at South Acton fire station;

34 at lower lot at Town Hall.

It may be more appropriate to park at the High School. They would have to clear this with Bill Ryan.

(875)

SEP - 8 1992

TOWN OF ACTON

BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

September 4, 1992

Honorable William C. Hillman
1101 Federal Office Building
10 Causeway Street
Boston, MA 02222-1074

Re: Foster Masonry Products, 25 Lawsbrook Road, Acton
Case #92-13884-WCH

Dear Honorable Hillman:

I am the Building Commissioner for the Town of Acton. It is unusual for me to write to you and I would not do so if this was not an issue of public safety.

The above referenced property has been uninhabited for several months. Recently there has been a fire (apparently set by arsons) and vandals have broken most windows and destroyed most doors. Pallets of blocks stored on this property, sometimes stacked five high, are listing and in some cases have fallen. I am deeply concerned that someone will be hurt on this site. As allowed for within Massachusetts General Laws c 143 s 6-9, I notified Foster Masonry and their Attorneys' involved, Shawmut Bank and their Attorneys', and Joe Butler of Barron and Stadfeld (see enclosed) of this danger. It appears that both parties disclaim responsibility for the site. While I recognize the need for posturing by both parties, they are both negligent by their failure to secure this site.

If you have, within your authority, the ability to resolve this so that the site can be secured, the Town of Acton will be the better for it. If you are unable to assist us, we are prepared to correct the problem ourselves at our expense (we can then lean the property), but this is an expense that should be born by the parties involved, not the Town of Acton.

Sincerely yours,

Garry A. Rhodes

Garry A. Rhodes
Building Commissioner

GAR/vjs
Enclosure
cc: Foster Masonry Products Inc.
Mr. Kevin Murphy; Shawmut Bank
Mr. Joe Butler; Barron and Stadfeld
Mr. Bill Jacob; Boroff and Associates
Mr. Stephen Levine; Brown, Rudinick, Freed and Gesmer
Don P. Johnson, Town Manager

Shawmut

August 31, 1992

Captain Edward Bennett
Acton Fire Department
256 Central Street
Acton, Massachusetts 01720

RE: Foster Masonry Products Property, Lawsbrook Road

Dear Captain Bennett:

Shawmut Bank, N.A. believes it is important to respond to the Incident Report dated July 16, 1992 filed by Inspector Klauer regarding the Foster Masonry Products property on Lawsbrook Road. Shawmut Bank is not the owner of this property, nor has it taken possession of such property. The Bank's actions with respect to this property have been limited to securing its collateral. Shawmut has taken no action to possess or foreclose on the property.

Christopher G. Daniels of the Bank inspected the site on July 16, 1992 to determine what issues existed on the property that might be of concern to the Bank. This should not be interpreted as the Bank's possession or control of the property.

If you have any questions please call the Bank's attorney, Franklin Stearns, Brown, Rudnick, Freed & Gesmer, One Financial Center, Boston, MA 02111, (617) 330-9000.

Sincerely,

SHAWMUT BANK, N.A.

By: Sandra Pfaff
Sandra Pfaff
Real Estate Officer

cc: Franklin G. Stearns, Esq.
Mr. Donald Foster

Shawmut Bank, N.A. One Federal Street, Boston, MA 02211. Tel: 617-292-2000
A Shawmut National Company

FOSTER
MASONRY PRODUCTS, INC., 22 Everett Street, P.O. Box 65, Westwood, Mass. 02090/tel. (617) 762-1622

August 17, 1992

Mr. Doug Halley
Health Director
Acton Board of Health
Town Hall, 472 Main Street
Acton, MA 01720

Dear Mr. Halley:

This is to acknowledge the receipt of your letter of August 4, 1992.

Please be advised that Foster Masonry Products, Inc. was converted to Chapter 7 (liquidation) by the U. S. Bankruptcy Court on August 5, 1992. The Case # is 92-13884-WCH. There are no employees and all of the resources of the company are under the control of a Federal Trustee.

Please be further advised that Shawmut Bank, N.A. has taken possession of the property, plant, equipment and the inventory and has specifically excluded the former owners from the premises. I have had several conversations with the police department about vandalism apparently caused by dirt bikers who are using the former office as a clubhouse.

The propane tank mentioned in your report is the property of Airco. The transformers belong to Boston Edison Company. I have no knowledge of the tanks or drums nor how they got on the site. Since Shawmut Bank has also taken possession of the inventory, it is their responsibility to restack the inventory.

Very truly yours,

Donald H. Foster, pres.

Donald H. Foster

File

SEPTEMBER 18, 1992

9/22/92

TO: Board of Selectmen

FROM: NANCY TAVERNIER, Chairman

SUBJECT: SELECTMEN'S REPORT

##

AGENDA

ROOM 204

7:30 P.M.

SEPTEMBER 22, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON & NET&T- Esterbrook Road - Joint identical poles.

2. 7:35 George Filiss - New Manager- Pasta Villagio

3. 7:45 SARC - OVERSIGHT MEETING

4. 8:00 Ft. DEVENS REUSE UPDATE - Enclosed please find information from the Taskforce for Board review.

5. 8:15 MAIN STREET SIDEWALK PUBLIC HEARING

6. 8:45 CHAPTER 61A OFFER - Marshall Land -Continuation of the discussion from 9/8/92.

III. CONSENT AGENDA

7. MINUTES - Enclosed please find minutes for Board approval from August 25, 1992.

8. BOSTON EDISON - Request for Right of Way - Enclosed please find request and staff recommendation for Board action.

9. EMERGENCY HOOK-UP - Enclosed please find a request and staff comment and recommendation for board action.

10. DISPOSAL OF SURPLUS EQUIPMENT - Enclosed please find a request for disposal by seal bid of surplus cemetery equipment.

11. ANNUAL ANTIQUE SHOW - Enclosed please find the request and staff comment for board review and action.

12. ACCEPT GIFT - Enclosed please find a request for the Board to accept a gift of 50.00 to be used at the West Acton Citizens Library.

13. BETSY BALL FUND - Enclosed please find a request for funds for Board action.

IV. SELECTMEN'S CONCERNS

14. EAGLE BOY SCOUT COURT OF HONOR - Enclsoed please find an invitation to attend a Court of Honor on October 25, 1992 at 7:30, a Selectman needs to be assigned.

15. CROWN RESISTANCE DAY - Enclosed please find a request from the Minuteman for the Board to sign the proclamation for Crown Resistance Day 1992.

V. TOWN MANAGER'S REPORT

16. Tax Classification Inquiry - Enclosed please find a request from staff regarding the attached inquiry.

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

<u>October 6</u>
Boston Edison Petitions

<u>October 20</u>
Phillips Coffee Use Permit
Prison Advisory Committee Oversight

<u>November 3</u>
<u>November 17</u>
<u>December 1</u>

756 acs

9/22/92

(1)

Boston Edison
Conduit and Manholes Installation

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 22nd day of SEPTEMBER 1992, at 7:31 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

Esterbrook Road - Northerly approximately 2.164 feet northeast of Great Road, a distance of about 20 feet - conduit

(an Emergency Hook-up has been granted prior to Public Hearing at this location (#80 Esterbrook) on August 5, 1992)

BOARD OF SELECTMEN

Form 518D
648ACS

PETITION OF BOSTON EDISON COMPANY FOR LOCATION FOR CONDUITS AND MANHOLES

To the BOARD OF SELECTMEN of the Town of Acton Massachusetts:

Respectfully represents BOSTON EDISON COMPANY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by E. J. Greenberg dated July 20, 1992, and filed herewith, under the following public way or ways of said Town:

Esterbrook Road - northerly approximately 2,164 feet northeast of Great Road, a distance of about 20 feet - conduit
(Hearing Required)

BOSTON EDISON COMPANY

By Denis J. Deagle

Denis J. Deagle, Supervisor
Rights, Permits & Survey
Western District

Dated this 30th day of July 19 92

Town of Acton Massachusetts.

Received and filed ..... 19.....

.....

.....

B.E.Co. Form X5435

PETITION FOR CHANGE OF LOCATION OR MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

9-2-92

(2)

8-22 19 92

To the

Licensing Board for the

The undersigned respectfully petition for

The approval of the change of manager position for the Liquor Licence for Pasta Village Inc. doing business at 38 Great Road Acton, MA 01720.
The new manager for your approval is
Pasadiez Filiss, also known as "George" Filiss.

Chester Papadopoulos
President

FORM A

CHANGE OF MANAGER

THIS FORM IS COMPLETED WHEN THERE IS A CHANGE IN THE MANAGER OF A CORPORATION.

INSERT THE NAME OF THE LICENSEE ON LINE BELOW.

_____ (TELEPHONE NUMBER)

NAME OF NEW MANAGER: Pasa Diez Filiss

HOME ADDRESS: 12 Essex St Apt 4 Andover MA 01810

PLACE OF BIRTH: Aspen Colorado

DATE OF BIRTH: 6-13-70 REGISTERED VOTER: YES X NO ___

ARE YOU A CITIZEN: YES X NO ___

COURT AND DATE OF NATURALIZATION: _____

FATHER'S NAME: Lionell MOTHER'S MAIDEN NAME: Preissel

POLICE RECORD: (LIST FELONY OR ANY DRUG CONVICTIONS)

None

PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY:

(1) Assistant Manager Pasta Villagio, 36 Great Rd Acton
(2) Waiter - Pasta Villagio Andover MA. 63 Park St.
(3) Supervisor - BJ Wholesale Club Albany NY. (included Liq. Store

FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY OTHER LIQUOR LICENSE:

None

EMPLOYMENT FOR THE LAST TEN YEARS: (Dates, Position, Employer, Address)

1992 - Assistant Manager - Pasta Villagio Acton MA 36 Great Rd
Aug 90 - Dec 91 - Waiter Pasta Villagio - 63 Park St Andover MA
Jan 90 - Aug 90 - Waiter - Chateaux - St Croix Virgin Islands
Feb 88 - Oct 89 - Supervisor BJ's Wholesale Club - Albany N.Y.

01/89

SEE OVER

9/22/92

(4)

Fort Devens Task Force
Report to the Board of Selectmen
September 22, 1992

The intent of this report is to briefly describe the operation of the task force, as well as provide background information on the current proposed disposition of Fort Devens land and the impact on Acton.

1. Task Force:

Members:

Carol Place, Chair	Mark Donohoe, Asst. Chair
John Ekberg	George Neagle
Alfred Rudolph	
Dave Lunger (Alt.)	Marilyn Wolfson (Alt.)

Meeting Schedules: Every 2 weeks or as needed, Acton Town Hall

Sources of Information:

Primary sources of information are from direct interaction with key people (e.g. Brett Doney, Planner, Joint Boards of Selectmen; Brian Lafferty, Executive Office of Communities & Development; Jeff Waugh, Ft. Devens Environmental Management Office).

Alternate sources include meetings (Joint Boards of Selectmen, Redevelopment Board); Groups and Newsletters (MAGIC, ASERT, CITPlan); and, lastly, newspapers.

2. Fort Devens:

Overview (refer to attached map)

South Post	Containing 4,883 Acres, located south of Route 2. It is to be used as an Army Reserve training enclave. It now contains rifle & artillery ranges, and is the preferred location of a Second Major Airport.
Main Post	Containing 3,528 Acres, it includes most of the developed land and has over 1700 housing units. It is the site of most major re-use proposals.
North Post	With approximately 900 Acres, it contains the existing airfield and water treatment plant.

Background Information

The Base Realignment and Closure (BRAC) process in 1991 recommended closing the Fort by 1995. The base is also one of 2 final sites in the Massachusetts Aeronautical Commission (MAC) Siting Study for a Second Major Airport. For disposition of the land, the priorities are:

1. Other Department of the Army
2. Other Department of Defense
3. McKinney Act (Homeless)
4. Other Federal Agencies
5. Local and/or State agencies
6. Private Industry

Environmental Status

The Fort is a Superfund Site, designated for accelerated cleanup. To date, 57 hazardous waste sites have been identified, with major contamination from asbestos, lead paint, and the old landfill. Plough Shop and Grove Pond are contaminated from leachage from the landfill, and one of Ayer's wells is threatened.

Proposed Re-Uses and Impact on Acton

Federal Prison	Construction of a low security prison as well as a hospital on 600 acres on the Main Post. Existing hospital facilities will be renovated and expanded. The only potential impact is the concern over the spread of TB.
Inter modal Rail Facility	Use of the existing 34 acre rail yard to provide a link between the Moran Terminal (Boston Harbor), the Fort, and points West and South (see attached rail map). Potential negative impacts are: increased truck traffic on Rte. 2 & 2A; possible use of the commuter line for freight transportation, resulting in disruption of commuter service and disruption of vehicular traffic on the at-grade crossings. An Environmental Impact Report (EIR) was not required by the Secretary of Environmental Affairs.

Oxbow Wildlife Refuge	Addition of 438 acres adjacent to the existing Refuge on the Main Post, with possibility of a visitors center. No discernible negative impact.
Reserve Enclave	Encompassing the entire South Post plus sections of the North and Main Posts to support Army Reserve Training. Air Force personnel from Hanscom Air Force Base will also be utilizing existing housing units No discernible negative impact.
Housing Proposals	There are a number of requests for existing housing, to include unwed mothers, foster children, and first-time home buyers. No discernible negative impact.

Boards/Agencies Involved in Re-Use planning

- Massachusetts Land Bank
- Fort Devens Redevelopment Board
- Joint Boards of Selectmen (Harvard, Ayer, Shirley, Lancaster)
- Joint Planning Boards
- Executive Office of Communities and Development
- Governors Coordinating Committee

Permitting Process

Per the Massachusetts Environmental Policy Act (MEPA), the Land Bank has submitted an environmental Notification Form (ENF) for the redevelopment of Fort Devens. They have requested and received approval for Major and Complicated Project status. This designation allows individual projects to receive approval prior to the completion of a Master Environmental Impact Report. The scope of the ENF did not include a regional or second major airport; if development becomes a viable option, a new ENF would have to be filed.

Issues to be Aware of:

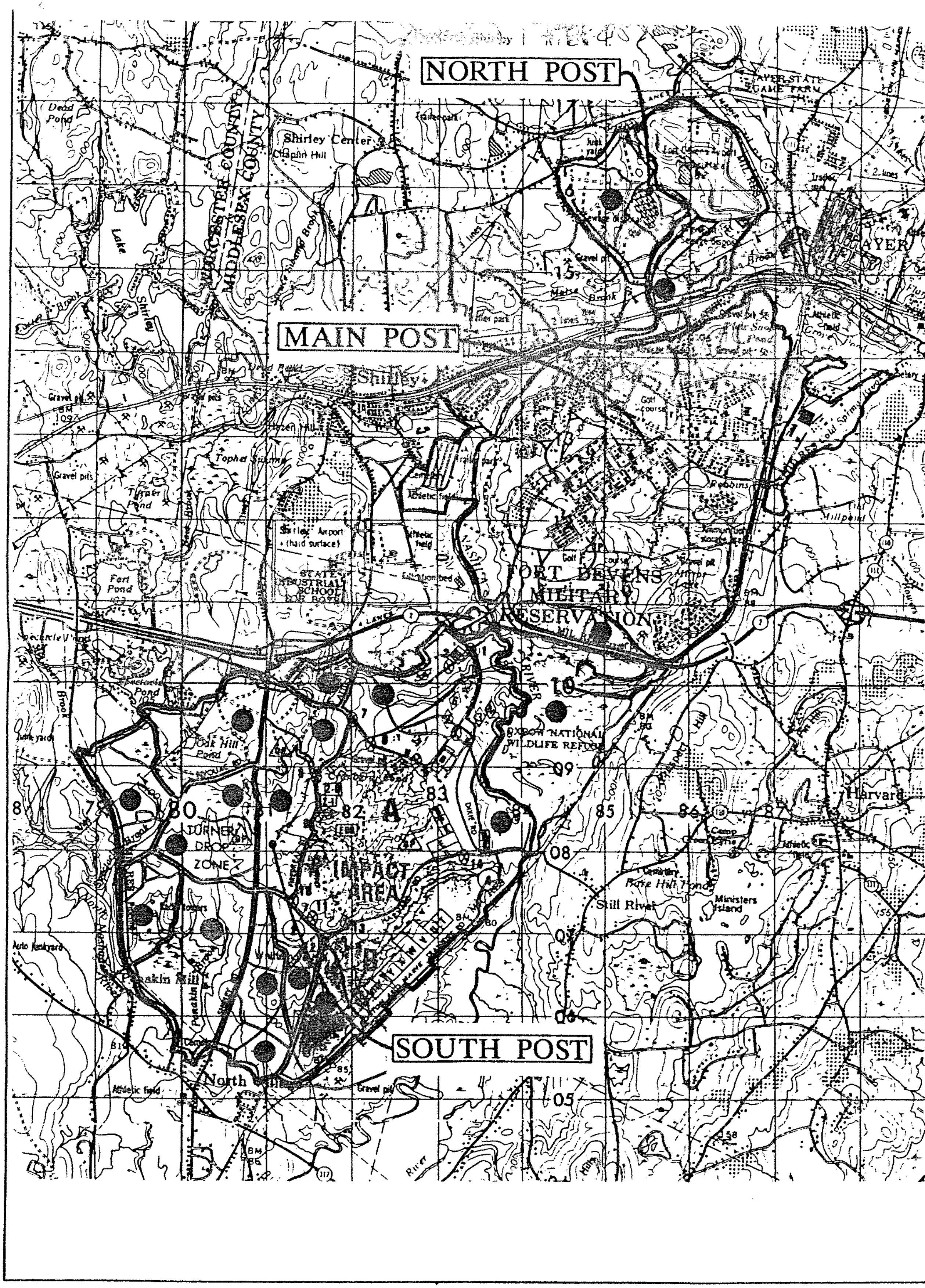
- Each individual reuse option has minimal anticipated impact; however, taken in total, the impact **may** be substantial.

- Successive BRACs ('93, '95, ..) may excess the Reserve Enclave, thereby freeing up the land for a Second Major Airport.

- The Sudbury Annex is not excessed, but is being cleaned up (equivalent to a Superfund Site)

Major Milestones/Meetings

- Fort Devens Reuse Forum, October 1, 7:15, ABRHS
- A.D. Little Study Report to MAC, October
- MEPA/NEPA Workshop, TBA



LOCUS MAP

1" = 4166'±

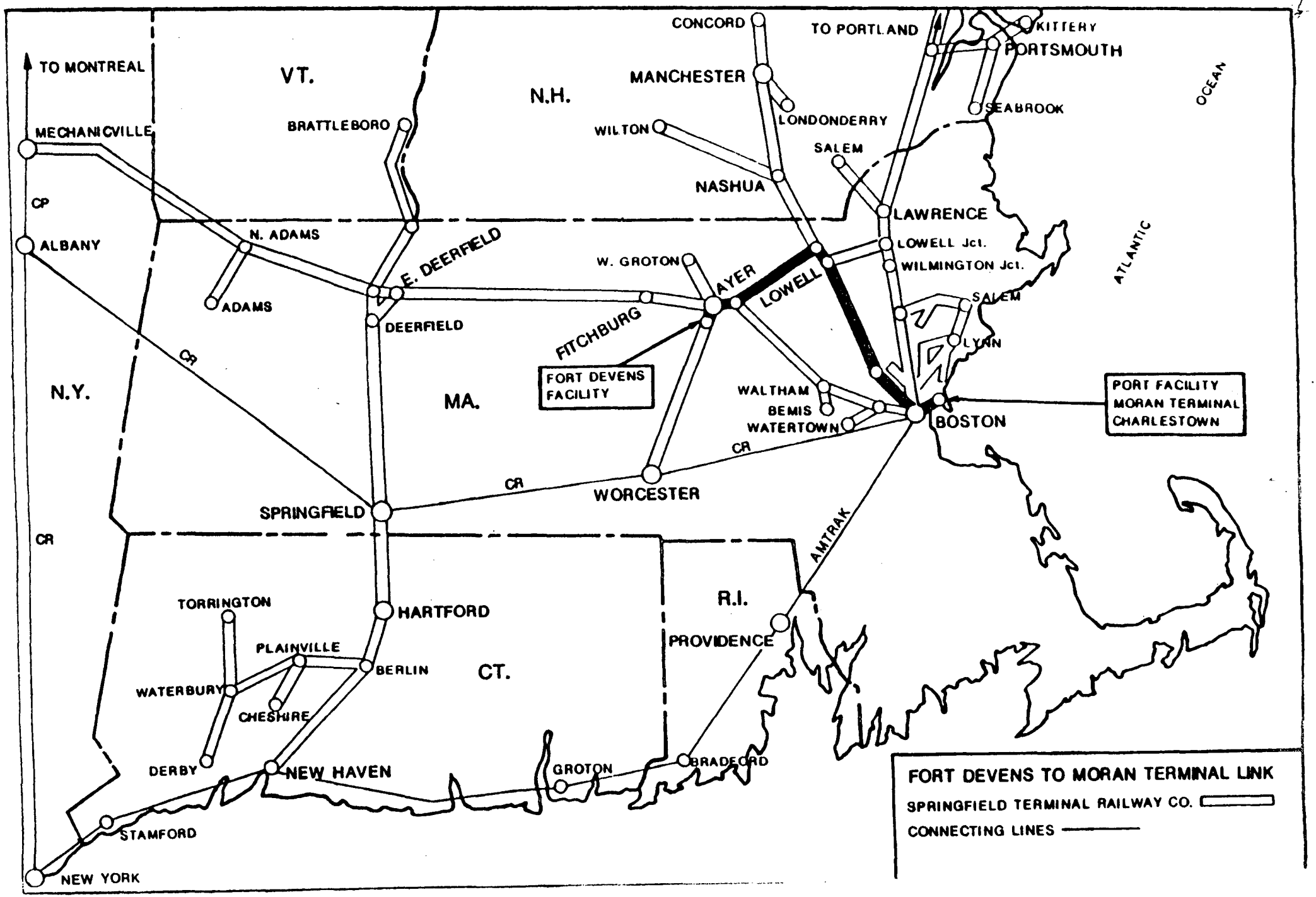
Beals and Thomas, Inc.

Westborough, MA

For: MASSACHUSETTS GOVERNMENT LAND BANK

Source: FORT DEVENS MILITARY INSTALLATION MAP

Figure


TO MONTREAL
VT.
N.H.
CONCORD
TO PORTLAND
KITTERY
PORTSMOUTH
MANCHESTER
OCEAN
SEABROOK
LONDONDERRY
MECHANICVILLE
BRATTLEBORO
WILTON
SALEM
NASHUA
CP
LAWRENCE
ALBANY
N. ADAMS
E. DEERFIELD
LOWELL Jct.
W. GROTON
WILMINGTON Jct.
AYER
LOWELL
ATLANTIC
ADAMS
SALEM
DEERFIELD
FITCHBURG
LYNN
CR
FORT DEVENS FACILITY
N.Y.
MA.
WALTHAM
BEMIS
WATERTOWN
BOSTON
PORT FACILITY MORAN TERMINAL CHARLESTOWN
CR
CR
WORCESTER
SPRINGFIELD
AMTRAK
CR
R.I.
TORRINGTON
HARTFORD
PROVIDENCE
PLAINVILLE
BERLIN
CT.
WATERBURY
CHESHIRE
DERBY
NEW HAVEN
GROTON
BRADFORD
STAMFORD
NEW YORK
FORT DEVENS TO MORAN TERMINAL LINK
SPRINGFIELD TERMINAL RAILWAY CO.
CONNECTING LINES

9/22/92

(5)

TOWN OF ACTON
PUBLIC HEARING

The Board of Selectmen will hold a public hearing on September 22, 1992 at 8:15 P.M. in room 204 of the Acton Town Hall to discuss sidewalk construction and proposed "No Parking" areas along the North west side of Main Street in the area from Nagog Hill Road to the Acton Town Hall. Public attendance and participation is welcomed.

ACTON BOARD OF SELECTMEN

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9/4/92

TO: DEAN CHARTER AND DAVID ABBT

FROM: TOWN MANAGER'S OFFICE

SUBJECT: MAIN STREET SIDEWALK PUBLIC HEARING

Please coordinate notification of the abutters of the proposed Main Street sidewalk modifications of the public hearing scheduled for September 22 at 8:15 P.M. as requested by the Board. I will notify the Beacon of the Public Hearing for publication in the September 10th Beacon.

Please review the draft notice for accuracy and let me know as soon as possible if I have gotten my description correct.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

Sept. 8, 1992

LEGALS

Please place the following ad in the Legal Section of the Sept. 10th Beacon. If it is to late for the 10th please put it in the 17th.

thanks

Christine Joyce
264-9612

9/22/92

(5)

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

July 8, 1992

TO: Don P. Johnson, Town Manager

FROM: Dean A. Charter, Municipal Properties Director DAC

SUBJECT: Main Street sidewalk in front of the Memorial Library

As you know, the portion of the Town Common in front of the Memorial Library was dug up recently when the oil tank was removed, and one of the walkways was demolished in the process. Now is the time to come up with a design for this area, and address all the problems at once, rather than on a piecemeal basis. Prior to having a plan prepared, there are several fundamental design decisions that have to be made:

1. Will parking be allowed in front of the Library? Presently there are three informal parking spots, which also serve as the sidewalk in this area, and as a result have caused disputes in the past. My personal preference would be to eliminate these spots and have the area in front of the library built just the same as what presently exists in front of the Town Hall, which is vertical granite curb with concrete sidewalk constructed two feet outside the present fog line. The Town Engineer feels that we should keep as many parking spots as possible, and would leave three legal, marked parking spots, with the curbing and sidewalk placed behind the parking area. In 1990 the Library Trustees also voted in favor of keeping the three parking spots along Main St., as the Town Engineer recommends. To build the new sidewalk this far back, a utility pole would have to be moved back, and one Maple would have to be removed, but that tree is declining from road salt, and will probably have to be taken down in a few years anyway.

2. The existing concrete walkway that runs from Main St. to the old front entrance to the Library is in very poor shape, and should be removed or replaced. Due to the configuration of the Library, the walkway leads no where, as the old entrance is permanently locked. It is important to keep the alcove open to the public from the outside, in my opinion, due to the fact that it is the memorial to the veterans of the Civil War, but I don't feel that there is a need to maintain a paved walkway for the occasional user. As is now, the existing walk presents a tripping hazard, misleads visitors to a locked entrance, and has to be kept clear of ice during the winter due to our liability position.

My personal preference would be to eliminate this walkway entirely, and grass the area. In 1990 the Library Trustees voted in favor of rebuilding this walkway, but my sense is that they did not feel really strongly one way or another about replacing a walkway no one uses. It would certainly be an expensive, and I feel, an unnecessary, addition.

3. There is a path that runs from the new walkway between the library and Town Hall and the front of the Center Store. The first portion of this path was paved in Bluestone until the oil tank had to be removed, at which time it was demolished. My feeling is that this path would be unnecessary if a proper sidewalk was installed along Main Street, and if the cut through in the plantings between the Library and the Center Store were blocked with vegetation. Therefore, I advocate the removal of the remains of the old walkway, and grassing the area.

The result of these design changes will be the elimination of some unnecessary pavement, and the "greening" of this area. If possible, I would like to have some decisions on these basic design questions within a month so the design can be developed and the work performed in the early fall so that grass can be established this growing season.

DAC/94

9/22/92
(5)

28 Washington Drive
Acton, Ma. 01720
September 18, 1992

Board of Selectmen
Town Hall
Acton, Ma. 01720

Dear Fellow Residents:

I wish to register my protest to the possible prohibition of parking on the street in the vicinity of the Woman's Club building in the town center.

This restriction would impose a great economic hardship on the whole town for the following reasons:

1. The Woman's Club would be unable to sustain the building without rental income, which would not be feasible without parking. This building has been beautifully restored and maintained in keeping with our beautiful town center, as well as the Jenks Memorial Rose Garden located in the rear, which is open for enjoyment by all.

   The Woman"s Club contributes to the town in numerous ways including two scholarships each year.

2. The Acton Garden Club, which rents the building monthly, would be forced into a higher rent scale, burdening their budget. This would result directly in decreased town contributions in the form of town plantings, Christmas decorations, and scholarships.

Please be aware that the majority of gatherings at the Woman's Club are not during commuter hours; they are generally during the middle of weekdays and occasional weekends. I urge you to consider carefully the impact of your decision on our town.

Sincerely yours,

Lois B. Booth

(Mrs.) Lois B. Booth

RUBIN S. OLSHER
32 Tuttle Drive
Acton, Massachusetts 01720

5

To Board of Selectmen, 9-17-92

In regard to the proposal for elimination of parking on the northwest side of Main Street, the effects of this on the Womans Club would be catastrophic. The Acton Womans Club has no offstreet parking.

Please consider rejecting this proposal.

Rubin S. Olsher

Kitty Olsher

Carol Y. Mowry
149 Central Street
Acton, Massachusetts 01720

5

Dear Members of the Board of Selectmen,

I am writing to ask you to consider very carefully the complications of having parking along Main St in front of the Women's Club.

The Women's Club and the Garden Club, major users of the building contribute a great deal to the welfare of the Town of Acton. The Women's Club building is a vital component of both organizations

The Rose garden was given by the Jenkins and is maintained by the Garden Club. It is a setting for many lovely functions that require Caterers - Caterers need easy access. If the Women's Club cannot get revenue from rentals the building

may have to be sold - a major loss to the town -

There is inadequate parking in the center of town for old ladies in shaky shape - Please don't deprive us of a lovely meeting place -

Thank you -

Sincerely,

Carol Mowry

9/22/92

(6)

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 18, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Marshall Land

In our earlier correspondence to the Board regarding the Chapter 61 offering of this land I find that we "shorthanded" the transmittal by sending you only the portions of the offer that we thought would be relevant to your decision making process. In reviewing the file and the questions that were apparently asked during your last meeting, I find that the entirety of the package might help answer your questions. Consequently, I have duplicated John Murray's cover letter of 9/3 but it now covers the full documentation that Attorney Bailey submitted.

I would bring your attention to several points with regard to this offering:

1. The offer is for only 6.2 acres of the total 90+ acres that constitute the Marshall Land.

2. There has been ongoing discussion with the Assessors regarding the applicability of Chapter 61 or 61A. At this time there is still an area of dispute; however, it is clear that the Assessors and DOR agree that the Town has first refusal rights. Attorney Bailey concedes that "a portion" of the land being sold is classified under

Chapter 61 but contends that they are not subject to Chapter 61A regulation. Nonetheless, he is notifying the Board of his intent to sell lot 4 and, to the extent that any portion may be subject to the provisions of Chapter 61A, this notice shall apply.

3. This notice is specifically for the 6.2 acre portion of the property containing the house and barn and identified as lot 4. Given the disagreement noted in #2 above, it is important to realize that a loosely worded response to the petitioner might easily be construed to be more broad than intended. Any action of the Board should clearly indicate whether the Board intends that action to apply to the entire 90+ acres or whether it is limited to the question on lot 4.

9/8/92 (18)
Chris Manager's concerns

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9/3/92

TO: The Board of Selectmen

FROM: John Murray, Assistant Town Manager

SUBJECT: 42 Carlisle Rd. (Part of the Marshall Land)

Delivered today was a notice of intent to sell part of the "Marshall" land (6.2 acres). Therefore, the 120 day clock, as required by Chap. 61, for the Town to match the offer of $437,000 has started. The Town must decide on or before December 31, 1992 to match the offer or release its option (non-action will release the option).

Action 43 of the Master Plan is labeled as a high priority and it regulates the process concerning Chapter 61 properties with bona fide offers of purchase. Action 43 states "Bring all offers of land under Chapter 61, 61A, and 61B to Town Meeting for a vote". If the Board wishes to purchase said property, an override may also be required.

I will seek your direction at Tuesday's Selectmen's Meeting

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9633

SEP 3 - 1992

Please file and bring Bonds Dec! 9-3-92

September 1, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Re: **Land and Buildings located on 42 Carlisle Road Acton, Massachusetts - Lot 4**

Dear Sir or Madam:

Enclosed herewith is a copy of an executed Purchase and Sale Agreement between the Trustees of the W.L.M. Trust et al. and Amy L. Davis et al. dated August 27, 1992 ("Agreement"). The land is described as Lot 4 on a plan of land in Acton, Mass. dated August 7, 1992, containing approximately 6.1787 acres, a portion of said plan being attached to the Agreement as Schedule A "the Premises"). A portion of said land is classified as forest lands pursuant to G.L. c. 61.

Pursuant to M.G.L. c. 61, §8, notice of intent to sell the Premises and to convert the land to another use is hereby given to you.

The undersigned have been informed by the office of the Board of Assessors that a portion of the Premises may have been classified by the assessors as agricultural land under G.L. c. 61A. The undersigned do not believe that any written application was ever filed under G.L. c. 61A and therefore no portion of the Premises is subject to the provisions of c. 61A. However, to the extent that any portion of the Premises is subject to the provisions of c. 61A, this letter constitutes notice of intent to sell the Premises and to convert the land to another use pursuant to G.L. c. 61A §14.

The obligations of the buyer under the Agreement to purchase the land and buildings described in the Agreement constitute a "bona fide offer to purchase said land" within Massachusetts General Laws, c. 61, §8 and c. 61A, §14.

The address of the undersigned record owners of the Premises for the purposes of this notice of intent is:

Andrew C. Bailey
c/o Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586.

Very truly yours,

W.L.M. Trust and M.S.M. Trust,
By their Attorney,

Andrew C. Bailey

ACB/rbh
Enclosure

1/1-act

From the Office of:

STANDARD FORM
PURCHASE AND SALE AGREEMENT

This 27th day of August 19 92

1. PARTIES AND MAILING ADDRESSES

Andrew C. Bailey and Fiduciary Trust Company, Trustees of WLM Trust u/d/d February 22, 1989 and of MSM Trust u/d/d February 22, 1989 hereinafter called the SELLER, agrees to SELL and

(fill in) Amy L. Davis and William W. Ambrose, of Newton, Mass

hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION *(fill in and include title reference)*

Land and buildings thereon located at 42 Carlisle Road, Acton, Mass being Lot 4 on Plan of Land in Acton, Mass dated August 7,1992 containing approximately 6.1787 acres ("Premises"), a portion of said Plan being attached hereto as Schedule A.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

(fill in or delete)

Included in the sale as a part of said premises are the buildings, structures, and improvements now thereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all wall-to-wall carpeting, drapery rods, automatic garage door openers, venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment, stoves, ranges, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, garbage disposers, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, and, ONLY IF BUILT IN, refrigerators, air conditioning equipment, ventilators, dishwashers, washing machines and dryers; and John Deere Tractor (sold "As Is")
but excluding Wood Stove

4. TITLE DEED *(fill in)*

* *Include here by specific reference any restrictions, easements, rights and obligations in party walls not included in (b), leases, municipal and other liens, other encumbrances, and make provision to protect SELLER against BUYER's breach of SELLER's covenants in leases, where necessary.*

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

(a) Provisions of existing building and zoning laws;
(b) ~~Existing rights and obligations in party walls which are not the subject of written agreement~~
(c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
(d) Any liens for municipal betterments assessed after the date of this agreement;
(e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the current use of said premises for single family residential purposes;
*(f) None

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

6. REGISTERED TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE *(fill in); space is allowed to write out the amounts if desired*

The agreed purchase price for said premises is Four Hundred Thirty-Seven Thousand (437,000) dollars, of which

$ 21,250. have been paid as a deposit this day and
$
$ 415,750. are to be paid at the time of delivery of the deed ~~in cash, or~~ by certified, cashier's, treasurer's or bank check(s).

$
$ 437,000. TOTAL

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GREATER BOSTON REAL ESTATE BOARD

All rights reserved. This form may not be copied or reproduced in whole or in part in any manner whatsoever without the prior express written consent of the Greater Boston Real Estate Board.

8. TIME FOR PERFORMANCE; DELIVERY OF DEED *(fill in)*

Such deed is to be delivered at 10:00 o'clock A.M. on the 4th day of January 1993 at the Middlesex (South) Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement * or at such earlier date as described in Section 30.8 hereof or at such other hour and place specified by Buyer's lender or its counsel

POSSESSION AND CONDITION OF PREMISE. *(attach a list of exceptions, if any)*

Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws, and (c) in compliance with provisions of any instrument referred to in clause 4 hereof.* The BUYER shall be entitled personally to inspect said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.
* and (d) in compliance with provisions of Section 30.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM *(Change period of time if desired).*

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, ~~then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto, unless~~ the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty calendar days, provided that Seller shall have no duty to incur costs or expenses exceeding $1,000 plus unpaid tax assessments and liens

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER's ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either

(a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or

(b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.

13. ACCEPTANCE OF DEED

The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE *Insert amount (list additional types of insurance and amounts as agreed)*

Until the delivery of the deed, the SELLER shall maintain insurance on said premises as follows:

Type of Insurance	*Amount of Coverage*
(a) Fire and Extended Coverage	*$ Insured As At Present
(b)	

16. ADJUSTMENTS *(list operating expenses, if any, or attach schedule)*

~~Collected rents, mortgage interest, water and sewer use charges, operating expenses, if any, according to the schedule attached hereto or set forth below and~~ taxes for the then current fiscal year, shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. ~~Uncollected rents for the current rent period shall be apportioned if and when collected by the party.~~

17. ADJUSTMENT OF UNASSESSED AND ABATED TAXES

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

18. BROKER's FEE *(fill in fee with dollar amount or percentage; also name of Brokerage firm(s))*

A Broker's fee for professional services of three percent (3%) is due from the SELLER to E. A. Hill & Company and three percent (3%) to Brigitte Senkler & Associates, registered only if the deed is delivered to the Buyer and duly the Broker(s) herein, but ~~if the SELLER pursuant to the terms of clause 21 hereof retains the deposits made hereunder by the BUYER, said Broker(s) shall be entitled to receive from the SELLER an amount equal to one-half the amount so retained or an amount equal to the Broker's fee for professional services according to this contract, whichever is the lesser.~~

19. BROKER(S) WARRANTY *(fill in name)*

The Broker(s) named herein warrant(s) that the Broker(s) is(are) duly licensed as such by the Commonwealth of Massachusetts.

20. DEPOSIT *(fill in name)*

All deposits made hereunder shall be held in escrow by Powers & Hall Professional Corporation as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement.* In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER. Interest on the deposit shall be credited to Buyer at the Closing.

21. BUYER's DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits and interest thereon made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, ~~less within thirty days after the time for performance of this agreement or any extension hereof, the SELLER otherwise notifies the BUYER in writing~~ and this shall be the Seller's sole and exclusive remedy at law or in equity for any default by the Buyer hereunder.

22. RELEASE BY HUSBAND OR WIFE

~~The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.~~

BROKER AS PARTY

The Broker(s) named herein join in this agreement and become a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s), and to any amendments or modifications of such provisions to which the Broker(s) agree in writing.

24. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS *(fill in); if none, state "none"; if any listed, indicate by whom each warranty or representation was made*

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s):

NONE

26. MORTGAGE CONTINGENCY CLAUSE *(omit if not provided for in Offer to Purchase)*

In order to help finance the acquisition of said premises, the BUYER shall apply for a conventional bank or other institutional mortgage loan of $ 349,600 at prevailing rates, terms and conditions. If despite the BUYER's diligent efforts a commitment for such loan cannot be obtained on or before September 25, 19 92 the BUYER may terminate this agreement by written notice to the SELLER and/or the Broker(s), as agent(s) for the SELLER, prior to the expiration of such time, whereupon any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto. ~~In no event will the BUYER be deemed to have used diligent efforts to obtain such commitment unless the BUYER submits a complete mortgage loan application conforming to the foregoing provisions on or before September 1, 1992.~~ Buyer shall be obligated to make only one such mortgage application in the exercise of diligent efforts hereunder.

* The deposits shall be held in an interest bearing account at State Street Bank and Trust Company.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. LEAD PAINT LAW

The parties acknowledge that, under Massachusetts law, whenever a child or children under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age.

29. SMOKE DETECTORS

The SELLER shall, at the time of the delivery of the deed, deliver a certificate from the fire department of the city or town in which said premises are located stating that said premises have been equipped with approved smoke detectors in conformity with applicable law.

30. ADDITIONAL PROVISIONS

Schedule B ~~The attached rider, if any~~, attached hereto, ~~are~~ is incorporated herein by reference.

FOR RESIDENTIAL PROPERTY CONSTRUCTED PRIOR TO 1978, BUYER MUST ALSO HAVE SIGNED LEAD PAINT "PROPERTY TRANSFER NOTIFICATION CERTIFICATION"

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

FIDUCIARY TRUST COMPANY

By [signature] its Vice President

SELLER (or spouse) TRUSTEE

[signature]

SELLER ANDREW C. BAILEY, TRUSTEE

BUYER

[signature]

BUYER

[signature]

[signature]

Broker(s)

ESCROW AGENT:
Powers & Hall Professional Corporation
By: [signature]

EXTENSION OF TIME FOR PERFORMANCE

Date _____

The time for the performance of the foregoing agreement is extended until _____ o'clock _____ M. on the _____ day of _____ 19_____ time still being of the essence of this agreement as extended. In all other respects, this agreement is hereby ratified and confirmed.

This extension, executed in multiple counterparts, is intended to take effect as a sealed instrument.

SELLER (or spouse) SELLER

BUYER BUYER

Broker(s)

SCHEDULE B

ADDITIONAL PROVISIONS

30.1 The Buyer acknowledges that there is lead in paint, plaster, soil or other materials on the premises. Buyer may inspect the Premises for the presence of lead paint on or before August 31, 1992.

30.2 The Buyer acknowledges receipt of the attached Memorandum regarding chlordane and urea-formaldehyde insulation.

30.3 The Seller and the Broker assume no responsibility for the condition of the Premises other than specifically referred to herein and have made no representations other than as specifically referred to herein.

30.4 Prior to the delivery of the deed, Seller shall install on the Premises (at Seller's sole expense) a septic system for the residence located on the Premises in compliance with applicable law and sufficient to service a five-bedroom home. Seller shall notify Buyer in writing, no later than September 25, 1992, of the proposed location, design (including sketches or plans) and the estimated cost of the new septic system. Buyer may by written notice, given to Seller on or before October 7, 1992, request an alternate site or design on the Premises which complies with all applicable laws. Subject to the Seller's approval*(which shall not be unreasonably withheld), Seller shall install the septic system in the location requested by Buyer provided that Buyer shall pay to Seller all costs and expenses of such installation in excess of the costs and expenses of the installation proposed by Seller. Buyer shall pay Seller for the excess costs and expenses at such time as payments are owed by Seller to the contractor making the septic installation. If the Closing does not occur at the time herein provided for any reason other than the Buyer's default, the excess costs and expenses paid by the Buyer shall be repaid by the Seller to the Buyer forthwith.

*of the extra costs

30.5 Prior to delivery of the deed, The Buyer shall have received evidence reasonably satisfactory to Buyer that the removal of the underground fuel oil tank was completed in full compliance with applicable law and that the removal area was not contaminated by fuel oil.

30.6 Buyer's obligations hereunder are contingent upon Seller complying with the provisions of Massachusetts

General Laws, Chapter 61 (the "Statute"). Buyer and Seller acknowledge that the transfer of the property to Buyer will terminate the property's classification as forest land under Chapter 61. Seller shall comply with any and all requirements set forth in the Statute, including, without limitation, payment of any taxes due in connection with the sale of the Premises for another use. Seller shall promptly notify the Town of Acton of its intent to sell the Premises to Buyer, and will provide Buyer with a copy of the notice filed with the Town. If Seller does not notify the Town of Acton in accordance with the Statute by August 31, 1992, Buyer may terminate this Agreement, in which event, all payments made hereunder by Buyer with all accrued interest, shall be immediately refunded to Buyer, and this Agreement shall be null and void without further recourse to any party hereto.

Buyer's obligations under this Agreement are subject to Seller providing, and Seller shall (subject to Section 30.8 hereof) provide at the Closing, evidence reasonably satisfactory to Buyer that (i) the Town of Acton has waived or otherwise failed to exercise its option to purchase the Premises in accordance with Massachusetts General Laws C.61 (" Statute"), or, in the alternative, that the Town's 120 day option period has expired, (ii) Seller has paid any and all taxes due in connection with the sale of the Premises for another use, and (iii) Seller has otherwise complied with the provisions of the Statute so far as material to conveying title to Buyer in conformity with this Agreement.

30.7 If the Town of Acton or its assignee shall exercise its option to purchase the Premises pursuant to the Statute, this Purchase and Sale Agreement shall terminate, the deposit and interest thereon shall be returned to the Buyer and neither the Seller nor the Buyer shall have any claims against the other.

30.8 If Seller receives written notice from the Board of Selectmen of the Town of Acton that said Town will not exercise its option to purchase the Premises pursuant to Massachusetts General Laws C.61, §8, Seller may accelerate the date of the Closing by notifying the Buyer in writing of the action of the Selectmen and designating the date for the Closing which shall be not less than twenty (20) days from the date of Seller's notice to Buyer. In no event shall the accelerated date for the Closing be less than eighty (80) days after the date of this Agreement.

30.9 The Seller agrees not to enter into any agreement to sell (a) Lot 3 as shown on Plan of Land in Acton, Mass. dated August 7, 1992 or (b) the open field or any portion thereof on Carlisle Road opposite the residence which is located on the Premises, without first offering to sell Lot 3 or the parcel which contains the field or any portion thereof to the Buyer at the price which Seller proposes to accept from a third party. Buyer shall have seven (7) days within which to enter into a binding purchase and sale agreement with Seller to purchase the parcel using the standard form of the Greater Boston Real Estate Board and upon the terms which Seller proposes to accept from the third party. The closing for such sale shall be within forty-five (45) days after execution of the purchase and sale agreement. Ten percent of the purchase price shall be deposited with the Seller at the time of execution of this Agreement and the balance shall be paid by bank check in form reasonably acceptable to Seller at the Closing. The right of first refusal shall terminate in respect to Lot 3 as of July 24, 1993 and in respect to the open field as of October 24, 1993. The obligation of the Seller under this Section 30.9 shall survive the Closing but shall not be set forth or referred to in the deed to the Premises. If the Buyer records with, or notifies any, public official of this right of first refusal or any notice thereof, the Buyer's rights under this Section 30.9 shall terminate forthwith upon such recording or notification. This right of first refusal shall terminate upon the foreclosure of any mortgage heretofore or hereafter granted which includes any portion of Lot 3 or the open field. This right of first refusal shall be of no effect as to any sale of Lot 3, or any parcel which includes part or all of the open field, to a third party at a price and upon terms at least equal to the price and terms which Seller has offered to sell to the Buyer Lot 3, or the parcel which includes part or all of the open field, within six months of the date of sale to the third party.

30.10 Seller will deliver to Buyer concurrently with the delivery of the deed a bill of sale for the John Deere Tractor "As Is" for no consideration and otherwise in customary form.

30.11. Buyer's obligations hereunder are subject to Buyer obtaining a MGL Chapter 21E hazardous waste site assessment report within 30 days of Seller's acceptance of this Agreement which concludes that the Premises are free of any release or threat of release of hazardous materials or oil as all of those terms are defined or used under MGL Chapter 21E, failing which, Buyer may by written notice to Seller terminate this Agreement whereupon all deposits shall be forthwith refunded and this Agreement shall be void and without further recourse to the parties hereto. Buyer shall not perform borings. If in Buyer's consultant's opinion the site conditions or history warrant borings and Seller refuses to give its consent to the installation of borings, then Buyer may terminate this Agreement whereupon all deposits shall be forthwith refunded and this Agreement shall be void and without further recourse to the parties hereto.

30.12. Seller agrees to cooperate generally with Buyer in Buyer's desire to make application for zoning relief for the below-referenced addition to the Premises. If Buyer requests Sellers said cooperation prior to closing Buyer shall submit the plans for the modifications to Seller for Sellers approval which approval shall not be unreasonably withheld. Provided that Seller first approves of the plans, Seller agrees not to oppose, and to support by letter to the appropriate town authorities as requested by Buyer, Buyer's plans to add on to and enclose the portion of the back of the house shown on the attached second copy of the plan. Seller agrees that Buyer may apply for the necessary permits and approvals, including a special permit and/or variance therfore all at Buyer's sole cost and expense prior to the time for performance hereunder, provided that no construction work is performed prior to the consummation of the closing.

30.13. Seller shall deliver the premises at the time of delivery of Seller's deed in broom clean condition, removing all of Seller's and other's possessions therefrom not being sold to the Buyer.

30.14. The Seller shall execute and deliver simultaneously with the delivery of the deed, and when required shall on oath swear to the truth of the matters therein set forth, such documents as may be reasonably required by the Buyer's mortgage lender or its attorney, including without limitation: (1) affidavit of no liens or parties in possession; (2) affidavit of purchase price and terms; (3) affidavit that Seller is not aware of any presence of urea formaldehyde foam insulation (UFFI) in the premises pursuant to 106 C.M.R. 651, in a form reasonably acceptable to Buyer's mortgage lender, and its attorney; (4) Seller's tax identification number for reporting income to the IRS pursuant to Internal Revenue Code Section 6045(e); and (5) Affidavit of Non-Foreign Status. If Seller shall refuse or be unable to certify thereto in a manner consistent with Buyer's mortgage lender's or its attorney's requirements, and as a consequence thereof the mortgage transaction or the performance of this agreement in acccordance with the terms hereof cannot be consummated, the Seller shall be deemed to have breached a material condition of this Agreement.

30.15. Buyer's social security number or tax identification number is: 046-60-2473.

30.16. All references to the "then current year" and like references with respect to real estate taxes payable for the premises shall be construed to mean the then current fiscal tax period within which such taxes are payable.

30.17. All notices required or permitted to be given hereunder shall be given in writing by registered or certified mail, proper postage prepaid, return receipt requested, and deposited with the United States Postal Service, or hand delivered, and shall be deemed given and effective when so mailed or hand delivered, addressed to the Seller or Buyer, as the case may be, if to Seller with a copy forwarded as above to Seller c/o Andrew C. Bailey, Esquire, Powers & Hall, 100 Franklin Street, Boston, MA 02110. In the case of Buyer, with a copy forwarded as above to Buyer at c/o Richard H. Murphy, Jr., Esquire, Tarlow, Breed, Hart, Murphy & Rodgers, P.C., 21 Custom House Street, Boston, MA 02110. Or in the case of either party to such different address as they may so designate by a notice sent as required above.

30.18. Buyer warrants and represents to Seller, and Seller warrants and represents to Buyer, that it has dealt with no broker or other person entitled to a broker's commission in connection with the negotiation or execution of this Agreement or the consummation of the transaction contemplated hereby except the broker(s) listed herein, if any, and each agrees to hold the other harmless and indemnify the other against all damages, expenses, claims, losses and liabilities, including legal fees, incurred by the other, arising out of or resulting from the failure of its representation and warranty. This provision shall survive the delivery of the deed hereunder.

30.19. For purposes of this Agreement, Buyer shall not be deemed to have received a commitment for mortgage financing if any such commitment is "conditional" and contains conditions which are not within the Buyer's personal control to satisfy, or if within Buyer's control, cannot reasonably be satisfied on or before the time for obtaining said mortgage commitment as set forth in Paragraph 26.

30.20. Without limitation of any other provisions of this Agreement, said premises shall not be considered to be in compliance with the provisions of this Agreement with respect to title unless: (i) All buildings, structures and improvements, including but not limited to any driveways, garages, the well and the entire septic system to be installed, and all means of access to the premises, shall be located completely within the boundary lines of said premises and shall not encroach upon or under the property or easement of any other person or entity.

30.21. If, prior to delivery of the deed, the buildings comprising the premises or any portion of the same are damaged by fire or other casualty so that the same cannot reasonably be restored for the intended use by the time of delivery of the deed, then, at Buyer's option, any payments made under this Agreement shall be forthwith refunded and all of the obligations of the parties hereto shall cease, and this Agreement shall be null and void and without recourse.

30.22. From and after the date of this Agreement, Seller agrees to permit Buyer and its designees, including but not limited to, prospective mortgage lenders and insurance agents, reasonable access, at reasonable times, to said premises for the purpose of making measurements, inspections, and the like. Said right of access shall be exercised only in the presence of the Seller or its agents.

30.23. Seller hereby authorizes the attorney for Buyer's lender to obtain payoff information regarding any and all outstanding mortgages or liens (exclusive of tax liens) on the premises in connection with preparing for the passing on the premises, and agrees to provide all account numbers therefor upon request.

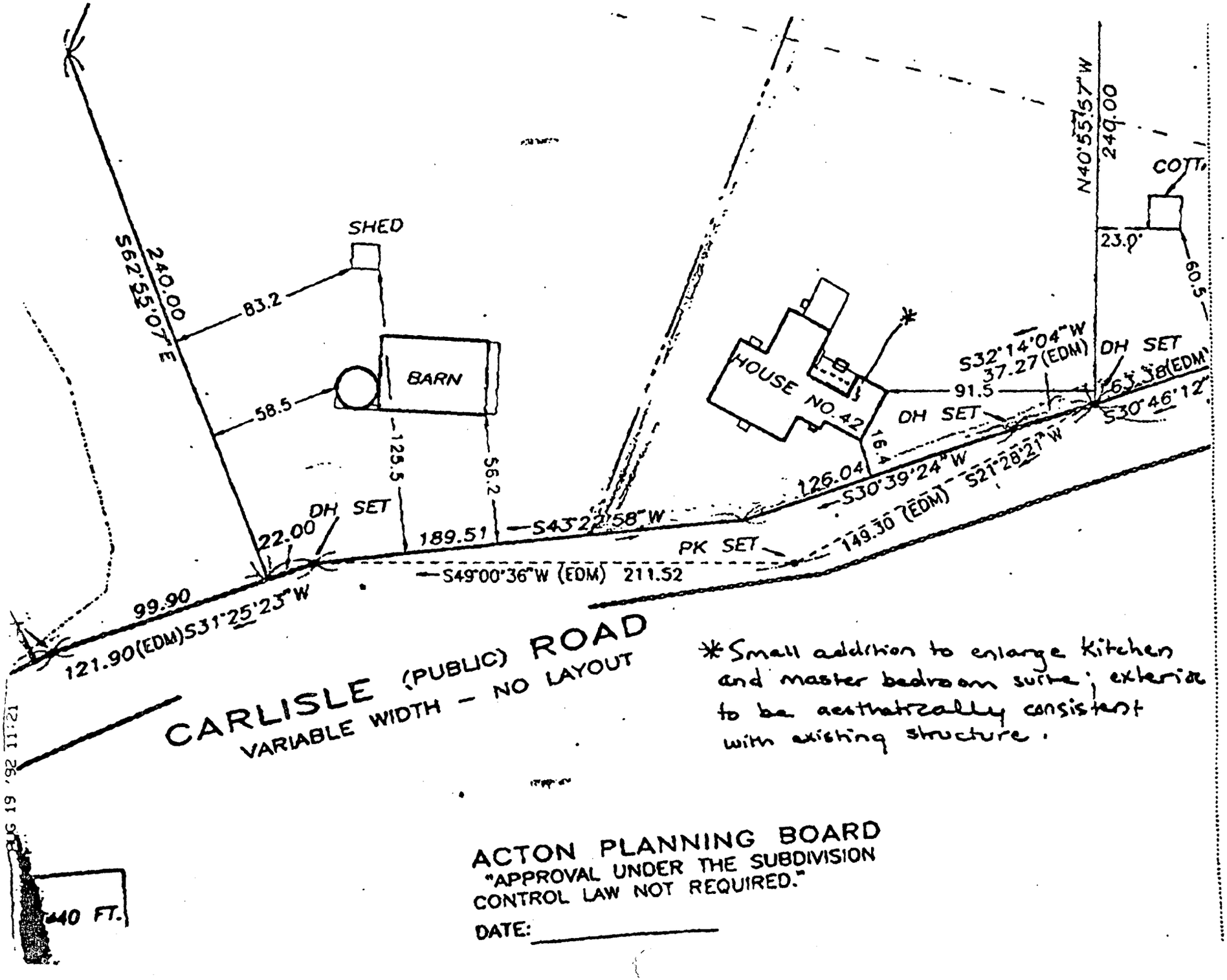
30.23. At the closing, the Seller shall deliver to the Buyer:

(a) a duly executed, sworn and notarized Affidavit of Non-Foreign Status, if required; and

(b) keys to all interior and exterior doors.

Signed under seal this 27th day of August, 1992.

Seller	Buyer
Fiduciary Trust Company, trustee. by [illegible]	Amy L. Davis
Seller	Buyer
Broker	Broker



*Small addition to enlarge kitchen and master bedroom suite; exterior to be aesthetically consistent with existing structure.

ACTON PLANNING BOARD
"APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED."

DATE: _____

MEMORANDUM TO MEMBERS REGARDING CHLORDANE BAN

"The BUYER acknowledges having been informed that the premises to be purchased hereunder have or may have been treated for termite or other pest infestation. The chemical chlordane has been regularly used in pesticide products and may have been applied as part of such treatment. Pesticide products containing chlordane are presently banned in Massachusetts following a determination by the Department of Food and Agriculture that the use of chlordane may cause unreasonable adverse effects on the environment including a risk of cancer. Although, according to the Department, existing data does not conclusively prove that significant health effects have occured as a direct result of chlordane use, the long-term potential health risks are such that it is prudent public health policy to eliminate the further introduction of chlordane into the environment. Neither the SELLER nor the broker have made any warranties or representations or their own regarding the degree of chlordane usage in said premises or the hazards associated therewith.

NOTICE TO SELLERS AND BUYERS REGARDING UREA-FORMALDEHYDE INSULATION

The United States Consumers Product Safety Commission (CPSC) has banned the future sale of urea-formaldehyde foam insulation (UFFI), having determined that such insulation can present an unreasonable health risk to those exposed to it because of the formaldehyde gas which may be released from the product into the interiors of buildings in which it has been installed. The health risks identified by the CPSC include cancer, acute illnesses such as eye, nose, and throat irritation and sensitization.

UFFI is a thermal insulation material that is manufactured at the site of installation and pumped into the space between the walls of the building being insulated where it hardens to form a layer of insulation.

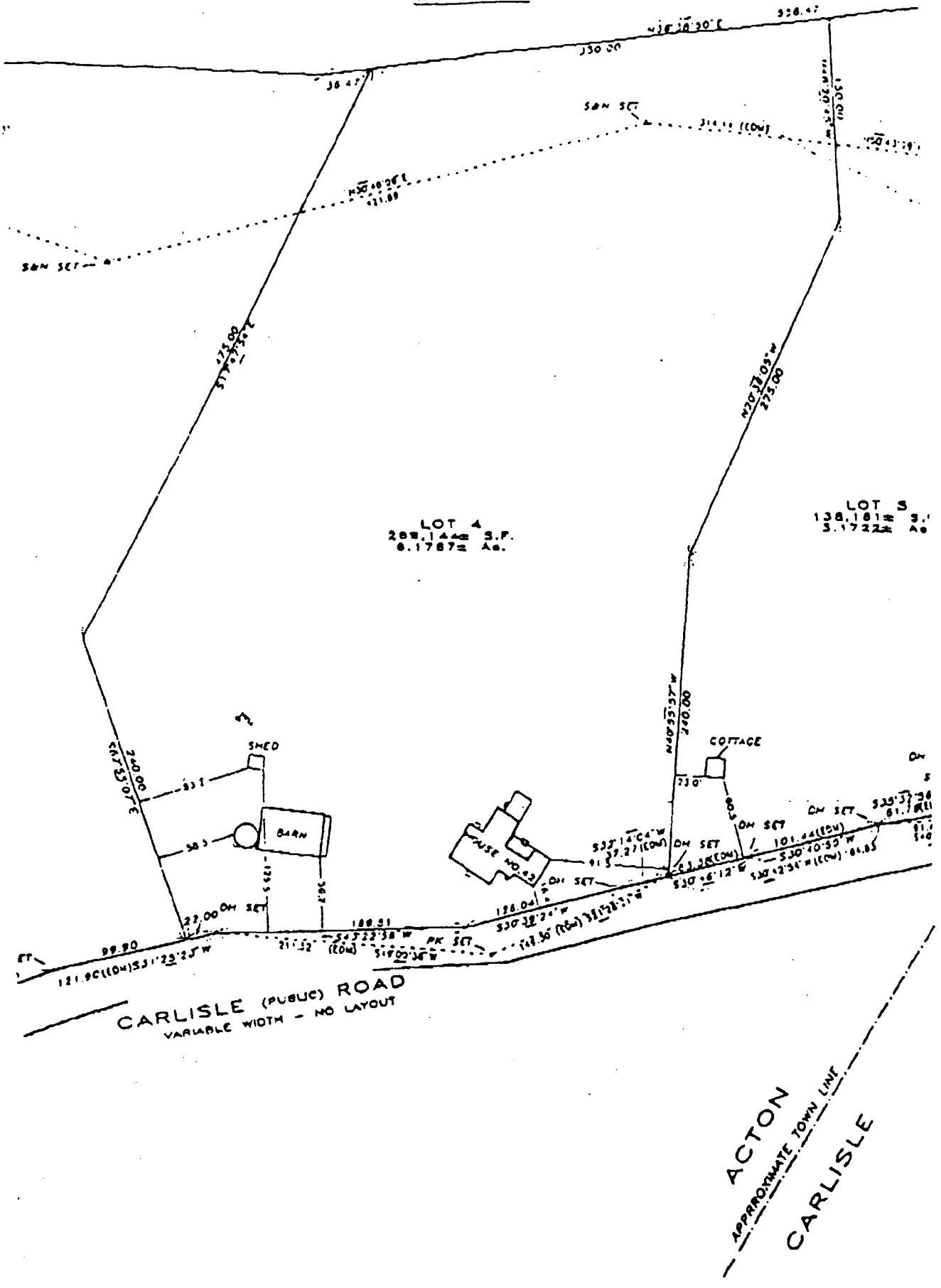
The CPSC banned UFFI after finding that the establishments of standards such as labeling or information disclosure that would not adequately protect the public from the risk of injury associated with UFFI. The ban applies to the sale and installation of UFFI in schools as well as residence.

In view of the potential health risks posed by UFFI, all prospective purchasers must be advised if UFFI is or has been present in a residence. Such disclosure is necessary in view of the trend of the courts away from the common law doctrine of caveat emptor "let the buyer beware" and toward implied warrants of habitability, i.e., that a house sold is fit for human habitation.

In the event an implied warrant of habitability is found to have been breached by a failure to disclose the presence of UFFI, such a finding could result in the recission of the purchase agreement by the Buyer and/or an award of damages against the Seller or any person responsible for disclosing information regarding the property.

For further information, a booklet prepared by the CPSC entitled "Questions and Answers on Urea-Formaldehyde Foam Insulation" can be obtained by writing to the United States Consumer Product Safety Commission, Office of the Secretary, 3rd Floor, 5401 Westbard Avenue, Bethesda, MD 20207.

SCHEDULE A


LOT 4
LOT 3
SHED
BARN
COTTAGE
HOUSE NO. 23
SAN SET
OH SET
PK SET
CARLISLE (PUBLIC) ROAD
VARIABLE WIDTH - NO LAYOUT
ACTON
APPROXIMATE TOWN LINE
CARLISLE

9/8/92
(18)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

September 4, 1992

TO: Don Johnson, Town Manager

From: Lela M. Sorensen, Assistant Assessor

Subject: Withdrawal Taxes/Marshall Property

I have reviewed the copy of the purchase and sale agreement pending on a portion of the Marshall property at 42 Carlisle Road. The withdrawal taxes due the town consistant with the pending sale are approximately $2,500.00 as of September 1, 1992.

NOTE TO BOS -

LELA ADVISES ME THAT WITHDRAWAL TAXES FOR THE ENTIRE PROPERTY KNOWN AS THE MARSHALL FARM WOULD BE IN THE VICINITY OF $130,000. THIS TRANSACTION REPRESENTS ONLY A PORTION OF THE PROPERTY.

Don

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9633

RECEIVED
SEP - 2 1992

September 1, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Assessors
Town of Acton
472 Main Street
Acton, MA 01720

Re: Land and Buildings located on 42 Carlisle Road
Acton, Massachusetts - Lot 4

Dear Sir or Madam:

Enclosed herewith is a copy of an executed Purchase and Sale Agreement between the Trustees of the W.L.M. Trust et al. and Amy L. Davis et al. dated August 27, 1992 ("Agreement"). The land is described as Lot 4 on a plan of land in Acton, Mass. dated August 7, 1992, containing approximately 6.1787 acres, a portion of said plan being attached to the Agreement as Schedule A "the Premises"). A portion of said land is classified as forest lands pursuant to G.L. c. 61.

Pursuant to M.G.L. c. 61, §8, notice of intent to sell the Premises and to convert the land to another use is hereby given to you.

The undersigned have been informed by the office of the Board of Assessors that a portion of the Premises may have been classified by the assessors as agricultural land under G.L. c. 61A. The undersigned do not believe that any written application was ever filed under G.L. c. 61A and therefore no portion of the Premises is subject to the provisions of c. 61A. However, to the extent that any portion of the Premises is subject to the provisions of c. 61A, this letter constitutes notice of intent to sell the Premises and to convert the land to another use pursuant to G.L. c. 61A §14.

The obligations of the buyer under the Agreement to purchase the land and buildings described in the Agreement constitute a "bona fide offer to purchase said land" within Massachusetts General Laws, c. 61, §8 and c. 61A, §14.

The address of the undersigned record owners of the Premises for the purposes of this notice of intent is:

Andrew C. Bailey
c/o Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586.

Very truly yours,

W.L.M. Trust and M.S.M. Trust,
By their Attorney,

Andrew C. Bailey

ACB/rbh
Enclosure

1/1-act

CC: BOS

9/22/92

(6)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/18/92

TO: Planning Board

FROM: Donna Jacobs

SUBJECT: Marshall Land - Ch. 61 Notification
Carlisle Road

Attached is a copy of the formal notice of intent to sell submitted as required by Chapter 61 & 61A of the General Laws. The Board may wish to make recommendations to the Board of Selectmen with regard to the Town's rights to exercise an option to purchase the land.

The parcel that is subject to the option, according to Attorney Andrew Bailey of Powers & Hall, is identified as Lot 4 on the enclosed plan and contains 6+ acres of land located in the R-10 district. The parcel is also in Zones 1 & 2 of the Ground Water Protection District and abuts land owned by the Acton Water District (the Marshall well and pumping station is located on the abutting parcel).

Given the zoning controls already in place, and its proximity to the Water District land, it would appear that the Town of Acton would have no interest in exercising its option. However, the Board may wish to recommend that the Acton Water District be informed to see if they have any interest in the land.

cc: Don P. Johnson, Town Manager

5/22/92

6

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 18, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Marshall Land

Anne Fanton has forwarded the attached papers regarding the subject property. They fall into two categories. The first is a set of earlier memos that Anne would like the Board to see again. The second group is the "old priority list" that Norm Lake requested.

Don

PREVIOUS CORRESPONDENCE

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: August 2, 1991

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Marshall Farm, Carlisle Road

Several departments have recently received inquiries concerning this Chapter 61 property. Although there has been no direct indication to date, the inquiries lead us to believe that the owner may be contemplating action (sale or change of use) that would require the Town to consider its purchase rights under the provisions of Chapter 61.

If the Town is faced with a notice under Chap. 61 we will have only 120 days to meet a purchase offer. The land in question might well be of interest to the Town ... even in these difficult times ... and almost certainly will be offered at a substantial amount.

I have asked several departments to prepare some baseline information in order to provide the Board with as much advance notice as possible. The attached reports will give you the magnitude, location, and current assessed value of the land involved. The memo from Planning also gives a preliminary indication of development potential.

No action is necessary at this time but all indications are that we should be prepared, just in case. I will be happy to provide any additional information you may need in this regard.

Don

DPJ:72

AUG 2 1991

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: August 1, 1991

TO: Don Johnson, Town Manager

FROM: Lela M. Sorensen, Assistant Assessor

SUBJECT: Marshall Property

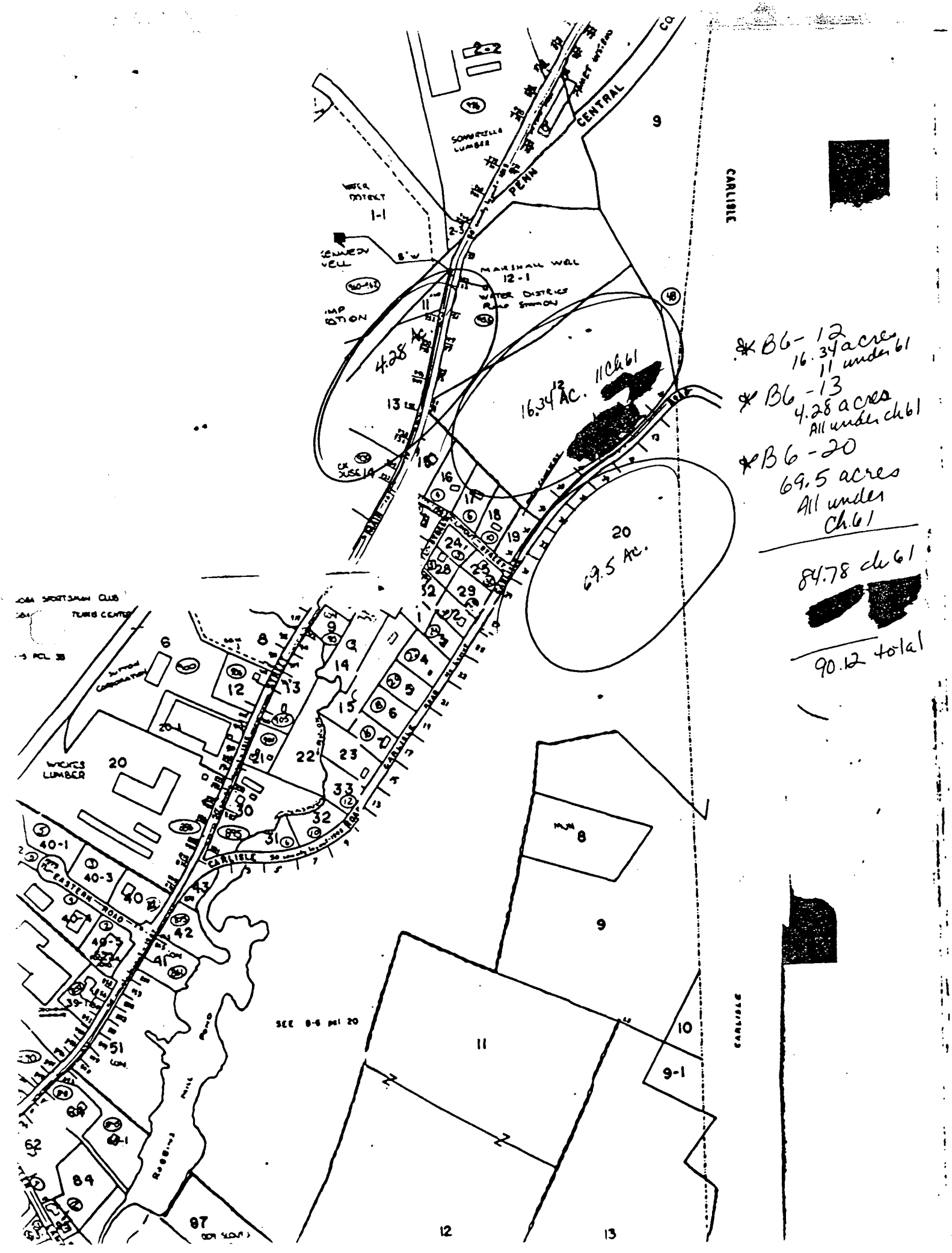
Here is some information concerning the Marshall property. As I mentioned at staff meeting this week, all but 5.34 acres of the 90.12 acres is classified under Chapter 61. The Marshalls were an elderly couple who are now deceased. They were managing the classified land under an approved forest management plan certified by the State Forester in effect from January 1, 1987 to December 31, 1996.

Now that they are both deceased, it appears that the estate has plans to sell and/or develop the property. I have received a request for a summary of back taxes, plus interest from the attorneys for the estate. Also, I have spoken with their office and been told that there are plans to develop the property.

As you know, in the case of Chapter 61 property, the town has a first refusal option on a sale or conversion of use. The town must be notified, and once notified has 120 days to meet an offer to purchase, or in the case of a conversion, to purchase at market value.

Our current market value on the property is $3,375,000. The Chapter 61 value is $545,636. These figures will change once our fiscal 1992 update is complete. The withdrawal penalty tax on the property as of August 1, 1991 amounts to $137,677.18

Attached is a copy of that part of Chapter 61 regarding withdrawal penalty taxes and the first refusal option and a map I put together for your information. If you need more information we have a file on the Marshall property that covers over twenty years.


CENTRAL
PENN
CARLISLE
MARSHALL WALL
12-1
WATER DISTRICT
1-1
4.28 AC.
16.34 AC. 11 Ch 61
69.5 AC.
20
WICKES LUMBER
EASTERN ROAD
SEE B-6 PAR 20
*B6-12
16.34 acres
11 under 61
*B6-13
4.28 acres
All under ch 61
*B6-20
69.5 acres
All under
Ch. 61
84.78 ch 61
90.12 total

town treasurer with interest at the current rate as provided in said section sixty-nine.
Added by St.1981, c. 768, § 1. Amended by St.1986, c. 557, § 70.

§ 4. Failure to file return; notice of delinquency; interest

If an owner of classified forest land fails to file a return required by section three the assessors shall send such owner a notice of delinquency and if such owner fails to file such return within twenty days of such notice the assessors shall determine the amount of the products tax due and assess and commit the same within two years after the date upon which the original return was due. The owner may apply to the assessors for abatement and appeal from their decision as provided in section three. A tax so committed shall bear interest from October first of the year in which the original return was due.
Added by St.1981, c. 768, § 1.

§ 5. Special and betterment assessments

Classified forest land shall be included in the equalized valuation of the town under sections nine to ten C, inclusive, of chapter fifty-eight. Classified forest land shall be subject to special assessments and betterment assessments; provided, however, that such assessments, for purposes other than the installation of water pipes to provide fire protection to such adjacent forest land, shall become due and payable at the time when said land is removed from classification.
Added by St.1981, c. 768, § 1. Amended by St.1987, c. 89.

§ 6. Failure to file return; penalty

An owner of classified forest land, who received the notice provided in section three, fails to make return, shall be subject to a penalty of five dollars a day during the period of delinquency but the assessors may, for cause, abate such penalty in whole or in part; provided, that such penalty shall in no case exceed the amount of the products tax assessed under section three. Penalties assessed hereunder shall be added to the tax, and shall bear interest and be collected as a part of the tax.
Added by St.1981, c. 768, § 1.

§ 7. Withdrawal of land from classification; withdrawal penalty tax

When the owner of classified land withdraws such land or any part thereof from classification, or upon a final determination that said land should be withdrawn from classification, he shall pay to the city or town a withdrawal penalty tax equal to the difference between the amount of taxes which would have been paid under chapter fifty-nine and the sum of the products tax established by section three of this chapter and the land taxes paid from the last prior certification under the provisions of this chapter, or from the immediately preceding five years, whichever period is the longer. There shall be added to the tax due, under this chapter, for each taxable year, an amount of interest determined at the rate as is established under section thirty-two of chapter sixty-two C. When said voluntary withdrawal occurs at the end of a completed certification period, credit against the withdrawal penalty tax shall be given for any tax payments made under the provisions of this chapter during the said certification period. No such credit for products tax shall be given if the land is withdrawn upon a final determination that the land was not properly classified or managed under a forest management plan, or if said land is withdrawn voluntarily by the owner at a time other than the end of the certification period.
Added by St.1981, c. 768, § 1.

§ 8. Conversion of land to residential, industrial or commercial use; notice to city or town; first refusal option

Land taxed under this chapter shall not be sold for, or converted to, residential, industrial or commercial use while so taxed unless the city or town in which such land is located has been notified of the intent to sell for, or so convert to, such other use; provided, however, that the discontinuance of forest certification shall not, in itself, be deemed a conversion. Specific use of land for a residence for the owner or the parent, grandparent, child, grandchild, or brother or sister of the owner, or the surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full time in the forest use of such land, shall not be deemed to be a conversion for purposes of this section and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that a particular use is such a use. For a period of one hundred and twenty days subsequent to such notification, said city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase said land, or,

in the case of intended conversion not involving sale, an option to purchase said land at full and fair market value to be determined by impartial appraisal. After a public hearing, said city or town may assign either of such options to a nonprofit conservation organization under such terms and conditions as the mayor or board of selectmen deem appropriate. Such assignment shall be for the purpose of maintaining the major portion of the property subject to this assignment in use as forest land. Notice of such public hearing shall be given in accordance with the provisions of section twenty-three B of chapter thirty-nine. Such notice of intent shall be sent by the landowner by certified mail to the mayor and city council of a city, or to the board of selectmen of a town, to its board of assessors and to its planning board and conservation commission, if any, and said option period shall run from the day following the latest date of deposit of any such notices in the United States mail. No sale or conversion of such land shall be consummated unless and until either said option period shall have expired or the landowner shall have been notified in writing by the mayor or board of selectmen of the city or town in question that said option will not be exercised. Such option may be exercised only by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds, within the option period. If either option has been assigned to a nonprofit conservation organization as provided in this section, such written notice shall state the name and address of such organization and the terms and conditions of such assignment. An affidavit before a notary public that he has so mailed such notice of intent on behalf of a landowner shall conclusively establish the manner and time of the giving of such notice; and such an affidavit, and such a notice that the option will not be exercised, shall be recorded with the registry of deeds. Each notice of intention, notice of exercise of the option and notice that the option will not be exercised shall contain the name of the record owner of the land and description of the premises so to be sold or converted adequate for identification thereof; and each such affidavit before a notary public shall have attached to it a copy of the notice of intention to which it relates. Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the town or city clerk; and in the case of notice to a city council or board or commission, addressed to it as such entity. The provisions of this section shall not be applicable with respect to a mortgage foreclosure sale, but the holder of a mortgage shall, at least ninety days before a foreclosure sale, send written notice of the time and place of such sale to the parties and in the manner above provided in this section for notice of intent to sell or convert, and the giving of such notice may be established by an affidavit as above set forth.
Added by St.1981, c. 768, § 1. Amended by St.1987, c. 95, §§ 1, 2; St.1987, c. 142, §§ 1, 2.

TOWN OF ACTON

AUG 2 1991

INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/31/91

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Asst. Planner

SUBJECT: MARSHALL LAND - Development Potential
B6-12, B6-13, & B6-20

As per your request I have reviewed the three parcels in question for development potential. Attached for your reference is a copy of the Town Atlas Map B-6 indicating the location of these parcels to which I have added the acreage, frontage, existing conditions and zoning district information.

Parcel B6-12 house & outbuildings on 16.35 acres
It appears that this parcel will yield four+ building lots. One likely development scheme could create one (1) five acre reduced frontage lot for the existing house and outbuildings (to allow agricultural use to continue) and 3 additional "ANR lots". If a subdivision road were constructed, the parcel may yield one or two additional lots. However, it is questionable whether the additional lots will offset the cost of the road.

Parcel B6-13 vacant land
Although this 4.28 acre parcel is zoned Small Manufacturing and has ample frontage, it is unlikely that the parcel will be developed due to development constraints caused by wetlands and floodplain.

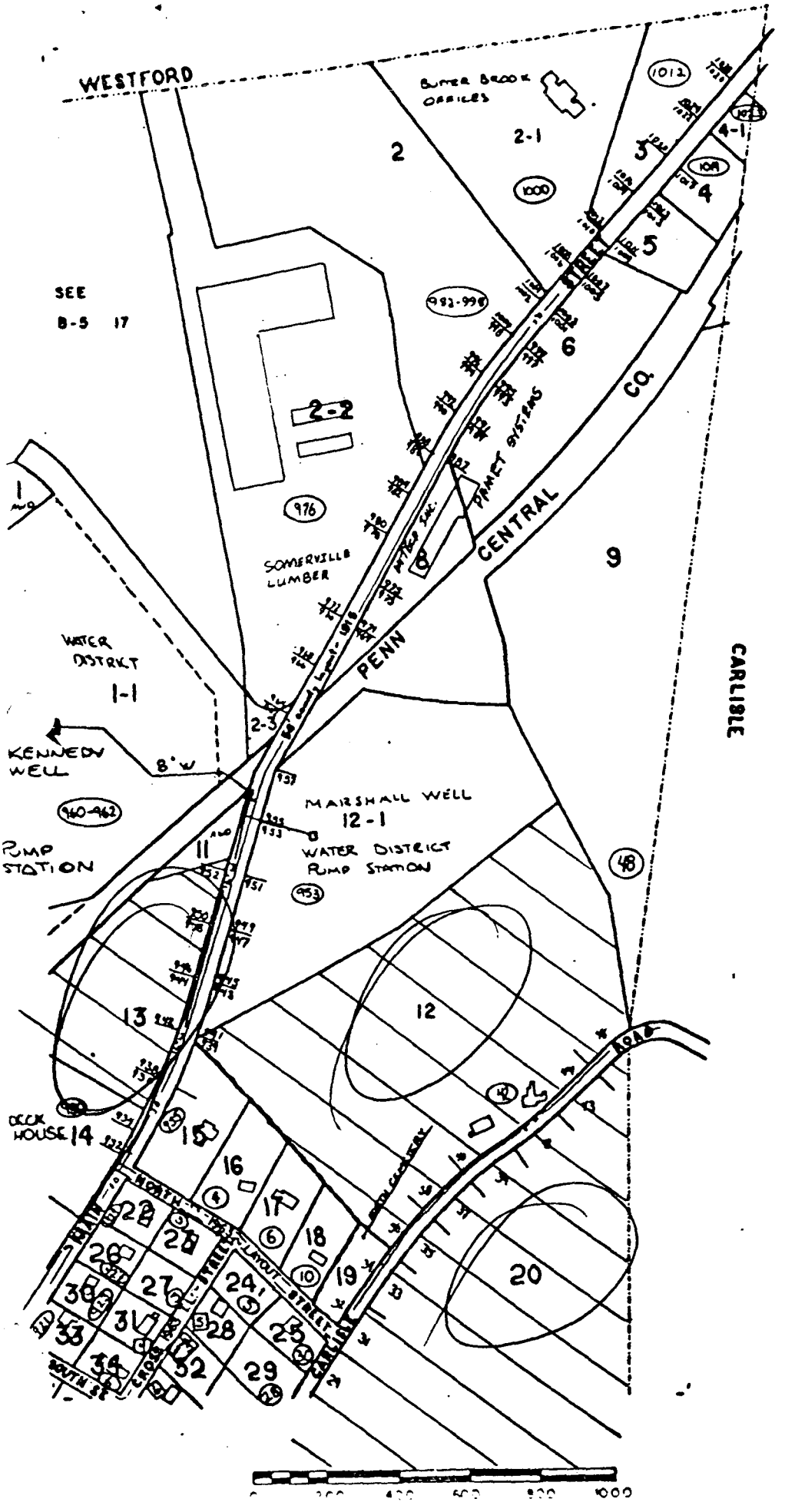
Parcel B6-20 vacant land
From a superficial perspective, this parcel has a high potential for development. The 69.5 acres are located in both the R-10/8 zoning district and the Affordable Housing Overlay District (subdistrict A) and could be developed in any of the following scenarios:

1) Using the R-10/8 zoning without the open space option, it is reasonable to assume that you could take the standard development approach by deducting 25% of the land for roads and land that is not suitable for development, and yield twenty-one (21) 2.5 acre house lots. However, one or two additional lots may be realized due to the ample frontage.

2) When you recalculate based on the open space option, the lot yield is increased to twenty-six (26) and 50% remains as open space.

3) Factoring in the Affordable Housing Overlay District (which also uses the open space option in 2) above) increases the lot yield from twenty-six (26) to thirty-two (32).

In summary, it appears that the three parcels combined will yield approximately twenty-five (25) to thirty-six (36) lots depending on suitability of soil for sewage disposal.



PROPERTY OF
MARY S. MARSHALL, et al

86-12 42 CARLISLE ROAD
16.35 ACRES
955' FRONTAGE
EXISTING HOUSE & OUTBUILDING
ZONING - RESIDENCE 10

86-13 936 MAIN STREET
4.28 ACRES
750' FRONTAGE
VACANT (95% WET)
ZONING - SMALL MANUFACTURING

86-20 3-47 CARLISLE ROAD
69.5 ACRES
3,225' FRONTAGE
VACANT (10% WET)
ZONING - RESIDENCE 10/8

A-5	A-6	
B-5	B-6	

August 2, 1991

TO: Don Johnson, Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Marshall Chapter 61 land

In 1987 the Chapter 61 & 61A Task Force prioritized all properties in Acton which fall in those categories. Each property was evaluated on a point system, in six different areas, with maximum attainable points of 100. The six areas, with associated points were as follows:

1.	Aquifer Protection	25 points
2.	Valued Perception	25 points
3.	Open Space	20 points
4.	Traffic Impacts	15 points
5.	Abuts Town Property	10 points
6.	Potential Development Use	5 points
		---
		100 points

The Marshall land which is partially in the Well Buffer Zone, is one of the larger Chapter 61 parcels and abuts Water District land, scores a total of 80 points under those criteria. Only the Conant, Whittier and Morrison parcels had higher totals than the Marshall land.

The soils on the Marshall land to the east of Carlisle Road are generally poor till with high groundwater and slow percolation rates. Development of this portion may prove to be difficult. However, the land to the west of Carlisle Road has aquifer soils which can be very conducive for septage disposal. If a developer proposed a treatment plant to the west of Carlisle Road and built on the east the development potential of the property could be unlimited, especially if moderate or low income housing is proposed.

"OLD" PRIORITY LIST

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

February 17, 1987

TO: Chapter 61 &61A Task Force

FROM: Doug Halley, Conservation Administrator

SUBJECT: Prioritizing values of Chapter 61 & 61A land

There are currently 50 parcels of land, held by 22 seperate owners, under Chapter 61 or 61A programs. In order to assess the value of these properties to the Town the task force must decide what values of the Town need to be protected and what uses the properties could serve. One of the first steps the task force must take is to agree on how each property will be analyzed. An analysis of each individual parcel could generate misleading results. For an example the Simeone property in South Acton consists of several small parcels abutting each other. Taken independently they have little value to the Town but as a whole the value increases dramatically. Grouping the parcels by ownership and natural property divisions, whenever possible, will give an accurate account of the real value of each property. Also, as these parcels are taken out of Chapter 61 & 61A, it is more likely that an individual owner will remove all his property from the program at one time, forcing the Town to consider the entirety of the owner's holdings and not just a part of them.

The groupings that I find the most logical and easiest to assess would be the following:

Designation #	Lot #	Owner	Acreage	Street
A	1	Anderson	39	Newtown Road
B	2	Conant	11	Main Street
C	3	Conant	51	Nagog Hill Road
D	4	Conant	84	Main Street
E	5 & 6	Conant	149	Main Street
F	7 & 8	Greene	81	Pope Road
G	9	Groener	17	Behind Nagog Hill
H	10 - 15	MacPherson	15	Behing Quarry
I	16 - 19	Moritz	33	Wetherbee Road
J	20 & 21	Okada	45	Behind Wheeler
K	22 - 26	Palmer	133	Great Road
L	27 & 28	Pannell	20	Behind Carlisle Rd
M	29	Sweeney	4	Windemere Road
N	30 - 32	Whittier	38	Main Street
O	33	Diduca	16	Great Road
P	34	Flagg	10	Strawberry Hill Rd
Q	35	Hebert	16	Prospect Road
R	36	Morrisson	32	Concord Road
S	37	Nelson	17	Parker Street
T	38	Shaker Meadows	12	Behind Mass Ave.
U	39 & 40	Simeone	11	Stow Street
V	41 - 47	Simeone	54	Stow Street
W	48 & 49	Sisson & Teele	30	Mass Avenue
X	50	Whitcomb	17	Summer Street

With the lots grouped in this manner an evaluation of the properties against the Town's needs can be accomplished.

The following are the values I have either heard the task group express, or other individuals within the Town express, that the town should protect:

1.) Maintain open space - Neighborhood buffers.
2.) Aquifer protection - Preserve the Town's water resources.
3.) Intensity of use - limit the more intense uses in the Town.
4.) Traffic - limit and control traffic levels.
5.) Increase Town Holdings - Expand existing Conservation, Town or Water District land.

In addition, under any evaluation, the general feelings of the task force towards the properties should be taken into consideration. This would be stated in the evaluation as follows:

6.) Valued Perception - individuals assessments of each property.

These six assessments of a property must be given numerical values according to their priorities. With the types of problems the Town has encountered concerning water resources it is my feeling this value should be top priority. The inverse to the particular concern of water resources would be the valued perception of each member of the task force. This general assessment of each property according to each members perception of the Town's needs and goals should be weighted equally with the concern for water resources. On a slightly lesser scale is the Town's concern for open space. Open Space, like Aquifer protection, is a finite resource. As more development occurs within the Town there will be more demand for Open Space. I would rate traffic to be a slightly less priority to Open Space because the simple acquisition of land does not necessarily have a dramatic impact on traffic problems as the acquisition of land for Aquifer protection and open space do. The increase of Town properties I would rate as being the fifth priority. This is certainly not the Town's primary goal but rather a secondary purpose when not conflicting with the other priorities. The last priority, among the values listed, would be the intensity of use. Again this is not a primary goal but a secondary one and should only be considered when not conflicting with the other listed goals. On a system of 100 total points I would list the priorities as follows:

1.)	Aquifer Protection	25
2.)	Valued Perception	25
3.)	Open Space	20
4.)	Traffic	15
5.)	Increase Town Property	10
6.)	Intensity of use	5
		100

An evaluation of aquifer protection must take into account the three areas defined by the Lycott study as the Well Buffer area, Recharge Protection area and Aquifer Protection areas. In addition, it must be taken into account that several of the properties are in two of these areas. The point method

for aquifer evaluation would be as follows:

land within buffer zone	25
land within buffer and recharge	20
land within recharge protection	15
land within recharge & aquifer	10
land within aquifer protection	5
land within aquifer	0

An evaluation for the valued perception of each property can be determined by each member of the task force and then an average can be determined by those results. There are 24 groupings as I have proposed and each member should list the properties with the most important receiving 25 points and the least important receiving 2 points.

An evaluation for open space potential can be based simply on the size of each grouping in acreage. The largest would receive 20 points and each parcel smaller would receive one less down to the four smallest which would receive 0 points.

An evaluation for traffic potential should be based on the road system a property has frontage on. The more accessible the road, the more dramatic the impacts should any of these properties be developed. I would score each road that serves for frontage for each property in the following way.

Frontage on Intertown Road	15
Connector Road between Intertown Road & Town Line	13
Connector Road between 2 Intertown Roads	11
Secondary Road between Connector Road & Town Line	9
Secondary Road between Connector Road & Intertown Road	7
Secondary Road between 2 Connector Roads	5
Secondary Road between 2 Secondary Roads	3
No Frontage	1

An evaluation for the ability to increase to Town Property can be done in the following way.

Abutting water district land	10
Abutting Conservation land	7
Abutting Municipal land	4
Abutting other Public land	1
Non - Abutting	0

An evaluation for the potential intensity of use of each property can be seen in the following way.

Zone	General Industrial	5
	Light Industrial	4
	General Business	3
	Half acre	2
	One acre	1
	Two acre	0

This is how I would recommend analyzing all the properties within

Chapter 61 & 61A. I would appreciate it if the members of the task force review and comment on this proposed evaluation so that it can be amended at the next meeting and a target list of properties can be established.

0598C

CHAPTER 61 & 61A

VALUED PERCEPTION LIST *

Selectmen		Health		Planning		Staff	
Morrison	- R	Palmer	- K	Conant	- B	Palmer	K
Hebert	- Q	Whittier	- N	Morrison	- R	Conant	B
Simeone	- U	Diduca	- O	Hebert	- Q	Diduca	O
Simeone	- V	Flagg	- P	Simeone	- U	Morrison	R
Conant	- B	Morrison	- R	Simeone	- V	Simeone	V
Whittier	- N	Anderson	- A	Sisson	- W	Sisson	W
		Conant	- B	Greene	- F	Whittier	N
		Greene	- F	Conant	- C	Moritz	I
		Moritz	- I	Palmer	- K	Anderson	A
						Simeone	U

* Derived from Task Force members representing the following Boards & Staff

AVERAGE VALUED PERCEPTION (1)

	OWNER	REFERENCE CODE	POINT # (2)
1.	Morrison	R	25
2.	Conant	B	24
3.	Palmer	K	23
4.	Simeone	V	22
5.	Whittier	N	21
6.	Hebert	Q	20
7.	Simeone	U	19
8.	Diduca	O	18
9.	Sisson & Teele	W	17
10.	Anderson	A	16
11.	Flagg	P	15
12.	Greene	F	14
13.	Moritz	I	13
14.	Conant	C	12

(1) Average value derived from the value perception list of each individual Task Force member.

(2) Points assigned 12-25 with the highest rated property receiving 25 points and the lowest 12 points.

TOTAL POINTS OF CHAPTER 61 & 61A LAND *

Reference Code	Owner	Aquifer Protection	Valued Perception	Open Space	Traffic	Increase Town Property	Intensity of use		Points	Rating
A	Anderson	5	16	14	13	7	0	=	55	8
B	Conant	10	24	20	15	10	2	=	81	2
C	Conant	0	12	16	9	10	0	=	47	
F	Greene	0	11	18	13	7	0	=	49	10
G	Groener	0	0	8	1	7	0	=	16	
H	MacPherson	5	0	3	1	7	5	=	21	
I	Moritz	15	13	12	11	7	2	=	60	6
J	Okada	0	14	15	1	7	0	=	37	
K	Palmer	5	23	19	15	10	3	=	75	4
L	Pannell	0	0	9	1	5	0	=	15	
M	Sweeney	0	0	0	3	0	2	=	5	
N	Whittier	20	21	13	15	10	3	=	82	1
O	Diduca	15	18	4	15	0	3	=	55	7
P	Flagg	10	15	0	7	0	0	=	32	
Q	Hebert	0	20	5	7	0	3	=	34	
R	Morrison	20	25	11	11	7	2	=	76	3
S	Nelson	15	0	6	9	0	2	=	32	
T	Shaker Meadows	5	0	2	1	0	2	=	10	
U	Simeone	0	19	1	9	0	2	=	31	
V	Simeone	0	22	17	9	3	2	=	53	9
W	Sisson & Teele	10	17	10	15	7	2	=	61	5
X	Whitcomb	10	0	7	9	0	2	=	28	

* Points assigned on a 100 point base at the following rates.

1.)	Aquifer Protection	0 - 25
2.)	Valued Perception	0 - 25
3.)	Open Space	0 - 20
4.)	Traffic	0 - 15
5.)	Increase Town Property	0 - 10
6.)	Intensity of Use	0 - 5

CHAPTER 61 FORESTRY

Map/Lot	Owner	Map #	Total Acreage of Parcel	Chapter 61 Acreage	Beginning Date of Agreement	Ending Date of Agreemen
D3 10	Anderson, Genevieve	1	39.00	34.20	01 01 85	12 31 94
E4 11	Conant, Acton RE Trust	2	11.23	11.23	01 01 84	12 31 93
C4 24	Conant, Brewster	3	51.00	51.00	01 01 84	12 31 93
E4 47	Conant, Brewster	4	84.41	84.41	01 01 84	12 31 93
E4 9	Conant, Brewster	5	141.30	139.30	01 01 84	12 31 93
D4 20	Conant, Brewster	6	7.65	7.65	01 01 84	12 31 93
D6 3	Greene, Pauline	7	79.80	73.50	01 01 83	12 31 92
E6 01	Greene, Pauline	8	1.25	1.25	01 01 83	12 31 92
D4 37	Groener, John & Jill	9	17.10	15.00	01 01 86	12 31 95
B5 20	MacPherson, I	10	2.50	1.50	01 01 86	12 31 95
B5 21	MacPherson, I	11	2.00	2.00	01 01 86	12 31 95
B5 21 1	MacPherson, I	12	3.00	3.00	01 01 86	12 31 95
B5 26	MacPherson, I	13	2.20	2.20	01 01 86	12 31 95
B5 27	MacPherson, I	14	1.30	1.30	01 01 86	12 31 95
B5 14	MacPherson, I	15	4.50	4.50	01 01 86	12 31 85
G4 188	Moritz, Clement	16	2.30	2.30	01 01 83	12 31 92
G4 179	Moritz, Clement	17	1.60	1.60	01 01 83	12 31 92
G4 189	Moritz, Clement	18	1.48	1.48	01 01 83	12 31 92
G4 174	Moritz, Clement	19	27.71	27.71	01 01 83	12 31 92
D5 12	Okada, Robert	20	16.88	16.88	01 01 83	12 31 92
C5 104	Okada, Robert	21	28.00	28.00	01 01 83	12 31 92
D4 2	Palmer, Patrick	22	55.00	55.00	01 01 83	12 31 92
D4 4	Palmer, Patrick	23	20.00	20.00	01 01 83	12 31 92
D4 7	Palmer, Patrick	24	5.60	5.60	01 01 83	12 31 92
D4 16	Palmer, Patrick	25	25.50	25.50	01 01 83	12 31 92
D4 17	Palmer, Patrick	26	27.00	27.00	01 01 83	12 31 92
C6 9	Pannell, Gladys	27	19.00	19.00	01 01 84	12 31 93
C6 9 1	Pannell, Gladys	28	1.25	1.25	01 01 84	12 31 93
G1 280	Sweeney, Barbara	29	4.32	4.32	01 01 84	12 31 93
E4 3	Whittier, John	30	28.00	25.50	01 01 86	12 31 95
D4 24	Whittier, John	31	2.00	2.00	01 01 86	12 31 95
D4 25	Whittier, John	32	8.00	8.00	01 01 86	12 31 95

CHAPTER 61 & 61A LAND

OWNER	REFER CD	POINTS	AQUIFER	OPN SPC	FRNTG RD	ABTS P.L.	ZONE	LND VAL	TTL VAL	ABTS BRK
ANDERSON	A	55	PROT	039AC	NEWTOWN RD	CONS	2AC	072,475	130,875	GRASSY POND
CONANT	B	81	REC PROT	244AC	MAIN ST	W.D./CONS	1/2AC/2AC	065,070	229,870	CONANT/NASHOBA
DIDUKA	O	55	RECH	016AC	GREAT RD	NONE	G.B. 2AC	114,400	217,500	NONE
MORITZ	I	60	RECH	033AC	WETHERBEE RD	CONS	1/2AC	144,900	441,900	NASHOBA
MORRISON	R	76	BUFF RECH	032AC	CONCORD RD	TOWN/CEME	1/2AC	039,700	146,200	NASHOBA
OKADA	J	37	NONE	045AC	NONE	CONS	2AC	005,450	005,450	NASHOBA
PALMER	K	75	PROT	133AC	GREAT RD	W.D./CONS	G.B./2AC	095,965	214,865	NAGOG
SIMEONE	V	53	NONE	054AC	STOW ST	TOWN	1/2AC	040,100	137,800	FORT POND
SISSON TEELE	W	61	RECH PROT	030AC	MASS AVE	CONS	1/2AC	092,400	309,300	FORT POND
WHITTIER	N	82	BUFF REC	38 AC.	MAIN ST	W.D.	G.B. 2AC	061,675	180,575	CONANT

CHAPTER 61 & 61A LAND

POINTS	REFER CD	OWNER	AQUIFER	OPN SPC	FRNTG RD	ABTS P.L.	ZONE	LND VAL	TTL VAL	ABTS BRK
37	J	OKADA	NONE	045AC	NONE	CONS	2AC	005,450	005,450	NASHOBA
53	V	SIMEONE	NONE	054AC	STOW ST	TOWN	1/2AC	040,100	137,800	FORT POND
55	A	ANDERSON	PROT	039AC	NEWTOWN RD	CONS	2AC	072,475	130,875	GRASSY POND
	O	DIDUKA	RECH	016AC	GREAT RD	NONE	G.B. 2AC	114,400	217,500	NONE
60	I	MORITZ	RECH	033AC	WETHERBEE RD	CONS	1/2AC	144,900	441,900	NASHOBA
61	W	SISSON TEELE	RECH PROT	030AC	MASS AVE	CONS	1/2AC	092,400	309,300	FORT POND
75	K	PALMER	PROT	133AC	GREAT RD	W.D./CONS	G.B./2AC	095,965	214,865	NAGOG
76	R	MORRISON	BUFF RECH	032AC	CONCORD RD	TOWN/CEME	1/2AC	039,700	146,200	NASHOBA
81	B	CONANT	REC PROT	244AC	MAIN ST	W.D./CONS	1/2AC/2AC	065,070	229,870	CONANT/NASHOBA
82	N	WHITTIER	BUFF REC	38 AC.	MAIN ST	W.D.	G.B. 2AC	061,675	180,575	CONANT

9/22/92 (6)
SEP - 9 1992

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/8/92

TO: JOHN MURRAY

FROM: CATHY BELBIN

SUBJECT: COSTS FOR SPECIAL TOWN ELECTION AND SPECIAL TOWN MEETING

The costs that I have come up with for a special town election and a special town meeting are as follows:

SPECIAL TOWN ELECTION

Printing of ballots	$1075.00
Programming for ballots	250.00
Personnel at Polls (7:00 a.m. - 8:00 p.m.) and for tallying results	2900.00
Police Coverage	1300.00
Highway Department Costs	650.00
Municipal Properties Costs	240.00
Custodian (for Conant School only)	110.00
Miscellaneous Costs	35.00
Personnel (Clerk's office)	1600.00
Total Cost for Special Town Election	$8160.00

SPECIAL TOWN MEETING

Printing of Warrant	500.00
Personnel (Election Workers)	450.00
Police Coverage	400.00
Municipal Properties Costs	75.00
Custodians	320.00
Personnel (Clerk's office)	1600.00
Moderator	20.00
Total Cost for Special Town Meeting	$3365.00

9/8/92 (18)

9/22/92 (6)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

September 4, 1992

TO: Don Johnson, Town Manager

From: Lela M. Sorensen, Assistant Assessor

Subject: Withdrawal Taxes/Marshall Property

I have reviewed the copy of the purchase and sale agreement pending on a portion of the Marshall property at 42 Carlisle Road. The withdrawal taxes due the town consistant with the pending sale are approximately $2,500.00 as of September 1, 1992.

NOTE TO BOS -

LELA ADVISES ME THAT WITHDRAWAL TAXES FOR THE ENTIRE PROPERTY KNOWN AS THE MARSHALL FARM WOULD BE IN THE VICINITY OF $130,000. THIS TRANSACTION REPRESENTS ONLY A PORTION OF THE PROPERTY.

Don

Powers & Hall
Professional Corporation
Attorneys at Law
100 Franklin Street
Boston, Massachusetts 02110-1586
617-728-9600
Facsimile 617-728-9633

RECEIVED
SEP - 2 1992

September 1, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Assessors
Town of Acton
472 Main Street
Acton, MA 01720

Re: Land and Buildings located on 42 Carlisle Road
Acton, Massachusetts - Lot 4

Dear Sir or Madam:

Enclosed herewith is a copy of an executed Purchase and Sale Agreement between the Trustees of the W.L.M. Trust et al. and Amy L. Davis et al. dated August 27, 1992 ("Agreement"). The land is described as Lot 4 on a plan of land in Acton, Mass. dated August 7, 1992, containing approximately 6.1787 acres, a portion of said plan being attached to the Agreement as Schedule A "the Premises"). A portion of said land is classified as forest lands pursuant to G.L. c. 61.

Pursuant to M.G.L. c. 61, §8, notice of intent to sell the Premises and to convert the land to another use is hereby given to you.

The undersigned have been informed by the office of the Board of Assessors that a portion of the Premises may have been classified by the assessors as agricultural land under G.L. c. 61A. The undersigned do not believe that any written application was ever filed under G.L. c. 61A and therefore no portion of the Premises is subject to the provisions of c. 61A. However, to the extent that any portion of the Premises is subject to the provisions of c. 61A, this letter constitutes notice of intent to sell the Premises and to convert the land to another use pursuant to G.L. c. 61A §14.

The obligations of the buyer under the Agreement to purchase the land and buildings described in the Agreement constitute a "bona fide offer to purchase said land" within Massachusetts General Laws, c. 61, §8 and c. 61A, §14.

The address of the undersigned record owners of the Premises for the purposes of this notice of intent is:

Andrew C. Bailey
c/o Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586.

Very truly yours,

W.L.M. Trust and M.S.M. Trust,
By their Attorney,

Andrew C. Bailey

ACB/rbh
Enclosure

1/1-act

9/22/92

7

SELECTMEN'S MEETING
AUGUST 25, 1992

The Board of Selectmen held their regular meeting on Tuesday, August 25, 1992, present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON- NAGOG HILL ROAD

DORE' HUNTER - Moved to approve with conditions satisfied regarding rebuilding of stonewall. NORM LAKE - Second. UNANIMOUS

VCC OVERSIGHT MEETING

Nancy Whitcomb, Chairman of the VCC introduced the members present and outlined the past years accomplishments. They have interviewed 48 different people during the past fiscal year. She explained the process used to recruit and interview people for placement. She further outlined several projects such as the Board of Health, Historic District Commission and Ft. Devens Task Force which they had successfully recruited for and found very good members for. Walter George explained his research project into the background, special qualifications and charges of the boards and committees throughout Town. Charlie Kadlec outlined his need to have an organized data base for the Committee to use to access lists and such. They require and asked to be notified if anyone knew of any inexpensive soft ware which might be used for these lists. His ultimate goal would be to have it on the Town's hardware perhaps through a floppy.

The committee had several questions regarding the Recreation Commission. It appears that there is some confusion as to the name and charge of the current commission. Dore' outlined the Recreation Commission history of splitting to facilities planning at the Town level with programing at the School level. Anne suggested the NARA be a separate committee. Dore' thought the issue could be addressed at a future meeting. He commended the VCC on the fine job they were doing filling vacancies and providing minutes to the Board. VCC also wanted to know the status of the Investment Advisory Committee and Audit Monitoring COMMITTEE as well as Public Ceremonies. Dore' referred those to the Manager since they were Town Manager Appointments. Don explained they were Ad Hoc Committees before we had staff to oversee and were not utilized in the last several years. Dore' felt perhaps since they were of ad hoc nature perhaps they could be removed from the list and re-categorized and moved away from

VCC duties for recruitment. Bill wanted to address this at the next meeting.

Anne asked about a letter of thanks when members finish their terms. Nancy Whitcomb explained that they have thought about it as a committee and are looking at ways to let people know their efforts have been appreciated.

CONTINUED CABLE TV TRANSFER HEARING

Mr. Joseph Neal and John Hendricks responded to the concerns expressed at the last meeting going over their written responses point by point. Bill questioned how rates were determined. They replied that it was reviewed annually and rates established. Ms. Ingraham of 6 Puritan Road thanked the Company for meeting with her to clarify her concerns but felt that there were still issues outstanding that needed to be addressed. She wanted the $50,000.00 budget explained. She also wanted Outreach training and the use of channels clarified. She stressed that the use of channels was at the discretion of the Licensing Authority and that as such, they should be asked for use permission.

Don Johnson mentioned the American's with Disability Act and asked about possible help that Cablevision could offer at Town meetings and what role they could play to facilitate opportunities for citizens that would like to participate but were unable to due to a disability.

Dore' Hunter felt it was time to establish a Cable TV Advisory Committee and to get them up and running prior to the time for renewal.

DORE' HUNTER - Moved to grant approval of Transfer contingent upon acceptance of the Bond filed 8/25/92. NORM LAKE - Second. UNANIMOUS VOTE.

Nancy clarified the Board's support for the transfer as not necessarily an agreement that Cablevision is in full compliance with the license requirements in the following areas: Community outreach training, use of local access channels and budgeting.

COMMON VICTUALLER'S LICENSE - BEEF AND ALE

DORE' HUNTER - Moved to approve the Common Victualer License of Richard Tanzi Monday-Sat 6:00 to 12:00 and Sunday 1:00 to 12:00 midnight. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

BEER AND WINE ALCOHOLIC BEVERAGE TRANSFER
BEEF AND ALE - 134 Great Road

DORE HUNTER - Moved to approve the Transfer of the Beer and Wine Common Victualer License from John Pacelli to Richard Tanzi-NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted - DORE' HUNTER - Moved to accept. ANNE FANTON Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Ft. Devens Springfield Terminal - Anne explained the proposed line and operation and the need for a town response to the EIR.

School COLA - Dore' reviewed the memo from John Murray and commented that the Coordinating Committee would get a report from the schools at the next meeting. Dore' expressed frustration that the comparative salaries had not yet been prepared by the school, he would like our staff to gather some numbers and see if they could get a picture of trends.

Health Costs - Nancy asked about the percentage used vs. contributed. She asked if there were anyway to adjust the costs. Don felt it would be difficult. Next year the Townside might suffer a large claim, Nancy wanted to know if there could be some way to track costs school vs. town, as it could equate to $250,000 in Municipal savings considering the current trends.

Concord Road/Newtown Road- Anne asked to have staff take action to look at all alternatives with regard to this intersection before placing a light. The Board discussed various approaches to solving the traffic situation at the center and potentially at Post Office Sq. as outlined in the Master Plan.

Letters of thanks - Nancy asked the Board's permission to draft two letters. A letter to the Police congratulating the Police on Accreditation and to the Beacon thanking the Garden Club for all their assistance in beautifying the Town. The Board agreed and directed Nancy to prepare the letters.

TOWN MANAGER'S CONCERNS

Don reported that there appears to be no need for a Fall Town Meeting at this time but would have a better idea in several weeks. The Board urged the Town Manager to avoid a Fall Town Meeting and associated costs if at all possible.

South Acton Bridge - Don explained the condition of the Bridge and that the rating has been moved from #26 on the list to #3. All trucks over 6 ton are prohibited from use and the Police

are monitoring this. The emergency vehicles are also banned from using the bridge and snow removal procedures are being formed. Bill asked for a press release to notify those on the other side of the status.

Police Sign - Mr. Adams a resident has donated a sign to replace the current Police sign. The proposed sign will have the Accrediation seal and will be given at no cost to the Town. Anne wanted to be sure that the sign met the Bylaw. Don said preliminary review by Building Commissioner has deemed it to be in compliance. DORE' HUNTER - Moved to accept the gift of the sign that meets the requirements of the Sign Bylaw. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CAC - Land Bank - Don wanted to know if we wanted a member to participate. It was decided that we did and we could designate a Task Force member as our designee if they wanted a BOS member.

Fire Chief - Don announced that after review of 53 applications and his interviewing of 8 candidates with the final 4 interviewed by a panel of three, Robert Craig was appointed by unanimous vote as the Fire Chief. The chairman offered her congratulations.

Transfer Station - Don wanted the board to be aware of an issue at the transfer station. Apparently a residential sticker was purchased and is being used as a commercial use. We have withdrawn authorization to use this sticker and will no longer issue stickers to the offending party.

EXECUTIVE SESSION

ANNE FANTON - Moved to go into executive session for the purpose of discussing Litigation. DORE' HUNTER - Second. UNANIMOUS VOTE - Roll Call taken, ALL AYES.

The Board adjourned into Executive Session at 10:45 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(267)

EXECUTIVE SESSION

AUGUST 25, 1992

CHARTER ROAD SIDE WALK

Don updated the Board on the Charter Road Sidewalk issue as it pertained to George Charter and his Land Court Claim. He asked for Board direction. Dore' suggested we go forward and pursue the issue. The Board felt this is an important side walk and we should do everything possible to get it installed.

Adjourned session at 11:10 P.M.

Clerk

Date

Christine Joyce
Recording Secretary

AUGUST 21, 1992

TO: Board of Selectmen

FROM: NANCY TAVERNIER, Chairman

SUBJECT: SELECTMEN'S REPORT

##

AGENDA

ROOM 204

7:30 P.M.

AUGUST 25, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON- NAGOG/SUTTON - underground conduits

2. 7:45 VCC OVERSIGHT MEETING

3. 8:15 CABLE TV RE-OPENING HEARING OF JULY 28, 1992

4. 8:40 COMMON VICTUALER LICENSE - Beef and Ale - 134 Great Road- Enclosed please find staff comment for Board action.

5. 8:45 BEER AND WINE TRANSFER - BEEF AND ALE - 134 Great Road - Enclosed please find application and staff comment for Board action.

III. CONSENT AGENDA

6. SELECTMEN'S MINUTES - Enclosed find Minutes of July 28, 1992 for Board approval.

7. ACTON HOUSING AUTHORITY - Enclosed please find a request from the Housing Authority's Application for Section 8 Certificates for Board approval and letter of support for signature.

IV. SELECTMEN'S CONCERNS

V. TOWN MANAGER'S REPORT

8. South Acton bridge - The Town Manager will report on the status of this structure.

9. Police Department sign - The attached materil indicates that we have been offered a gift of a new sign.

10. Fort Devens Citizen Advisory Committee - See attached memo.

VI. EXECUTIVE SESSION

11. The Town Manager will need an executive session for the purposes of dicussing litigation.

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

<u>Sept. 8</u>
Boston Edison
Library Foundation
Historic District Overview
Historic Commission Overview
Mobil Oil 24 hr. permit discussion

<u>Sept. 22</u>
SARC Overview
Ft. Devens Reuse Update with BOS
Main Street Sidewalk

753 acs

9/22/92

(8)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/15/92

TO: Board of Selectmen

FROM: Engineering Department

SUBJECT: Request for Rights-of-Way, Great Road

Boston Edison has requested permission to install push-braces on two existing poles at the intersection of Great Road and Main Street. The braces are required to provide support for the new pole arrangement resulting from the reconstruction of the intersection. The base of the push-braces will need to be located outside the layout of Great Road on Town owned property, specifically, the soccer field lot. I have reviewed the proposal with Dean Charter, Director of Municipal Properties, and we have concluded that there will be no adverse impacts by allowing this installation.

If the Board consents, the Chairperson should sign the two copies of the Grant of permission. One copy should be returned to Boston Edison and one copy filed with the Town Clerk. If you have any other questions regarding this subject, please feel free to contact me.

Dennis P. Ring
Engineering Assistant II

DPR/dmj
cc: Dean Charter

WOF maint.

customer (Town)

September 4 19 92

In consideration of permission free of charge from Town of Acton owner of the premises No. PP off Street Great Road, Acton Massachusetts, to BOSTON EDISON COMPANY and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY to construct, install, repair, renew and maintain two (2) poles with the necessary wires, sustaining or protecting fixtures, including anchors and guys, and service connections attached thereto constituting a line for the transmission of electricity and intelligence by electricity upon, along and across said premises, the said Companies hereby agree that no easement shall accrue to them by reason of the construction, installation, repair, renewal and maintenance of said line and that they will remove said line at any time upon sixty days' notice in writing from said owner, heirs or assigns.

Pole 20/95 pushbrace
Pole 20/97 pushbrace

BOSTON EDISON COMPANY

By Christine Crosby

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

By

In consideration of the foregoing agreement of BOSTON EDISON COMPANY and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY the undersigned, the owner of said premises, hereby consents to the construction, installation, repair, renewal and maintenance of the above described line.

Owner

M

WOH MAint.

Edison

September 4 19 92

In consideration of permission free of charge from Town of Acton owner of the premises No. PP off Street Great Road, Acton Massachusetts, to BOSTON EDISON COMPANY and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY to construct, install, repair, renew and maintain two (2) poles with the necessary wires, sustaining or protecting fixtures, including anchors and guys, and service connections attached thereto constituting a line for the transmission of electricity and intelligence by electricity upon, along and across said premises, the said Companies hereby agree that no easement shall accrue to them by reason of the construction, installation, repair, renewal and maintenance of said line and that they will remove said line at any time upon sixty days' notice in writing from said owner, ... heirs or assigns.

Pole 20/95 pushbrace
Pole 20/97 pushbrace

BOSTON EDISON COMPANY

By Christine Cosby

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

By .....

.....

In consideration of the foregoing agreement of BOSTON EDISON COMPANY and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY the undersigned, the owner of said premises, hereby consents to the construction, installation, repair, renewal and maintenance of the above described line.

✓

.....

Owner

M

BOSTON EDISON CO.

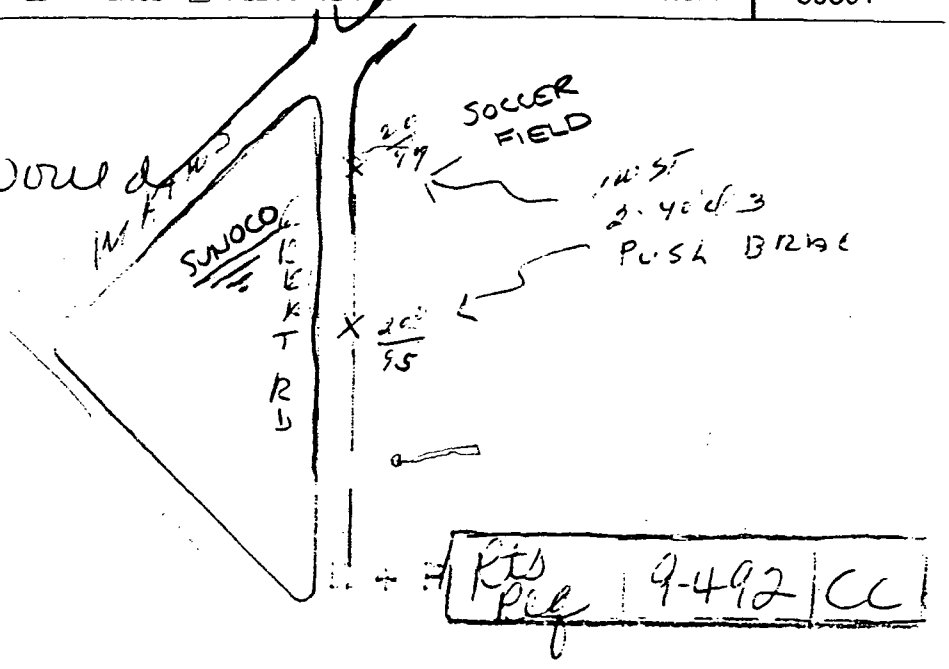
MAINTENANCE WORK ORDER
FOR
GUY WORK ON EXISTING POLES

SEE ROUTINE BELOW

LOCATION Great Rd	MUNICIPALITY Acton	
PREPARED BY R. M. Cantara	DATE 9-4 1992	ACCOUNT NUMBER
DETAILS: ☐ INSTALL ☐ REMOVE ☐ REPLACE ☐ RELOCATE THE FOLLOWING CONSTRUCTION:		59301

SKETCH OF LOCATION

(*) Dennis – Pushbraces would be approx. 15 feet back



2093
PREPARED BY R.M.C
DATE 9-4-92

Rtd Pcl	9-4-92	CC

COMPLETED BY DATE 19

TO: COORDINATING AND EXPEDITING DIV. FROM _____ (T & D) DIV. DATE _____ 19____

REQUEST FOR RIGHTS OF WAY

Kindly obtain the necessary permission to install or relocate the construction shown above.

REMARKS

SIGNATURE

PERMISSION OBTAINED — COORDINATING AND EXPEDITING DIV. _____ (SIGNATURE) DATE _____ 19____

ROUTINE:
This form to be prepared for the installation of *new* Guys and for *relocating, replacing* or *removing* Guys on existing joint-owned or solely owned Edison poles.

A. SOLELY OWNED EDISON POLES.

1. Permission is required for new Guys and relocated Guys. (Exception: Arm and Head Guys.)

B. JOINT-OWNED POLES.

1. Permission is required for new Guys and relocated Guys. (Exception: Arm and Head Guys.)

1. When permission is required (A or B above) send original and copy to Coordinating and Expediting Div. Retain third copy.
2. When original copy is returned from Coordinating and Expediting Div. Complete work.
3. When work is completed and no billing is required (a) file original copy, destroy other copies.
4. File copies in separate folder for each municipality. Destroy after one year.

B.E.Co. Form 3365

9/22/92

(9)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/15/92

TO: Board of Selectmen

FROM: Engineering Department

SUBJECT: Emergency Electrical Hook-up
High Street

We have reviewed a request from Lunn & Sweeney Corp. to allow electrical hook-up to a newly constructed house on High Street. the installation appears to be routine in nature and we have no objections to granting this request. As usual, the formal petition and public hearing should be forwarded for approval as soon as possible.

Dennis P. Ring
Dennis P. Ring
Engineering Assistant II

DPR/dmj

LUNN AND SWEENEY CORPORATION

ONE HOTEL PLACE
P.O. BOX 280
PEPPERELL, MASSACHUSETTS 01463
(508) 433-5380
FAX (508) 433-2411

263.7200

Board of Selectmen
Town of Acton
Town Hall
Acton, MA 01720

September 9, 1992

Dear Selectpeople:

Our company needs an emergency grant by your board to connect underground power from pole #58 on High Street to a home constructed on Lot 9, High Street. Edison is going to schedule a public hearing but would not give us a date at this time. The house is sold and the family is due to move in on October 30. We would greatly appreciate your consideration in the emergency request. Please find enclosed plot plan.

Thank you.

Sincerely,

Kevin B. Sweeney

KBS:cl
Enc.

9/22/92

TOWN OF ACTON

Inter-Departmental Communication

(10)

DATE: October 8, 1991

TO: Don P. Johnson, Town Manager

FROM: Stewart Kennedy, Cemetery Superintendent S.K.

SUBJECT: Disposal of Cub Cadet and Accessories

At Dean Charter's direction, I am requesting your authorization to declare our 1971 International Cadet Tractor Model 147 with hydrostatic drive, mower deck, 42 " snow blower, windbreaker, top and back curtain as surplus equipment to be disposed of by sealed bid.

BOS CONSENT 10/22 TO DECLARE THIS EQUIPMENT AS SURPLUS AND DISPOSE BY SEALED BIDS.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

October 4, 1991

TO: Stewart Kennedy, Cemetery Superintendent

FROM: Dean A. Charter, Municipal Properties

SUBJECT: Disposal of Tractor

****

You are hereby directed to prepare memo to the Town Manager requesting authorization to declare the Cub Cadet tractor as surplus equipment, and to dispose of it by sealed bid. Upon receipt of this authorization, you will prepare an advertisement to be placed in the Beacon soliciting bids for this unit.

As you will recall, when I authorized the purchase of the new tractor in June it was with the understanding that the old unit would be disposed of promptly, due to the fact that you said it was only marginally serviceable. Now is the time to act on that agreement.

DAC:ahm
896

9/22/92 FILE COPY (11)

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: AUGUST 24, 1992

TO: POLICE CHIEF

FROM: TOWN MANAGER'S OFFICE

SUBJECT: Center Congregational Church
1992 Antique Show

We are in receipt of the annual permit application for the subject event. A copy is attached for your review and comment.

Please advise whether you have any concerns that should be addressed when the Selectmen consider this request. I plan to schedule this on the September 8 Agenda if you don't foresee any problems.

****

CHIEF FEELS COMFORTABLE TO PROCEED THE SAME WAY AS LAST YEAR - NO PROBLEMS WERE EXPERIENCED AND HE EXPECTS NO PROBLEMS THIS YEAR.

9/9/92

SEE MEMO OF AUGUST 21, 1991 (ATTACHED)

TOWN OF ACTON
MASSACHUSETTS

AUG 20 1992

License or Permit Application

August 20 1992

To the Licensing Authorities of Acton:
The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto:

CHECK THE APPROPRIATE BOX INDICATING THE LICENSE OR PERMIT FOR WHICH APPLICATION IS BEING MADE:

☐ Auction ☐ Entertainment ☐ Flea Market ☐ One-Day Liquor ☐ One-Day Beer and Wine
☒ Other Antique Show

(Please print or type)

Name of Organization/Applicant Service League of Acton Ctr. Congregational Church
Location of Event Acton Ctr. Congregational Church
Name of Owner of Premises Trustee's of the Church

DESCRIPTION OF EVENT (i.e; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.) $3. donation at door - independent antique dealer booths - purpose to raise money for new septic system for pastors house - parking around church, in back of fire station - we'll have off site parking for dealers with shuttle bus for them as well as a traffic control team for public parking

Day and Date of Event: October 16 + 17 Hours of Event: 10-8 & 10-4 respectively

DESCRIPTION OF APPLICANT

Name of person making application Marybeth Lincoln Schillhammer
Occupation Antique Show Chair
Residential Address 21 Mark Vincent Dr - Westford, 01886
Business Address
Telephone: Home 692-9035 Business

Date of naturalization, if not born in U.S.
Male or Female
Date of birth 6-29-54
Place of birth Vermont
Father's name John Lincoln
Mother's maiden name Bethany Thayer

Height 5 ft. 7 in.
Weight too much!
Complexion Good
air Red
Eyes Blue

Have you ever been arrested for any law violation? NO
If so, when
where
State briefly

References: (Names and addresses)
1. Susan Aller - 10 Balsam - Acton
2. Glynda Smith - Patriots Ln - Acton
3. Sandra Givens Acton

Remarks:

Signature of Applicant M B Schillhammer

Do Not Write Below This Line

TOWN OF ACTON POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

TO: Don Johnson, T.M. **DATE:** August 21, 1991

FROM: George W. Robinson, C.O.P. **TIME:** ~~10:30 AM~~

SUBJ: Center Congregational Church, Antique Show

Town Manager Information

The show's traffic and parking problems where monitored last year by the Department. There were minimal problems in this area with parking at the Town Hall/Library the primary concern. This years show, as long as it is handled by the Church as last year, should not pose any problems. Church personnel should be sufficient in number to direct patrons to proper parking areas and signs should be erected by the Church where parking is not allowed as decided by the Selectmen.

The license should have a stipulation authorizing the Town Manager, at his discretion, to order a detail to be paid by the Church, for traffic if it becomes a necessity during the day. I do not see this happening but the proviso should be in place.

9/22/92 (12)

TOWN OF ACTON

Inter-Departmental Communication

DATE: August 26, 1992

TO: Selectmen/Finance Committee

FROM: Trustees, West Acton Citizens Library

SUBJECT: Restricted Gift

Trustees request you accept the gift noted below and credit to our gift account #1436. The gift will be used to cover the cost of books/expenses.

$50.00 - Frances E. Bissell

Trustee

Madeline C. Kadubotki

9/22/92

13

September 18, 1992

William Dunnan, 55, lives at 411 Great Road, Apt. 24. He is a disabled person. His sole income is a Social Security disability check; his health insurance is Medicare.

Mr. D. had his glasses destroyed in an accident. He has no extra funds for replacement; Medicare wil not cover this expense. This gentleman is receiving food through the Commhnity Supper program. There is no family support.

Carol Lake
Council On Aging

Betsy Ball Fund $234.

Confidential

9/22/92

(14)

BOY SCOUTS OF AMERICA

TROOP # 32
ACTON, MA

22 Putnam Road
Acton, MA 01720
September 3, 1992

BOS

~~Town Hall~~
~~472 Main Street~~
~~Acton, MA 01720~~

Dear Mr. :

It is with great pleasure that I invite you to a Court of Honor being given for Michael P. Puschak on Sunday, October 25, 1992 at 7:30 PM at St. Elizabeth of Hungary Church, 89 Arlington Street, Acton, MA. Michael will be receiving the highest honor Boy Scouting can give, the rank of Eagle Scout.

Michael has been involved in Scouting for over six years. During his tenure he has earned the badges necessary for advancement, but more importantly has shown the qualities of leadership which are so important in today's society.

We are hoping you may join us in this tribute to a youth who has used the Scout Law and Oath in his everyday life. It is young people such as Michael who made this country great and who will be the leaders of tomorrow.

Please R.S.V.P. to:

Mr. John J. Millerick
22 Putnam Road
Acton, MA 01720

Sincerely,

John J. Millerick
Chairman, Eagle Scout Advancement

"I HAVEN'T A MAN WHO IS AFRAID TO GO" - ISAAC DAVIS

9/22/92 (15)

ACTON MINUTEMEN

Post Office Box 1775
Acton, Massachusetts 01720

64 School Street
Acton, MA. 01720
8 September 1992

Ms. Nancy Tavernier
Chairman,
Board of Selectmen
Acton, MA 01720

Dear Ms. Tavernier,

Enclosed, please find a Proclamation for Crown Resistance Day 1992.

We, the Minutemen would appreciate appropriate signatures affixed thereto, and invite the board to attend and wittness the celebration thereof.

The brief ceremony will be held on Sunday, 27 September, 1992, at 1300 hours (1:00 P.M.), at Minutemen Headquarters, Windsor Avenue, West Acton, to commemorate Crown Resistance Day.

The ceremony will consist of a flag raising, a reading of the proclamation, a musket salute and a playing of the national anthem, followed by a short collation.

The purpose of this as I am sure you understand is to continue a tradition in spite of the lack of resources of both the town and the Minutemen for sponsoring a parade and festival, which we have done in the past.

Your attendance would be greatly appreciated.

Yours Truly,

Robert E. Werner

Col. Robert E. Werner
Captain Commanding

"ACTON IS A FREEDOMS FOUNDATION AWARD TOWN"

9/22/92

(16)

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 18, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Tax Classification Inquiry

I am in receipt of the attached inquiry from the Westford Tax Classification Review Committee. As you will note, we started to respond and then quickly realized that the questions are more political than technical in their nature. For that reason, I have chosen to forward this inquiry to the Board for any response you may wish to make.

Staff will provide any technical assistance you may need but many of the questions are simply not appropriate for staff to answer.

Don

SEP - 8 199

TOWN OF WESTFORD

September 3, 1992

Dear Sir or Madam,

The Selectmen of the Town of Westford recently created the Tax Classification Review Committee, of which I am a member. This committee has been charged with the task of collecting tax classification data from other communities for presentation and consideration. Our independent research has led us to include your community among those that we are closely examining.

To that end, enclosed find a brief survey regarding tax classification in your community. We request your cooperation in completing the survey and forwarding it to us at your earliest convenience, on or before September 13th. Although the survey is brief, we welcome your elaboration on additional sheets if you have any further information you wish to share. For your convenience, we have enclosed a self addressed stamped envelope.

The completed surveys will assist this committee and the Selectmen in formulating the future tax policy for Westford. We appreciate your honesty and candor in completing this survey, as well as your time and cooperation.

Sincerely,

Nancy Arbeene

Ms. Nancy Arbeene

55 Main Street Westford, Massachusetts 01886 Tel: (508) 692-5500 FAX: (508) 692-9607

WESTFORD TAX CLASSIFICATION STUDY COMMITTEE
Questionnaire

Town Name: Acton
Contact: Don Johnson
Tel: (508) 264-9615

1. Does your community currently classify RO/CIP tax rates?
   yes X no__ Year classification was implemented____

2. Has your community shifted back from tax classification?
   yes__ no X Year classification was eliminated____

3. Reasons implementation or elimination of classification were made:

4. What kind of impact has classification had on your community?

5. What kind of impact has shifting back from classification had on your community?

a. Commercial:
   Abatement application level: Increase__ Decrease__ Same__
   Tax collection (delinquency or non payment):
   Increase__ Decrease__ Same__
   Businesses leaving community: Increase__ Decrease__ Same__
   New Businesses: Increase__ Decrease __ Same __

b. Residential:
   Abatement application level: Increase__ Decrease__ Same__
   Tax collection (delinquency or non payment):
   Increase__ Decrease__ Same__
   Residents leaving community: Increase__ Decrease__ Same__

6. What plans does your community have concerning future development? (?% level)
   Residential level: Increase__ Decrease__ Same__
   Commercial Level: Increase__ Decrease__ Same__
   Open Space Preservation: Increase__ Decrease__ Same__

7. What municipal services are utilized by your community's commercial properties? Water__ Sewerage__ Trash disposal__
other_____

   (Are these fees inclusive in the tax base?) yes__ no__

8. Has your community considered incentives for businesses?
   yes__ no__

9. Would your community consider incentives (e.g. lower tax rates) for preserving open space? yes__ no__

Comments: (any additional comments would be helpful to us)

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 15, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Finance Committee Appointment - FYI

The Town Clerk has advised me that Thomas Mackey has been appointed to the Finance Committee.

Don

cc: Roy Wetherby

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 18, 1992

TO: Coordinating Committee

FROM: Don P. Johnson, Town Manager

SUBJECT: Coordinating Committee Meeting

Cook and Company, our insurance advisor, has indicated that a meeting with the Coordinating Committee at this time is too premature for them to provide meaningful information. Consequently, the Coordinating Committee meeting scheduled for Monday, September 21, has been canceled.

The next meeting of the Committee will be October 5, in accordance with the schedule established at our last meeting. Staff will present preliminary budget numbers at that time, based on the draft assumptions the Committee received on September 15.

cc: Board of Selectmen

Don

HUTCHINS & WHEELER
COUNSELLORS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
101 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 951-6600
TELECOPIER (617) 951-1295
TELEX 94-0691

IN FALMOUTH
159 TOWN HALL SQUARE
FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 540-6303

cc: BOS

September 15, 1992

Don P. Johnson,
Town Manager
Acton Town Hall
472 Main Street
Acton, MA 01720

Re: Mobil Oil Corporation - 553 Main Street

Dear Mr. Johnson,

Enclosed herewith please find our firm check in the amount of $200.00. This represents the fine payable to the town for the violation of the 24 hour permit issued to Mobil Oil Corporation which was assessed this summer. I appologize for the delay in sending this check to you. If you have any questions about this, please do not hesitate to contact me.

Very truly yours,

Philip C. Lombardo, Jr.

52191

Acton Boxboro Monday Night Quarterbacks
c/o ~~C/O ATHLETIC DEPARTMENT~~ 148 Willow St
~~96 HAYWARD ROAD~~
ACTON, MA 01720

COPY

September 15, 1992

Chief Robert Craig
Acton Fire Department
259 Central Street
Acton, MA 01720

Re: Bonfire for Football Team on Wed., November 25, 1992

Dear Chief Craig:

Enclosed please find a copy of my letter to you of July 6, 1992 requesting a permit for our third annual bonfire on Thanksgiving Eve. Although you said it would be fine to hold this event, I believe I should have a permit in hand just to make sure we are in compliance with all the rules.

Would you be good enough to contact me at your earliest convience about picking up the permit, or you may mail it to me at my home. If you need anything further, please advise.

Thank you for your cooperation. We appreciate the support the Fire Department has shown in the past in making this event a successful and spirited time for the whole community.

Very truly yours,

Jean Sweeney

Jean Sweeney, Secretary
263-2479 (home)
264-0480 (office)

js
enc.
cc: Acton Board of Selectmen

COPY

July 6, 1992

Chief Robert Craig
Acton Fire Department
259 Central Street
Acton, MA 01720

Re: Bonfire for Football Team on November 25, 1992

Dear Chief Craig:

As per my recent phone conversation, the Monday Night Quarterbacks would like to request permission to hold their third annual bonfire on Thanksgiving Eve at 5 p.m. If we need to pick up a permit now, please advise and I'll be glad to do so.

When the Bonfire Committe is in place, I'm sure they'll contact you and other town staff for guidance and assistance. Thank you for your cooperation.

Very truly yours,

MONDAY NIGHT QUARTERBACKS

Jean Sweeney, Secretary
263-2479 (evenings)

js

Selectmen

CC: BOS -
ATTENTION: DORE' HUNTER

MASSACHUSETTS

BOARD OF APPEALS

#92-16

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday, October 5, 19 92, at 7:45 P.M. in the TOWN HALL Room 121

on the following petition:

by Thomas J. Caruso for Concord Auto Auction, Inc., 77 Hosmer Street, for a PETITION FOR A SPECIAL PERMIT from the requirements of Section 8.2 of the Zoning Bylaw to allow a modification of hours of operation (ref. BOA decision of 1/11/90, pg. 4, item 3.1, first point - sales activity) to be "sales activity - 9:00 a.m. to 5:00 p.m. on Fridays and one day every other week". We request this modification to alleviate substantial financial hardship.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine, *Clerk*

Selectmen

Date Received
TOWN CLERK
September 9, 1992
By: Barbara Brown

TOWN OF ACTON
MASSACHUSETTS

Date Received 9/9/92
BOARD OF APPEALS
By: Valerie Squiers

BOARD OF APPEALS
(FORM 4)
PETITION FOR A SPECIAL PERMIT

September 9 1992

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section 8.2 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 9 to allow:

Modification of hours of operation (Ref. Board of Appeals decision of 1/11/90 Page 4 Item 3.1, first point - sales activity) to be: "sales activity - 9:00 A.M. to 5:00 P.M. on Fridays and one day every other week"

We are requesting this modification to alleviate substantial financial hardship.

OFFICE USE ONLY

Four copies of petition? ✓

Location map? ✓

Plot plans?

Additional briefs?

List of abutters and other interested parties? ✓

Fee - $100.00/1-25 abutters
$125.00/26+ abutters? $125.00 pd.

Next Hearing Date? 10/5/92 No 92-16
@ 7:45 p.m. -16

Respectfully submitted

Signed
(Petitioner)

Name Thomas J. Caruso
Concord Auto Auction, Inc.
Address 77 Hosmer Street, Acton, MA 01720

Phone # 508-263-8300

Signed Betsy Cox Powell By: Agent
(Owner of record)

Name Betsy Cox Powell, Cox Family Trust
Signed by: Thomas J. Caruso, Agent
Address c/o Concord Auto Auction, Inc.
77 Hosmer Street, Acton, MA 01720

Phone # 508-263-8300

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.

Revised 8/5/88

ASSISTANT ASSESSOR
LELA SORENSEN

BOARD OF ASSESSORS

TOWN HALL
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TELEPHONE (508) 264-9622

BOARD OF ASSESSORS
SUSAN C. MILLER, CHAIRMAN
JAMES J. KOTANCHIK
ROBERT W. ADAMS

ABUTTERS LIST

LOCUS:

G40 181 000	G40 182 000
G40 183 000	G40 181 001
G40 181 002	G40 181 003
G40 181 004	G40 193 000
G40 194 000	G40 194 001
G40 194 002	G40 194 003
G40 193 001	G30 072 000
G30 218 000	

MAP & PLOT	OWNER	MAILING ADDRESS
	Comm. of Mass. Highway Engineer	519 Appleton Street, Arlington 02174
G40 195 000	Concordian Motel Inc.	71 Hosmer Street, Acton 01720
196	Colonial Pines Condos	List attached
197	Comm. of Mass.	Dept. of Public Works, Boston 02108
199	Tremarche Realty Tr. c/o Frank	635 Main Street, Watertown 02172
200	Tremarche Realty Tr.	
201	Tremarche Realty Tr.	
206	Ronald Wang	7 Sandalwood Road, Acton 01720
206 001	Mark Koretz	6 Sandalwood Road, Acton 01720
206 003	Leonard Weiner	4 Sandalwood Road, Acton 01720
206 005	Ronald Snell	52 Brucewood Road, Acton 01720
206 002	Franklin Inman	5 Sandalwood Road, Acton 01720
G30 181 000	SWR Realty Tr.	30 Brucewood Road, Acton 01720
152	Cyrus Kendrick	28 brucewood Road, Acton 01720
188	Janice Wood	32 Brucewood Road, Acton 01720
189	Janice Wood	32 Brucewood Road, Acton 01720
202	Tremarche Realty Tr. c/o Frank	635 Main Street, Watertown 02172
204	Tremarche Realty Tr.	
214	Tremarche Realty Tr.	
215	Tremarche Realty Tr.	
216	Tremarche Realty Tr.	
099	David Satterfield	20 Brucewood Road, Acton 01720
100	Martha Fairbrother	22 Brucewood Road, Acton 01720
110	Michael Schulze	24 Brucewood Road, Acton 01720
138	Carla dale	26 Brucewood Road, Acton 01720
152	Cyrus Kendrick Jr.	28 Brucewood Road, Acton 01720
071	Acton Tech Ctr. Rlty. c/o Neil Glazer, Esq.	295 Freeport Street, Boston 02122

August 173, 1992

Abutters and owners of land directly opposite on any public or private

street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01719
Carlisle, MA 01741
Concord, MA 01742
Littleton, MA 01460
Maynard, MA 01754
Stow, MA 01775
Sudbury, MA 01776
Westford, MA 01886

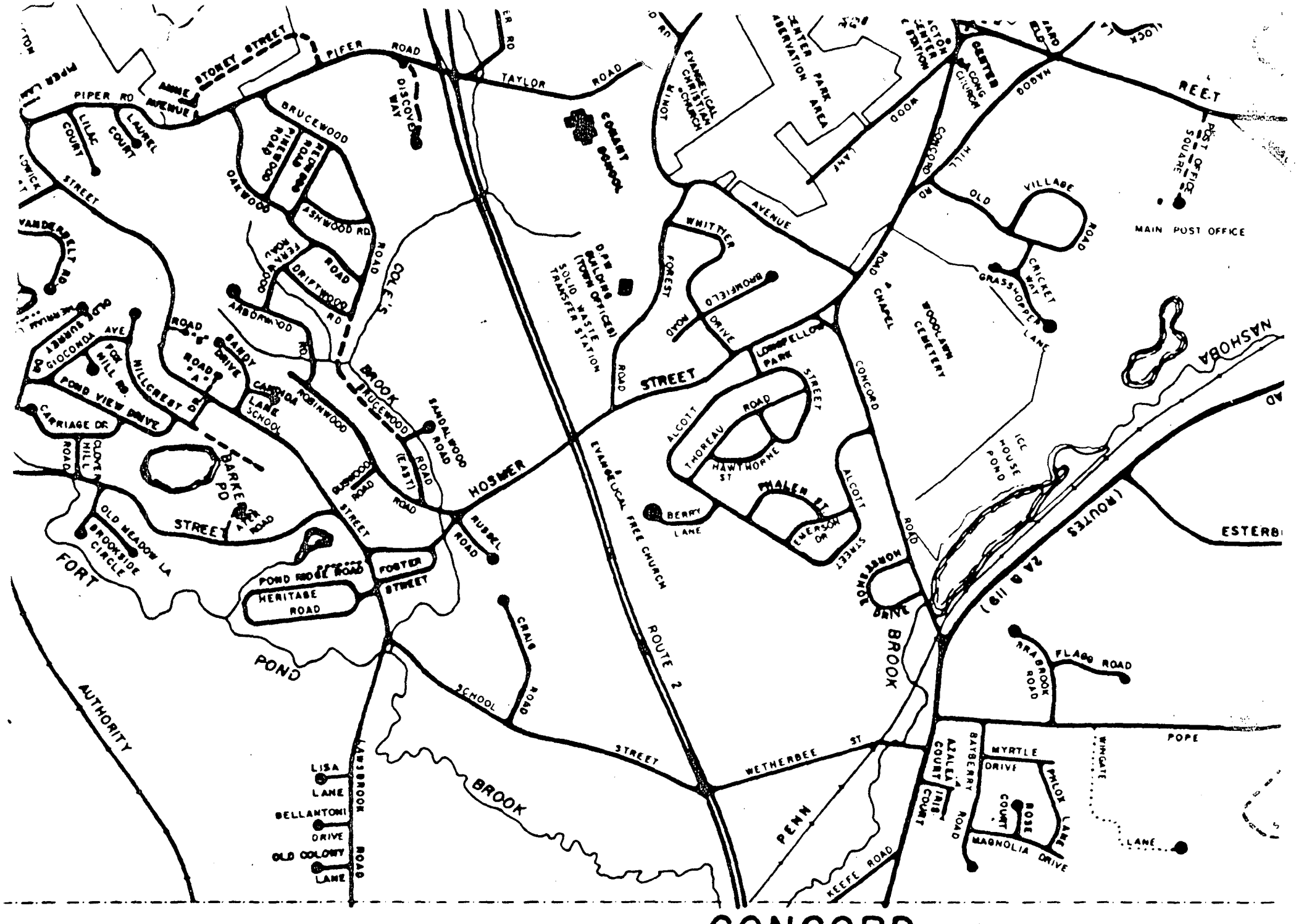
Sincerely,

Lela M. Sorensen
Assistant Assessor

FISCAL YEAR 1993

COLONIAL PINES

G40 196	0A1	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0A2	Leslie Fullerton	73 Liberty Sq. Boxboro 01719
	0A3	Frances B. Parker	549 Great Elm Way
	0A4	Anita E. Page c/o M E D Realty Trust	201 Great Rd. 2A
	0B1	Paul F. Cameron	31 Kimball Rd., Arlington 02174
	0B2	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0B3	Leonas Bertronas	85 Hosmer St. B3
	0B4	Susan J. Andrews	85 Hosmer St. B4
	0B5	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0B6	Robert Nahigan	85 Hosmer St. B6
	0C1	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0C2	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0C3	Ho Jean-Hsien	P.O. Box 632, Princeton Jct. NJ 08550
	0C4	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0C5	Acton Housing Authority	68 Windsor Av.
	0C6	Acton Housing Authority	68 Windsor Ave.
	0D1	Anita E. Page c/o M E D Realty Trust	201 Great Rd. 2A
	0D2	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0D3	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0D4	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	OD5	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0D6	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0E1	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0E2	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0E3	William R. Cummings	By Pass Rd., Lincoln 01773
	0E4	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0E5	Anita E. Page c/o M E D Realty Trust	201 Great Rd 2A
	0E6	Melissa J. Ross	85 Hosmer St. E6
	0F1	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0F2	Tatiana Chapsky	85 Hosmer St. F2
	0F3	Lindsey Tr. c/o R. Moran	127 Lee Dr., Concord 01742
	0F4	Colonial Pines	23 Riverside Ave. Bedford 01730
	0F5	M. Linden Aalfs	85 Hosmer St. F5
	0F6	Anita E. Page c/o M E D Realty Trust	201 Great Rd. 2A


PIPER ROAD
PIPER RD
STONEY STREET
ANNE AVENUE
LILAC COURT
LAUREL COURT
BRUCEWOOD
PINEWOOD ROAD
OAKWOOD
ASHWOOD RD
DRIFTWOOD ROAD
DISCOVERY WAY
TAYLOR ROAD
COLE'S ROAD
ARBORWOOD RD
SANDY DRIVE
CARMEN LANE
SCHOOL
ROSINWOOD
BROOK
SANDALWOOD ROAD
(EAST)
HOSMER
RUSSEL ROAD
FOSTER STREET
HERITAGE ROAD
POND RIDGE ROAD
GIOCONDA AVE
POND VIEW DRIVE
CARRIAGE DR
HILLCREST RD
CLOVER HILL ROAD
BARKER RD
OLD MEADOW LA
BROOKSIDE CIRCLE
FORT
POND
AUTHORITY
LISA LANE
BELLANTONI DRIVE
OLD COLONY LANE
LAWSBROOK ROAD
SCHOOL STREET
CRAIG ROAD
BROOK
PENN
KEEFE ROAD
WETHERBEE ST
ROUTE 2
EVANGELICAL FREE CHURCH
SOLID WASTE TRANSFER STATION
DPW BUILDING (TOWN OFFICES)
COURT SCHOOL
EVANGELICAL CHRISTIAN CHURCH
CENTER PARK AREA
CONC CHURCH
WHITTIER FOREST
BROMFIELD DRIVE
LONGFELLOW PARK
ALCOTT
THOREAU
HAWTHORNE ST
EMERSON DR
SALEM ST
BERRY LANE
CHAPEL
WOODLAWN CEMETERY
ICE HOUSE POND
CONCORD
MOSSWOOD DRIVE
BROOK
FLAGG ROAD
BRAGBROOK ROAD
POPE
WHIGATE LANE
BAYBERRY ROAD
MYRTLE DRIVE
PHLOX LANE
ROSE COURT
MAGNOLIA DRIVE
AZALEA COURT
IRIS COURT
OLD VILLAGE ROAD
CRICKET WAY
GRASSHOPPER LANE
MAIN POST OFFICE
POST OFFICE SQUARE
NASHOBA
ESTERBI
(ROUTES 2 & 119)
CONCORD

CC: Selectmen

MASSACHUSETTS

BOARD OF APPEALS

#92-15

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday October 5, 19 92, at 7:30 P.M. in the TOWN HALL, Room 121

on the following petition:

by John F. Swanson, Jr. for Swanson Pontiac-Buick-GMC Truck, Inc., 12 Sudbury Road, for a PETITION FOR A VARIANCE from Sections 7.7.4.2, 7.7.4.3, and 7.4.1.1 of the Zoning Bylaw to allow (1) re. section 7.7.4.2 an exterior wall sign with a total height of 7'4" rather than 3'0" as allowed by this section of the Bylaw; (2) from section 7.7.4.3, a wall sign up to 34'8" in maximum width rather than 30" allowed by this section of the Bylaw; (3) from section 7.4.1.1, a sign to feature three different product lines offered by the dealership.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine, *Clerk*

cc: BOS

Selectmen

RECEIVED & FILED
DATE 9/15/92
Catherine Bellini
Asst. TOWN CLERK

MASSACHUSETTS

BOARD OF APPEALS

DECISION ON THE PETITION OF MARK H. WHITE FOR KAVANAGH HOMES

Decision #92-13

A public hearing of the Board of Appeals was held in Town Hall, Room 126, Acton, MA on Wednesday September 9, 1992 at 7:30 p.m. on the petition of Mark H. White for Kavanagh Homes, 503 Main Dunstable Road, Nashua, NH. for a Petition for a Flood Plain Special Permit from Section 4.1.8, to allow the installation of a water main between Nash Road and Overlook Drive. The proposed water line will tie into an existing water main on Robbins Street creating a loop system thereby improving the quality and flow of water to the Robbins Street area.

Board members present were Matt Mleziva, Chairman; Malcolm Burdine, Clerk; Beatrice Perkins, Alternate Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Mark White, Petitioner; Chris Lorrain, Land Tech Consultants; Dexter Loring, DL Loring, Inc.; Robert Young; Jean Lane, Keith Gregory, Elizabeth and Richard Lynch, John Cline, and Dorothy Campbell, Abutters.

Mr. Mleziva explained the hearing procedures, read the petition, and noted the the contents.

The Board of Appeals, after considering the materials submitted with the petition, together with the information developed at the hearing, finds that:

1) The proposed water main installation has been approved, subject to certain conditions, by the Conservation Commission and the Department of Environmental Protection.

2) The proposed water main installation is supported, subject to certain conditions, by the Acton Water District, the Town Planner, and the Health Director.

3) The Engineering Department requested that certain conditions be met if the petition is to be granted.

4) A spokesman for the Robbins Street neighborhood stated that the installation of the water main was a settlement condition of a Land Court case, and therefore should be accomplished as soon as possible.

5) The petitioner presented calculations to demonstrate that well over 98% of the natural flood storage volume of the flood plain on the site is preserved without the use of compensatory storage techniques and presented a construction sequence showing that disturbance of the natural characteristics of the flood plain on the site will be kept to a minimum.

6) There will be no structures as such on the site.

7) The petitioner presented a construction drawing to show that the water main would be anchored to prevent flotation and designed to avoid impairment during the base flood.

8) The petitioner presented a change to the proposed diameter of the water main (from 12" to 8") at the hearing. According to the petitioner, this change had been coordinated with the Water District.

Based upon the above findings, the Board of Appeals concludes that:

1) The conditions for the granting of a Flood Plain Special Permit as defined in section 4.1.8.1 have been met.

2) The request is consistent with the master plan by improving the quality of water delivered to residents, and improving the availability of water during emergencies.

3) The requested Special Permit is in harmony with the intent and purpose of this Bylaw, will not be detrimental or injurious to the neighborhood, is appropriate for the site, and complies with all applicable requirements of this Bylaw.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to GRANT the requested Special Permit subject to the following conditions:

1) The petitioner obtain any approval(s) required from other Boards, etc. regarding the change from 12" to 8" pipe.

2) The petitioner provide the Engineering Department with a written construction sequence prior to commencing work and a copy of the as-built plan at the conclusion of work.

3) The petitioner remove any excess material from the site.

4) This Special Permit shall lapse if a substantial use thereof has not commenced within 18 months.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

Town of Acton Board of Appeals

Matt L. Krezivo, Chairman

Malcolm Burdine

Malcolm Burdine, Clerk

Beatrice C. Perkins

Beatrice Perkins, Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on September 15, 1992

Valerie J. Sypniell

Valerie Sippelle, Secretary
Board of Appeals

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

SEP 11 1992

INTERDEPARTMENTAL COMMUNICATION

TO: Planning Board

DATE: September 10, 1992

FROM: Roland Bartl, Town Planner R.B.

SUBJECT: MILL CORNER DEFINITIVE PLAN

Attached please find the draft decision in above referenced matter. The decision is unusually open ended, but provides ample reservations to fill in the blanks. This is due to the fact that the definitive plan comes before us prior to the PCRC. The attached decision of approval requires that a PCRC special permit is issued prior to endorsement. As written it is valid only in conjunction with a PCRC permit, and it provides for subsequent plan changes as necessary.

As I understand it, Mr. Sweeney's approach is that he wishes to build the road to the first binder this fall, even before the PCRC special permit is issued. Work on the PCRC plan apparently is progressing and Mr. Sweeney intends to file the application by the end of this month. He can build the road even without a subdivision approval as anybody else can build a driveway, road etc. on his/her land. Mr. Sweeney hopes that the subdivision approval, however conditional it may be, will give him further guidance on the roadway construction. Any such construction prior to a PCRC permit and prior to having an endorsed plan in hand is somewhat risky but he apparently is willing to take that chance.

To the degree possible at this time, the attached decision would provide the guidance he is looking for. It essentially approves the layout and grading of the street, except for the entrance and the first +/-300 feet. For this stretch he would need to wait for consultant recommendations which should be forthcoming by the end of this month. Mr. Sweeney has agreed to fund a professional review of the entrance area design. We have engaged Vanasse Hangen Brustlin (VHB) for this job. Principal John Kennedy has performed several similar jobs for the Town in the past and we have a service contract with VHB for such matters. The decision also says what work remains to be done before construction or grading can begin this fall. Such work relates to design and handling of erosion control, drainage and recharge as outlined in the decision.

Mr. Sweeney's strategy appears to be workable from our viewpoint, but in making this recommendation we rely in part on Mr. Sweeney's record of clean, timely and solid work in Acton. It is generally a good idea to get the road installed before housing construction begins. Also, early autumn is normally the best time for such work. It is typically the driest time of the year and erosion risk is lower. If new cuts and slopes can be hydroseeded by mid to late October the situation should be fairly ~~well under control. Paving plants usually~~ close by December 1.

CC: BOS-
YOUR ATTENTION IS DIRECTED TO THE SECOND PAGE.

One item not addressed in this decision, that the Board should discussed with Mr. Sweeney at the public hearing, is the traffic mitigation question. As you surely recall, the Board of Selectmen, at the Planning Board's oversight meeting felt strongly about this. We also know that the previous and now defunct Great Hill project has already contributed funds for design studies. If the Board wishes to pursue additional mitigation funds here are two possibilities you may want to discuss with Mr. Sweeney:

1. As part of the Subdivision approval, sidewalk construction is waived along the frontage in lieu of a walkway to School Street.
   The difference is +/-300 feet which would not be built under this subdivision approval. Based on Master Plan estimates for sidewalk construction, 300 feet would cost about $8,500.00.

2. The Board may consider the impact of this subdivision in terms of additional daily trips. The Average Weekday Traffic Volume on Main Street exceeds 15,000 cars. If we assume 15,000 for Main Street and 300 daily trips from this subdivision, the percentage of subdivision traffic in the resulting total is approximately 2%. The West Acton intersection reconstruction project is estimated to cost about $500,000.00. An intersection reconstruction in South Acton will probably cost more. If we assume that the cost will $700,000.00 in South Acton, a 2% share would come out to $14,000.00.

As you can see, in either case, or even if you combine the two, it would be only seed money for a future construction project or it could be used for some temporary improvements.

We don't know what neighbors or the public will bring up at the hearing except for issues:

1. Neighbor Barrett claims that erosion problems on his land have been created by the Great Hill construction project and he has made efforts to get the Mill Corner project to correct the problems. No grading or construction work has been done near his lot, the trees all still stand. We have evidence that show that his problems were created when a new septic system was installed on his lot several years before the Great Hill project was started.

2. Neighbors DaCosta claim an easement over the subdivision to Main Street. I have asked them to produce evidence at the hearing.

Also attached are application materials and staff comments received.

xc: Don P. Johnson

[RHB.SUBD.92*11]

B05

Acton Recycling Task Force

Meeting Minutes

Date: Tuesday, August 4, 1992
Location: Room 126, Town Hall

Members present: Nancy Tavernier, Chairman
Maya Spies, Vice Chair/Clerk
Rosemary Lundberg
Peggy Mikkola

The meeting convened at 9:10 am. Last meeting's Minutes were accepted.

1. Recycling articles in the Beacon

The next article to appear in the Beacon will be "Recycling-A Habit Breaker." In September, Rosemary Lundberg will submit an article on "recycling and school children."

The Chairman reported that E.V. Tear had recently given her a letter (dated May 25) from a Beacon reader, Dr. Richard Nurse of Polymer Technology Services, who questioned the validity of statements made in past articles. Dr. Nurse also offered to give a talk on the subject of "plastics and solid waste management," if the Task Force was interested. The Chairman has written him a letter in reply, thanking him for his feedback, apologizing for the two-month delay in responding, and expressing interest in his offer to give a talk.

Task Force members recommended that we invite Dr. Nurse to speak to us at our next meeting, if possible. The Chairman will contact him with an invitation.

2. Transfer Station operations

According to reports from the Highway Department, citizen participation in recycling has increased dramatically with the new BFI recycling program. Acton currently recycles 21% of its waste stream.

The total increase in volume of glass and newspaper from 1991 to 1992 is estimated to be 54% (cans are now mixed with #1 and 2 plastics, so comparative volume cannot be calculated).

BFI announced that it is now OK to deposit brown paper bags in with newspaper-the market with presently tolerate them. Because of the public education problem this on-again off-again policy causes, the transfer station management has decided not to publicize the fact despite the change in market conditions.

NESWC's executive director has backed off from his recent invitation to NESWC towns to lower their tonnage rates, because his offer was deemed to be not in keeping with the contract. Instead, another similar arrangement will be developed during the next 12 months, taking more fully into consideration the varied needs of all the towns involved. Acton was the only town that challenged the legality of the one-time waiver because less than a 50% GAT reduction would wreak financial havoc to Acton's solid waste budget. All the other towns requested a modest GAT decrease, for fear tip fees would be raised astromically.

3. Grant applications

At the invitation of Nancy Tavernier, Mr. Robert DeSaro, an Acton resident who offered his services to the Town at a meeting last fall, has written a grant application to the state requesting 5 recycling bins for the transfer station—2 top-loading ones for newspaper and 3 open ones, all 40 cu yd. The state has $1.5 million available to towns for recycling-related equipment. The application deadline is September.

In May 1992, the Chairman applied for a Mass. Municipal Assoc./DEP technical assistance grant. As a result, Acton did receive assistance to produce an Acton-specific public service announcement about recycling on cable TV.

Distributing copies of a report to Task Force members, the Chairman announced that in June the State Auditor completed an assessment of the effect mandatory recycling would have on Massachusetts cities and towns. The Auditor's overall recommendation is that any mandatory recycling program should be funded sufficiently to prevent adverse impacts on local budgets; and/or the state should encourage voluntary recycling programs by providing funding incentives, at least until markets for recyclable are performing well.

4. Recycling RFP

The recycling program with BFI (solid waste/recyclables barter arrangement) was essentially expired in July because the service exceeded $10,000 and the Town was required to go out to bid for a new recycling program. (BFI meanwhile has agreed to continue hauling Acton's recyclables on a day-to-day basis, charging $150 per pull and $30 per ton, offset somewhat by a continued barter arrangement.)

The Town Manager was poised to advertise its recycling RFP, when suddenly the NESWC incident occurred (see above), making it impossible to determine what our recycling needs would actually be. To date, the RFP is still on hold.

5. Other news

From the Chairman: Acton's Master Plan Coordinating Committee has recently circulated a Master Plan Action Items Matrix to Town boards, departments and committees, in order to assess how these groups are performing in light of 1990 Master Plan Goals & Objectives. Action items particular to the Recycling Task Force are stated as follows:

-Institutionalize recycling effort, to be run by the Town or a private enterprise.
-Promote and support efforts for trash separation in households, for recycling and composting.
-Institute environmental education and outreach programs serving the general public.

Task Force members feel that their activities are "right on target" with these action items.

From Maya Spies: The Acton Conservation Trust is in the process of trying to initiate an annual townwide cleanup day.

The meeting was adjourned at 10:15 am.
Our next meeting is scheduled for Tuesday, September 15, 1992 at 9:00 am. (Note: Dr. Richard Nurse will be speaking at this meeting, in Town Hall, Room 204.)

Respectfully submitted,

Maya Spies

Maya Spies, Clerk

cc Town Clerk
Board of Selectmen

Why a Forum on the Future of Fort Devens?

Last summer, the Department of Defense announced the closure of Ft. Devens, scheduled for 1995. Since that time, a number of proposals have surfaced for the reuse of Ft. Devens, and a number of different groups have become involved in the reuse planning.

The MAGIC subregion of MAPC wants to know more about what's on the drawing board. To do so, we are hosting a public forum to find out:

- What the army plans to keep and for what purposes
- Who's who in the reuse planning process
- What proposals are under consideration
- How proposals will be evaluated

The forum is geared toward local officials and is open to the public free of charge.

THE FUTURE Of FORT DEVENS

A Forum for
Local Officials and
Interested Citizens

October 1, 1992
7:15 - 10:00 p.m.

MAGIC

Chair
Board of Selectmen
Town Hall,
Acton, MA. 01720

BOSTON MA 02
PM
SEP 1992

BOSTON
MA
SEP 15 '92

CC: BOS
FT. DEV. TASK.
PL. BD.

THE FUTURE Of FORT DEVENS

A Forum for
Local Officials and
Interested Citizens

Thursday
October 1, 1992
7:15 - 10:00 p.m.

Acton-Boxborough
Regional High School
Acton, MA

Presented by

MAGIC

Acton
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

MINUTEMAN ADVISORY GROUP ON INTERLOCAL COORDINATION

A Subregion of Metropolitan Area Planning Council

The Evening's Agenda

7:15 Registration
Preview Maps

7:30 Welcome & Overview
MAGIC & MAPC

Why we're here

What we're concerned about

Background & basic facts

Regional perspective

7:45 The Army's Plans
Ft. Devens Official & Slide Show

The excessing process & timetable

Superfund clean up & timetable

What the army plans to keep; other federal uses; what's left

Economic impacts of downsizing

How army uses relate to other uses

8:00 The Four Host Communities
Joint Boards of Selectmen

Roles of the four towns

Mission and goals

Relationship to other governments & agencies

Status of the Ft. Devens Development Corporation

The planning process & land use decisions

8:20 Plans & Proposals
Massachusetts Government Land Bank

Planning process & criteria

The players & their roles

Proposals under consideration

Relationship among proposals

Relationship to potential airport

Potential impacts: economic & other considerations

8:45 Environmental Review
Executive Office of Environmental Affairs

How the process is being handled

Interim projects and cumulative impacts

Why the rail proposal is being fast-tracked

How the airport proposal (if any) will be handled

How and when communities can have input

9:00 Question & Answer Panel

Experts in many facets of the reuse planning process will join the previous speakers in an extensive question and answer session. The audience will be asked to submit questions in writing, and time limits will be set to ensure that a wealth of information is ered in an orderly fashio

Directions to Acton-Boxborough Regional High School

The high school is on Charter Rd., just west of the intersection of Routes 27 and 111 in Acton.

From the east: Take Rt. 2W to Rt. 111W. Cross Rt. 27 and take the next right onto Charter Rd.

From the west: Take Rt. 2E to Rt. 27S (toward Maynard, not Acton). Turn right onto Rt. 111W and take the next right onto Charter Rd.

The high school is the second building on the left on Charter Rd.

Repeat Performance

This forum is co-sponsored by the Metropolitan Area Planning Council (MAPC) and the Montachusett Regional Planning Commission (MRPC). A similar forum is being held in the Montachusett region on October 14, 1992, from 7:15 - 10:00 p.m. at the Ft. Devens Officers Club.

For more information call:
MAPC at (617) 451-2770 or
MRPC at (508) 345-7376

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

September 15, 1992

Joseph P. Gill, P.E.
Bridge Engineer
Commonwealth of Massachusetts
Department of Public Works
Ten Park Plaza
Boston, MA 02116-3973

cc: BOS - FYI

re: Bridge No. A-2-18
Concord Rd., Acton, MA

Dear Mr. Gill:

This letter is to acknowledge the receipt of your underwater bridge inspection report, dated August 28, for bridge No. A-2-18, which carries Concord Road over Nashoba Brook. In response to your recommendation for bridge deck repairs, we would like to inform you that the Town of Acton has already contracted with Vanasse Hangen Brustlin, Inc. to provide engineering services and plans for a complete bridge replacement at this location. These plans are nearly complete and will be forwarded to you for review in the near future.

Any cooperation that the Bridge Division could provide during the review and approval process would be greatly appreciated.

Very truly yours,

Don P. Johnson

Don P. Johnson
Town Manager

cc: District Highway Engineer, District #4
Vanasse Hangen Brustlin, Inc.

The Commonwealth of Massachusetts

Executive Office of Transportation and Construction

Department of Public Works

Ten Park Plaza, Boston, MA 02116-3973

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

RICHARD L. TAYLOR
SECRETARY

JAMES J. KERASIOTES
COMMISSIONER

August 28, 1992

CC: [redacted] ABOT - PLEASE RESPOND AS APPROPRIATE.

CC: BOS - FYI

9/5

Town of Acton
Board of Selectmen
Town Hall
Acton, MA 01720

National Bridge Inspection Standards (NBIS)
Underwater Bridge Inspection
Concord Road/Nashoba Brook
Br. No. A-2-18
Structure No. MUN 401 018 100

Subject: RECOMMENDATION TO REPAIR BRIDGE DECK

Dear Board of Selectmen:

Two granite slabs that support the deck of the bridge which carries Concord Road over the Nashoba Brook have cracked and settled from 0.1′ to 0.3′.

The Department recommends that the deck be repaired.

Enclosed is a copy of the Department's Underwater Inspection Report which details this condition.

A copy of the report is on file at our District #4 Office located in Arlington. Please feel free to contact the District with any questions you may have concerning the bridge.

Sincerely,

Joseph P. Gill

Joseph P. Gill, P.E.
Bridge Engineer

JPD/ag

cc: RAS, DHE District #4
Enclosure Certified Mail

The Massachusetts Department of Public Works
The Massachusetts Highway Department

MASSACHUSETTS DEPARTMENT OF ...

UNDERWATER OPERATION TEAM

DIVERS ACTIVITY REPORT

city/town	2-district	bridge dept. no.	8-structure no.	93b date inspected
ACTON	4	A-2-18	MUN 401 018 100	7-22-92

'51 Foundation Type: –	dive master: J. FITZGERALD
07-facility carried: CONCORD RD.	team members: J DONAHUE, J. DESMOND, R. BONICA

06-features intersected	depth	visibility	current
NASHOBA BROOK	5'	3'	NIL

level of inspection	bottom conditions	water conditions
II	SAND GRAVEL BOULDERS	POLLUTION UNKNOWN

Item 60 (Underwater) Substructure — 5

1. Abutments

Wings / RETAINING WALL	5
Breastwall	5
Pointing	NA
Footings	X
Piles	X
Scour	NA
Undermining	NA
Settlement	5

2. Piers or Bents

Stem	5
Pointing	NA
Column	NA
Footing	X
Piles	X
Scour	NA
Undermining	NA
Settlement	NA

3. Pile Bents

Concrete Piles	NA
Timber Piles	NA
Diagonal Bracing	NA
Horizontal Bracing	NA
Fasteners	NA

Item 61 (Underwater) Channel and Channel Protection — 8

1. Debris	8
2. Aggradation	8
3. Fender System	NA
Piles	NA
Diagonal Bracing	NA
Horizontal Bracing	NA
Wales	NA
Fasteners	NA
Ladders	NA
4. Utilities	X
5. Rip Rap	NA

Item 113

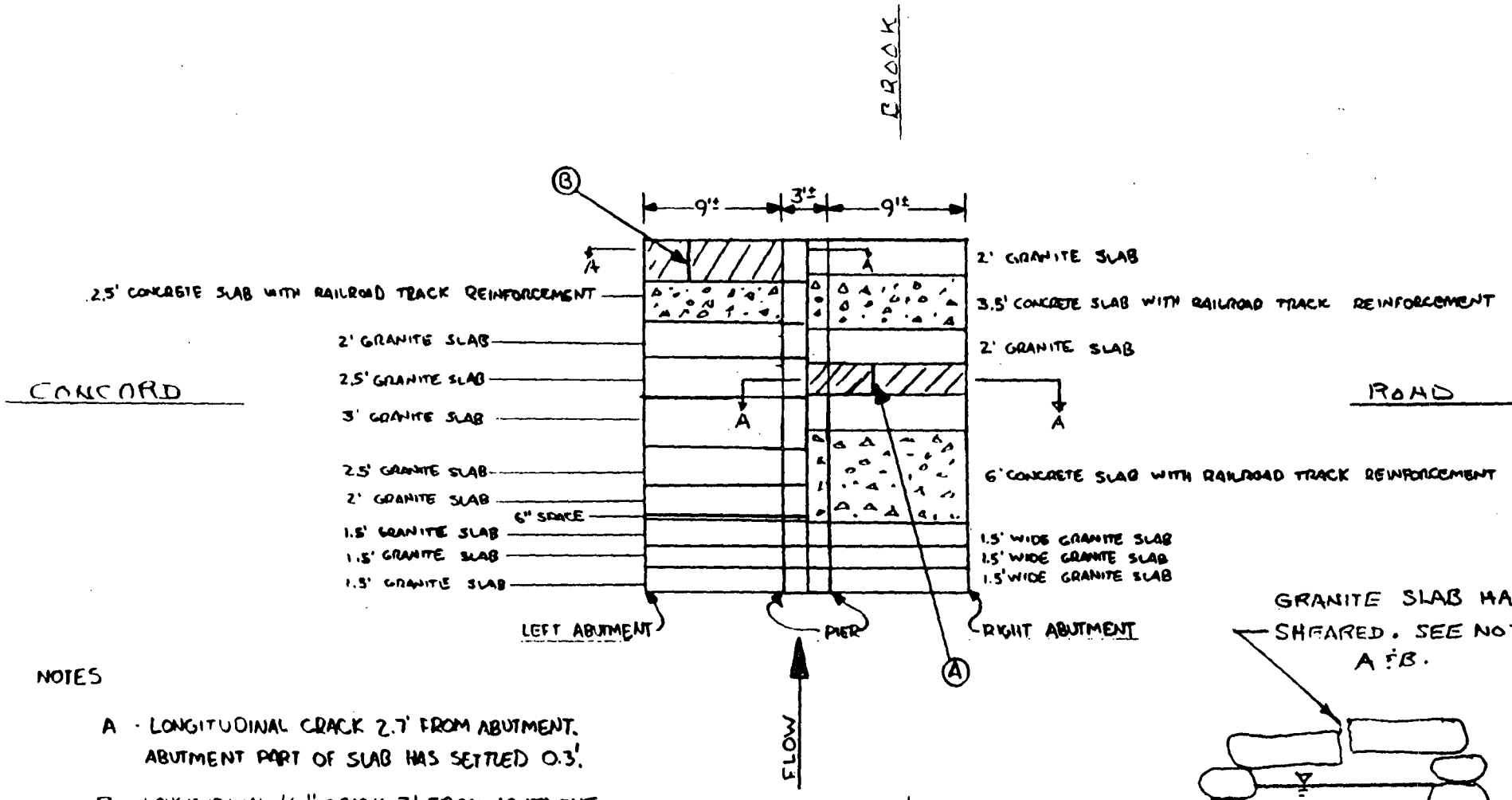
Scour Critical Bridges	
Scour	
a) Footing exposed	N
b) Undermining	N
Scour Countermeasures	
Sheeting	N
Rip rap	N
Other	N

Y=YES N=NO

X=UNKNOWN NA=NOT APPLICABLE IA=INACCESSIBLE

BI 8-1-90

PLAN OF UNDERSIDE OF DECK SHOWING GRANITE SLABS & CONCRETE REPAIRS.
TWO SLABS HAVE SHEARED SINCE REPAIRS WERE MADE.



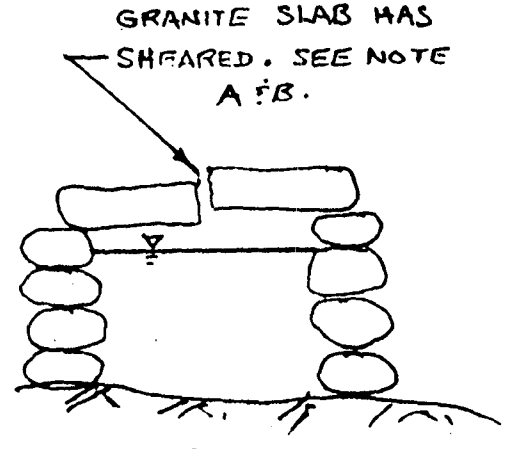
PLAN VIEW

NO SCALE

NOTES

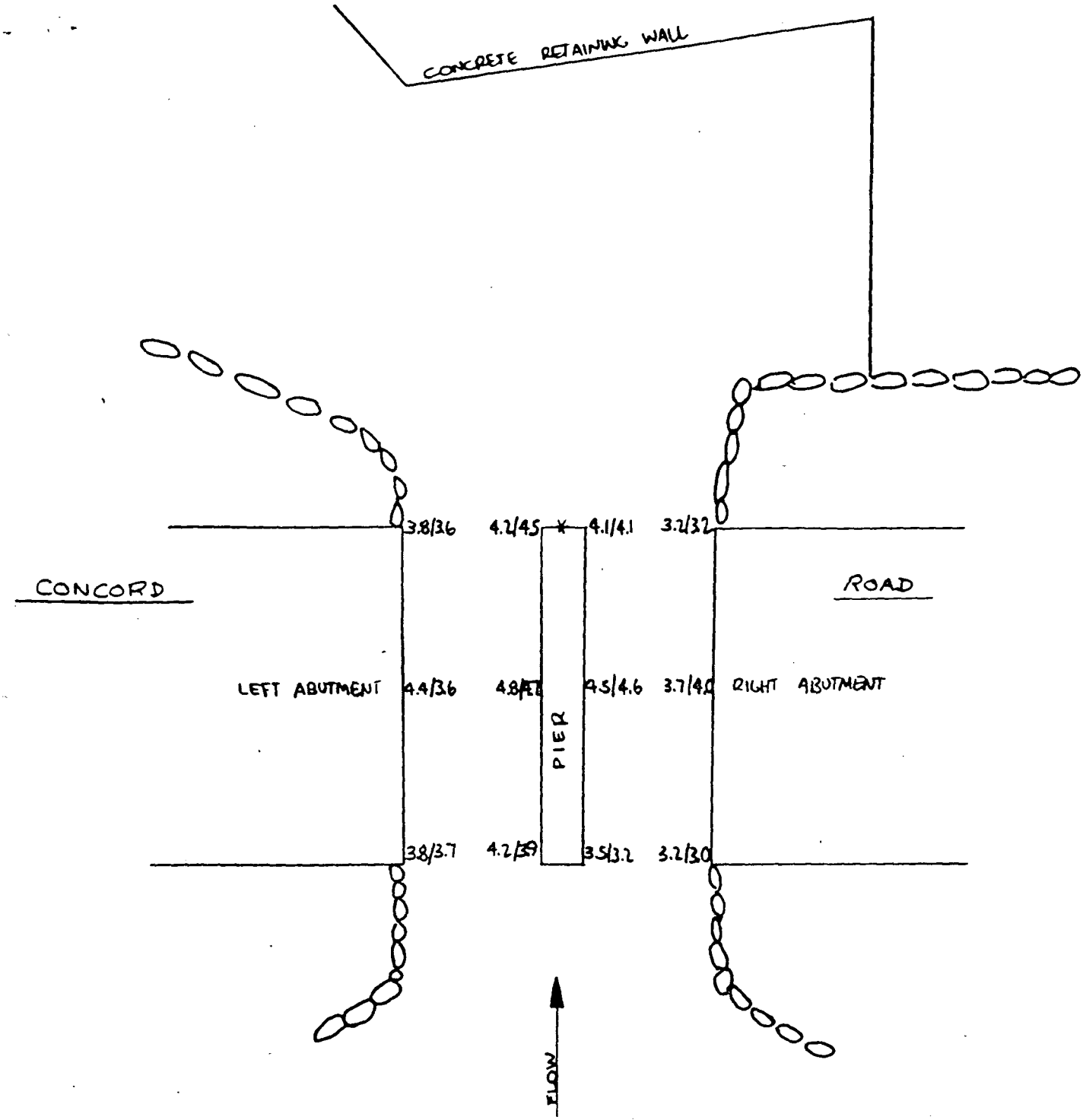
A - LONGITUDINAL CRACK 2.7' FROM ABUTMENT. ABUTMENT PART OF SLAB HAS SETTLED 0.3'.

B - LONGITUDINAL 1/4" CRACK 3' FROM ABUTMENT. 0.1' SETTLEMENT. FIELDSTONES IN ABUTMENT BELOW FASCIA APPEAR CRUSHED.



A-A

(NO SCALE)



NOTES

- ✱ WATERLINE IS 0.7' BELOW BOTTOM OF DECK AT DOWNSTREAM END OF PIER.
- SOUNDINGS ARE COMPARED AS FOLLOWS

  1989 / 1992

PLAN VIEW
1" = 10'

MASSACHUSETTS HIGHWAY DEPARTMENT UNDERWATER OPERATIO
ACTON A-2-18 CONCORD RD. / NASHOBA BROOK
7-22-92 PAGE 4 OF

ANDERSON & KREIGER
ATTORNEYS AT LAW

PHEN D. ANDERSON
(ALSO ADMITTED IN CT)

ARTHUR P. KREIGER
(ALSO ADMITTED IN NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE
(ALSO ADMITTED IN IL)

CYNTHIA HESLEN
(ALSO ADMITTED IN VT)

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
FAX (617) 252-6899

Western Mass. Office:

20 Federal Street, Suite 1
Greenfield, MA 01301
(413) 774-3392
FAX (413) 772-2558

September 11, 1992

William Cheeseman
Foley, Hoag and Eliot
1 Post Office Square
Boston, MA 02109

Re: Town of Acton v. W.R. Grace & Co.--Conn.

Dear Bill:

Enclosed is a copy of Plaintiff's First Set of Interrogatories to Defendant W.R. Grace & Co.-Conn.

Sincerely yours,

Stephen D. Anderson sw

Stephen D. Anderson

SDA/sw
Enclosures

cc: Donald Johnson, Town Manager

CONFIDENTIAL

cc: BOS - FYI

THESE INTERROGATORIES RELATE TO OUR CLAIM FOR COSTS.

Act/Cost/339/Cheesemn.007

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TOWN OF ACTON, Plaintiff, v. W.R. GRACE, & CO.-CONN., Defendant.	CIVIL ACTION No. 90-12356K

PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT W.R. GRACE & CO.-CONN.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, plaintiff Town of Acton ("Town") hereby requests that defendant W.R. Grace & Co.-Conn. ("Grace") answer separately under oath each of the interrogatories set forth below within thirty days from the date of service hereof.

I. DEFINITIONS

1. Unless otherwise indicated, the terms "plaintiff" and "Acton" mean plaintiff Town of Acton.

2. Unless otherwise indicated, the terms "Grace" and "you" mean defendant W.R. Grace & Co.-Conn, its predecessor W.R. Grace & Co., and their agents, attorneys, officers, directors, successors and assigns.

3. "Locus" means all real property within the "W.R. Grace property line" on the "Summary Plan of the W.R. Grace & Company Acton Facility" attached hereto as Exhibit A, including, without limitation, the primary lagoon, secondary lagoon, emergency lagoon, landfill, north lagoon, boiler lagoon, tank car area, battery separator area and blowdown pit located thereon.

4. The term "facility" is defined in 42 USC § 9601(9).

5. The term "site" is defined in M.G.L. c. 21E § 2.

6. The term "owner" is defined in 42 USC § 9601(20)(A) and M.G.L. c. 21E § 2.

7. The term "operator" is defined in 42 USC § 9601(20)(A) and M.G.L. c. 21E § 2.

8. The term "person" is defined in 42 USC § 9601(21) and M.G.L. c. 21E § 2.

9. The term "hazardous substance" is defined in 42 USC § 9601(14).

10. The term "hazardous material" is defined in M.G.L. c. 21E § 2.

11. The term "release" is defined in 42 USC § 9601(22) and M.G.L. c. 21E § 2.

12. The term "threat of release" is defined in M.G.L. c. 21E § 2.

13. The term "response" is defined in 42 USC § 9601 (25) and M.G.L. c. 21E § 2.

II. INTERROGATORIES

1. Please state the full name, residential address and business address of the person or persons answering these interrogatories on behalf of the defendant and, if these interrogatories are answered by an agent, employee, or officer of the defendant state the capacity in which that person answered these interrogatories.

2. (a) Do you contend that the Locus is not a facility within the meaning of 42 USC § 9607(a)(1)?

(b) If so, please state all facts on which you base this contention.

3. (a) Do you contend that Locus is not a "site" within the meaning of M.G.L. c. 21E § 2?

(b) If so, please state all facts on which you base this contention.

4. (a) Do you contend that hazardous substances were not released at and from the Locus during its ownership by Grace?

(b) If so, please state all facts on which you base this contention.

5. (a) Do you contend that the release or threat of release of hazardous materials did not occur at the Locus during its ownership by Grace?

(b) If so, please state all facts on which you base this contention.

6. (a) Do you contend that Acton has not incurred necessary costs of response within the meaning of 42 USC § 9607(a)(4)(B) with respect to the Locus?

(b) If so, please state all facts on which you base this contention.

7. (a) Do you contend that any necessary costs of response incurred by Acton with respect to the Locus are not consistent with the national contingency plan within the meaning of 42 USC § 9607(a)(4)(B)?

(b) If so, please state all facts on which you base this contention.

8. (a) Do you contend that Acton has not incurred reasonable costs of response within the meaning of M.G.L. 21E § 4 with respect to the Locus?

(b) If so, please state all facts on which you base this contention.

9. (a) Do you contend that any reasonable costs of response incurred by Acton with respect to the Locus are not consistent with the Massachusetts contingency plan within the meaning of M.G.L. c. 21E § 4?

(b) If so, please state all facts on which you base this contention.

10. (a) Do you contend that Grace is not a responsible party under 42 USC § 9607?

(b) Is so, please state all facts on which you base this contention.

11. (a) Do you contend that Grace is not a "person liable" under M.G.L. c. 21E § 5(a)(5)(iii)?

(b) If so, please state all facts on which you base this contention.

12. Identify each person you intend to call as an expert witness at trial and for each person separately state:

(a) the subject matter of the facts and opinions to which each person is expected to testify;

(b) the substance of the facts and opinions to which each person is expected to testify;

(c) a summary of the grounds for each opinion; and

(d) the education, business, professional or other experience, as well as any other facts which will be offered at trial to prove the qualifications of the expert.

TOWN OF ACTON

By its Attorney,

Stephen D. Anderson BBO #018770
ANDERSON & KREIGER
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575

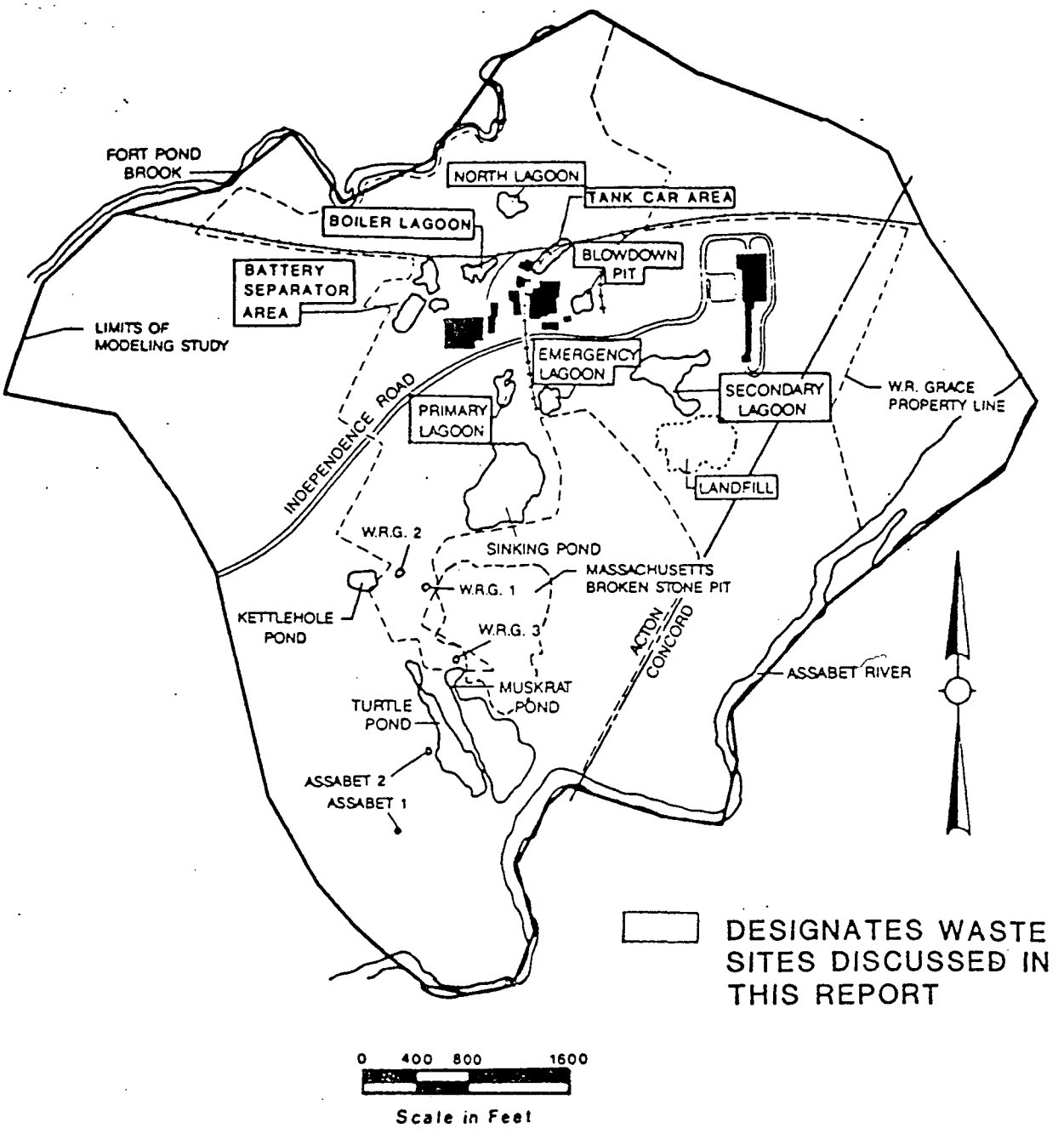
Dated: September 11, 1992

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of these Interrogatories upon the defendant by mailing copies first class mail, postage prepaid to William Cheeseman, Esq., Foley, Hoag & Eliot, 1 Post Office Square, Boston, MA 02109 on this 11th day of September, 1992.

Stephen D. Anderson

act/cost/339/interrogs.



SUMMARY PLAN
W.R. GRACE & COMPANY
ACTON FACILITY

EXHIBIT A

Figure 1.3-2

DRAFT

SELECTMEN'S MEETING
SEPTEMBER 8, 1992

The Board of Selectmen held their regular meeting on Tuesday, September 8, 1992, present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton, William Mullin, and Assistant Town Manager John Murray

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON & NET&T- Concord Road

NORM LAKE - Moved to approve - DORE' HUNTER - Second. UNANIMOUS.

LIBRARY FOUNDATION

Brewster Conant representing the Foundation presented a check in the amount of 3,480.00 as part payment for the Sunday openings beginning September 20th. Anne Chang, Trustee of the Acton Memorial Library endorsed the check and thanked the Board and all that donated time and money for their support. NORM LAKE - Moved to accept the gift of funds to operate Sunday hours at the Memorial Library with gratitude. ANNE FANTON - Second. UNANIMOUS VOTE.

HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING

Anne Forbes along with other members of the HDC outlined the progress they have made since the formation of the Commission. She still felt that there needed to be a representative appointed from one of the districts so that the owners could be represented. Some Legal experience would also be helpful on the Commission. They have a full compliment of six members and one alternate but would like more alternates especially in the areas listed previously. They have issued 4 certificates during the year. Dore' asked what they had done to notify the residents of the districts of the new regulations. The Commission has notified all residents of the districts by letter with the enclosure of a brochure showing the districts and giving pertinent information about the districts. Anne thanked Tom Peterman's wife for her assistance in the graphic end of this effort without it the presentation of information would have not been as good. Dore' let them know that repairs to the South Acton Bridge appears to be moving forward, and asked that they become involved since it was in the South Acton District. Dore' suggested we be proacctive and that the HDC and the State Highways together to work. John Murray suggested the State Historic Commission would better interface with the State Highway Dept.

The Commission explained that they are trying to keep their fees low, but will review them to make sure they are in line with the program to remain self sufficient. The Board thanked them for their timely submission of minutes and for their efforts.

HISTORIC COMMISSION OVERSIGHT MEETING

The Commission did not arrive for their scheduled appointment.

CML GROUP - 7/24/92-336

Jack Dunphy representing CML Group outlined the proposed addition to the existing building. They propose to add a one story office space to the facility and expect no impact on the neighorhood. They agreed with all the stipulations except the one pertaining to working on Saturdays. They asked that they be allowed to work on Saturdays as they have gotten a late start and would like to be done prior to the winter months. Dore' suggested they be allowed to perform the inside work on Saturday if it presented no impact to the neighborhood and suggested that 8-5 would be workable. Dore' further asked about the sidewalk stipulation. Jack replied that they would pay the amount assessed for the Town to do the work required. Anne commented on the site and the screening and the impact on the neighbors with respect to the new building. They assured the Board that no trees would be cut that were necessary and that the landscaping plan was approved at this time.

Mrs. Sturrillo and Mr. Knowlin abutters urged the Board to deny this request. They Board explained that they could not deny the permit if all regulations had been complied with.

DORE' HUNTER - Moved to take under advisement. NORM LAKE -Second. UNANIMOUS VOTE.

MOBIL OIL COMPANY - 24 HOUR PERMIT

Phil Lombardo representing Mobil Oil introduced the new franchisee to the Board. The new franchisee, Mr. Picarrillo asked that the permit be reinstated and that he be allowed to sell milk and cheese during the day in containers larger than individual portions as the demand is high. He said that people are tying up the pumps by going next door to Cumberland Farms to purchase milk after they pay for the gas at this store. Nancy reiterated the board's position when the Site plan was approved and cited parking and neighborhood impacts as key issues that she felt would occur if they were allowed to sell food in volume. Dore' Hunter said he would not speak to the issue since he was currently representing Mobil on another issue.

Anne was concerned that the presentation had changed and wanted to retain the original list of goods. Norm wanted the list to stay the same as originally agreed to and was opposed to

selling anything but snack food. Bill would support the modifications but the felt that the previous Board had voted a restricted list and he would have to go with the sense of the board. Nancy suggested that they document the use and come back before the Board in December when the permit was to be renewed. Joe Pitta of 554 Mass Ave. presented the board with a petition signed by the neighborhood asking that the Board deny the request due to unfavorable impact experienced in the neighborhood. The Board expressed to Mr. Pitta that they could only regulate the sale of food between the hours of 12:00 and 6:00 A.M., the gas station could be open 24 hours per day despite the regulation of the sale of food. WILLIAM MULLIN - Moved to reinstate the permit through December 31 for retail sale of food as defined in the original permit. NORM LAKE - Second. 3-1 ANNE FANTON NO - DORE' HUNTER - Abstained.

DISCOVERY MUSEUM

The Discovery Museum presented its plans for the 10 year anniversary celebration. They plan to have 1,000 persons on site at anyone time and will have volunteers at the parking areas and will be running shuttle buses to and from those sites to accommodate the parking since there will be no parking on site. They asked that the commuter lot be designated as one of the areas for parking. The have contacted the Police Chief and he has required a police officer for the day at the entrance to the museum. They also requested permission to place a sign at the entrance to the museum for 28 days prior to the event.

DORE' HUNTER - Moved to approve the request for placing the sign to be removed no later than one day after the event. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to allow the Museum to use the Commuter Lot for parking on October 3 in conjunction with the celebration. WILLIAM MULLIN - Second. UNANIMOUS VOTE

DORE' HUNTER - Moved that there be no parking on Main Street, Prospect Street, Central from Main to Martin. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar with Items 10 and 12 removed. Anne requested for more detailed information on ownership and asked staff to come back with more detail regarding Item 12. Norm asked that the new manager under Item 10 be asked to come in to speak to the Board prior to Board vote. - NORM LAKE - Moved to accept the balance as presented. ANNE FANTON Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Sunday Package Store Openings - NORM LAKE - Moved to send out letter to all licensees to solicit requests to be open on the Sundays beginning in November through December. DORE' HUNTER - Second. UNANIMOUS VOTE.

Coordinating Committee Process Affirmation - Dore' spoke to his memo regarding the process and asked the Board to reaffirm its commitment to the process. Nancy wanted to focus on the larger picture to look at the town as a whole, and would like to continue to function as a whole and stay away from micro-management, and to continue with the budget oriented goal. Nancy wanted to also develop a incentive to shave money, perhaps assurance we would get like monies back. Bill spoke about allocation of pooled revenues and wanted to assure parity and felt that Dore's memo would do a great deal to re-open communications. Anne was concerned about wage increases. And would like to come to an agreement of hat would be appropriate on both sides . She will not be able to vote for an override for a budget that includes anything more than 2 1/2 percent given the economy and that anything more is inappropriate. Bill asked that the Town Manager and the Acting Supt. also get involved in re-affirming. DORE' HUNTER - Moved to reaffirm its commitment to the Coordinating Committee process, while at the same time taking the position that the essence of the process is compromise by all participants and a responsible view in regard to taxes. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Audit and Investment Advisory Committees - Dore' outlined his memo and expressed his feelings that VCC should not continue to recruit and that the committees should be eliminated considering we have streamlined the functions they were not really required.

DORE' HUNTER - Moved to withdraw the Audit and Investment Committees as committees to be recruited by the VCC. NORMAN LAKE - Second UNANIMOUS VOTE. Staff to notify VCC.

TOWN MANAGER'S CONCERNS

Permit Fees - The Board reviewed the memo regarding wiring fees from the Building Commissioner and his request to increase them. DORE' HUNTER - Moved to approve the request as outlined by the Building Commissioner. ANNE FANTON - Second. UNANIMOUS VOTE

Non-Financial Warrant Articles - The Board discussed the timeline for warrant articles. Dore' felt the day before Christmas was early enough. Nancy felt that December 1st would be better. ANNE FANTON - Moved to close the warrant on December 14, 1992 at the close of business. 4-1 - BIll MULLIN - No

61A Marshall Land - Anne asked to have the discussion delayed until she could talk to the Conservation Commission. She suggested we get input on this property and look at Roland Bartl's memo of 6 months ago, and to see where this property was rated before we continue. The Board decided to continue to 8:45 at the next meeting and asked to have a description of the land, Roland's memo and where it was rated in the Master Plan. Anne stated that action items in the Master Plan are only recommendations for action, and that the only regulations in the Master Plan were those zoning bylaws voted by Town meeting. Norm wanted to see a list of properties which were rated as to the seriousness of approaching Town Meeting developed by the Committee. Anne also stated that they currently have a list that probably was in order of importance that the 61A Committee was using.

The Board adjourned at 11:10 P.M.

_____
Clerk

_____
Date

_____
Christine Joyce
Recording Secty.
cmjW11-(279)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

FILE COPY

Nancy E. Tavernier
Chairman, Acton Board of Selectmen

September 11, 1992

Chief George W. Robinson
Acton Police Department
Acton, MA 01720

Dear George:

On behalf of the Board of Selectmen, I would like to offer my wholehearted congratulations to you, and the entire department, for a most remarkable accomplishment, accreditation of the Acton Police Department from the Commission on Accreditation for Law Enforcement Agencies.

We recognized that this would involve a great deal of time and commitment if the ultimate goal of receiving accreditation was to be attained, but supported those efforts. We were particularly pleased that you were able to juggle the demands of this major undertaking with the ongoing day-to-day operations of the department. The required development of written policies and procedures will serve the whole community long into the future.

Those of us who attended the public hearing during the final inspection were impressed by the fact that so many members of the community had such high regard for the Acton Police Department. We understand that it is often difficult to maintain good public relations when you are in a position of enforcing the law.

Please express our pride in your accomplishment with all of the members of the department. We wish you continued success.

Sincerely,

Nancy E. Tavernier

Nancy E. Tavernier, Chair
ACTON BOARD OF SELECTMEN

Acton Police one of few 'accredited' departments

By Davis Bushnell
SPECIAL TO THE GLOBE

ACTON – Acton Police are now "flying a flag of excellence," observed Chief George Robinson, referring to the accreditation that his department recently received from the Commission on Accreditation for Law Enforcement Agencies Inc., a nonprofit group based in Fairfax, Va.

It is a "flag," however, that has been given to only eight police departments in the state, a fact that concerns Paul L. Doherty, head of the Massachusetts Police Chiefs Association, and some other law enforcement officials. They are urging that a state organization such as the Criminal Justice Training Council be given added responsibilities for accrediting local and state police operations in Massachusetts.

The Andover, Danvers, Stow, Newton, Waltham, Northborough and MBTA police departments are the others in Massachusetts accredited by the Virginia-based commission. They are among 220 departments out of 17,000 nationwide that have been granted accreditation for

POLICE, Page 7

Police accreditation under review

■ POLICE

Continued from Page 1

having conforming, written policies and procedures, according to Margaret Levine, the Virginia commission's director of support services.

Some 65 additional departments, including North Andover, are at some stage of the accreditation process, and others such as Concord and Lexington are preparing for the process, said Sgt. Brian Pattullo, the Andover Police Department's accreditation manager. His department was accredited in November 1988.

While Doherty and others favor most of the commission's 900-plus standards for accreditation, they say that financially pressed municipalities have neither the funds nor the personnel to pursue the long, costly accreditation process required by the Virginia organization.

The commission's accreditation fees range from $10,500 for a department of one to nine members to $12,075 for departments with 3,000 or more employees, Levine said.

Despite tight budgets, towns can still "pick away at the accreditation process, as we're doing," said Concord Police Chief Carl Johnson, one of the people the commission calls upon to inspect police department facilities. The commission was formed in 1979 by four law enforcement trade organizations: International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs' Association and the Police Research Forum.

But many Bay State communities, especially those on Cape Cod and in rural areas, lack funds to meet the commission's requirement that all reserve officers be given the same training as regular officers.

Several states have adopted many of the commission's standards. These include New York which, he said, has accredited 150 police departments in two years, based on about 200 standards.

"That's an indication of what can be done, and our group wants to work with Thomas Rapone to get something similar in this state," he asserted. Rapone is the secretary of public safety.

'Going through accreditation is a way of bringing a department into the 20th century.'

RAYMOND GREY
Acton detective

Chris Bouras, police chief in Danvers, the first town (1986) in the state to be accredited by the commission, agreed with Doherty. "A lot of other communities would be able to meet standards if there were a state program."

Rapone said he has asked William Baker, head of the Criminal Justice Training Council, "to be in touch" with the state police chiefs' group. "We're still assessing the merits of a statewide accreditation program," Rapone said. "It's possible that the training council could be the accreditation unit, and that police chiefs could be auditors of an accreditation program."

There are those, though, who fear that politics and watered-down standards would cause a state accreditation program to be relatively ineffectual.

"I'm wondering who would govern a state system, how the standards would be set and complied with," said Pattullo.

Presumably, a state accreditation program would not penalize a department with reserve officers. This is an idea that Acton Detective Raymond Grey cannot accept, despite the fact that his department had special officers before the accreditation process was begun three years ago.

"Our feeling is that you wouldn't go to an auxiliary dentist or auxiliary doctor," he said. "And you wouldn't want to be served by an auxiliary police officer, either."

Acton Police have not looked back, organizationally, he stressed, observing, "Going through accreditation is a way of bringing a department into the 20th century."

Having had to "start from scratch," the department prepared innumerable written documents – from job descriptions to fiscal management reports, general order manuals to policy statements on matters such as use of force and hot-pursuit chases, explained Grey, who also is the accreditation officer.

After commission members had reviewed randomly selected Acton standards, an inspection team visited the town late last spring. Inspectors included police chiefs from Maryland and Ohio and the assistant director of Maine's Bureau of Drugs, Grey recalled.

Accreditation gives the 34-officer department a morale and community relations boost and, because of guidelines on liability issues such as use of force, it will reduce the annual liability insurance premium by 10 to 20 percent, according to Chief Robinson.

Andover, which will be up for reaccreditation in the fall of 1993, views adherence to standards in terms of police accountability, Pattullo emphasized. The Andover force has 52 officers, and in three years has cut its liability insurance costs by $23,000 as a result of accreditation, he said.

"If you get stopped in Acton," he noted, "you should receive the same treatment you get in Andover or Texas or Virginia – or wherever departments are accredited. So, obviously, the goal is to get as many departments as possible accredited nationally."

North Andover is hopeful of being accredited in a year and a half, said Lt. Glenn Annson, executive officer of the 32-member force. "It's a long process because so many procedures have to be revamped. And it's always a problem freeing up personnel to work on accreditation."

Although it has no money for physical plant changes, Lexington is working on improving policies and procedures, Sgt. Mark Corr, accreditation manager, pointed out. "If you don't have the necessary funds, you can still pursue standards as far as you can," he said. "You don't have to reinvent the wheel."

Concord Police are in the same boat, Johnson said. "We'll become accredited eventually, but right now it's hard to assign someone full-time to the accreditation effort because of cutbacks."

And, he added, "accreditation is not something that cures your ills – you cure your ills and then become accredited."

GLOBE STAFF PHOTO / WENDY MAEDA

Acton Police Chief George Robinson with a cruiser bearing the seal of the Commission on Accreditation for Law Enforcement Agencies Inc.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 17, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Police Accreditation

In view of recent questions regarding the value of Police Accreditation, I believe the Board may be interested in the two attached articles. These articles were written prior to formalization of the program and present pro/con views. They are forwarded for your information only and are not intended as convincing proof of either viewpoint.

National Accreditation: A Valuable Management Tool

Jack Pearson

Editor's note: This article and the one that follows summarize two views of national police accreditation. In the months since they were written, the standards have been formalized and five police departments have received accreditation.

Every book on police administration written in the last 20 years, in discussing management or administrative techniques, includes such activities as planning, organizing, staffing, budgeting, directing, and controlling. To be effective, these processes must be mastered by anyone who assumes the mantle of law enforcement authority.

Over the last few years, the International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriffs' Association (NSA), and Police Executive Research Forum (PERF), have been working on a voluntary accreditation program for law enforcement agencies to serve as a management tool for American law enforcement chief executives for every phase of their responsibilities.

It is not a simple task to develop standards for a law enforcement community as diverse as that found in the United States. According to census data, there are at least 19,600 law enforcement agencies of various kinds throughout the country. More than 10,000 have fewer than nine employees.

One strength in this decentralization and diversity is that local law enforcement agencies can be responsive to citizen demands and expectations. Local governments can determine the role of the agency within the community it serves.

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However, such diversity in law enforcement agency size and functions presents many challenges to any uniform approach to upgrading the effectiveness and professionalization of law enforcement.

History

The accreditation program for law enforcement agencies began in 1979 with a grant from the Law Enforcement Assistance Administration (LEAA), and included active participation from staff of IACP, NOBLE, NSA and PERF. Some discussions on the program took place as early as 1970, when one of the four associations solicited LEAA for funding. It was not until September, 1979, however, that the relationships between the four associations were formalized and a concept for accreditation drawn up and approved.

These four associations created a governing commission with 21 members; 11 law enforcement practitioners and 10 representatives from local, county and state governments, and academia. The four associations incorporated the commission as a private, nonprofit independent corporation in October 1980.

In 1980, commission and association staffs identified 46 topic areas which the standards should address. These areas covered role and authority, administration, operations and auxiliary and technical services of law enforcement agencies.

In May 1982, a "discussion draft" standards manual of 1,012 standards was tentatively approved by the commission for field review and comment. The commission approved key components of the accreditation process and public information policy for field testing.

The commission contemplated using qualified individuals, primarily from other law enforcement agencies (out-of-state) as on-site representatives to verify compliance with appropriate standards by agencies. All assessors will go through specialized commission training.

The standards

Each of the four associations identified a staff manager as responsible for program development for the association. Each employed staff to research and draft specific chapters of standards. Every draft standard ultimately was reviewed and commented on by all four associations. Some used committees of their membership, some used selected law enforcement agencies for input and others used in-house conferences to discuss each standard.

Recognizing the diversity of law enforcement, the commission established levels of compliance for each standard, based on the number of personnel in an agency according to these sizes: 1 to 9 officers, 10 to 24, 25 to 49, 50 to 199, 200 to 999, and departments with over 1,000 officers.

Certain standards are mandatory (M), some "other than mandatory" (O), and some are not applicable (N/A). Once final levels are established, an agency will comply with all mandatory standards for its size, and at least 80 percent of the designated "O" standards that apply.

The commission met in April 1983 to consider the recommendation of the four participating associations and the field review agencies. Duplicative standards were combined into single standards; commentaries were clarified in some cases, as were levels of compliance.

In March 1983, the commission announced the selection of five law enforcement agencies to serve as pilot test sites for the accreditation program. The pilot test agencies were police departments in Hayward, California; Mt. Dora, Florida; Elgin, Illinois; Baltimore County, Maryland; and the Elkhart County Sheriff's Department in Goshen, Indiana. These volunteer agencies implemented the entire program and represented five of the size categories the commission uses in applying standards.

The process

The accreditation process begins when an agency applies. A questionnaire will be sent to the applicant agency to profile its size, legal responsibilities and functions. From the agency's response, commission staff will identify specific standards with which the agency must comply. Once the agency completes its self-assessment and identifies proof of compliance, the commission selects a team for an on-site assessment. Once the assessment is completed and reported, the commission determines whether the agency is accredited or, if not, what actions are necessary to achieve accreditation.

Accreditation is for a five year period; agencies must apply for reaccreditation before the end of the fifth year. An on-site assessment is required as part of the reaccreditation process.

The commission recognizes that waivers of standards may be necessary in some circumstances. An appeal process for commission decisions also is being developed.

The hope is to structure a process through a single coordinator and conduct the assessment with a minimum number of assessors in a minimum amount of time. A committee of the commission has the important responsibility to develop a fee structure that is fair, reasonable and attainable by an interested agency, regardless of size.

Concerns

Although the concept isn't new, the fact that a program of national impact and scope nears completion causes concern to some law enforcement executives.

Some chiefs are concerned that voluntary programs too often become mandated programs. The process of accreditation will begin

with the *voluntary application* by a law enforcement agency. Applications will not be accepted unless the chief executive officer of the agency initiates the request.

Some chiefs are concerned about a "federal" program. From its inception, the commission has strived to become autonomous, independent, and a nonprofit, tax-exempt corporation. The commission now is expanding its efforts to become self-sufficient through private foundation and private industry grants. When the accreditation program is implemented, participating agencies will be asked to support the effort through a fee structure. No one wants a continuing dependence on federal funding, yet support from the government was essential during these initial stages and is much appreciated.

The process does not usurp the rights of any locale or individual. The standards indicate "what to," if an agency has responsibility for certain functions. The "how to's" are the prerogative of the chief executive. It was never the intention of the commission to disturb this authority or the sovereign rights of any state, county or city.

Some chiefs contend the commission's goals and objectives are duplicative of existing programs. This is *not* just another report by a blue-ribbon panel suggesting procedures to be applied by some and ignored by others.

For the law enforcement administrator, accreditation will offer a means of monitoring performance and correcting deficiencies, and access to a wealth of knowledge and experience gathered by commission staff. Accreditation guidelines will help justify budget requests, and will reduce the likelihood of liability suits and liability insurance rates. It will improve relations with the other components of the criminal justice system—the courts, prosecutors, correctional agencies, state and local government officials—and with the community.

For neighboring law enforcement agencies, it offers cooperative agreements and fewer jurisdictional disputes.

For city, county, or state officials accreditation offers an independent evaluation of department policies, useful for attracting qualified officers, justifying budget and personnel policies, and building community support.

To the citizens in an agency's service area, accreditation offers an understanding of law enforcement roles and authority, and greater confidence in the local department's effectiveness and commitment.

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National Accreditation: A Costly, Unneeded Make-Work Scheme

W. E. Eastman

Editor's note: This article and the one that precedes it summarize two views of national police accreditation. In the months since they were written, the standards have been formalized and five police departments have received accreditation.

Local police departments faced a dilemma when the federally funded Commission on Accreditation for Law Enforcement Agencies (CALEA) began to carry out its planned program for officially accrediting America's police departments.

The California Police Chiefs, in an annual conference, passed a strongly worded resolution against the accreditation scheme and the CALEA. The vote was very nearly unanimous. Many police chiefs feel the accreditation program is a federally funded pie-in-the-sky project, based on objectives born from naivete, that is simply too ambitious an undertaking to be effective in the final accounting.

The Commission on Accreditation for Law Enforcement Agencies came into being as a result of a 1979 grant from the federal Law Enforcement Assistance Administration (LEAA). The International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association (NSA), and the Police Executive Research Forum (PERF) are the catalyst organizations. The managers of the accreditation program were selected by and from these four organizations. They drafted standards for "the full range of administrative and operational procedures" conducted by a law enforcement agency.

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The standards developed are to evolve into a process where agencies will apply for accreditation, which would either be awarded or denied. The standards are, according to the commission's literature, measurable and each standard is to be answered by a "yes" or "no" when applied to an agency.

The approval of the standards was the responsibility of a 21-member commission. Each commissioner was appointed by the executive directors and presidents of the four participating associations. Of the 21 commissioners, 11 are "practitioners" from law enforcement and ten "non-practitioners" are selected from outside of law enforcement from both the public and private sectors.

Hazards of disagreement

The first steps taken in the project could be of use to police administrators. In the discussion drafts and selection of standards a compendium of information was established from past writings. References and footnotes of publications preceding the commission's work fill the draft standards. The list is quite recognizable: the National Advisory Commission on Criminal Justice Standards and Goals, the President's Commission on Law Enforcement and Administration of Justice, the American Bar Association Standards Relating to the Urban Police Function, *Local Government Police Management, Municipal Police Administration, Police Administration* (Wilson)....

What was created, to this point, was a list of readings, assembled by topic, of materials readily available to police administrators who care to look. There was really nothing new, and the only surprise was that the Law Enforcement Assistance Administration had come such a short distance from the President's Commission on Law Enforcement to the Commission on Accreditation for Law Enforcement Agencies. Nonetheless, the topical compendium might be handy to some police executives and that is where the "commission" would be well advised to stop.

But has the commission really done its homework? Is it realistic to hope that accreditation will accomplish its objectives? And is there a need to be concerned whether these objectives are actually met? Today, more than ever, police departments must exercise both practicality and political awareness before we either buy into a program or tacitly accede to it.

Unfortunately, disagreeing with this national accreditation exercise has its hazards. Those who have openly criticized it are considered to be philistine in some small, but vocal, circles. Speaking against something as high sounding as a "Commission on Accreditation for Law Enforcement Agencies" is akin to attacking motherhood, lobbying against apple pie, and flying in the face of all that is decent. Those seven words when strung together imply great credibility: it's nothing short of an ad man's dream. But this is a far more

expensive and lasting proposition than the purchase of a bar of soap based upon an advertising impression.

Insurmountable problems

There are seven significant—cumulatively insurmountable—problems with this accreditation scheme that should influence practical thinking law enforcement leaders to respond to the commission and its adherents with a resounding, "No, thank you."

Is it voluntary? In their writings and coast-to-coast promotional tours, the program's salespeople insist accreditation would be completely voluntary. But it is voluntary in name only, and without a united stand by law enforcement executives this ruse will sweep the country. Once a department jumps aboard, for whatever motivation, pressure will be brought to bear on neighboring departments. City councils and politicians will not be aware of what accreditation really means. Special interest groups are certain to use the program for the advancement of their own peculiar causes.

The Executive Director for the "commission" was asked why the standards and other information compiled couldn't simply be shared with the law enforcement community. This way they could use what they needed and save unnecessary expense, process, and bureaucracy. He replied that this would not be done, because voluntary compliance does not work.

Public meetings Another shoe was dropped. The "commission" plans—and this is no more negotiable than the program is voluntary—to hold public meetings in every jurisdiction when its police agency undergoes accreditation. This will be done to avoid giving the appearance that the commission is sneaking in and out of town.

The commission wants to hear public dialog about the agency's compliance or non-compliance with the standards. This, they assure us, will take a lot of pressure off of the police agency!

Federal program Advocates of this plan take pride and care in telling us they are pushing a national rather than a federal program. Hence, no strings are now attached, nor will any be added in the future. Yet, they were initially funded in 1979 by a $1.3 million grant from the Law Enforcement Assistance Administration. In 1981 an additional $1.2 million was anted up by the Department of Justice.

Their next announced money move is to go after private grants and funding in order to get out from under the yoke of federalism.

Cost The commission informed us that handsome fees would be charged to police agencies seeking accreditation. An estimate of

around $5,600 cash outlay would cover accreditation for an agency of about 100 sworn personnel.

This was based on four assessors being on site for four days ($4,000) and additional CALEA administrative costs. A few minutes later that figure was re-guessed at about $8,000. But, nobody really knew. This did not include in-house administrative costs, which would be considerable. Whatever fees the commission decides on are recurring. Reaccreditation is required every five years and the same fee is recharged to the agency.

Commission staffing The commission sprang into being as the dying gasp of the Law Enforcement Assistance Administration. Soon the IACP, NSA, NOBLE and PERF jumped on the bandwagon, naming their people as program managers and helping their executive directors in appointing a 21-member commission. This process is certainly suspect and police departments may be well advised to accredit commissions, rather than to annoint commissioners whose function is the accreditation of law enforcement agencies.

The organizations at the forefront do not have a history of speaking or acting in the best interests of local police departments. For example, IACP's Operation Identification Program moved into communities without so much as the courtesy of discussion with local police executives, and it perpetrated what many consider to be a "bunco scheme" on the public.

The second glaring incident of separate interest was brought to light by the recent statements of a NOBLE director on the nationally syndicated "Donahue" show. He painted a picture of white police officers routinely gunning down minority, primarily black, victims. And now police departments are expected to apply for accreditation from organizations whose high ranking representatives run scams on the public and are racist in both title and espoused ideology, to the detriment of the police profession.

Police departments have been assured they will be fairly represented on the commission, since it takes all four of the law enforcement groups to bestow commissioner status on an individual. However, the commission will change by one-third every three years as seven new appointments are made. Six of these positions have already turned over for a variety of reasons—including not attending any meetings. Next year will mark the first scheduled turnover. Thus, by 1984 we will see a shift of at least 13 of the original 21 positions established in 1979.

Local rule The concept of CALEA chips away at the very cornerstone of local rule and community desires in the provision of safety services. Chief Daryl Gates of the Los Angeles police department said it best in a recently published interview.

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The wonderful thing about policing in the United States is that we have community policing, policing that is done in step with what the community wants. This present effort toward accreditation, to develop a national standard, is something that I think we should be very cautious of because it smacks of nationalizing the police, getting away from the community to what people on a national scale think is right for policing in America. I think that's wrong. I'm opposed to this whole accreditation program. I'm not opposed to professionalism and I am not opposed to developing good standards. We do that in California. But even in California, where we have a state commission imposing standards, it takes away some of the individual community's ability to decide what is right for them. We don't have a national police in this country and we should never have a national police.

The "trust me" mentality Whenever questions are put to the commission and their spokespersons, the responses are, alarmingly, "Trust me, it'll be all right!" Police administrators should be more skeptical of these soothing replies to well-grounded concerns. This most unsatisfactory response has followed such questions as:

1. What vicarious liability does a non-accredited police agency face?
2. What vicarious liability does an accredited police agency face when the standards apply nationwide yet the *Peterson* decision[1] applies to California, not Nevada, Illinois, Texas, Michigan, Georgia . . .
3. With the Commission on Peace Officer Standards and Training working in California, why do we need CALEA?
4. Why is an assessor from another state more qualified than a police chief, a city manager, a city council, or a community to judge the police department?
5. With a liberal high court, an adversary press with a predominant "60-Minutes" journalistic mentality, and lawyer unions who perceive their role as sitting in review of police to further their own causes, why do police agencies need yet another non-representative body to sit in judgment of their day-to-day efforts?
6. Isn't this just a national police review board by another name?

The Commission on Accreditation has nothing to offer: the only gains that will result, should the plan come to fruition, will be the self-serving benefits to the commission and its members.

Editor's note: In the closing portion of this article, which was shortened somewhat, the author noted that "California appears to be the last stop in CALEA's campaign to win acceptance for the concept of accreditation of local police departments" by presenting accreditation

as a fait accompli. *He then urged the state's law enforcement leaders to actively counter CALEA's efforts. Subsequently, he reports, police chiefs in the state took a major role in opposing accreditation nationwide.*

1. *Editor's note:* The "Peterson decision" to which Chief Eastman refers is *Peterson* v. *City of Long Beach*, 24 Cal. 3rd 238, 594 P.2d 447 (1979). In this case, the California Supreme Court ruled that police administrative manuals and regulations carried the force of law in court determinations of negligence, and that violations of police administrative regulations carry a rebuttable presumption of negligence.

   James Wright's observations about *Peterson*'s effects on California police may clarify Chief Eastman's concerns about accreditation:

   "First, *Peterson* labeled the police manual to be regulations with the force of law; the practical result is that the police manual has the same effect as *legislative* rules under administrative rulemaking. They both have the force of law and both have civil liability.... Second, the effect of viewing the manual as having force of law is to impose tort liability. By imposing tort liability *Peterson* discourages the use of police rulemaking to guide police activities...."

   From: James Wright, "Police Shootings—Administrative Law as a Method of Control over Police: *Peterson* v. *Long Beach*," 8 *Pepperdine Law Review*, 419, 445 (1981).

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 17, 1992

**** CONFIDENTIAL ****

TO: Detective Sergeant Robert Parisi
Detective Christopher Browne
Inspector Bernard Harrison

FROM: Don P. Johnson, Town Manager

SUBJECT: Job Well Done

I am in receipt of a copy of Ms. Louise Dean's letter to Chief Robinson praising each of you for the way you have handled her case. Ms. Dean indicates that she wishes the Selectmen to know of your fine work and I assure you they will receive copies of her letter in their mail.

Personally, I am pleased to express my congratulations and thanks for the exemplary manner in which you have handled this situation. It is obvious that Ms. Dean was under extreme stress and the empathy and professionalism displayed by each of you allowed her to work through her "nightmare".

This is the kind of service that distinguishes Acton from most other cities and towns and gives our residents reason to be proud of their community.

Don

cc: Board of Selectmen
Police Chief
Personnel Files

12E Wampus Ave.
Acton, MA 01720
September 16, 1992

Chief George W. Robinson
Acton Police Department
P.O. Box 2212
Acton, MA 01720

Dear Chief Robinson:

On August 26, 1992 I had my first experience with the Acton Police Department. Although my case is still ongoing and I'm not sure what the outcome will be, I would like to express to you how fortunate I feel at having received the help of your competent and respectable staff. There were at least five different people involved in my case, all of whom were professional, caring and intent to do a job and do it well. There are three, however, who I feel I must highly praise to you.

First is Detective Robert Parisi. His immediate response, knowledge of the law, and genuine concern for my safety was overwhelming. He listened to everything I had to say, and realistically took me step by step through proper procedure. As scared as I was in my situation (being threatened by William Shaughnessy) he managed to convey to me the importance of what I had to do. Because of his direction, I was able to maintain accurate records that have continued to support me during court appearances.

Next is Detective Christopher Browne. At my worst, during the first weekend of my nightmare, he took time on a Saturday to try to help me understand what processes I had to work with in order to protect my safety. He tried to work through the red tape of the New England Telephone Security system to try to get a trap put on my phone. (It didn't happen, but through no lack of trying on his part - just NET procedure.) He sat with me, tried to calm my fears and like Detective Parisi, was concerned for me in my plight.

Currently, I am working through the Concord Court System with Inspector Wally Harrison. He has helped me apply for arrest warrants due to William Shaughnessy's twice violating the Restraining Order I received against him. We continue through court hearings every ten days. Inspector Harrison is meticulous to detail, patient with all my questions and as well, shows concern for me as a person, not just a case. I appreciate all that he is doing for me through this ongoing process.

As frightening as this ordeal is for me, there is a degree of calmness I feel due to the fine work of the Acton Police Department as a whole and the support of the gentlemen I have just mentioned. Please accept my gratitude as an Acton resident and a woman in fear for her safety. I pray that I will never again have to enlist the help of these people I hold in the highest regard, but if I do, I know that I will be in the most capable hands possible. Thank you for allowing me the opportunity to praise the Department to you, Chief Robinson.

Most Sincerely,

Louise Dean

Louise Dean

√copy: Acton Board of Selectmen

CC: BOS

TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

Sept 10

Dear —

I'm sorry that it looks like we will need to continue the work on dealing with the Davis Monument lights by means of a new certificate application — The main problem is that the discussions seem to have gotten suspended right at our 60-day deadline on your July 13 application, which had to be voted on at our Tuesday night meeting —

Please give me a call when you get a chance —

Anne

TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

September 10, 1992

RECEIVED & FILED
DATE September 10, 1992
Barbara Brown
for TOWN CLERK, ACTON

Dean Charter, Director
Municipal Properties
Town of Acton
472 Main Street
Acton, MA 01720

NOTICE OF DECISION: Application #9203
Davis Monument light fixtures, Main Street

Dear Dean:

At a meeting held in Town Hall on September 8, 1992, the Acton Historic District Commission reviewed and voted to deny your application for a Certificate of Appropriateness for

Davis Monument light fixtures, Main Street

In its discussion, the Commission noted that the 60-day deadline for our decision is about to pass without substantial progress toward mitigating the visual impact of these four light fixtures, which were installed between June 22 and the July 13 application date. We feel that the best procedure would be to terminate the present application and ask you to submit a revised one that would address our concerns about the height, bulk, and material of these very modern fixtures. As was discussed at the meeting of July 20 and in the conference between you and Commission member Whit Mowry on September 3, it is the consensus of the Commission that the substantial height (ca. 30"), general bulk, and exposed aluminum conduit of the fixtures is detracting from and out of keeping with the historic surroundings of both the monument island and the larger town common area.

We realize that the town has already paid for the fixtures, and that screening them is somewhat difficult. This does not mean there is no solution, however. We would approve a revised application if it included one of the following:

1. the replacement of the existing units with a direct burial type of lighting fixture placed at or below grade,

or

2. the screening of the existing units with landscaping sufficient to substantially hide them from public view throughout the year.

In the former case, since the lights themselves are of a type already used on town-owned properties, we would hope that some expense could be saved by re-using them elsewhere. In the second, the Commission would want to discuss with you any ideas you would have about plant material.

These are the two alternatives that were presented by Whit Mowry when he spoke with you last week. They may not be the only possibilities, however, so please feel free to propose anything else that you think might address the problem.

We would appreciate it if you could submit the new application by September 24. A Commission meeting is scheduled for Monday, September 28, and we might be able to approve the application very quickly that night--you could thus have your Certificate as soon as the ten-day waiting period for abutter notification is over.

We would also be glad to meet with you before that--at our regular meeting on September 14, or at a special meeting, if that is not convenient. We would be willing to arrange a time when either the Town Manager or Assistant Manager could also be present, if you think that would be helpful.

Please give me a call at 263-2227 if you have any questions, or if I can help you in any way.

Sincerely,

Anne Forbes

Anne Forbes, Chair

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

RECEIVED & FILED
DATE July 14, 1992
Catherine Belkin
ASST. TOWN CLERK, ACTON

APPLICATION FOR CERTIFICATE

Applicant (owner) Town of Acton Telephone 508-264-9629

Address 472 Main Street, Acton

Location of work Opposite 472 Main Street (No. / Street) District: Center X West ___ South ___

Pursuant to Chapter 40C of the General Laws of Massachusetts, application is hereby made for issuance of a Certificate for work within a Local Historic District. The Certificate is requested for:

( ) new construction ( ) alteration ( ) demolition ( ) removal

( ) addition/expansion ( ) re-siding ( ) re-roofing ( ) landscaping

(X) repair/replacement ( ) porch/deck ( ) sign(s) ( ) other (specify) _____

Description of work proposed:
(See instructions for additional information required)

Replace eight existing 300 watt incandescent fixtures with four 250 watt metal halide fixtures. These lights are used to illuminate the Davis Monument. As noted in the meeting on June 22, this work was underway prior to distribution of maps and regulations. Work is now complete.

The undersigned hereby certifies that the information on this application and that any plans submitted herewith are correct, and constitute a complete description of the work proposed.

Signature of Property Owner Dean A. Charter Date July 13, 1992

Dean A. Charter, Municipal Properties Director

Do not write below this line

Application received by Anne M. Forbes Date 7/14/92

Certificate approved by _____ Date _____
Historic District Commission

Certificate of Appropriateness not required (Certificate of Non-Applicability issued) _____

Application # 9203 DENIED 9/10/92 — See Notice of Decision

Anne M. Forbes
Historic District Commission
9/10/92

5/92

CC: BOS

ACTON HISTORIC DISTRICT COMMISSION MINUTES: Aug. 24, 1992

Members present: Dallmus, Gates, Mowry, Peterman, Schmidt.
Mowry called meeting to order at 7:45 in H.R 121
Minutes of Aug. 10 were accepted as amended.
Mowry noted that Frank Melon was considering replacing windows in a house on Mass. Ave. with wood windows with same number of lights, the same size.

Application # 9203 Davis Monument---- Mowry noted that Dee Schweppe, lighting specialist, has brochures on in-ground lighting fixtures for monuments and has looked at the present ones at the monument. After considerable discussion, it was agreed to have Mowry try to meet with Dean Charter informally to discuss accomodations that might be made. It was also agreed to set a special meeting of the HDC for 8:30 p.m. on Sept. 8, following the Selectmen's oversight meeting with the HDC.

It was noted that there was no application from the Christian Science Church re: their sign.

Gates was asked to check on construction at 451 Main St. (Bean), and 455 Main St. (Johnson), to see if a building permit was needed or had been issued for either one.
The meeting adjourned at 9:03 p.m.

Respectfully submitted,

Joan Gates

Board of Selectmen

141 Summer Street
Acton, MA 01720
September 7, 1992

Anita L. Dodson, Chairman
Acton Historical Commission
Town of Acton
Acton, MA 01720

Dear Anita:

As you Know I have been considering a job offer in Tulsa, Oklahoma. Well, I have finally made my decision and accepted the offer. I will be leaving Acton the third week of September. Because of the work involved in preparing for my family's relocation I will not be able to spend any time working on the Historical Commission. Therefore, as of today I am resigning my position.

I have enjoyed working with all the members of the Historical Commission and will truly miss my involvement with them.

Sincerely,

Francis W. Domurat

Francis W. Domurat

CC: VCC
T. Clerk 9/17

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: September 15, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner GAR
SUBJECT: Foster Masonry/25 Lawsbrook Road

I have been pursuing the securing of the buildings at 25 Lawsbrook Road. Both Foster Masonry and Shawmut Bank, who is foreclosing on the property, are denying possession of the property. This leaves the Town with the responsibility of securing the property as required by MGL c143, s69. I have given them until 5:00 p.m. tonight but I have little hope that this will be resolved.

At that time the Town needs to decide if we will leave a dangerous condition or correct it. It is my opinion that we must correct this condition and that it would be irresponsible to let it continue. As you can see by my previous correspondence, there has been a lot of vandalism and the probability exists that someone could be seriously hurt. It is my estimate that it will cost between $6000. and $8000. to secure the buildings and stabilize the block pallets.

As you are aware, I do not have these funds within my budget. We usually have the ability to secure the assistance of property owners to correct these problems and this is only the second time in five years that I have been forced to pursue this avenue. I would appreciate your help so that I can move forward tomorrow.

9/15/92
4:50 PM

GARRY -
OK TO PROCEED PER OUR DISCUSSION. SEEMS WE ARE GETTING NO COOPERATION AND WE HAVE NO OTHER CHOICE. I WILL HAVE JOHN & ROY IDENTIFY SOME METHOD OF FINANCING BY END OF YEAR. THAT MAY BE OR INVOLVE YOUR INSPECTION PROGRAM.
Don

cc: BOS

HALE AND DORR

is pleased to announce that

David Y. Bannard

has become associated with the Firm
and will concentrate in the area of
Public Finance

Mr. Bannard will practice
primarily in the Boston office

CC: BOS - FYI
MEMBERS OF THE BOARD MAY REMEMBER DAVID BANNARD AS THE ATTORNEY FROM PALMER & DODGE WHO "AUTHORED" THE AUDUBON HILL AGREEMENT WITH ROY SMITH. HALE & DORR HAS DONE WELL.
RM

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

File
9/25/92

****

DATE: Sept. 23, 1992

TO: TOWN CLERK - Staff, Boards and Committees

FROM: BOARD OF SELECTMEN

SUBJECT: RESCHEDULE of November 3rd Meeting

The Board of Selectmen voted to on September 22, 1992 to cancel the November 3rd meeting and to reschedule it to November 10, 1992. The regular schedule of meetings will continue as posted.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 23, 1992

TO: Norm Lake, Selectman

FROM: Don P. Johnson, Town Manager

SUBJECT: Emergency Operations Center (EOC)

Prior to the Selectmen's meeting last night, you and Don Gilberti asked me where the designated EOC was in the event of an emergency. My answer was the Police Station.

I have had an opportunity to research this in the "Comprehensive Emergency Management Plan" and find that I was incorrect. The Fire Headquarters building in West Acton is designated as the Primary EOC. The Police Station is designated as the Alternate EOC.

Don

cc: Board of Selectmen

CC: BOS

MAPC News

OCTOBER 1992

SEP 22 1992

MAPC Metropolitan Area Planning Council 60 Temple Place Boston, MA 02111 (617)451-2770

NARC to Convene in Boston

The National Association of Regional Councils has chosen Boston as the site, and the Metropolitan Area Planning Council as the host of their 1994 Annual Meeting and Convention scheduled June 16-21 at the Boston Park Plaza. The event kicks-off with an opening reception and concludes with the annual banquet. A number of planning workshops, exchanges, and the annual exhibition are scheduled in between. Stay tuned for more details.
Contact: Donna Howard

Forum on the MWRA Outfall

On Wednesday, September 30, MAPC and the South Shore Coalition will sponsor a public forum on the MWRA outfall at Norwell High School. The forum will feature a panel of some of the region's most prominent scientists who will address key issues such as denitrification, red tide, whales, and circulation patterns in Massachusetts and Cape Cod bays.
ntact: Martin Pillsbury

Metropolitan State Hospital

MAPC has been working with Waltham, Belmont and Lexington on the disposition and re-use of the Metropolitan State Hospital. MAPC has been facilitating monthly meetings of the three re-use task forces formed in the communities. The property is subject to a state-mandated disposition process. The property contains valuable open space as well as potentially developable land. The communities are working together to determine the most feasible re-use options for the site.
Contact: Joan Blaustein

CDC Update

Reviews of concentrated development centers are progressing. Salem will probably be the first community to have a signed MOU, however the communities of Malden, Gloucester and Medford are at the mini plan stage and are not far behind.
Contact: Kent Stasiowski

Massachuesetts License Plate

Community Bulletin Board

Copies of Cambridge's "Fast Order Establishments" ordinance are available at MAPC.

Also, MAPC is re-subscribing to APA's Planning Advisory Service. Membership to PAS entitles the subscriber to monthly issues of "PAS Reports", which provides information on the newest techniques being used to deal with planning problems, and "PAS Memo" a monthly bulletin that includes news of outstanding new planning programs and up-to-date information such as excerpts from new zoning ordinances. In addition, the subscription covers "The PAS Answer Service." Research staff at PAS will respond to planning-related questions and also provide ordinances used by other communities that have dealt with similar problems. The answer service will be accessed by MAPC staff on behalf of member communities if the information is not available in-house.
Contact: Paul DeCoste

Joint Services

The first in a series of three meetings on regionalism in Massachusetts will be held on October 21 at 7 p.m. at Stonehill College in North Easton. MAPC has served on the planning committee for this series which is being spearheaded by the college and Old Colony Planning Council.
The public is invited to attend these forums to learn more about existing regional programs and about possibilities for the future.
Contact: Jean Christensen

Mark your Calendar

A number of actions important to your community are scheduled for the Fall Council Meeting on Wednesday, October 28th at the Burlington Marriott. If you haven't done so, please R.S.V.P. to Elaine Thomas at your earliest convenience. The Burlington Marriott is conveniently located at the intersection of Routes 128/I-95 and Route 3A just 20 minutes from Boston.
Contact: Donna Howard

Vacant Land Inventory

MAPC is continuing an update of the inventory of vacant land zoned for commercial or industrial use. The update is complete for 15 communities.
Contact: Patricia Johnson

Regionalism/Joint Services

MAPC is co-sponsoring a symposium on regionalism with Middlesex County Selectmen's Association, the Nashoba Valley/Minuteman Finance Committee Association and several other groups. The evening meeting is scheduled for September 24 at the Middlesex Community College in Bedford. Reservations are necessary to participate in the complimentary light supper that will be served. Call Rich Reed in the Bedford Town Hall @ 617-275-1111 to reserve a place. The formal meeting begins at 7 p.m. and is open to the general public.
Contact: Jean Christensen

Subregional Chairs Meeting

The first meeting of the new Subregional Chairs Committee has been tentatively scheduled for Wednesday, September 30, 1992, at 8:30 a.m. at Wellesley Town Hall. Agenda items include the concentrated development centers, joint services, and the October Council meeting.
Contact: Rachel Kuropatwa

Fare Increase Draft EIR

The Revenue and Service Advisory Committee has spent the summer reviewing drafts of the Fare Increase Draft Environmental Impact Report (DEIR). This DEIR outlines the post-increase ridership data to date, compares it with ridership data from the 1989 Fare Increases DEIR, and begins the analysis of the socio-economic and environmental impacts of the increase. The August 31 final draft was accepted by the EOEA and will be noticed in the Environmental Monitor at the end of September. The public comment period on the draft will be through the end of October.
Contact: Rachel Kuropatwa

South Shore Solid Waste Plan

At its July meeting, the South Shore Coalition voted to accept the Phase II Regional Solid Waste Management Plan for the South Shore Coalition, prepared by Tellus Institute on behalf of the coalition. All ten coalition communities are participating in a regional solid waste planning board that is working to implement the plan. The 30-member board meets on a monthly basis and welcomes anyone interested in helping the region meet its need for sound solid waste management.
Contact: Mary Ellen Schloss

Ft Devens Forum

On October 1, 1992 the MAGIC subregion will host a major forum on the reuse of Ft. Devens. The forum is geared toward local ficials and other interested citizens. The rum will run from 7:15 to 10:00 p.m. at the Acton-Boxborough Regional High School on Charter Rd., just west of the intersection of routes 27 and 111 in Acton. It is open to the public free of charge.
Contact: Judith Alland

Municipal Incentive Grants - Round Two

The Executive Office of Communities and Development (EOCD) has released the Request for Proposals for the Municipal Incentive Grant (MIG) Program - Round Two. Proposals will be accepted beginning October 2, 1992, and there is no application deadline. Round Two will cover Service and Innovation Grants and Capacity Building Grants, but not Strategic Planning Grants.
Contact: Paul DeCoste

Sharon School Enrollment

The town of Sharon Building Committee recently awarded a $10,000 contract to the MAPC.
The study will develop demographic-based enrollment forecasts and compare it with a residential development-based enrollment ecast for a ten year period. The results of h town-wide forecasts, in cooperation ıth the Board of Selectmen and School Committee, will form the basis for recommending the need, timing and size of future school classroom additions. This project is an update of a similar one completed in 1987.
Contact: Doug Carnahan

APA Workshop

There is still time to register for one of the five workshops on developing a local master plan sponsored by APA and cosponsored by EOCD, MAPC, the Lincoln Institute of Land Policy and 1000 Friends of Massachusetts. The workshops are scheduled for: Grafton, September 16; Amherst, October 8; Rockland, October 14; Manchester-by-the-Sea, October 22 and Pittsfield, November 5. Workshops begin at 6 p.m. with a light supper and continue thru 10 p.m.
Contact: Jean Christensen

SWAP Water Supply Protection Plan

MAPC is preparing a water supply protection plan for the SouthWest Advisory ning (SWAP) subregion. An eighteen-nber committee, composed of two representatives from each town, is assisting with the project. The project is funded by a grant from the Mass. Department of Environmental Protection.

Cambridge Watershed

MAPC has begun work on the second phase of the Cambridge watershed protection project. Community representatives have been appointed to the Cambridge Watershed Advisory Committee, which held its first meeting on September 10 in Weston. Members from Cambridge, Lexington, Lincoln, Waltham, and Weston will meet regularly to discuss issues affecting the watershed and to establish procedures for coordination among the communities. The project is being funded by a contract with the Massachusetts Water Resources Authority.
Contact: Martin Pillsbury

Greenways Conference

The Massachusetts Greenways Council will be holding a major conference on September 26 at the University of Massachusetts, Amherst. MAPC has been invited to co-facilitate a regional workshop on greenways projects in eastern Massachusetts. The purpose of the workshop is to allow groups working on different projects to coordinate their efforts. For more information on the conference call Gail Swett, Department of Environmental Management, (617) 723-3160 Ext. 574.

In Celebration of the Minuteman Trail Conversion

The Minuteman Trail will be the focus of the nationwide Rails-to-Trails Day on Saturday, October 3, 1992 during Arlington's Town Day ceremonies to begin at 11:00 a.m. at the Uncle Sam Statue and the Jefferson Cutter House in Arlington. The Minuteman Trail is the nation's 500th trail conversion and marks the end of a long and arduous process that began in 1981 by the towns of Arlington, Lexington, Bedford and MAPC.

Coastwide Monitoring Program

In April, Environmental Affairs Secretary Susan Tierney appointed a "Blue Ribbon" panel to advise the state on the establishment of a comprehensive program for monitoring the coastal waters of Massachusetts. David Soule was appointed to the committee representing MAPC. Since April, the panel has been working to develop a set of recommendations for the secretary. A draft report has been prepared, and public meetings will be held in October to receive comments and suggestions from interested parties. The public meetings in the MAPC region will be as follows:

Gloucester	#2 State Fish Pier October 13 7:00 PM
Norwell	Town Hall October 20 7:30 PM
Boston	New England Aquarium October 27 7:00PM

Contact: Martin Pillsbury

Pavement Management

The Hamilton public works staff has completed inspecting the road pavement condition and are preparing local cost and maintenance treatment information to be included in the various budget scenarios of the pavement management report.

In order to move quickly through the pavement management program, the town of Rockport is dedicating public works staff to one full week of collecting road condition data in September.

Marshfield's pavement management report which evaluates the town's road network is nearly complete.

A proposal is being reviewed by town officials in Hopkinton which offers some alternatives to assist the town with the road condition data collection process necessary to participate in MAPC's pavement management program.

MAPC has been invited to share their experiences as a regional planning agency involved in pavement management at the FHWA Region One Pavement Management Conference being held in Springfield this month.
Contact: Barbara Clark

Environmental Reviews

MAPC recently reviewed and distributed the following environmental reviews:
MBTA/Worcester Commuter Rail Extension
Peabody/GCR Landfill Expansion
Lexington/Marrett Road Widening
Hudson/Proposed Retail Facility
Boston/Combustion Gas Tribune Addition

BSA Talk

Kent Stasiowski will be speaking to the Boston Society of Architects - Growth Management Task Force on October 15, 1992 at 5:30 pm at the BSA building (52 Broad Street, Boston). The topic will be concentrated development centers and MAPC's role in furthering their development.

October Calendar

1	9:15 a.m.	CDC Committee
6	9:00 a.m.	MetroPlan Committee
8	8:30 a.m.	NSTF - Salem
	7:30 p.m.	MAGIC
12		Holiday
13	12:00 p.m.	Finance Committee
14	7:30 p.m.	MetroWest GMC
15	3:00 p.m.	SWAP
	7:30 p.m.	SSC
21	9:00 a.m.	Executive Committee
	4:00 p.m.	TRIC
28	3:30 p.m.	Fall Council Mtg - Burlington

Please call ahead to confirm time and date.

cc: BOS

METROPOLITAN DATA CENTER

A Service of the Metropolitan Area Planning Council • 60 Temple Place, Boston, MA 02111 • 617 / 451-2770

IMPORTANT INFO!!

Community Officials;

- MetroPlan 2000, the regional growth plan for the Boston metropolitan area, has made recommendations to encourage economic development and jobs growth. A number of activities have been underway at MAPC to support such growth:

  - With the support of the federal Economic Development Administration, MAPC has prepared a regional Overall Economic Development Program that sets priorities for economic development projects in the region.

  - MAPC has assumed a leadership role with Cardinal Law's Challenge to Leadership. CTL brings together leaders of business, labor, government and the non-profit sectors in a working alliance to further develop actions to revitalize the regional economy.

  - MAPC, Boston Edison and the Associated Industries of Massachusetts are organizing a meeting of state and local officials to discuss manufacturing issues. The workshop is scheduled for October 5. Communities will get an invitation soon.

  - MAPC has been working with the Executive Office of Economic Affairs (Secretary Tocco's office) in developing new statewide economic development actions.

Now MAPC and member communities have an opportunity to provide a useful service. A new group has been established by the utility companies, the state's Office of Business Development and others known as Massachusetts Alliance for Economic Development (MAED). This group will market, nationally and internationally, industrial growth opportunities in Massachusetts. Working with MAED, we have the opportunity to provide information on <u>potential</u> <u>sites</u> for new industry within the MAPC region.

In 1983 MAPC and our member communities created a file of vacant industrially and commercially zones parcels for each city and town. This file was updated in 1987. We are <u>now</u> in the process of updating the file again.

- Now when companies are looking to locate in the MAPC region we can provide information on available sites.

Marjorie A. Davis, *President* Edmund P. Tarallo, *Vice-President* Richard A. Easler, *Secretary* Marylou Batt, *Treasurer*

David C. Soule, *Executive Director*

Douglas L. Carnahan, *Data Center Director*

PRINTED ON RECYCLED PAPER

- It is in the best interest of each community to help us get this system updated as soon as possible. Your assessor will be hearing from us soon (if he/she hasn't already). In the meantime if you have questions or suggestions on how best to collect this information for your community contact Doug Carnahan or Patricia Johnson at MAPC.

Thanks for your assistance,

David C. Soule

David C. Soule
Executive Director

Mailed to:

Local Chief Elected Official
Local Manager/Administrator
Local MAPC Representatives
Local Planner
Local Assessor

CC: BOS - 9/25

A VERY POSITIVE STEP BY THE LEGISLATURE & GOVERNOR TO ACTUALLY HELP US CARRY OUT OUR RESPONSIBILITIES.

Ron

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

September 15, 1992

Dear Municipal Official:

Governor Weld recently signed into law two significant amendments to the public bidding and solid waste statutes as part of his approval of the supplementary budget [Acts of 1992 c. 153, ss. 11-15 and 23]. These changes are likely to have a major effect on your community's current solid waste operations and future solid waste management plans.

First, the Solid Waste Act, c. 111, s. 150A, was amended to require landfills constructed without a liner restricting leachate flow into groundwater to stop accepting waste in unlined areas after January 1, 1994. The amendment allows the Department to permit disposal beyond that date in unlined areas **which already contain waste**, provided the operator submits two documents to the Department no later than **October 1, 1993.** The first submission is a Department approved assessment demonstrating that continued operation of the unlined area does not present a significant threat to the public health, safety and the environment due to actual or potential migration of leachate or other contaminants. The second submission is a proposed date to cease operations and close the unlined area as soon as feasible; it is supported by a financing and construction plan.

This amendment supplements the July, 1992 revision of the solid waste regulations, 310 CMR 19.022, which also required cessation of waste disposal in unlined areas after January 1, 1994. The legislative exceptions allowing for continued landfilling in unlined areas is not contained in regulation, but will be incorporated into the criteria to obtain a variance from the January 1, 1994 cessation date.

Compliance with the landfill closure directive will likely compel many communities to modify or enter into contracts for waste management services. **The second amendment changes the public bidding laws to reduce the procedural complexity in selecting and negotiating with a contractor.** The first of those changes exempts "a contract for the collection, transportation, receipt, processing or disposal of solid waste, recyclable or compostable materials" from the provisions of the Uniform Procurement Act, M.G.L.c. 30B. That Chapter, which went into effect on May 1, 1990, imposed stringent procedural guidelines on the bidding of these services, and were perceived by some parties to be overly rigid. While the

One Winter Street • Boston, Massachusetts 02108 • FAX (617) 556-1049 • Telephone (617) 292-5500

exemption now relieves communities from any state statutory requirements for bidding these contracts, local by-laws may contain some requirements for bidding these contracts. Notwithstanding this outright exemption, these contracts are frequently among a community's largest annual expenditures, and the Department urges use of a Request for Proposal Process in procuring solid waste and recycling services. The provisions of Chapter 30B may be consulted as guidance in designing an effective process, but communities will no longer be constrained by the strict prohibitions against negotiated agreements that are contained in the statute.

In addition, Chapter 30B effectively prohibited renewal, extension and modification of existing solid waste service contracts. Communities are no longer subject to these constraints, but it is again recommended that communities carefully construe renewals, extensions and proposed modifications to determine the best long-term interest of the community.

Further amendments to Chapter 30B are intended to facilitate privatization of recycling, composting and waste water treatment facilities. These provisions expressly permit transactions where a community or communities want a private developer to design, build, and operate a facility to be owned by a private parties. Such facilities may (but are not required to be) located on public land which would be leased by the community to a selected developer. In a 1990 advisory opinion, In Re: Nantucket, the State's Department of Labor and Industries ruled that such procurements may not be properly characterized as procurement of services but are tantamount to public construction contracts which must follow the provisions of the State's public construction statutes. This amendment to Chapter 30B expressly exempts such arrangements from the State's restrictive public construction statutes, and lays out a flexible Request for Proposal process in which the chief procurement officer makes a preliminary determination as to the most advantageous proposal, and is empowered to negotiate in the best interests of the governmental body. In the event such negotiations fail, the procurement officer is also empowered to negotiate with the next most advantageous proposer. The final amending provision specifies circumstances in which a contract entered into between governmental bodies and such private developers may be amended.

It is important to distinguish this development process from publicly owned facilities. Design and construction of publicly owned facilities are still subject to designer selection and public construction statutes.

I trust this information will assist in your efforts to put environmentally sound and cost effective solid waste management plans into action. Please feel welcome to call on the Department's Division of Solid Waste Management as a resource for other material valuable to municipal planning efforts. For example, written materials are available upon request from the Department of Environmental Protection's recent statewide series of training

sessions on landfill assessment procedures and financial planning mechanisms for closure. Additional guidance will soon be mailed to municipal landfill operators defining the criteria to be addressed in demonstrating the absence of a threat from contaminant migration and in supporting a feasible closure date.

Sincerely,

Willa Small Kuh

Willa Small Kuh, Director
Division of Solid Waste Management

CC: BOS

PLANNING BOARD • Town of Acton

SEP 22 19

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED
DATE September 22, 1992
Cornelia O. Huber
TOWN CLERK, ACTON

ACTON PLANNING BOARD

Minutes of Meeting

August 24, 1992

Planning Board members in attendance were Gregory Niemyski, Doug Carnahan, William Shupert and John Pavan. David Hill, James Lee and Mary Giorgio were absent. Town Planner Roland Bartl and Assistant Planner Donna Jacobs were also in attendance.

I Consent Agenda

William Shupert moved that the Board vote to approve the Consent Agenda (A. Minutes of the 7/27/92 Board meeting, B. Gregory Lane Bond Release, C. Lot Release for Lot 3 Tuttle Drive) as rendered. His motion was seconded by Douglas Carnahan and was passed by unanimous vote.

II Appointment - Anne Fanton, Selectmen's Liaison

Anne Fanton met with the Board to discuss the Selectmen's concerns with regard to acceptance of common land and other parcels of land that are restricted to conservation and/or recreational use. The Planning Board advised Ms. Fanton that the Board already reviews the acceptability of these parcels on a case by case basis and agrees with the Selectmen that parcels shouldn't be accepted unless there is a good reason for acceptance. Trey Shupert pointed to the Gregory Lane Open Space Development recently completed as an example where the Board felt ownership of the common land should remain with the property owners.

III Appointment - Kirk Ware, Acorn Park

Kirk Ware met with the Planning Board to discuss his conceptual plan to modify the original Acorn Park subdivision for use as a Planned Unit Development (PUD) featuring 54 residential lots on 24 acres of the subdivision and 225,000 sq. ft. of business space on 17 acres.

Mr. Ware stated that this proposal will keep the FAR at .17 which is substantially under the maximum FAR allowed. He also advised the board that the sewage loading capabilities are well within the confines of the approved sewage treatment facility.

Greg Niemyski asked if the subdivision roads are to be brought forward for acceptance by the Town. Mr. Ware informed the Board that the roads will be built to subdivision standards and proposed for acceptance.

Doug Carnahan stated that this is a better opportunity to mix business with residential, especially if retail is included because the development will create a fairly isolated residential neighborhood.

Board members discussed concerns about the length of the roadway. Town Planner Roland Bartl said that the roadway as proposed is a single access roadway which is subject to limits on the number of units and the amount of non-residential square footage. He suggested that the original access to the north of the site be used as well.

Greg Niemyski inquired whether any affordable housing units will be provided. Kirk Ware responded that he has spoken with Betty McManus and that she stated the Housing Authority has too much surplus at this time and the needs are more than adequately handled by the present housing stock.

John Pavan inquired about the ownership of the common land and facilities. Kirk Ware responded that his goal is to make the development as restriction-free as possible. He proposes to establish a condo association for the sewage treatment facility and add only what is absolutely necessary.

Roland Bartl asked Mr. Ware how he envisioned the process. The PUD approach takes the whole site into consideration and the business use is unknown at this time. Kirk Ware stated that he would hope to obtain approval for the residential portion and approve three main uses for the business potion: R&D; office and retail.

Mr. Bartl advised the proponent to look into projecting the streets to the abutting undeveloped parcels and recommended connecting the short cul-de-sacs where possible.

IV <u>Appointment - Jimmy Fenton, Kennedy Estates</u>

Jimmy Fenton of Authentic Homes met with the Board to discuss his proposal to connect his previously approved hammerhead lots to his newly acquired Kennedy Estates subdivision through the use of a common driveway. Mr. Fenton also proposed an alternative to the sidewalk construction required within the subdivision approval. Mr. Fenton proposes to build approximately 150-200' more sidewalk than required by extending the sidewalk along the frontage towards Hayward Rd. because he believes this sidewalk would be used more as the schools are in that direction.

Board members responded favorably to these proposals and suggested that Mr. Fenton submit an application for a Common Drive Special Permit.

V <u>Discussion - Response to Authentic Homes re: Lawsbrook Village</u>

Board members discussed the Selectmen's oversight meeting during which the issue of fee waivers was addressed in detail. Mr. Fenton remained for this agenda item and advised the Board that there is no need for a response to his proposal at this time as the property has been foreclosed by the bank so that He is now negotiating with the bank, and there is a 21E cleanup to be completed.

VI Meadowview - Red-line Change and Bond Recalculation

Board members reviewed the memos from staff. Doug Carnahan moved that the Board vote to authorize the red-line change requested, and vote to release the additional lots once the additional bond monies have been posted with the Town Treasurer. His motion was seconded by William Shupert and was passed by unanimous vote.

VII Village Planning Update

WAVPC - William Shupert informed the Board that the committee is developing the rough draft of the Village Plan and has identified areas of the Zoning Bylaw that are likely to be modified.

SAVPC - No report as David Hill was not in attendance.

Roland Bartl informed the Board that he has looked at the WAVPC & SAVPC committee work and feels that it may be necessary to slow it down a little. Roland wants to fully analyze the survey results and the proposed zoning modifications which will takes weeks to complete. He advised the Board that he would prefer to do things slowly but thoroughly than rush the process to maintain the timeline. It may be necessary for the West Acton committee to slip their presentation to the Special Town Meeting in 1993 (the same schedule as SAVPC) due to the increase workload in the Planning Department.

William Shupert responded that he was unwilling to commit to slipping at this time because the WAV Planning Committee has maintained its schedule and even added extra meetings to stay on track. Roland advised that it would not be viewed as slipping, merely an adjustment in the timeline due to unforeseen circumstances.

VIII Discussion - Response to M.P.C.C.

Doug Carnahan suggested that the Board should re-schedule this item for the following meeting and asked to have the list down-sized by eliminating those items already completed. Greg Niemyski responded that he would revise the list as requested and draft a response to the M.P.C.C. from the Board for discussion at the next Board meeting.

Other Business

Pope Road Sidewalk - Board members asked that staff check into the status of the sidewalk to determine if the plan has been drawn and when construction is scheduled to begin.

Breezy Point - Board members agreed to draft their response to the Breezy Point Road residents at the next Planning Board meeting.

The Board meeting was adjourned at 10:10 PM.

Respectfully submitted,

James Lee, Clerk

CC: BOS - COVER PAGE ONLY
FULL DOC IN RF (RF)

PLANNING BOARD • Town of Acton

SEP 22 1992

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED
DATE September 22 1992
Barbara Brown
for TOWN CLERK, ACTON

DECISION
Definitive Subdivision Plan
Mill Corner

September 21, 1992

DECISION of the Planning Board (hereinafter the Board) on the petition of Lunn & Sweeney Corporation (hereinafter the Petitioner) for property located in Acton, Massachusetts at 133-147 Main Street, owned by VMIF Acton Corp., c/o Banyan Management Corp. of 150 South Wacker Dr., Suite 2900, Chicago, IL 60606. The site of the proposed subdivision is shown on the 1992 Acton Town Atlas Map G-2A, parcels 81 through 87, and Map H-2A, parcels 11-1 through 11-8.

This DECISION is in response to an application for approval of a Definitive Subdivision Plan entitled "Definitive Plan of Mill Corner in Acton, Mass.," dated July 24, 1992 and received by the Acton Planning Department on July 31, 1992, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and under the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Petitioner presented the subdivision proposal to the Board at the duly noticed public hearing held on September 14, 1992, in Room 204 of the Acton Town Hall. Board members Gregory Niemyski, Chairman; David Hill, Vice Chairman; William Shupert; James Lee; Mary Giorgio; and John Pavan were present.

Mr. Kevin B. Sweeney of Lunn & Sweeney Corp. was assisted in his presentation by Mr. Harry Donohue of Acton Survey & Engineering. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 A Definitive Subdivision Plan entitled "Definitive Plan of Mill Corner Subdivision in Acton, Mass." drawn by John E. Dunphy Jr. of Acton Survey & Engineering, 277 Central Street, Acton, MA. Said Plan consists of the following:

- Sheet 1 of 13 - Index Plan;
- Sheets 2 & 3 of 13 - Definitive Plan;
- Sheets 4 & 5 of 13 - Topographic Plan;
- Sheet 6 of 13 - Plan and Profile of Nylander's Way;
- Sheets 7 & 8 of 13 - Drain Profile;

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 25, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: North Acton Recreation Area

On May 8 of this year I sent you the attached note indicating that I was flabbergasted at EPA's attitude toward our recreation project. I have no words for the EPA comments that we have now received ... Bruce Stamski's response satisfies my desire to have a go at the bureaucrat who is handling this at EPA.

The reuse of Fort Devens seems to be receiving less critical review from the environmental side!!

Don

cc: Recreation Commission
Conservation Commission
Engineering Administrator

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: May 8, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: North Acton Recreation Area

Attached find a set of comments received from the Corps of Engineers regarding our filing with respect to the North Acton Recreation Area (NARA). I am flabbergasted at their attitude!

The Recreation Commission, in the person of Bruce Stamski, is preparing a response.

I will report further Tuesday.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

September 21, 1992

SEP 23 1992

William F. Lawless, P.E., Chief
Regulatory Division, Operations Directorate
U.S. Army Corps of Engineers
New England Division
424 Trapelo Road
Waltham, MA 02254-9149

Re: CENED-OD-R-1991-01928 (Public Notice issued 03/05/92)

Dear Mr. Lawless:

This letter concerns the application by the Town of Acton, under Section 404 of the Clean Water Act for a permit to place fill in 1.8 acres of wetlands in conjunction with proposed excavation and grading activities for property located off Quarry Road in Acton, Massachusetts. The purpose of the excavation and grading activities is to convert an old sand and gravel quarry into a recreation site for area residents.

EPA submitted comments to the Corps on the current public notice in its letter dated April 15, 1992 (copy enclosed). Our letter concluded that the project did not comply with Sections 230.10(a) and (d) of the 404(b)(1) guidelines. In response to EPA's comment letter, the applicant submitted additional information to the Corps for our review. The information consists of a document titled, "North Acton Recreation Area - Alternatives Analysis Submitted for: Alternative Analysis, Alternative Swimming Areas, Site History, Design Considerations." Included in the document is a revised "Proposed Site Grading Plan."

Our review of this information leads us to conclude that the applicant still has not adequately addressed EPA's concerns. Consequently, there is insufficient information to assess the current proposal's compliance with Sections 230.10(a) and (d) of the 404(b)(1) guidelines. EPA maintains it's recommendation that the Corps deny a 404 permit for the project as proposed. Specific comments follow.

The applicant's alternatives analysis fails to address an alternative mentioned in our first comment letter. This is the construction of a municipal swimming pool. This alternative could totally avoid impacting the highest quality wetlands on the site (i.e., wetlands 2, 3, and 4). EPA's understanding of the property layout leads us to believe that this alternative is practicable. The applicant has not submitted sufficient information to prove otherwise as required by Section 230.10(a) of the guidelines.

Further, the current design layout of the recreation area does not give serious consideration to preserving the valuable upland/wetland complex that exists between wetlands numbers 2, 3 and 4 by avoiding and

PRINTED ON RECYCLED PAPER

minimizing impacts to this area. The current proposal continues to propose the destruction of this area by grading and inundation for creation of the pond. The applicant did not address the possibility of redesigning the layout of the recreation area to locate the pond farther south on the property as requested by EPA in our April letter. Relocation and redesign of the pond may avoid impacts to the highest quality wetland areas (i.e., 2, 3 and 4) on the site. In addition, no explanation was given for the "swale" connection between wetland #4 and the proposed pond (see Appendix 2, item "4.)" of the document). EPA had expressed concern in our first comment letter that the "ditch/swale" might cause the dewatering of wetland number 4. EPA asked for an explanation of the swale's purpose but none is given in the applicant's most recent submittal.

Finally, EPA questions the adequacy and viability of the applicant's current mitigation proposal put forward under the heading of "Design Considerations" (pp. 6-8). Most important, the applicant has not addressed the possible existence of vernal pools within the complex of upland/wetland habitat between wetlands #2 and #4. Without this information, a determination of the adequacy of the current mitigation proposal is not possible. Further, EPA questions the viability of the proposed open water marsh (i.e., wetland replacement area "E"). Specifically, how will the water level in this marsh be created and maintained? Is the use of water from wetland number 4 proposed? At this time, EPA has not been given sufficient information to reach a recommendation on compliance with Section 230.10(d).

In summary, the applicant has failed to adequately address the concerns EPA expressed in our original comment letter. Consequently, insufficient information exists to determine compliance with Sections 230.10(a) and (d) of the 404(b)(1) guidelines. EPA recommends the Corps deny a 404 permit for the current proposal due to insufficient information. If you have any questions concerning these comments, please call Virginia Laszewski of my staff at (617) 565-2987.

Sincerely,

Matt Schweisberg

for Douglas Thompson, Chief
Wetlands Protection Section

Enclosure

cc: Ronald G. Manfredonia, Chief, WQB
Phil Morrison, USF&WS, Concord, NH
MA DEP, Wetlands and Waterways, Worcester, MA
Judy Perry, MA DWPC, Boston, MA
[redacted]
Tom Tedman, Acton Conservation Commission, Acton, MA

cc: BOS

Recreation Commission

Town of Acton

472 Main Street, Acton, MA 01720

508-263-8585

September 24, 1992

William F. Lawless, P.E., Chief
Regulatory Division, Operations Directorate
U.S. Army Corps of Engineers
New England Division
42 Trapelo Road
Waltham, MA 02254-9149

RE: CENEO-OD-R-1991-01928
Town of Acton. 404 Permit

Dear Mr. Lawless:

We are in receipt of the EPA letter of September 21, 1992. We disagree with the logic, the EPA interpretation of the physical data of the site and the conclusions of their letter. Many of the questions posed in the EPA letter were addressed in our initial response dated May 19, 1992. Once again we will furnish answers to their questions.

Our response to their specific comments are as follows.

The stated objective of the project is to create a naturalized pond. A proposed municipal swimming pool obviously does not meet the stated project objective. The Town of Acton has no interest in construction a concrete pool. (See #4 (A), (B), (C), (D), (E) of letter from Town of Acton to Karen Adams dated May 19, 1992.)

The Town of Acton and Massachusetts Wetlands Officials have not determined the same valuable upland/wetlands complex that the EPA staff determined in one brief visit to the site when it was snow covered. Those with far more knowledge of the site find a site ravaged by past gravel activities including the existing pond on the site (wetland no. 2). The Town had a geohydrological study done by an outside consultant that determined the best location of the pond. Due to groundwater depths and bedrock elevations the pond cannot be moved south and still be suitable for its intended purpose. Please refer to the Pine & Swallow Report previously submitted; (See #4 (F), Town of Acton letter to Karen Kirk Adams dated May 19, 1992).

The logic of offering an explanation for a swale between wetlands area 4 and the proposed pond escapes us. The proposed swale was removed from the plan. As such, since it is no longer proposed, there is no explanation offered.

The Town of Acton knows of no vernal pools on the site. No vernal pools have been certified by the State of Massachusetts on the site under the State Wetlands Protection Act. We have not dealt with "possible vernal pools" because to our knowledge there are none. We can not respond to every "possible" factor that someone may dream up.

The proposed open water marsh was added to the design to promote wildlife habitat diversity. The contours of the area vary from one foot below spring high water level in the pond to at the low summer/fall water level of the pond. The water level will vary with the groundwater elevation just like the proposed pond. Since the swale from the wetlands area 4 to the proposed pond has been eliminated there is no water use from this wetland area proposed.

In summary we believe the EPA recommendations to deny a permit for this site to be unfounded. The Town of Acton has provided more than sufficient information for this project to be permitted. The Town of Acton emphatically believes that the project will enhance the overall environment and provide a needed resource to the Town.

Sincerely,

Bruce Stamski, Chairman
Acton Recreation Commission

cc: Don P. Johnson, Town Manager
David Abbt, Engineering Administrator
Tom Tidman, Conservation Administrator

BS:ahm
601

(cc: 93)

September 17, 1992/#15

MMA Action

SENATE SET TO TAKE UP OVERRIDE VOTE ON "MARA":
CALL YOUR SENATOR:
OPPOSE THE OVERRIDE OF SECTION 367

Dear Local Official,

The Senate is poised to take up the override of the Governor's veto of section 367 of the FY '93 budget, the so-called "Mara bill," vetoed by the Governor and overriden by the House. This is the budget section which attempts to reform Chapter 32B by providing an alternative method of providing health care coverage, but in fact would impose strict mandates on most municipalities.

The authors of Section 367 say that their aim is to provide a local option provision to make it easier for municipalities to deal with the problems of rising health care coverage costs. However, it appears that the provision would apply to any municipality entering into contracts with health carriers and reaching agreement with unions regarding health coverage. Thus, it is likely that most communities would fall under the requirements of Section 367, including a return to equal dollar contributions if an indemnity carrier is offered, with an elimination of the minimum 10% HMO contribution for those municipalities offering primary carriers. Returning to this mandate would aggravate adverse selection and double dipping, because many employees would receive health care coverage at no cost. A community without a primary carrier would have to pay a minimum percentage equal to the municipality's weighted average percentage contributions for non-primary carriers on July 1, 1991.

Additionally, there are many technical and legal problems with Section 367. For instance, the language does not specifically clarify that indemnity insurance is not required.

PLEASE CONTACT YOUR SENATOR AS SOON AS POSSIBLE. CONSIDERATION OF THE GOVERNOR'S VETO WILL PROBABLY OCCUR NEXT WEEK. TELL YOUR SENATOR:

SECTION 367 WOULD DENY COMMUNITIES NEEDED RELIEF FROM THE CONSTRAINTS OF CHAPTER 32B, AND IMPOSE ADDITIONAL COSTLY MANDATES ON CITIES AND TOWNS.

SECTION 367 WOULD BE A STEP IN THE WRONG DIRECTION.

HEALTH CARE IS THE NUMBER ONE BUDGET BUSTER FOR CITIES AND TOWNS. CHAPTER 32B IS WOEFULLY INADEQUATE AND OUTDATED, AND IS IN DESPERATE NEED OF REFORM. SECTION 367 PROVIDES NO RELIEF.

ASK YOUR SENATOR TO OPPOSE ANY EFFORT TO RECONSIDER THE GOVERNOR'S VETO OF SECTION 367. A similar bill, H. 5671, is in third reading in the House. MMA is willing to work on H. 5671 with the bill's authors and union and retiree representatives to achieve a compromise.

Thank you. Please contact Marie Johnson or David Baier of our staff if you have any questions or get feedback from your Senator.

Sincerely,

Geoffrey Beckwith
Executive Director

Massachusetts Municipal Association, Sixty Temple Place, Boston, Massachusetts 02111; (617) 426-7272

VOLUNTEER INSURANCE AGENCY, Inc.

81 Main Street, Maynard, Massachusetts 01754 508-897-4521 617-259-0047
19 Main Street, Concord, Massachusetts 01742 508-369-6451 617-2[illegible]

SEP 22 1992

September 15, 1992

John W. O'Donoghue, Jr.
Chairman of the Board

Hugh F. Underhill
President and Treasurer

Charles S. Gibbs
Executive Vice President

Joseph M. Underhill
Vice President

Judith A. Underhill
Secretary and Corporate Clerk

Frederick H. Bubier
Consultant

Town Manager Information

Chief George Robinson
Acton Police Department
365 Main Street
Acton, Ma. 01720

Dear George:

Way to go!

Congratulations on earning STATE ACCREDITATION for your department. It's nice to see you and your staff recognized for the great job you all do and the leadership you have shown.

Hope your future is filled with continued success, good health and much happiness.

Sincerely,

Hugh F. Underhill
President

HFU/hl

cc: BOS

YOUR Independent Insurance AGENT

PROFESSIONAL INSURANCE AGENTS PIA

CC: BOS

Volunteer Coordinating Committee - Aug 17, 1992
Present: Whitcomb, Powers, Lane, Kadlec, George and Husbands
Absent: Comstock
Called to order at 7:30PM at Town Hall -
Minutes of the meeting held on 7-20-92 read & accepted
Interview: Donna Benanti, 37 Stoneymeade Way - has lived in Acton 14 yrs and in-laws are Sr Citizens here - Has worked with Carol Lake and is interested in decorating the new Sr. Center
Recommended and Voted: Catherine Garcia for ABAC (subject to her agreement, Margaret Beddoe and Katherine Porter full members COA. Donna Benanti assoc. member COA. Joan Burrows full member MMHC
Lane will advertise for ABAC, BOA assessors (all members), Prison Adv, and COD disabilities for full member.
Data Base Subcomittee has met to discuss type of soft ware needed, programs available and type of information necessary for our needs.
Whitcomb reminded members to call her if unable to attend the regular mtg.
VCC - will meet Aug 25 at 7:45 with selectman to discuss our needs and concerns of various committees
Adjourned at 9:40PM next meeting Sept 21, 1992 7:30pm at Town Hall.
Respectfully submitted,
Jean Lane, Secretary VCC
cc Town Clerk and Selectman

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 23, 1992

TO: Lela Rhodes, Assistant Assessor
Roy Wetherby, Treasurer

FROM: Don P. Johnson, Town Manager

SUBJECT: Classification Hearing

This will confirm that the Board of Selectmen has scheduled November 10, 1992 for their Classification Hearing this year. We will need to have all of the appropriate work done and necessary certifications in hand (New Growth and anything else) prior to this date. Please plan your work schedules accordingly.

By copy of this memo to the Board of Assessors, I am advising them of the scheduled date. As you know, the Selectmen have asked that the Assessors make the Classification presentation this year. Part of the purpose for scheduling the hearing so far in advance is to allow them ample time for preparation of their thoughts and presentation materials.

Don

cc: Board of Assessors
Board of Selectmen

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9/23/92

TO: ALL DEPARTMENTS, BOARDS AND COMMITTEES

FROM: BOARD OF SELECTMEN

SUBJECT: 1993 ANNUAL TOWN MEETING WARRANT

The Board of Selectmen voted on September 8, 1992 to close the Warrant for the 1993 Annual Town Meeting on December 14, 1992 at 5:00 P.M. Please have all holding articles in the Town Manager's Office prior to that date.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

September 25, 1992

Robert E. Werner
64 School Street
Acton, MA 01720

Dear Bob:

I have spoken with Dean Charter regarding your request for access to restroom facilities during the Crown Resistance Day ceremony on Sunday, September 27. Dean will have the building unlocked prior to 12:30PM and will see that it is secured again, after 2:30PM.

In accordance with the earlier discussion between you and me, I must stress that this access will be limited to the use of toilet facilities. The lower floor is stocked with materials for the Community Supper and the upper floor does not meet code and statutory requirements for occupancy.

On a personal note, other commitments will not allow me to attend. I very much appreciate your invitation though, and I hope all goes well.

Very truly yours,

Don

Don P. Johnson
Town Manager

cc: Dean Charter
Board of Selectmen

DPJ:413

"I HAVEN'T A MAN WHO IS AFRAID TO GO" ISAAC DAVIS

ACTON MINUTEMEN

Post Office Box 1775
Acton, Massachusetts 01720

CC: BOS

64 School Street
Acton, MA. 01720
22 September 1992

Mr. Dean Charter
Town of Acton
Department of Municiple Properties
472 Main Street
Acton, MA 01720

Subject: Minutemen Headquarters.

Dear Mr. Charter,

I am requesting in writing for access to Minutemen Headquarters building at 12:30 PM on Sunday September 27, 1992, for a period of about 2 hours (to 2:30) during our rememberance of Crown Resistance Day.

cc:Town Manager

Yours Truly,

Bob Werner

Robert E. Werner
Tel. (508)-263-3678

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

September 18, 1992

Mr. Joseph F. Neal, Operations Manager
Cablevision
577 Main Street
Hudson, MA 01749

Subject: Bond

Dear Mr. Neal:

The Town of Acton is in receipt of your original Bond No. 19S100546524-92-1 in the amount of $25,000.00. Cablevision submitted this bond with respect to the conditional license approved by the Acton Board of Selectmen. Upon review, the Town Treasurer has advised me that the form of this Bond is not acceptable.

Please contact Mr. Roy Wetherby, Town Treasurer, at your earliest convenience to review the deficiencies in the submitted document. We are anxious to resolve this matter quickly in order that the revised license may be properly issued. Mr. Wetherby may be reached by telephone at 264-9617.

Very truly yours,

Don P. Johnson

Don P. Johnson
Town Manager

cc: Town Treasurer
Board of Selectmen

DPJ:404

M.O.S.E.S.

Massachusetts Organization of State Engineers and Scientists

P.O. Box 9051, J.F.K. Station Boston, Massachusetts 02114

Telephone (617) 367-2727; (617) 727-9130; 1-800-845-1141 FAX (617) 367-9371

PAUL K. DONOHUE, PRESIDENT
JOHN F. FITZGERALD, JR., VICE PRESIDENT

JOHN L. VIVEIROS, SECRETARY
ROBERT A. SMITH, TREASURER

SEP 22 1992

CC: BOS - INFO.

Sept. 18, 1992

Board of Selectmen
472 Main Street
Acton MA 01720

Dear Board of Selectmen:

The Massachusetts Highway Department's (MHD) plan to eliminate three of its eight districts will have a profound negative impact on the cities and towns of the Commonwealth.

The elimination of three districts means, on average, a 60% increase in the number of cities and towns in each district and a corresponding 60% increase in the competition for Representatives, Senators, and city and town officials to obtain answers from the districts on areas of concern. In addition, this increased centralization of the MHD moves services farther away from most of the localities they are charged with assisting. This geographical divorce can only portend a decrease, not an increase, in both response time and services provided. This decision by the Weld Administration, without communication or input from the elected officials at either the state or local level, demonstrates the disdain the administration has for the state and local partnership for our infrastructure.

The savings alleged by the Commonwealth are illusory. Governor Weld and Commissioner Kerasiotes plan to sell currently held state real estate and claim those funds as a savings. Historically, the state's buying and selling of property has not produced additional revenue for the Commonwealth or its cities and towns. Recent examples such as the New Braintree prison site purchase, or the Wang Building purchase, and subsequent giveaway, so that the Central Artery consultants can be close to their bread and butter, and the Commonwealth's giveaway of property under the guise of the Provider Lease Program, strongly suggests that the wool is again being pulled over your eyes. Secondly, the sheer size of the new districts may ultimately require the building or leasing of new, more expensive office space.

I strongly urge you to contact your Representative and Senator so that legislative action can be taken before it is too late. ..Before this consolidation decision is implemented, legislative hearings should be held to obtain answers to the following questions: Why was this decision made without consultation with the legislature or cities and town officials? Why was there no cost-analysis study conducted prior to such a massive reorganization? What is the impact of this decision in your area?

Sincerely

Paul K. Donohue

Paul K. Donohue
President

cc: State Legislature

829

CC: BOS - FYI
(REC'D AFTER YOUR MTG.)

SEP 2 2

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen DATE: September 22, 1992

FROM: Planning Board

SUBJECT: Marshall Land - Ch. 61 Notification
Carlisle Road

The parcel that is subject to the option contains 269,144 square feet. It is located in the R-10 district where a building lot requires 100,000 square feet. Also, it is located in Zones 1 & 2 of the Ground Water Protection District and abuts land owned by the Acton Water District (the Marshall well and pumping station is located on the abutting parcel).

Given the zoning controls already in place it would appear that the Town of Acton would have no need or interest in exercising its option. However, the Board may wish to refer the matter to the Acton Water District.

Roland Bartl
for the Planning Board

TELEPHONE (508) 263-9107

cc: BOS

Water Supply District of Acton

P.O. BOX 953
MASSACHUSETTS AVENUE
ACTON, MASSACHUSETTS 01720

SEP 23 19

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

SEPTEMBER 28, 1992

AGENDA:

7:30 P.M. - CALL TO ORDER

7:31 P.M. - COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING SEPTEMBER 14, 1992

NEW BUSINESS

WARRANTS & COMMUNICATIONS

ACORN TREE & LANDSCAPING INC.

MRS. GOGGINS - WATER BILL DISCUSSION

REGULATION ON WATER BILLING

CONCORD TIE-IN LAWSBROOK ROAD

COMMISSIONERS MEETING OCTOBER 26, INVITE GARDNER & PRESTON MOSS 5:00 P.M.

OLD BUSINESS

MANAGER'S CONTRACT - VEHICLE INSURANCE

CLOSE'S - EASEMENT & PAYMENT

FLERRA LAND

ROBBINS STREET SUBDIVISION

NORTH EAST SOLID WASTE COMMITTEE

MEMORANDUM

To: Contract Community Board Of Selectmen
(or equivalent elected officers)

From: Henry J. Rugo, Treasurer

Subject: NESWC Management Requirements

Date: September 22, 1992

This memorandum is about the way we are managing NESWC. I am writing it directly to you, the elected officers of NESWC's 23 communities, for three reasons:

1. You have ultimate responsibility to your constituents for your town budgets and within them the cost of solid waste disposal,

2. I believe NESWC is at a crossroads where it is facing both significant opportunities and very serious risks, and

3. I believe our elected town officers must move immediately to undertake a thorough management review if we are to meet these challenges successfully.

What follows is an effort to help you understand the nature of NESWC's management job, the way NESWC's economics work, steps already taken to hold your waste disposal costs in check, the problems and opportunities ahead of us, and what I perceive to be some major problems with our management structure. It is also an effort to point out what I believe we must do to keep NESWC viable and to avoid out-of-control tipping fees.

You'll see that I have attached several exhibits. These have been used before in an effort to help some of our committee members understand NESWC's economics, and I thought they would be helpful additions to this memorandum. In addition, I have attached a draft list of management and financial controls (some of which are already in place) that must be fully implemented if we are to maintain control over our finances.

The memo runs for a little over thirteen pages. To minimize your reading time, I have written bluntly and in plain English. I hope you will take the time to read it. A great deal depends on it.

109 123 Main Street • North Andover, MA 01845 • Telephone (508) 686-6234

NESWC's Management Job -
A Brief Overview

To summarize the management job briefly, NESWC was created to solve the problem of solid waste disposal for its constituent communities and to minimize costs into the future. Under the resulting arrangement for our waste-to-energy project, we, the communities, are responsible for filling the gap between the expenses of the project and the revenues it receives from selling energy, from private haulers and from interest earned.

Included in the expenses are the costs of servicing the almost $200 million of construction bonds that were issued to finance the project. Whatever the size of the gap between expenses and revenues, it is the credit and the taxing authority of our communities that stand behind those bonds. The contracts and Bond Indentures make us ultimately responsible for servicing and repaying the debt that they represent.

The structure of this project is unusual for a municipal activity. Although we do not own the facility, we are responsible for the bonds and for making up the gap between costs and revenues. In effect, we are engaged directly in a business, and we carry most of the financial risk. If the business does well, our disposal costs are held in check. If it does poorly, we pick up the extra costs, which, as you already know, can escalate rapidly.

Because we are responsible for the expenses, we need to understand that we also have ultimate responsibility to our constituents for the way the entire project is managed. That management job is bigger and more complicated than any of us anticipated when the project was started.

With almost no permanent management resources, we are dealing with claims, capital projects, investments and refinancings in multi-million dollar packages along with governmental and environmental regulations that are moving targets and an increasingly volatile economic and financial environment. In the face of these challenges, we are attempting to manage - by committee - an extremely competitive business with over $30 million in annual revenues/expenses and a $200 million plant.

Committees are seldom effective in running any kind of complicated effort, and most particularly a business. In NESWC's case, we are running a complex business in a situation that has no precedent. A management approach is required that encourages entrepreneurial initiative and provides vigorous direction. Our current management-by-committee approach stifles such characteristics, and it is not working effectively for us. Unless we make some major changes, I believe we may well collectively drop the ball and cost our towns a great deal of money, or lose control of the project.

Let me go a step further by asking if you and your NESWC representative have recently discussed any of the following questions:

* What are the 4 or 5 projects or activities that will have the greatest

influence on NESWC community tipping fees in the coming years?

* What impact could they have on the tipping fee?

* Who is responsible for bringing these activities to a successful conclusion?

* Is there a well thought out, realistic and agreed upon plan for achieving that success?

* Do we have adequate resources focused on these crucial activities? If not, how should they be provided?

* What can go wrong in each of these activities, and what contingency plans do we need?

Many more difficult-to-answer questions could be added, but if you have read this far, I think you will get the point. If you, as the responsible elected officers, don't know the answers to these fundamental questions, then we, as the responsible stakeholders in this complicated business, are not focusing on those critical, high-leverage activities that will really make a difference. In short, we aren't doing what we are supposed to do - make sure that our solid waste disposal system is serving our citizens at minimum cost.

NESWC'S Economics

To focus on those activities that make the biggest difference, we need to understand the economics of our project. For that purpose, I have included a chart (Exhibit 1) showing approximate expenses and revenues of the entire project using Fiscal Year 1991 data. It is labeled, Approximate Annual Expenses And Revenues - Fiscal Year 1991, and it is worth taking a look at if you haven't seen it before.

On the expense side of the chart, several conclusions are immediately obvious.

1. **Debt Service** represents 70% or more of our annual expenses. Total expenses, including operating expenses, Advisory Board expenses, and provisions for future capital expenditures come to about $33 million annually. Of this amount, almost $24 million went for debt service.

   We can talk all we want about saving $5,000 here or there, but the big money comes from creatively reducing our debt service expenses. Even if we have to spend an extra $5, $10 or even $50 thousand to help make that happen, it is well worth it.

2. **Capital Expenditures**, for which NESWC is responsible, are another substantial element of our cost structure after covering the cost of plant operation. The biggest capital expenditure coming down the road will be installation (retrofit) of the scrubbers mandated by state and Federal law, which could well be in excess of $20 million. This project must be financed or paid for out of community tipping fees. Either way, how well

approximately $16 million in interest costs over the original life of the UOP loan (through 1997), or approximately $10 per ton annually in tipping fees.

* **Investment Program.** The Treasurer initiated a program in 1988 to improve the investment return on the $35 million of bond reserve funds required by the original Bond Indenture. To this month, that program has produced more than $3.3 million in additional revenue to the NESWC communities and has saved between $3.50 and $4.00 per ton in annual tipping fees over the life of the program.

* **Elimination Of 3% Set-aside.** The NESWC Executive Director initiated a major effort to repeal a statutory requirement to set aside 3% of annual revenues for future environmental cleanup expenses. The funds for the set-aside could only have come from a tipping fee increase at a time when every community is facing severe budget problems. If the law (a small peripheral part of the 1987 Solid Waste Act) had not been repealed, all of us would have had to provide an additional tipping fee, initially of more than $4.50 per ton and increasing every year for the remaining life of the contract.

Other projects or activities are currently at a critical stage or need concentrated attention at the present time. Exhibit 2 also shows their approximate impact on the tipping fee. A brief description follows:

* **Resolving The MRI Claim.** This claim for $75 million has been in arbitration for well over a year. Selecting arbitrators and expert witnesses, preparing our case, overseeing the proceedings and attempting to negotiate a solution have taken a tremendous amount of time over the past two years. At this point, attempts to negotiate a reasonable settlement have not been successful, and a decision by the arbitration panel is imminent.

  While not likely, a full award of MRI's claim would increase the tipping fee by approximately $27 per ton.. Even a partial award could cost the communities a great deal of money.

* **Refinancing The Tax-exempt Bonds.** The $160 million of NESWC's 10.125% tax-exempt construction bonds are first callable on March 1, 1993. With comparable rates now at 7% or lower, we have a once in a cycle opportunity to reduce project costs by a substantial amount. As illustrated by Exhibit 3, Impact Of Debt Service Reductions On Annual Expenses, reduction of debt service costs (earlier with the prepayment of the UOP Stabilization Bonds, and now with the refinancing of the tax-exempt bonds) has a major impact on the community tipping fee. A successful refinancing at current rates could reduce the tipping fee by $20 per ton or more. This is the best opportunity we have for bringing the tipping fee down by a substantial amount.

This refinancing project is a complex one, involving two sets of bondholders (tax-exempt and taxable), the contractor, underwriters, financing consultants to NESWC and the contractor, feasibility consultants, bond counsels, the 23 communities and the unusual and complex interrelationships inherent in the NESWC structure. The present schedule calls for an issue date of the refinancing bonds on December 1, 1992 and a pricing of the bonds in October or November. The project requires intense effort by all the parties and careful coordination and negotiation of the various interests. Any delay because of inadequate resources or our failure to agree among ourselves on how to proceed would deny us the substantial savings in debt service expenses that we hope to realize.

* **Marketing Unused Capacity.** The capacity of the North Andover plant is 420,000 tons of solid waste per year. This fiscal year, however, we estimate that only 385,000 tons will be delivered to the plant because of the economic slowdown and mandated recycling. Hence, we have about 35,000 tons of unused capacity now, and that number could increase to approximately 200,000 tons when private hauler contracts expire next year.

Most of our expenses do not vary with tonnage, but our revenue does. As a result, we now have a much larger gap between expenses and revenues that must be made up by the communities. It doesn't make much difference that we lower our guaranteed annual tonnages. We still must spread the same larger expense-revenue gap over fewer community tons. Hence, the tipping fee increases proportionally. If that unused capacity can be filled from new sources, there will be less of an expense-revenue gap for us to cover with our tipping fees.

To illustrate this point: at present operating levels, if we sell 10,000 tons of unused capacity at $40 per ton, our community tipping fees would be reduced by about $2.30 per ton. If we sell 25,000 tons at $40 per ton, our tipping fees would be reduced by about $5.80 per ton. Selling out all of our unused capacity at $40 per ton would reduce our tipping fees by about $8.20 per ton. Higher prices would, of course, increase our savings. On the other hand, if we sell all of our unused capacity at $30 per ton, we would still see a reduction in the tipping fee of $6.30.

Selling unused capacity sounds simple, but the marketing task is a demanding one requiring a great deal of time and effort. We are not the only plant with unused capacity and high fixed costs. Our competitors understand the economics and the total capacity available in the region, and the marketplace is intensely competitive.

We cannot just rely on a few phone calls to generate tonnage. To increase the probability of success, we must develop a thorough understanding of potential customers and their short and long-term needs, of competitors and their economics, and we must evaluate their situations against our own projected capacity utilization and economics in the coming years.

This means that we'll need to develop and maintain valid market and competitive information, analyze that information on a regular basis and use that analysis in formulating a marketing strategy. In addition, we'll need a sustained marketing program that maintains regular contact with potential customers and utilizes creative proposals that will give us an edge in a highly competitive marketplace.

To sum up, our marketing program cannot be accomplished successfully with a few spare hours of the Executive Director's time (when/if it can be made available). It requires a substantial commitment of time on a sustained basis. If we don't provide the resources for such an effort, we are merely trusting to luck in trying to keep our plant capacity fully utilized.

* **Designing And Installing Acid-gas Scrubbers.** Plans are proceeding for designing the retrofit of the acid-gas scrubbers that are required by environmental regulations within the next few years. This will require a major capital expenditure and a sizeable increase in the tipping fee.

  As owner of the plant, the contractor has the responsibility for designing and installing the scrubbers, a product which the contractor manufactures. Because the communities have to pay the full cost, it is up to us to see that this potential conflict of interest does not result in a costly product that is unreasonably profitable to the contractor at excessive expense to the communities. We have retained a consulting engineer to represent NESWC in this retrofit, but it will require a great deal of time and effort by the NESWC staff in the next few years to see that a quality product is installed at a cost that is not in excess of community needs.

* **Developing An Effective Control System.** In the limited time that can be made available, the NESWC staff and our consultants have put together some essential financial controls and analyses. These have been focused primarily on capital expenditures, the investment program, the Community Stabilization Fund and the NESWC Advisory Board budget. In addition, a preliminary analysis has been made of the flow of funds through more than a dozen separate accounts maintained by the Trustee under the Bond Indenture and of the contractor's forecasting model.

  Because, however, the NESWC project is such a large and complex operation with many variables affecting its finances, it will be critical in the years ahead to have more reliable information and tighter control over the many factors that influence the project's overall financial performance. This will be important both for projecting future town obligations and for informing the towns of the many projects undertaken on their behalf to keep the expenses to a minimum. Equally important, reliable and predictable financial information is essential for obtaining and maintaining a favorable credit rating for any financing that must be done.

To summarize briefly, the communities bear the financial risk of supporting the project. We must have controls on project expenses and revenues that we can rely on to identify problems and opportunities in time to do something about them. We cannot afford to rely only on information organized by the contractor to serve its own needs or on our present insufficient staff structure.

The attached outline (Exhibit 4, Management And Financial Controls,) represents a start at defining the additional controls that are needed. It was developed by asking what a chief executive running an equivalent business ($200 million in assets, $30 million in revenues/costs) would need to stay on top of its affairs. Some of the items outlined would be for the primary use of the NESWC staff, and some should clearly be provided to the equivalent of a Board of Directors.

Obviously, much thought must be given to such a program before resources are committed to it. And putting such controls in place will require resources that we do not have at present. Nevertheless, I believe a set of control reports such as these will be essential to effective management of the project in the coming years. As I have stated above, the financial obligation is ours, and so is the risk. We may already have waited too long to exercise the tight control that will ensure that our solid waste is being processed at minimum cost.

The tasks just described are, of course, not the only critical activities on NESWC's agenda. There are important ongoing administrative functions that must be performed, such as reviewing and approving monthly financial certificates so funds can be transferred and bills paid, supervising investment of reserve funds, preparing committee agendas, sending out information and action packages to the contract communities, monitoring legislative and regulatory developments and making sure the needs of NESWC communities are heard on Beacon Hill. And in the future, we can anticipate additional demanding problems and opportunities in a fast changing world

Management Implications

The projects described above, and others like them, will have a major impact on our tipping fee. Further, many of them are currently at critical stages. Any one of them requires intensive effort, must deal with complicated technological, legal, economic and financial issues and requires careful coordination among the communities, state agencies, contractors and outside consultants. When you put them all together, we have a complex management job that would strain the capabilities of a management structure much larger than ours. Whether we like it or not, we have the ultimate management and financial responsibility for running a business with a $200 million plant and over $30 million in annual revenues/expenses in a rapidly changing economic, financial, technological and regulatory environment.

If you look at the resources that we have to accomplish the tasks before us, I

believe we are in a situation where the existing organization and operations are not adequately structured and do not have the wherewithal to get the job done. In brief, I see five major problem areas:

* **Committees Trying To Do Too Much.** We have a number of committees, all composed of members of the Advisory Board, most of whom are town (or city) employees. Most of these people are burdened with full time responsibilities in their communities and are not able to devote sufficient time to NESWC affairs. Yet the committees assume responsibility for NESWC activities in great detail, putting a burden on them that is greater than they can carry. The result often is confusion, delay or uninformed decisions - the typical result of inappropriate management organization and controls.

* **Priorities Not Effectively Set For The NESWC Staff.** Although several attempts have been made over the years, we have not been able to agree on priorities for the many projects and activities that must be accomplished by the NESWC staff. For example, some committee members agree that it is very important for the Executive Director to focus on marketing our unused capacity in order to reduce the gap between expenses and revenues. Others see little importance in this task. Both tend to minimize the effort required for an effective solution. Because of such differences, we have never been able to put in writing our expectations for the NESWC staff. In effect, the staff is put in the position where it must frequently exercise its own judgment on where to spend its time.

  As a result, we do not have a rational basis for evaluating the performance of the staff. There has been little acknowledgement of what have been significant achievements over the last few years and a great deal of criticism when the projects favored by one member or another are not given top priority. Moreover, we run a serious risk that our scarce staff resources will be expended on tasks that are not focused on our primary objective: holding the tipping fee to a minimum.

  There is a limited consulting assignment underway at present to create a position description for the Executive Director and a basis for evaluating performance. The assignment, however, does not address such questions as how priorities should be set, how the entire resources of the NESWC communities should be structured to focus on critical tasks, what resources are needed to handle the workload and what control information is needed. Hence, this project is simply inadequate in scope and rapidly being overtaken by events.

* **NESWC Staff Not Sufficient.** At present NESWC has a staff of two people, an Executive Director and an Office Manager/Secretary. These two carry the burden of serving the committees (preparing agendas, providing information memorandums and decision-making documents, recording proceedings, etc.) and handling all of NESWC's affairs.

In addition, the Executive Director must provide leadership (and most of the actual work) for all of the critical tasks described above and many more that I have not taken time to describe. Because of the heavy workload, it has been impossible to devote anywhere near the time required to do an effective job on such important projects as marketing our unused capacity and developing an effective set of financial and management controls.

Given the potential adverse impact on all of our budgets if these activities are not carried out successfully, I believe we have been shortsighted in not providing additional staff (which has been requested numerous times by the Executive Director and the Financial Affairs Subcommittee) to help us accomplish these vital activities, especially when the effect on the tipping fee would be pennies per ton.

* **Continuity Not Established.** At the present time, most of the details, relationships and understandings developed for the projects described above are in the head of the present Executive Director. If, for any reason, he is unable to continue serving the communities in this post, we will be severely hampered in our ability to bring these projects to a successful conclusion. For this reason alone, it is imprudent not to provide backup that will ensure continuity of service to the communities.

* **Procedures And Controls Not Adequate.** Because of the press of so many urgent needs, our staff has not had time to develop a thorough system of financial controls that will assure us that project funds are being handled properly and provide early warning of impending problems. As noted above, we have made some progress in this area, but much remains to be done.

In sum, I believe we have an organization that is understaffed, not well structured and headed for some major problems. Although there have been some significant achievements since operations began in late 1985, the management job has turned out to be more complex and greater than any of us anticipated. Unless we rise to the challenge, I believe we will be overwhelmed and unable to respond to the problems and opportunities we face.

The result could well be a major increase in our solid waste disposal costs (an event that none of us can afford) or a takeover by the contractor. If the latter happens, the prospect of <u>any</u> control by the contract communities would be eliminated, and the gains our concentrated efforts have achieved to date would be wiped out.

Action Needed

I have written this memorandum because I hope to stimulate a review of what is important. In particular, I believe a discussion of NESWC's management requirements is critical at this point, and I am urging elected officers of the member towns to get

involved in the discussion.

The stakes are high. The total NESWC Advisory Board annual budget amounts to little more than 1 percent of the total annual cost of servicing our debt and operating the plant. Yet the impact of the critical projects and activities discussed above can affect our tipping fees by 20 percent (or much more). Can we afford to spend our time arguing over relatively small items in the Advisory Board budget, when we should be taking steps to ensure that those critical projects and activities are accomplished successfully to the benefit of all of us?

What should elected officers do? I believe there are two steps you can and should take. The first will not take a great deal of effort, but it is essential if the second is to be accomplished effectively.

1. Get Informed. The first step is for you to become sufficiently informed on the issues that NESWC is facing, the critical tasks we must accomplish together, the workload they represent and the effect they can have on community budgets now and for as long as we must dispose of solid waste. These issues and tasks are too important and complex to be dealt with on a cursory basis by your representatives, few of whom bear the burden of elected office, and most of whom are busy with the responsibilities for which they are employed. The issues require the general perspective of elected officers who have final responsibility for the current and future financial interests of their communities.

A good place to start would be to ask for a detailed presentation from your Advisory Board representative on the questions listed at the beginning of this memorandum. After reviewing these critical tasks, ask yourself whether you believe that NESWC has the resources to accomplish them successfully. If you don't have enough knowledge to answer that question, you may wish to arrange a meeting with the Executive Director and/or the Treasurer to develop a more complete understanding of the details.

2. Require A Full Review Of NESWC's Entire Management Structure. I believe the time has come when it is essential for elected officers of the member towns to play a major role in a thorough review of NESWC's entire management structure. This step will require substantial time and effort by a working group and a highly qualified general management consultant.

NESWC's committee and management structure was established some years ago when the basic assumption was that the contractor would operate the plant and manage the project's finances in harmony with legitimate contract community interests. At the time, we thought that NESWC's primary role was to act as a watchdog and keep the communities informed - pure administrative functions requiring no more than a representative board and a single contract community representative to approve certificates and help straighten out plant operating problems that affect the communities.

Our perception of the NESWC role, however, has had to change. The initial economic premises on which the NESWC project was based (tax-exempt financing, ever-

rising energy revenue, scarce regional solid waste disposal capacity, increasing community tonnage, a fully cooperative relationship with the contractor) have not worked out as anticipated. The result? We have to fight for every dollar we can save, and the current structure may be hurting us more than helping us in that fight.

You have seen the positive savings that initiative and focused action can bring us in the success of the renegotiation of the UOP Stabilization Bonds and the investment program. Both of these projects were initiated by the Executive Director or the Treasurer and carried out with review by the Financial Affairs Subcommittee. If we had left it to the contractor, these projects would never have been initiated because the contractor has no incentive to be creative in minimizing the tipping fee.

The critical tasks before us can have an even greater impact if we can accomplish them successfully. But they will take an even greater effort.

In my view, the present management structure is standing in the way of that effort. My belief is based on years of continuous experience as a founding member of the Advisory Board and Executive Committee and as NESWC's Treasurer from the beginning. As the need for NESWC initiative, planning and action increases, we seem to be moving in exactly the opposite direction. We have allowed a situation to develop in which:

* The operations of the existing committee structure have been preoccupied with detailed decisions that are not critical to NESWC's basic purpose: holding down our cost of solid waste disposal.

* We do not have adequate staff to successfully carry out our critical activities and to provide continuity in the event that the Executive Director is unable to serve.

* The staff we do have (one executive director and one office assistant) is so overloaded that we run a serious risk of being unsuccessful in the critical tasks I have discussed above.

The net result is a great danger that we will bog down on these projects at a critical time in our history, effectively abdicate control of the project to the contractor and fail to carry out our mission: keeping the tipping fee down. If the past few years have been difficult, think of the finger-pointing and scapegoating that will take place if tipping fees increase by another fifty percent.

To avoid these problems, I believe a thorough review of our management structure should be undertaken by a top notch, general management consultant. The consultant should bring to the assignment not only familiarity with government-sponsored organizations but experience with entrepreneurial businesses, which in many ways NESWC resembles more than a government agency.

Moreover, I believe the review should not be restricted to the role and responsibility of the Executive Director. We need to review the entire NESWC

organization, including its charter and by-laws, its management structure and its relationships with the communities it serves.

I have started drafting a separate memorandum in an attempt to define more specifically the objectives, approach and selection criteria for such a consulting assignment, and I would be happy to complete and submit this to you if you decide to proceed. At this point, let me simply point out that it should address some very fundamental questions. For example,

* **Tasks And Workload.** What can we all agree are the major projects and administrative functions that NESWC should perform over the next 3 to 5 years (see, for example, the section above on NESWC's economics)? How will these affect the tipping fee? What priorities should be assigned? Which should be performed by the day-to-day management? By the communities themselves or their representatives? How much is it prudent to rely on the contractor for any of these activities?

* **Resources.** Given the workload, what resources do we need on the NESWC staff? What skills do we need in management, technology, marketing, finance, legal affairs, legislative affairs, communications? How much should be provided by outside consultants, and how much should be included on a permanent staff? How should we provide continuity of contract community representation (especially at critical times when continuity must be preserved)? Would policy oversight be more effective if staffed by experienced business people or professionals?

* **Organization.** Is our present form of organization adequate, or should we consider a different form: for example, a corporation in which the shares are owned by the contract communities? Are there features in the present legal structure and the by-laws that hamper our effectiveness?

* **Information And Communication.** How should NESWC keep communities informed on solid waste issues affecting their operations and costs? What action should NESWC be expected to take to promote action by the regulators and the legislature that is favorable to the communities? How should NESWC be structured to provide an effective exchange of views on such issues?

* **Controls.** What information should be provided to the communities at various levels to make sure NESWC is responsive to community needs? What controls are needed on the NESWC budget? More important, what controls should NESWC keep on operations of the entire $30 million project revenue and expenditure budget to make sure that problems and opportunities are spotted early and dealt with?

If you believe, as I do, that such a project is essential if we are to keep future tipping fees under control, then action should be started immediately. In my view, this action should be to establish a working group of selectmen (or equivalent elected

officers) to oversee the management consultant. The group's responsibility should be to define the review project precisely, decide how it should be undertaken, supervise its progress, communicate its results to each community and make plans for implementing its recommendations.

* * *

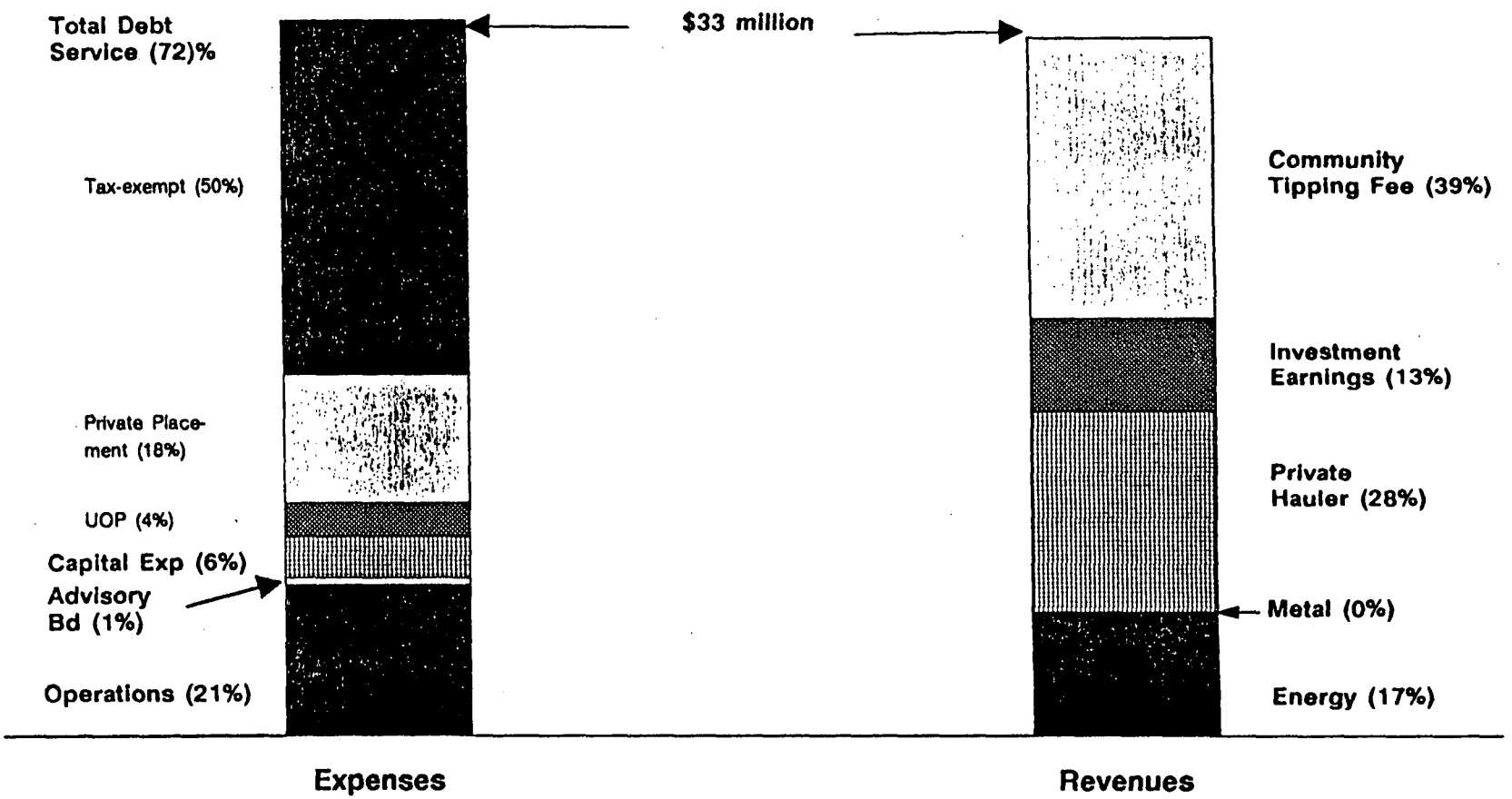
Let me close by briefly repeating the critical question for all of us: What activities will make the biggest difference in our tipping fee, and have we provided the resources and structure to make sure these critical activities will be successful? To answer this question positively, I believe a thorough review is needed by our elected officers, and that it should be started immediately.

The need for action is clear. To state the issue another way: Do we want NESWC to be in the position of anticipating multi-million dollar problems and opportunities and taking action to resolve them to our benefit? If so, this is the time to take decisive action that will give us the management effectiveness we need for the challenges ahead.

9/22/92

Exhibit 1

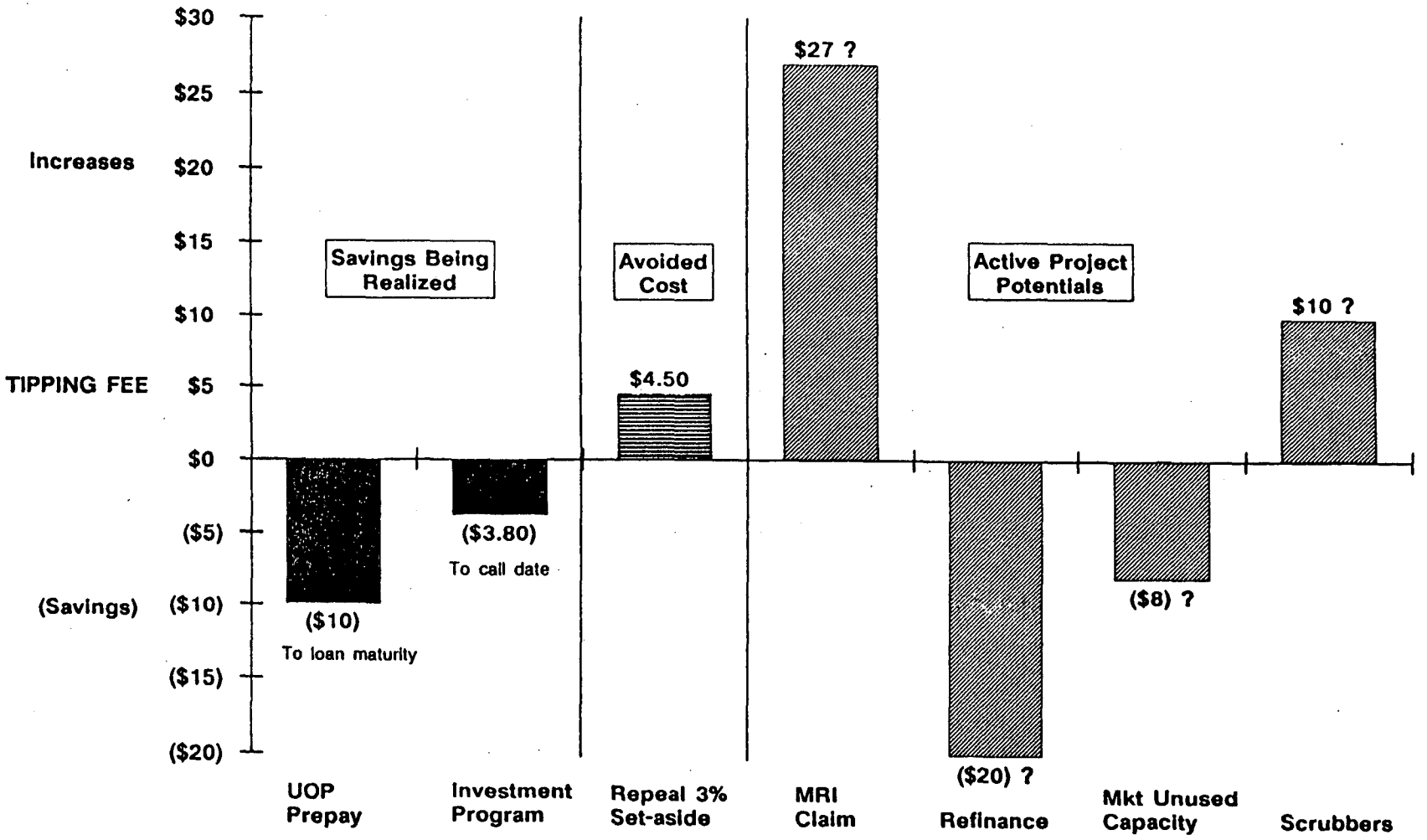
APPROXIMATE ANNUAL EXPENSES AND REVENUES
Fiscal Year 1991



9/22/92

Exhibit 2

APPROXIMATE IMPACT ON TIPPING FEE OF MAJOR PROJECTS



9/22/92

Exhibit 3

IMPACT OF DEBT SERVICE REDUCTIONS ON ANNUAL EXPENSES (Using FY 1991 Data)

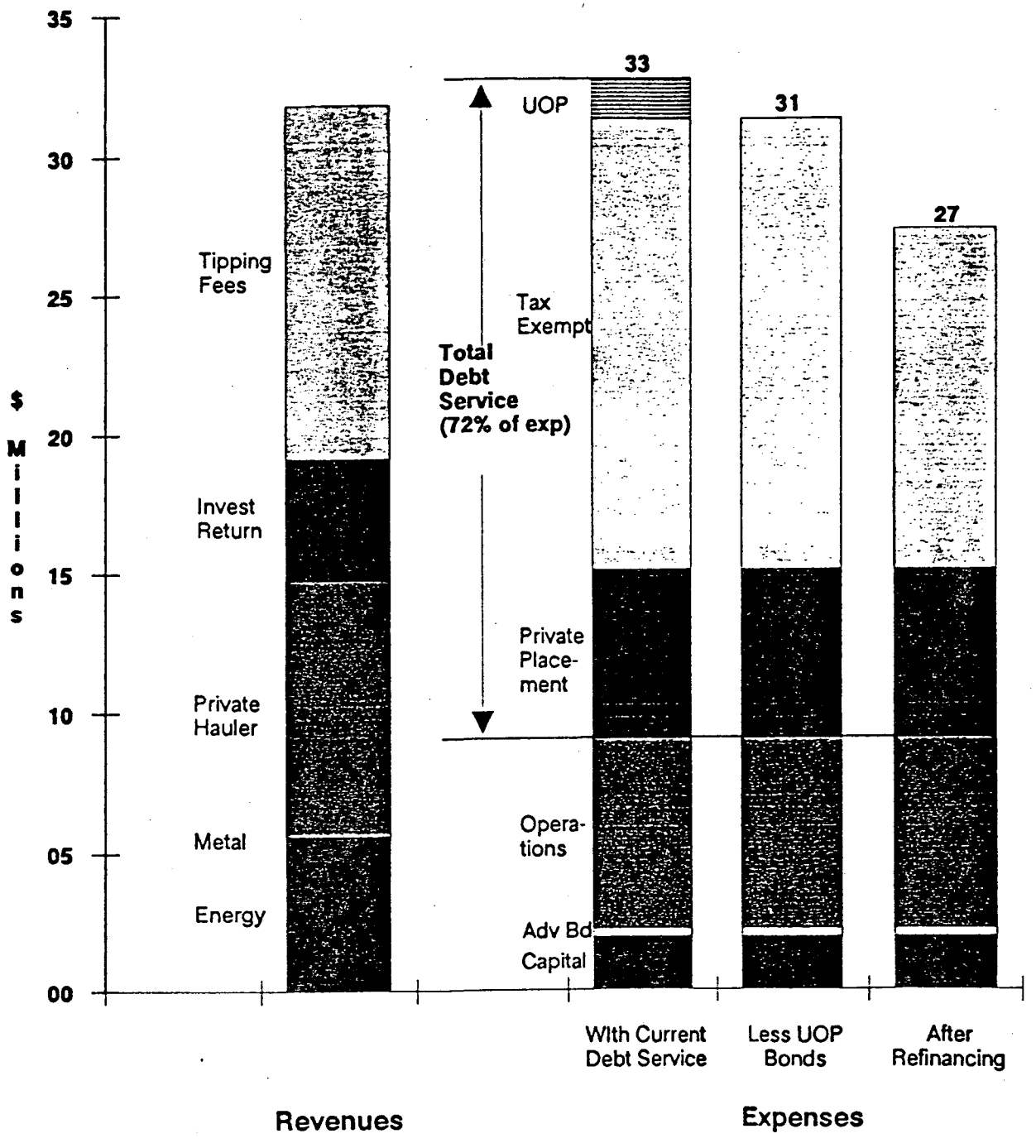


Exhibit 4

MANAGEMENT AND FINANCIAL CONTROLS

Working Outline For Discussion - 9/22/92

Early Warning Reports

1. Tonnage reports and forecasts
2. Energy price forecast or assumption
3. Forecasting model (by month for next 12 months, and by year for life of contract) under various assumptions

Reports On Current Operations

1. Financial summary of plant operations against projections
2. Key indicators of market conditions and marketing opportunities
3. Marketing activity and results
4. Advisory Board expenditures against budget and projections
5. Investment activity and results
6. Community Stabilization Fund (equivalent of NESWC's equity in the project)
   - Sources and uses of funds
   - Current and projected balances
7. Summary of cash balances and activity for each fund established under the Bond Indenture
8. Status of receivables from communities, private haulers and New England Power
9. Status of important legislative and regulatory matters

Reports On Capital Projects

1. Brief outline on status of each capital project
2. Financial summary of each capital project against capital budget
3. Projection of capital expenditure requirements for next 3-5 years, or longer

SEP 2 3

Town of Acton | Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

September 22, 1992

Acheson H. Callaghan
Palmer & Dodge
One Beacon Street
Boston, MA 02108

REGARDING: Review of Proposed Zoning Articles

Dear Mike:

On the following pages please find two zoning articles which the Planning Board would like to bring forward at the next Town Meeting. Please take a look at them and send me your comments and recommendation before the November.

Thank You,

Roland Bartl

Roland Bartl
Town Planner

9/25

CC: BOS -

THESE ARE PRELIMINARY AT THIS TIME AND ARE FORWARDED FOR YOUR INFORMATION. THEY HAVE NOT BEEN SENT TO THE FINCOM BECAUSE THEY HAVE NOT BEEN PRESENTED AS ARTICLES AT THIS TIME. IF YOU WISH THEM TO BE FORWARDED TO THE FINCOM WE WILL BE HAPPY TO DO SO.

Tom

ARTICLE A - DESIGN OF SIGNS

To see if the Town of Acton will vote to amend Section 7 of the Acton Zoning Bylaw as follows:

Delete Section 7.4.1.3 and renumber Sections 7.4.1.4, 7.4.1.5 and 7.4.1.6 to become new Sections 7.4.1.3, 7.4.1.4 and 7.4.1.5 respectively.

or take any other action relative thereto.

SUMMARY

This articles, if adopted, will delete the requirement that signs and advertising devices in the village zoning districts feature light lettering on a dark background. Since adoption of this standard it became apparent that it has the potential of creating substantial conflicts with corporate logos and name recognition. The zoning bylaw contains a number of other design controls specific for signs in village zoning districts regulating size, height, materials, illumination and other aspects, which together will continue to assure that signs in the village zoning districts are appropriately scaled and designed for the village setting.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

ARTICLE B - RECONSTRUCTION OF EXISTING NONCONFORMING MULTIFAMILY DWELLINGS

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

a) Insert new Section 8.7 as follows:

8.7 Special Permit to Reconstruct Nonconforming Multifamily Dwelling - The Planning Board may authorize by Special Permit the reconstruction of a nonconforming Multifamily Dwelling, as defined in Section 3.3.4, after such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or resumption of the USE as a Multifamily Dwelling after completion of reconstruction. The following rules shall apply:

8.7.1 The new BUILDING shall comply with the dimensional requirements applicable in the zoning district in which the BUILDING is located. However, the Planning Board may authorize or require smaller or larger dimensions as it finds appropriate to address public interest considerations, such as but not limited to the preservation or improvement of neighborhood atmosphere, historic architectural features or the spatial relationship between buildings, and to address public safety and health concerns.

8.7.2 The Planning Board shall consider an application for a Special Permit under this section only if it is filed within 1 year from the date of the issuance of a demolition permit by the Building Commissioner or within one year from the date of the fire or natural disaster which caused the destruction of the BUILDING.

8.7.3 The number of DWELLING UNITS shall not be increased as a result of reconstruction.

8.7.4 The Planning Board may impose conditions and require plan changes for the reconstruction as it deems appropriate and necessary to further the purpose of this Bylaw, including but not limited to conditions and changes affecting the architectural design and layout of the BUILDING, garages, driveways and other improvements.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will authorize the Planning Board to grant a special permit for the reconstruction of an existing nonconforming multifamily dwelling, if such dwelling has been destroyed by fire or if such building had to be demolished. The provision of a special permit will

ensure a public hearing and will allow the Planning Board to set appropriate conditions on such reconstruction. Nonconforming multifamily dwellings are scattered throughout Acton, but they occur more frequently within and near the village centers. They represent some of the few affordable housing options in the Town of Acton and this article will encourage their continued use and existence.

Direct Inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

cc: Don P. Johnson, Town Manager

[RHB.ZONE.92*13]

CC: DICK HOWE - GET AFTER IT, PLS.!!
CC: BOS - FYI

The Commonwealth of Massachusetts

Executive Office of Transportation and Construction

SEP 23 1992

Department of Public Works

Office of the Commissioner

Ten Park Plaza, Boston, MA 02116-3973

(617) 973-7800

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

RICHARD L. TAYLOR
SECRETARY

JAMES J. KERASIOTES
COMMISSIONER

September 21, 1992

Dear Municipal Official of Acton:

I am pleased to inform that as a part of the FY 93 Budget, $36,893,950.00 has been allocated to cities and towns across the Commonwealth for state aid highway purposes under the provision of Mass Gen L ch. 90 §34 (1992).

The amount being made available to your community is $118,972.00. I have directed our State Aid Office to deliver these funds in as expeditious a manner as possible.

Unlike previous state aid monies made available through transportation bond issues, this special appropriation will be subject to the following provisions:

- Grants will be available for expenditure upon the execution of a Memorandum of Agreement (MOA),
- The community shall incur expenses after the District Highway Director has approved the project request,
- The special appropriation does not constitute an entitlement to funds beyond June 30, 1993 and therefore, all of the projects under the special appropriation must be completed and expenses paid by June 30, 1993.

Please note, communities should submit Project Request Forms within thirty (30) days of the execution of the MOA. Each community will receive one hundred percent (100%) of its grant funds within thirty (30) days of the District Highway Director's approval of the project. Project Request Forms should include sufficient documentation to indicate the proposed work will be completed and expenses paid during FY 93. Such documentation may include but not be limited to contracts or subcontracts with vendors, contractors, designers; purchase orders or bid awards for supplies or materials; written agreements by towns, etc.

Communities are advised that they also have the option of using funds made available from Chapter 133 for eligible projects originally contemplated or approved, but not actually processed, for funding from the Transportation Bond Issue allocation. Municipalities concerned about their ability to finish a new project before June 30, 1993 may wish to pursue this option. Any community interested in this option should discuss its applicability with their District Highway Office.

Thank you for your attention to this matter. If you have any questions or require any additional information, please do not hesitate to call our District State Aid Office.

Sincerely,

James J. Kerasiotes

JAMES J. KERASIOTES
COMMISSIONER

The Department of Public Works
is now
The Massachusetts Highway Department

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 22, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: 1990 Census Info.

We are in receipt of a copy of the 1990 Census Summary of Social, Economic, and Housing Characteristics for the United States, for Massachusetts. The full report (250-300 pages) is in the Board's reading file.

I have excerpted and attached the Acton portion of several tables that members of the Board may find interesting.

Don

D-98(L)
(4-92)

UNITED STATES DEPARTMENT OF COMMERCE
Bureau of the Census
Washington, DC 20233-0001

OFFICE OF THE DIRECTOR

FROM THE DIRECTOR
BUREAU OF THE CENSUS

We are pleased to provide you with a copy of the 1990 Census Summary of Social, Economic, and Housing Characteristics for the United States for your state.

This report provides sample population and housing data for local governments, including American Indian and Alaska Native areas.

We thank you for your work and support of the 1990 census and look forward to maintaining a working relationship with you over the next decade.

Sincerely,

Barbara Everitt Bryant

Barbara Everitt Bryant

Enclosure

Table 1. Selected Social Characteristics: 1990—Con.

[Data based on sample and subject to sampling variability, see text. For definitions of terms and meanings of symbols, see text]

State / County / County Subdivision / Place	All persons: Total	All persons: Percent foreign-born	Native: Total	Native: Percent born in State of residence	Persons 5 years and over: Total	Persons 5 years and over: Percent living in different house in 1985	Persons who speak a language other than English at home: Persons 5 to 17 years: Total	Persons 5 to 17 years: Percent who do not speak English "very well"	Persons 18 years and over: Total	Persons 18 years and over: Percent who do not speak English "very well"	Family households: Total	Family households: Percent with own children under 18 years	Married-couple family: Total	Married-couple family: Percent with own children under 18 years	Female householder, no husband present: Total	Female householder, no husband present: Percent with own children under 18 years
Middlesex County	1 398 468	11.3	1 240 711	74.7	1 308 044	40.8	29 015	33.0	187 798	39.3	349 355	44.1	281 822	45.2	52 289	44.6
Acton town	17 872	9.8	16 117	56.7	16 629	43.2	324	33.3	1 320	29.2	4 827	51.7	4 120	51.5	560	54.3
Arlington town	44 630	12.0	39 286	75.3	42 145	35.3	584	20.0	5 400	31.7	11 419	36.9	9 130	38.9	1 831	31.2
Arlington CDP	44 630	12.0	39 286	75.3	42 145	35.3	584	20.0	5 400	31.7	11 419	36.9	9 130	38.9	1 831	31.2
Ashby town	2 717	5.4	2 565	80.5	2 498	30.8	22	22.7	192	28.1	722	54.6	624	54.3	46	51.5
Ashland town	12 066	6.7	11 257	72.3	11 160	44.9	68	–	833	40.1	3 256	46.1	2 828	47.4	302	47.4
Ayer town	6 837	6.9	6 368	55.2	6 206	53.2	51	13.7	599	28.7	1 868	49.3	1 562	48.3	300	56.7
Ayer CDP	2 871	4.7	2 735	59.6	2 617	50.6	34	–	124	42.7	733	42.8	578	40.0	129	59.7
Fort Devens CDP (pt.)	642	8.7	586	10.8	529	98.1	10	–	107	28.0	176	78.4	165	77.0	11	100.0
Bedford town	12 996	8.2	11 929	63.8	12 264	36.4	168	19.0	747	32.5	3 354	41.9	2 926	42.0	323	45.2
Belmont town	24 720	12.3	21 677	70.3	23 392	35.4	461	28.0	3 427	32.2	6 331	39.4	5 262	42.3	777	31.0
Belmont CDP	24 720	12.3	21 677	70.3	23 392	35.4	461	28.0	3 427	32.2	6 331	39.4	5 262	42.3	777	31.0
Billerica town	37 609	5.2	35 666	85.9	34 818	30.6	353	39.9	1 890	31.9	9 445	50.9	7 994	54.5	1 061	34.4
Pinehurst CDP	6 614	4.6	6 312	89.1	6 130	25.1	78	42.3	252	23.8	1 698	50.4	1 371	56.4	263	23.6
Wilmington CDP (pt.)	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Boxborough town	3 343	8.3	3 067	59.5	3 134	46.9	51	43.1	228	60.1	856	47.9	748	48.7	84	46.4
Burlington town	23 302	8.6	21 295	83.1	21 849	30.2	295	21.7	2 013	31.8	6 242	43.0	5 263	44.1	752	43.1
Burlington CDP	23 302	8.6	21 295	83.1	21 849	30.2	295	21.7	2 013	31.8	6 242	43.0	5 263	44.1	752	43.1
Cambridge city	95 802	22.3	74 452	50.9	91 158	57.1	2 984	32.2	20 867	38.1	17 648	43.2	12 685	40.5	3 845	53.0
Carlisle town	4 333	9.1	3 938	56.6	3 985	35.2	64	21.9	224	38.8	1 250	49.0	1 197	48.9	35	40.0
Chelmsford town	32 375	6.0	30 435	77.1	30 229	34.3	442	33.0	2 099	31.3	9 011	45.8	7 726	46.3	1 020	47.5
Chelmsford CDP (pt.)	32 375	6.0	30 435	77.1	30 229	34.3	442	33.0	2 099	31.3	9 011	45.8	7 726	46.3	1 020	47.5
Concord town	17 076	6.6	15 950	60.2	16 124	41.8	118	23.7	1 181	25.8	4 309	43.7	3 760	44.5	447	39.1
West Concord CDP	5 761	9.9	5 190	63.1	5 468	45.8	87	32.2	690	23.6	1 323	42.6	1 126	44.4	143	37.8
Dracut town	25 594	4.4	24 459	89.8	23 655	37.9	329	30.4	3 212	32.9	7 052	48.3	5 833	49.6	860	44.0
Dunstable town	2 236	2.8	2 174	70.2	2 054	33.0	10	–	84	4.8	593	52.1	551	51.7	25	40.0
Everett city	35 701	11.3	31 662	90.0	33 299	36.1	577	36.7	4 692	44.6	9 584	39.7	6 961	39.2	2 029	46.2
Framingham town	64 972	11.7	57 368	70.7	60 889	44.5	1 521	33.5	8 394	44.8	16 155	42.8	12 947	41.6	2 481	54.4
Framingham CDP (pt.)	64 972	11.7	57 368	70.7	60 889	44.5	1 521	33.5	8 394	44.8	16 155	42.8	12 947	41.6	2 481	54.4
Groton town	7 511	3.2	7 270	65.3	6 893	39.6	48	–	309	31.1	2 002	51.8	1 819	50.0	177	68.9
Groton CDP	1 107	3.3	1 071	62.7	1 032	40.8	13	–	46	26.1	274	54.0	245	48.6	23	100.0
Holliston town	12 926	4.0	12 404	71.3	12 002	35.1	140	7.9	505	8.1	3 644	52.9	3 284	52.5	299	57.5
Hopkinton town	9 191	3.5	8 870	68.4	8 381	43.0	53	35.8	322	30.1	2 485	53.6	2 213	55.8	264	36.7
Hopkinton CDP	2 225	2.7	2 166	76.1	2 027	36.4	–	–	83	13.3	603	43.3	511	46.0	92	28.3
Hudson town	17 233	14.3	14 770	79.2	16 020	37.0	551	19.4	2 492	48.8	4 623	45.6	3 942	46.2	492	49.0
Hudson CDP	14 267	14.9	12 135	80.2	13 307	35.7	465	21.1	2 192	49.7	3 827	45.3	3 211	45.5	460	51.1
Lexington town	28 974	12.8	25 275	63.3	27 378	33.9	772	19.0	2 816	31.6	8 152	42.3	7 131	43.7	750	37.3
Lexington CDP	28 974	12.8	25 275	63.3	27 378	33.9	772	19.0	2 816	31.6	8 152	42.3	7 131	42.7	750	37.3
Lincoln town	7 666	7.1	7 121	42.9	6 863	54.8	104	–	651	22.0	2 181	52.2	2 034	51.9	129	64.3
Littleton town	7 107	2.5	6 928	72.2	6 612	33.5	35	28.6	308	11.0	1 915	43.9	1 613	43.5	221	42.1
Littleton Common CDP	2 885	1.8	2 833	75.6	2 707	34.3	–	–	83	19.3	792	44.2	649	43.0	111	58.6
Lowell city	103 439	16.4	86 441	82.7	94 558	51.9	7 291	49.9	23 060	47.5	24 561	52.4	16 635	50.4	6 269	62.5
Malden city	53 884	13.6	46 568	85.8	50 259	42.0	982	36.3	7 235	43.3	13 470	41.2	10 158	43.7	2 580	39.1
Marlborough city	31 813	8.9	28 983	75.2	29 359	45.6	430	48.6	3 029	43.8	8 111	47.5	6 590	45.9	1 180	61.0
Maynard town	10 325	6.4	9 661	76.6	9 530	42.7	77	36.4	790	41.1	2 829	45.8	2 348	44.1	390	55.9
Maynard CDP (pt.)	10 325	6.4	9 661	76.6	9 530	42.7	77	36.4	790	41.1	2 829	45.8	2 348	44.1	390	55.9
Medford city	57 407	11.8	50 634	84.7	54 236	36.9	834	22.9	7 818	37.1	14 601	36.7	11 171	40.0	2 706	31.0
Melrose city	28 150	5.6	26 587	84.9	26 444	29.0	106	31.1	1 460	28.2	7 529	41.3	6 088	44.1	1 191	31.3
Natick town	30 534	6.7	28 490	73.6	28 563	38.5	289	12.8	1 928	29.6	8 197	39.4	7 047	41.9	893	29.2
Cochituate CDP (pt.)	48	14.6	41	14.6	48	–	–	–	–	–	16	–	16	–	–	–
Framingham CDP (pt.)	22	–	22	100.0	22	100.0	–	–	–	–	–	–	–	–	–	–
Newton city	82 585	13.0	71 827	63.6	78 081	39.6	1 830	24.0	10 020	34.0	19 952	42.2	16 662	44.5	2 536	34.4
North Reading town	12 002	3.0	11 639	82.7	11 084	32.6	34	76.5	375	22.9	3 283	47.3	2 896	48.8	287	40.1
Pepperell town	10 098	4.7	9 620	69.8	9 132	44.4	61	29.5	473	36.2	2 790	62.0	2 417	61.5	274	67.9
East Pepperell CDP	2 192	2.9	2 129	71.9	1 956	38.2	–	–	120	33.3	579	63.7	499	61.9	45	66.7
Pepperell CDP	2 454	7.4	2 273	73.7	2 218	57.0	26	–	102	43.1	624	59.3	491	63.5	105	55.2
Reading town	22 539	4.3	21 575	84.8	21 033	30.7	174	24.7	989	27.8	6 130	43.7	5 337	45.4	594	39.0
Reading CDP	22 539	4.3	21 575	84.8	21 033	30.7	174	24.7	989	27.8	6 130	43.7	5 337	45.4	594	39.6
Sherborn town	3 989	6.1	3 744	60.5	3 718	25.3	35	51.4	183	31.7	1 151	48.6	1 049	48.3	89	52.8
Shirley town	6 096	7.0	5 671	62.8	5 645	55.8	80	23.8	614	29.0	1 581	51.0	1 329	49.0	209	63.6
Fort Devens CDP (pt.)	728	6.6	680	28.7	644	85.4	26	–	107	32.7	189	84.1	181	83.4	–	–
Shirley CDP	1 577	8.2	1 447	65.0	1 452	53.0	8	–	177	21.5	445	47.2	353	42.2	82	74.4
Somerville city	76 210	22.3	59 235	70.3	72 380	50.8	2 592	26.6	16 412	50.2	16 097	39.0	11 357	40.9	3 692	38.5
Stoneham town	22 203	6.8	20 683	87.6	20 877	30.4	228	11.0	1 732	40.0	5 940	39.6	4 823	42.1	891	32.1
Stoneham CDP	22 203	6.8	20 683	87.6	20 877	30.4	228	11.0	1 732	40.0	5 940	39.6	4 823	42.1	891	32.1
Stow town	5 328	5.1	5 055	65.8	4 909	29.3	54	51.9	161	3.1	1 454	50.9	1 319	52.6	103	44.7
Sudbury town	14 358	7.0	13 349	60.3	13 294	31.7	146	21.2	776	17.9	4 038	52.2	3 618	52.5	337	52.5
Maynard CDP (pt.)	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Tewksbury town	27 263	4.9	25 928	86.4	25 135	34.6	337	8.9	1 547	25.0	7 153	48.3	6 301	49.9	651	35.0
Wilmington CDP (pt.)	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Townsend town	8 496	1.5	8 365	78.4	7 783	34.2	55	–	135	14.1	2 350	61.0	2 005	60.7	296	65.9
Townsend CDP	1 139	2.5	1 110	76.0	1 109	35.6	8	–	20	–	315	58.1	247	55.5	57	61.4
Tyngsborough town	8 640	3.5	8 336	84.5	7 798	37.6	20	–	581	17.7	2 326	57.3	1 932	59.4	247	53.7

Table 5. E yment Status and Journey to Work Characteristics: 1990—Con

[Data based on sample and subject to sampling variability, see text For definitions of terms and meanings of symbols, see text]

State / County / County Subdivision / Place	Persons 16 years and over: Total	Persons 16 years and over: Female	Labor force: Percent in labor force: Total	Labor force: Percent in labor force: Female	Labor force: Civilian labor force: Total	Labor force: Civilian labor force: Percent unemployed	Labor force: Workers: Total	Labor force: Workers: Means of transportation to work: Percent using car, truck, or van	Labor force: Workers: Means of transportation to work: Percent in carpools	Labor force: Workers: Means of transportation to work: Percent using public transportation	Worked in 1989: Total	Worked in 1989: Worked 40 or more weeks in 1989: Total	Worked in 1989: Worked 40 or more weeks in 1989: Usually worked 35 or more hours per week, 50 to 52 weeks	Females with own children under 6 years: Total	Females with own children under 6 years: Percent in labor force	Own children under 6 years in families and subfamilies, all parents in household in labor force
Hampshire County—Con.																
Easthampton town	12 430	6 355	71 0	62 9	8 798	6 4	8 078	93 3	12 5	5	9 290	7 691	5 734	875	53 7	641
Goshen town	663	334	80 2	71 3	532	7 0	494	89 3	12 3	8	560	442	330	33	63 6	39
Granby town	4 338	2 207	73.7	66 5	3 199	7.3	2 914	95.7	11 6	4	3 443	2 697	1 940	299	72 2	272
Granby CDP	1 065	538	70 6	56 1	752	9 7	679	95 6	10 8	6	782	664	454	59	69 5	64
Hadley town	3 575	1 852	66 3	59.2	2 363	3.1	2 745	89.3	8.6	2 0	2 709	1 978	1 485	206	75.7	198
Hatfield town	2 547	1 330	69.8	65 7	1 779	5.2	1 654	90 2	9 1	-	1 917	1 532	1 040	151	84 1	181
Hatfield CDP	1 011	552	69 7	64 1	705	2 4	679	89 8	12.4	-	758	612	421	58	82 8	63
Huntington town	1 475	747	70 2	60 4	1 028	4.4	961	94 3	12 1	-	1 117	902	671	146	51 4	86
Middlefield town	281	135	74 7	68.1	208	4.3	194	91.2	15.5	1 0	220	172	117	19	42 1	8
Northampton city	24 771	14 195	67 8	64 3	16 737	5 5	15 435	77 4	10 7	2 8	18 516	13 474	8 575	1 237	69 0	1 071
Pelham town	1 082	545	77 2	75 8	835	3 6	794	94 8	11 7	4	887	699	490	72	77 8	76
Plainfield town	438	223	70 3	65 0	308	8.4	275	83.3	11 3	7	348	255	171	28	64 3	30
Southampton town	3 451	1 759	75 6	68 6	2 604	3 8	2 459	95.6	7.4	-	2 710	2 214	1 595	289	53 3	197
South Hadley town	14 002	8 296	66 7	60.7	9 322	3 4	8 849	82.5	8 8	.9	10 640	7 458	5 238	811	70 9	705
Ware town	7 573	3 960	67.3	57 7	5 094	8.8	4 551	93.0	12 1	-	5 304	4 179	3 057	569	61 2	564
Ware CDP	5 054	2 725	63.7	53 0	3 218	9.1	2 849	91.9	12 9	-	3 413	2 570	1 849	376	58 2	384
Westhampton town	982	495	78 9	79 0	775	2.8	742	96.8	10 5	-	835	665	477	97	70 1	90
Williamsburg town	1 980	1 045	75.7	71.2	1 498	2 2	1 418	84.0	7.3	4	1 623	1 331	834	137	82 5	162
Worthington town	847	422	70.2	59.7	595	5.2	555	87.4	10 8	9	657	530	358	66	56 1	52
Middlesex County	1 139 314	599 442	70.9	63.6	804 144	5.8	747 096	81.6	9.9	9.5	872 287	675 207	491 890	76 696	61 2	60 880
Acton town	13 936	7 133	76.0	67.0	10 546	3.3	10 089	91.8	7.5	3.5	11 476	8 996	6 793	1 031	56.5	790
Arlington town	38 123	20 964	70.0	62.4	26 593	4.5	25 121	77.0	8 6	16.3	28 163	22 753	16 518	2 177	61 5	1 729
Arlington CDP	38 123	20 964	70.0	62.4	26 593	4.5	25 121	77.0	8 6	16 3	28 163	22 753	16 518	2 177	61 5	1 729
Ashby town	1 967	997	76.1	71.9	1 497	4.8	1 410	92.3	11.4	-	1 627	1 307	966	174	73.6	187
Ashland town	9 693	5 019	78.7	71.8	7 595	5.2	7 058	91 6	8 0	3 2	8 068	6 692	4 944	968	63 4	704
Ayer town	5 367	2 787	73 5	63 4	3 534	5 7	3 668	93.1	14 4	1 3	4 155	3 385	2 554	511	68 1	430
Ayer CDP	2 376	1 255	67 5	57.8	1 465	5.6	1 461	87 3	16.6	2 1	1 649	1 333	937	203	63 1	177
Fort Devens CDP (pt.)	405	221	84.2	71.0	174	19.5	307	94.1	40 7	-	344	269	212	101	70 3	85
Bedford town	10 686	5 043	70.3	64 9	6 889	3.0	7 255	88.8	7 8	2 2	8 311	6 647	4 997	654	68 0	520
Belmont town	20 736	11 525	66 1	57 7	13 694	3.9	12 915	79.6	9 3	12 8	15 160	11 459	8 475	1 198	51 4	792
Belmont CDP	20 736	11 525	66 1	57 7	13 694	3 9	12 915	79 6	9 3	12 8	15 160	11 459	8 475	1 198	51 4	792
Billerica town	29 070	14 220	75 9	70 9	21 965	7 0	20 118	94 7	9 3	2 0	23 522	18 376	13 484	2 300	66 3	2 080
Pinehurst CDP	5 106	2 559	80 3	74 0	4 089	7.0	3 751	94 9	8 1	2 5	4 147	3 292	2 320	385	65 5	364
Wilmington CDP (pt.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Boxborough town	2 671	1 297	82 0	74 8	2 158	7.5	2 007	92 5	7 9	9	2 318	1 864	1 451	199	57 3	134
Burlington town	18 731	9 547	77 8	69 4	14 536	4 9	13 657	94 7	8 5	3 2	15 405	12 699	9 253	1 385	58 3	923
Burlington CDP	18 731	9 547	77 8	69 4	14 536	4 9	13 657	94 2	8 5	3 2	15 405	12 699	9 253	1 385	58 3	923
Cambridge city	83 720	43 387	68 3	65 6	57 038	5.2	52 595	45 0	7 5	23 5	66 240	44 668	30 328	4 069	62 6	3 109
Carlisle town	3 285	1 704	75 6	65 0	2 480	7 9	2 365	88 4	7 6	1.2	2 712	2 103	1 545	298	70 5	265
Chelmsford town	25 679	13 286	76 3	67.8	19 434	5.4	18 276	94 7	7 7	1 3	20 575	16 470	12 142	1 887	60 4	1 486
Chelmsford CDP (pt.)	25 679	13 286	76.3	67 8	19 434	5.4	18 276	94.7	7.7	1 3	20 575	16 470	12 142	1 887	60 4	1 486
Concord town	14 000	6 749	61.3	58.2	8 569	4.0	8 100	83.2	7.6	5.7	10 136	7 255	5 495	876	53 8	564
West Concord CDP	4 859	1 961	55 3	64 8	2 669	4 8	2 544	84 7	7.0	9 0	3 439	2 304	1 879	230	54 3	174
Dracut town	19 925	10 211	74 6	68 9	14 815	8.3	13 391	95.5	13 3	1 3	15 651	12 404	9 147	1 602	63 5	1 293
Dunstable town	1 685	853	77.2	68 8	1 292	6 2	1 212	93.6	6 8	.8	1 390	1 108	850	157	63 1	117
Everett city	29 548	16 225	65 3	58 0	19 258	7.6	17 279	75.7	14.5	17 7	20 332	16 015	11 985	1 869	45 9	1 245
Framingham town	53 737	28 867	73.0	64 9	39 184	6.4	36 071	90.8	10.3	2.9	42 199	32 753	23 615	3 355	66 9	2 952
Framingham CDP (pt.)	53 737	28 867	73 0	64.9	39 184	6.4	36 071	90.8	10.3	2 9	42 199	32 753	23 615	3 355	66 9	2 952
Groton town	5 657	2 885	76 5	68.3	4 279	5.8	4 033	89.6	7 7	.5	4 650	3 569	2 571	563	60 9	477
Groton CDP	826	386	70.2	57 8	568	7.9	535	91.6	7.3	1 7	650	485	351	65	73 8	76
Holliston town	9 801	4 994	77.4	70.5	7 564	5.3	7 044	92.9	8.7	2 4	8 306	6 347	4 588	721	65 7	634
Hopkinton town	6 829	3 505	75 6	65 2	5 157	4.0	4 866	92.2	8 3	9	5 520	4 375	3 370	763	63 4	588
Hopkinton CDP	1 762	998	69.3	57.4	1 213	5.1	1 141	93.8	8.1	8	1 326	1 074	825	195	68 7	177
Hudson town	13 668	7 005	75.5	66.2	10 285	5.5	9 607	94.9	12.0	.6	10 632	8 682	6 760	1 016	63 0	828
Hudson CDP	11 390	5 849	75.1	66.3	8 521	6.1	7 892	94.2	12.9	.7	8 788	7 147	5 568	813	64.2	652
Lexington town	23 497	12 562	67.4	57.9	15 780	3.5	15 082	87.7	7.3	4.9	17 138	13 591	9 994	1 430	57 6	972
Lexington CDP	23 497	12 562	67.4	57.9	15 780	3.5	15 082	87.7	7.3	4.9	17 138	13 591	9 994	1 430	57 6	972
Lincoln town	5 547	2 841	74 7	63 3	3 406	5.0	3 921	84 0	10.9	3 6	4 486	3 560	2 724	689	58 8	576
Littleton town	5 605	2 859	71 6	62.7	4 004	4.3	3 785	93 3	6 4	2 5	4 330	3 441	2 486	393	59 0	309
Littleton Common CDP	2 332	1 178	75.2	67.3	1 743	4.3	1 646	96.8	7.9	1 0	1 860	1 513	1 102	162	58 6	104
Lowell city	78 899	41 004	65.4	57.0	51 419	10.7	44 917	89 2	16.2	3 3	54 522	41 430	29 544	7 106	55 5	5 225
Malden city	44 493	23 757	69 9	62 1	31 049	7 7	28 068	69 5	11 5	24 1	32 032	25 850	19 799	2 877	61 8	2 487
Marlborough city	25 488	13 282	75 7	67 2	19 258	6 2	17 754	95 1	12 5	.7	20 188	16 146	12 369	2 007	62 6	1 609
Maynard town	8 261	4 267	74.0	67 1	6 091	5 9	5 679	91.3	9 7	1 6	6 515	5 210	4 017	666	65 2	599
Maynard CDP (pt.)	8 261	4 267	74 0	67 1	6 091	5 9	5 679	91 3	9 7	1 6	6 515	5 210	4 017	666	65 2	599
Medford city	48 447	26 266	66 9	60 9	32 328	5 8	29 948	76 2	10 6	16 6	35 073	27 273	20 255	2 768	61 6	2 081
Melrose city	22 941	12 576	68 1	59 5	15 604	4 8	14 583	79 0	8 9	15 7	16 783	13 325	9 638	1 498	56 3	1 100

Table 9. Income and Poverty Status in 1989: 1990—Con.

[Data based on sample and subject to sampling variability, see text. For definitions of terms and meanings of symbols, see text]

State / County / County Subdivision / Place	Per capita income in 1989 (dollars)	Median income in 1989 (dollars): Households	Median income in 1989 (dollars): Families	Median income in 1989 (dollars): Nonfamily households	Persons for whom poverty status is determined: Total	Income in 1989 below poverty level: All ages: Number	All ages: Percent	Related children: Under 18 years: Number	Under 18 years: Percent	Related children: 5 to 17 years: Number	5 to 17 years: Percent	Persons 65 years and over: Number	Persons 65 years and over: Percent	Families with income in 1989 below poverty level: Number	Percent of all families
Hampshire County—Con.															
Williamsburg town	18 108	40 170	42 468	30 938	2 466	72	2.9	28	4.6	-	-	10	3.7	20	2.9
Worthington town	17 745	37 950	41 667	21 750	1 150	68	5.9	33	9.9	27	10.8	2	1.6	15	4.5
Middlesex County	20 343	43 847	52 112	26 517	1 347 591	82 939	6.2	23 685	8.3	15 567	7.9	13 862	8.4	14 831	4.2
Acton town	25 792	61 394	70 564	33 821	17 732	403	2.3	142	3.2	93	2.9	44	4.1	92	1.9
Arlington town	21 449	43 309	52 749	29 128	44 431	2 057	4.6	488	6.7	330	6.8	562	7.2	379	3.3
Arlington CDP	21 449	43 309	52 749	29 128	44 431	2 057	4.6	488	6.7	330	6.8	562	7.2	379	3.3
Ashby town	16 611	46 250	49 310	24 135	2 699	68	2.5	-	-	-	-	23	9.3	11	1.5
Ashland town	21 912	51 173	57 052	37 219	11 917	229	1.9	23	.9	23	1.3	62	6.0	36	1.1
Ayer town	14 586	29 326	32 939	22 355	6 711	596	8.9	263	16.5	150	15.5	48	6.3	133	7.0
Ayer CDP	13 735	26 978	31 089	20 000	2 800	285	10.2	99	16.1	62	17.1	48	10.0	60	8.2
Fort Devens CDP (pt.)	6 942	23 426	23 889	13 750	642	100	15.6	56	21.5	20	13.5	-	-	22	12.5
Bedford town	24 590	57 561	64 537	28 517	11 861	204	1.7	24	.9	6	.3	104	7.6	11	.3
Belmont town	26 793	53 488	61 046	36 207	24 238	883	3.6	172	3.8	114	3.6	194	4.4	135	2.1
Belmont CDP	26 793	53 488	61 046	36 207	24 238	883	3.6	172	3.8	114	3.6	194	4.4	135	2.1
Billerica town	16 395	50 210	53 302	29 112	36 406	844	2.3	160	1.7	96	1.4	191	7.9	166	1.8
Pinehurst CDP	16 071	50 072	51 323	31 103	6 604	91	1.4	16	.9	-	-	27	5.7	15	.9
Wilmington CDP (pt.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Boxborough town	24 363	51 330	60 897	40 779	3 343	29	.9	6	.8	6	1.1	5	3.9	8	.9
Burlington town	20 374	55 952	60 323	34 462	23 291	726	3.1	233	4.5	131	3.6	114	6.3	173	2.8
Burlington CDP	20 374	55 952	60 323	34 462	23 291	726	3.1	233	4.5	131	3.6	114	6.3	173	2.8
Cambridge city	19 879	33 140	39 990	27 447	82 208	8 794	10.7	1 906	14.6	1 262	14.8	974	10.7	1 273	7.2
Carlisle town	36 387	83 985	90 755	42 639	4 322	59	1.4	15	1.3	6	.7	-	-	12	1.0
Chelmsford town	21 814	53 971	59 368	33 415	32 090	819	2.6	244	3.2	183	3.4	164	5.6	178	2.0
Chelmsford CDP (pt.)	21 814	53 971	59 368	33 415	32 090	819	2.6	244	3.2	183	3.4	164	5.6	178	2.0
Concord town	31 655	69 917	80 184	35 781	15 252	497	3.3	147	4.3	118	4.9	54	2.8	89	2.1
West Concord CDP	24 599	61 405	69 600	34 766	4 589	131	2.9	40	4.0	33	4.7	6	1.1	31	2.3
Dracut town	16 508	45 165	48 506	25 224	25 495	830	3.3	225	3.6	175	4.0	236	9.1	161	2.3
Dunstable town	20 059	62 515	65 720	32 132	2 226	34	1.5	-	-	-	-	2	1.5	2	.3
Everett city	14 220	30 786	37 397	17 923	35 401	3 399	9.6	1 075	15.8	624	14.1	716	12.5	784	8.2
Framingham town	20 407	42 948	53 270	26 684	61 483	3 663	6.0	1 127	9.1	666	8.0	585	8.5	680	4.2
Framingham CDP (pt.)	20 407	42 948	53 270	26 684	61 483	3 663	6.0	1 127	9.1	666	8.0	585	8.5	680	4.2
Groton town	22 832	55 169	60 000	39 423	7 438	286	3.8	53	2.7	31	2.3	44	7.7	47	2.3
Groton CDP	21 515	61 447	71 923	56 974	1 034	5	.5	-	-	-	-	-	-	-	-
Holliston town	21 225	58 018	62 712	29 167	12 877	83	.6	9	.3	9	.3	40	4.8	24	.7
Hopkinton town	22 497	54 356	62 263	32 500	9 183	285	3.1	95	3.7	76	4.4	25	3.8	43	1.7
Hopkinton CDP	19 242	42 207	48 906	24 444	2 225	-	-	-	-	-	-	-	-	-	-
Hudson town	18 327	45 191	51 698	21 285	17 166	619	3.6	140	3.5	97	3.5	178	9.8	105	2.3
Hudson CDP	17 730	43 600	50 185	19 261	14 200	567	4.0	140	4.3	97	4.2	178	10.9	105	2.7
Lexington town	30 718	67 389	76 410	32 423	28 405	747	2.6	204	3.3	151	3.3	175	4.0	135	1.7
Lexington CDP	30 718	67 389	76 410	32 423	28 405	747	2.6	204	3.3	151	3.3	175	4.0	135	1.7
Lincoln town	35 169	57 512	62 531	40 833	7 641	87	1.1	25	1.1	19	1.3	19	2.8	25	1.1
Littleton town	19 560	51 425	55 305	30 625	6 954	263	3.8	49	2.9	49	4.1	67	11.3	41	2.1
Littleton Common CDP	18 549	46 212	53 480	26 250	2 869	149	5.2	49	7.6	49	10.3	24	11.1	25	3.2
Lowell city	12 701	29 351	35 138	17 045	99 493	17 900	18.0	7 781	29.2	5 000	27.8	1 564	13.7	3 711	15.1
Malden city	15 820	34 344	42 099	21 299	53 384	4 029	7.5	1 100	10.7	712	10.5	945	11.9	740	5.5
Marlborough city	18 471	41 315	47 311	27 337	31 200	1 763	5.7	450	6.6	237	5.3	402	12.4	350	4.3
Maynard town	19 202	43 253	50 874	26 431	10 303	574	5.6	177	7.9	126	8.7	138	10.6	127	4.5
Maynard CDP (pt.)	19 202	43 253	50 874	26 431	10 303	574	5.6	177	7.9	126	8.7	138	10.6	127	4.5
Medford city	16 941	38 859	45 532	22 965	55 346	3 834	6.9	911	9.3	639	9.5	925	9.8	714	4.9
Melrose city	20 202	44 109	53 866	22 307	27 806	1 175	4.2	291	5.0	176	4.3	334	7.6	219	2.9
Natick town	22 176	49 229	55 995	30 427	30 108	948	3.1	127	2.1	68	1.6	239	6.3	154	1.9
Cochituate CDP (pt.)	42 659	120 575	120 575	-	68	-	-	-	-	-	-	-	-	-	-
Framingham CDP (pt.)	25 746	50 480	-	50 480	22	-	-	-	-	-	-	-	-	-	-
Newton city	28 840	59 719	70 071	36 997	77 087	3 335	4.3	505	3.3	322	3.0	769	6.6	450	2.3
North Reading town	19 100	52 707	57 127	31 344	11 765	246	2.1	79	2.8	43	2.2	34	3.6	36	1.1
Pepperell town	17 374	44 492	49 259	20 694	10 026	399	4.0	148	4.9	128	6.1	59	8.6	70	2.5
East Pepperell CDP	15 903	43 770	47 917	18 250	2 192	69	3.1	-	-	-	-	6	6.3	-	-
Pepperell CDP	15 259	36 354	41 696	18 750	2 382	199	8.4	91	12.4	81	16.0	21	8.2	49	7.9
Reading town	21 074	52 783	60 921	23 783	22 362	470	2.1	64	1.3	41	1.1	130	4.7	60	1.0
Reading CDP	21 074	52 783	60 921	23 783	22 362	470	2.1	64	1.3	41	1.1	130	4.7	60	1.0
Sherborn town	41 614	93 925	104 591	25 667	3 989	46	1.2	15	1.4	15	2.0	-	-	12	1.0
Shirley town	15 581	38 377	43 372	25 781	5 669	272	4.8	93	6.2	58	5.5	37	7.8	46	2.9
Fort Devens CDP (pt.)	9 822	35 865	35 865	-	728	-	-	-	-	-	-	-	-	-	-
Shirley CDP	17 863	27 554	39 063	18 333	1 565	170	10.9	79	21.8	44	18.5	22	14.0	39	8.8
Somerville city	15 179	32 455	38 532	25 397	74 061	8 492	11.5	1 725	15.1	1 243	16.2	978	10.8	1 221	7.6
Stoneham town	18 220	43 343	51 271	23 958	22 018	1 104	5.0	378	8.4	250	7.9	192	5.5	220	3.7
Stoneham CDP	18 220	43 343	51 271	23 958	22 018	1 104	5.0	378	8.4	250	7.9	192	5.5	220	3.7
Stow town	25 244	66 292	72 287	27 687	5 303	86	1.6	8	.6	8	.8	27	7.8	6	.4
Sudbury town	33 441	79 092	84 036	31 705	14 270	219	1.5	27	.7	27	1.0	70	7.4	31	.8
Maynard CDP (pt.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tewksbury town	18 224	52 572	56 786	21 964	26 802	1 026	3.8	169	2.5	111	2.4	290	12.1	98	1.4
Wilmington CDP (pt.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Townsend town	15 694	46 910	50 629	18 600	8 474	256	3.0	76	2.7	37	1.8	35	6.1	55	2.3
Townsend CDP	15 425	37 125	42 986	29 722	1 139	46	4.0	15	4.5	15	4.9	17	12.7	13	4.1
Tyngsborough town	16 633	48 842	52 358	19 235	8 631	603	7.0	185	7.5	149	9.2	112	18.5	133	5.7
Chelmsford CDP (pt.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wakefield town	19 009	43 960	51 815	22 198	24 640	1 025	4.2	287	5.4	204	5.5	332	9.0	191	2.9
Wakefield CDP	19 009	43 960	51 815	22 198	24 640	1 025	4.2	287	5.4	204	5.5	332	9.0	191	2.9
Waltham city	16 777	38 514	45 730	27 291	50 524	3 288	6.5	791	9.0	563	9.4	541	7.8	510	4.2
Watertown town	20 382	43 490	49 467	32 495	32 708	1 846	5.6	365	8.0	254	8.5	394	7.3	251	3.2
Watertown CDP	20 382	43 490	49 467	32 495	32 708	1 846	5.6	365	8.0	254	8.5	394	7.3	251	3.2
Wayland town	34 646	72 057	79 782	31 944	11 767	201	1.7	42	1.5	32	1.5	42	3.3	33	1.0
Cochituate CDP (pt.)	29 396	63 280	70 657	30 288	5 898	142	2.4	42	3.1	32	3.3	16	2.3	24	1.4
Westford town	21 878	60 566	63 047	30 231	16 268	183	1.1	36	.8	30	.9	44	4.0	33	.7
Chelmsford CDP (pt.)	6 332	18 750	18 750	-	13	-	-	-	-	-	-	-	-	-	-
Weston town	46 855	95 134	108 751	30 862	9 501	342	3.6	45	2.2	34	2.3	128	9.5	45	1.6
Wilmington town	17 275	52 189	55 185	21 908	17 625	425	2.4	113	2.6	69	2.3	58	3.6	73	1.5
Wilmington CDP (pt.)	17 275	52 189	55 185	21 908	17 625	425	2.4	113	2.6	69	2.3	58	3.6	73	1.5
Winchester town	30 615	65 994	74 891	35 362	19 989	526	2.6	192	4.3	117	3.7	99	3.5	90	1.6
Winchester CDP	30 615	65 994	74 891	35 362	19 989	526	2.6	192	4.3	117	3.7	99	3.5	90	1.6
Woburn city	18 155	42 679	50 428	27 777	35 702	1 822	5.1	680	9.1	459	8.9	316	7.2	409	4.5
Nantucket County	20 591	40 331	49 209	26 059	5 937	340	5.7	87	6.7	63	7.4	48	6.0	40	2.8
Nantucket town	20 591	40 331	49 209	26 059	5 937	340	5.7	87	6.7	63	7.4	48	6.0	40	2.8
Nantucket CDP	21 139	39 031	49 643	25 392	3 093	138	4.5	-	-	-	-	40	7.8	-	-

Table 11. Structural, Plumbing, and Equipment Characteristics: 1990—Con.

[Data based on sample and subject to sampling variability, see text. For definitions of terms and meanings of symbols, see text]

County County Subdivision Place	All housing units	Year structure built: 1980 to March 1990	Year structure built: 1939 or earlier	Bedrooms: None or 1	Bedrooms: 4 or more	Condominium	Lacking complete plumbing facilities	With public water system or private company	With public sewer	Lacking complete kitchen facilities
		Percent								
Franklin County—Con.										
Greenfield town	8 067	9.1	47.4	21.0	14.4	1.9	.4	98.6	87.1	.7
Greenfield CDP	6 233	6.9	55.5	25.0	13.4	1.4	.5	99.6	98.8	.8
Hawley town	185	11.4	36.8	4.9	21.6	-	2.2	-	-	-
Heath town	506	31.0	23.3	37.5	20.8	-	33.2	-	.4	32.2
Leverett town	699	27.0	27.9	10.0	30.3	-	1.6	3.0	3.3	1.0
Leyden town	236	24.2	25.0	5.9	20.8	-	3.0	1.3	.4	1.7
Monroe town	79	5.1	60.8	21.5	40.5	-	7.6	41.8	41.8	5.1
Montague town	3 695	9.8	52.1	15.5	17.6	1.3	.9	87.7	83.4	.7
Millers Falls CDP (pt.)	234	-	86.3	15.4	21.8	-	3.4	97.0	100.0	3.4
Turners Falls CDP	2 167	3.9	55.1	18.4	13.4	-	1.2	99.0	97.7	.6
New Salem town	328	17.1	40.2	7.9	23.8	-	1.2	-	.6	2.1
Northfield town	1 289	16.4	55.1	9.2	27.5	-	1.1	55.2	29.1	1.1
Northfield CDP	696	6.2	72.7	14.5	28.3	-	.6	93.5	53.4	.6
Orange town	3 106	17.4	45.5	19.7	17.6	-	1.1	74.8	58.9	1.0
Orange CDP	1 516	9.1	68.7	18.6	21.7	-	1.3	99.5	94.9	2.0
Rowe town	208	11.5	41.8	12.0	30.8	-	2.4	-	-	3.8
Shelburne town	855	8.9	61.9	17.5	23.2	-	.5	56.6	53.6	.5
Shelburne Falls CDP (pt.)	473	-	83.9	27.7	19.9	-	.4	98.9	93.7	.8
Shutesbury town	716	29.5	14.2	13.0	22.2	.6	2.5	.8	1.5	1.7
Sunderland town	1 534	19.4	17.4	15.4	11.9	1.0	-	90.9	74.3	.6
Warwick town	305	20.0	39.3	17.7	22.0	-	5.6	2.3	3.6	2.3
Wendell town	400	35.5	19.8	21.3	9.8	-	15.3	1.3	6.8	15.3
Whately town	530	17.5	42.6	2.6	33.2	-	1.1	50.4	3.2	.9
Hampden County	180 025	11.7	32.7	14.8	14.4	3.2	.5	92.3	84.3	.5
Agawam town	10 869	15.8	15.2	12.1	13.5	11.5	.2	99.4	90.0	.3
Blandford town	544	12.7	37.3	5.1	30.3	-	.4	43.8	2.9	.4
Brimfield town	1 239	24.3	19.5	10.0	19.0	-	-	6.5	5.3	.7
Chester town	551	10.2	63.5	8.5	25.2	-	1.5	57.5	3.8	2.2
Chicopee city	23 690	10.0	31.9	16.8	9.3	4.6	.2	99.9	96.4	.5
East Longmeadow town	4 796	11.8	13.9	8.4	27.6	-	-	97.7	85.5	-
Granville town	515	16.7	34.8	5.8	28.7	-	.6	5.2	-	-
Hampden town	1 653	10.9	14.7	6.5	20.9	1.2	-	3.1	2.5	-
Holland town	1 248	17.2	6.1	9.4	10.5	.4	.3	.2	.9	.2
Holland CDP	924	14.6	2.9	10.7	9.2	.5	.2	.2	.9	-
Holyoke city	16 917	8.7	44.3	20.7	9.7	2.3	1.2	98.2	96.0	1.0
Longmeadow town	5 527	7.1	26.0	3.0	43.6	.7	.1	99.7	98.1	.1
Longmeadow CDP	5 527	7.1	26.0	3.0	43.6	.7	.1	99.7	98.1	.1
Ludlow town	7 191	19.2	21.4	9.2	11.8	2.6	.3	81.4	67.3	.4
Monson town	2 755	21.4	28.7	7.9	21.8	-	1.0	55.9	49.8	.4
Monson Center CDP	922	11.7	53.1	21.3	15.9	-	1.2	94.0	86.5	1.2
Wilbraham town	274	27.7	12.0	5.8	25.2	-	2.2	.4	-	2.2
Palmer town	5 061	14.5	40.1	12.8	15.3	1.3	.2	80.8	77.4	.4
Bondsville CDP (pt.)	720	17.6	54.9	7.8	17.4	2.8	-	76.0	79.4	-
Palmer CDP	1 881	11.6	43.4	23.8	12.4	.9	-	98.1	95.2	1.1
Three Rivers CDP	1 267	7.7	41.8	6.3	17.7	-	.8	94.6	81.2	-
Russell town	594	12.0	35.2	8.6	19.9	-	.2	67.0	51.5	1.5
Southwick town	2 934	13.3	13.7	11.5	21.4	1.2	1.3	76.0	11.5	.5
Springfield city	61 320	9.1	40.4	16.6	11.6	2.5	.6	99.6	98.0	.6
Tolland town	411	29.0	16.8	2.4	25.8	-	1.0	-	-	1.9
Wales town	732	31.0	21.0	6.6	11.5	-	1.0	5.5	1.1	1.5
Westfield city	14 470	14.7	30.5	11.7	15.4	2.9	.3	94.2	64.3	.5
West Springfield town	12 103	12.7	31.4	22.5	13.3	5.1	.2	99.8	96.5	.4
West Springfield CDP	12 103	12.7	31.4	22.5	13.3	5.1	.2	99.8	96.5	.4
Wilbraham town	4 631	16.4	13.5	4.1	34.1	3.2	-	67.8	28.9	.5
Wilbraham CDP	1 176	8.5	20.1	1.6	32.1	-	-	76.7	31.3	-
Hampshire County	53 068	15.0	34.4	16.4	18.2	5.0	1.0	79.9	67.8	1.0
Amherst town	8 816	15.1	24.1	22.1	22.3	9.4	.1	97.6	88.5	.6
Amherst CDP	3 120	12.9	43.7	33.2	20.3	5.8	.2	99.5	98.4	.9
North Amherst CDP	1 871	7.9	14.1	25.9	16.8	4.8	-	99.7	98.3	.6
South Amherst CDP	1 473	20.8	5.0	6.0	17.4	14.9	-	100.0	92.4	-
Belchertown town	3 988	32.5	16.8	10.4	15.3	1.0	.7	32.7	24.2	.3
Belchertown CDP	951	21.7	26.8	20.1	13.9	2.0	1.8	84.8	80.7	-
Bondsville CDP (pt.)	85	-	50.6	-	9.4	-	-	90.6	63.5	-
Chesterfield town	444	11.0	42.1	14.9	22.1	-	2.5	1.8	1.8	2.7
Cummington town	431	21.3	52.9	20.4	28.3	.7	6.3	25.5	5.1	6.0
Easthampton town	6 421	8.7	41.0	16.6	12.4	1.2	1.2	99.3	94.5	1.5
Goshen town	491	21.4	31.4	19.1	14.7	3.3	8.1	15.1	1.4	2.4
Granby town	2 004	14.6	12.2	9.2	17.3	4.7	.3	19.8	8.4	-
Granby CDP	536	11.6	41.6	21.5	17.2	5.0	-	15.1	17.2	-
Hadley town	1 742	19.2	29.7	9.1	32.5	1.1	1.2	96.7	44.7	1.2
Hatfield town	1 294	11.5	43.0	10.5	22.7	1.2	.7	95.6	46.7	.4
Hatfield CDP	577	2.4	57.4	15.8	30.2	2.6	-	100.0	85.6	.9
Huntington town	853	17.2	41.4	9.8	17.6	-	2.1	43.8	33.5	1.2
Middlefield town	183	30.6	37.7	3.8	23.5	-	4.9	2.2	1.1	3.8
Northampton city	11 730	10.2	49.7	24.7	15.0	6.8	1.5	98.5	89.2	1.6
Pelham town	502	22.7	27.3	2.4	35.5	-	.4	25.7	3.2	-
Plainfield town	285	23.9	37.2	11.6	18.6	-	4.6	-	.7	5.3
Southampton town	1 595	20.1	16.2	3.9	23.3	.6	2.2	33.2	7.6	.6
South Hadley town	6 233	14.6	27.2	12.3	17.5	9.7	.2	98.1	92.6	.5
Ware town	4 095	14.9	39.5	11.6	15.7	1.6	.2	77.5	61.5	.2
Ware CDP	2 849	8.1	51.0	15.5	15.1	2.4	.3	96.9	86.8	.2
Westhampton town	510	16.1	25.3	8.0	23.1	-	2.5	2.7	1.4	1.0
Williamsburg town	969	17.9	56.6	12.0	26.2	6.2	.5	58.7	39.1	-
Worthington town	482	18.3	41.9	6.8	29.0	-	1.9	33.2	.4	2.9
Middlesex County	543 796	11.6	40.9	17.3	20.7	7.9	.4	96.0	80.7	.5
Acton town	6 891	9.7	12.3	14.9	36.5	20.3	.1	93.2	30.1	.4
Arlington town	19 421	3.7	49.8	19.9	16.0	7.3	.4	99.7	99.5	.3
Arlington CDP	19 421	3.7	49.8	19.9	16.0	7.3	.4	99.7	99.5	.3
Ashby town	959	17.9	33.1	6.0	33.6	-	3.0	-	-	2.4
Ashland town	4 821	37.0	13.4	9.1	20.3	19.6	.2	98.7	62.0	.5
Ayer town	2 873	10.6	38.4	25.3	10.4	5.3	.7	97.6	85.4	.9
Ayer CDP	1 315	8.1	56.8	35.7	12.5	-	1.2	99.5	95.6	1.2
Fort Devens CDP (pt.)	207	14.5	36.7	9.2	-	-	-	100.0	96.1	-
Bedford town	4 602	16.7	12.1	9.8	32.6	3.2	.8	98.6	77.5	2.3
Belmont town	9 968	1.9	62.3	6.3	25.8	1.7	.1	99.8	98.3	.1
Belmont CDP	9 968	1.9	62.3	6.3	25.8	1.7	.1	99.8	98.3	.1
Billerica town	12 005	12.7	18.2	8.7	25.2	4.1	.5	97.9	43.4	.3
Pinehurst CDP	2 047	8.2	23.0	2.5	27.9	-	1.1	97.5	26.5	.4
Wilmington CDP (pt.)	-	-	-	-	-	-	-	-	-	-
Boxborough town	1 485	11.2	[illegible]	25.3	27.2	50.8	-	49.2	47.5	-

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 21, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Town Atlas Digitization

The attached progress report from David Abbt, Engineering Administrator, indicates that we will soon begin receiving the first returns on our investment in this program. I have previously shown you individual examples of project plans generated by the computer system. We have been pleased with these projects; however, digitization of the entire Town Atlas and associated plans has been our real goal.

Developing and maintaining the Town Atlas is one of the primary functions of our Engineering Department. This single set of documents is the "common thread" for most of the work performed by the Building, Health, Planning, Engineering, Assessing and Collecting Departments. Keeping it updated is a critical element of the "new growth" factor that is needed annually for our budgeting, Tax Classification and tax rate setting processes.

As we move into this area of technology we begin to communicate in the same language as the private engineering firms with which we work. Many of those firms have been utilizing CAD-type systems for the last decade.

This system will save enormous amounts of manpower while providing the type of services that we have sorely needed but been unable to provide heretofore. All of this has been achieved through the creative use of resources from the Engineering, Health and Planning Departments and <u>without any additional appropriations</u>.

Perhaps the most remarkable aspect of the progress on this project is that it is being achieved at a time when budget cuts have forced the Engineering Department to function with only 50% of its authorized manpower. In fact, of the three departments that have provided resources toward this project, budget cuts have reduced their collective work force by 41.4% over the last three years. These departments had 14.5 authorized personnel in 1989, they have been systematically reduced to the point that they now have a total of only 8.5.

cc: David Abbt, Engineering Administrator
Doug Halley, Health Director
Roland Bartl, Town Planner

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

SEP 18 1992

DATE: 9/15/92

TO: Don P. Johnson, Town Manager

FROM: David F. Abbt, Engineering Administrator D. Abbt

SUBJECT: Town Atlas Digitization Project

As requested, we are submitting the following progress report on the digitization of the Town Atlas.

The basic Town Atlas consists of approximately fifty sheets depicting streets, property lines, stonewalls, buildings, street addresses, parcel numbers, etc. In addition, a set of maps depicting flood plain zones, contours and wetlands is also maintained by this department.

Phase I of the Atlas project consisted of digitizing the basic framework of the Town; i.e. streets, property lines and stonewalls, and correcting edge matching errors on all the Atlas plates. This phase is essentially 100% complete with the exception of minor drafting corrections which will be made on a sheet by sheet basis as more information is added to the maps. Currently, we are in the process of adding and upgrading the parcel numbering system, which has been completed for approximately 25% of the Atlas. Completion of this phase will result in a workable prototype for general use by our office and the assessors, and should be available for the January 1, 1993, edition of the Town Atlas. Additional information will be digitized in subsequent phases until the CAD version adequately replaces the current hand drafted version.

The progress and completion of this project thus far is due substantially to the time and effort devoted by our temporary summer employee, Stephen Duvel. Steve was hired in July on a contract to provide AutoCAD drafting skills as well as basic field and office support to the Engineering Department. Within his first week of work, Steve had proven his skills in the use of AutoCAD and was able to work with minimal supervision. He developed an organized method for completing the maps and exercised good judgement in dealing with complicated issues relative to the edge matching problems. Steve was innovative and enthusiastic in his approach to the project, often developing streamlined methods for handling repetitive drafting functions. In addition to the Atlas project, Steve became very familiar with the daily operations of the Engineering Department and participated in field work such as construction inspection and surveying.

The work Steve performed was a valuable service which allowed Dennis time to work on current engineering design projects and still move forward with the Atlas digitization. We anticipate extending Steve's contract in December during the Christmas break at U.Mass. so that he may continue to make progress on the project.

cc: John Murray, Assistant Town Manager
Stephen Duvel

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9/14/92

TO: DAVID ABBT

FROM: JOHN MURRAY

SEP 1 4 1992

SUBJECT: TOWN ATLAS

As you are aware, the Town Manager authorized your department to hire a temporary employee for the purpose of digitizing the Town Atlas. Please update this office as to the stage of completion.

cc: 305

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

Sept. 16, 1992

Dear Steering Committee Member,

Enclosed is a copy of the minutes of the Steering Committee meeting of Sept. 10,1992. Please note that the Annual Meeting of the Suburban Coalition will be held at 3:30 PM. on Oct. 15, 01992 in the Wayland Town Building. We hope you will make every effort to attend.

As you can see from the minutes, we are attempting to determine the feasibility of encouraging the formation of a caucus among the members of the legislature who have suburban, cape and rural constituencies. In order to help make this determination, we are asking you to contact your legislators to see if they would be willing to cooperate in this initiative. We would anticipate no more than two meetings per year of such a group to be called by legislators at their convenience, and that most communication would be in the form of mail. The point will be to circulate information and views among legislative members and suburban communities regarding pending and proposed legislation that would affect our member cities and towns.

We hope you will be able to survey your representatives and senators in the next four weeks regarding this matter, so that we can have a final recommendation for the annual meeting on Oct. 15th. Please drop a note to one of us or phone us as soon as you can provide an assessment of this project.

Sincerely,

John B. Wilson
Executive Director
508 358 2489

Frank LeBart
Chairman
617 934 7741

Bob Hilliard
Committee
508 358 7701 X129

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMMITTEE MEETING

- Minutes -

Thursday, 3:30 P.M.
September 10, 1992

Wayland Town Building
School Committee Room

Members Present: Frank LeBart, Chairman (Duxbury); Jack Wilson, Executive Director (Wayland); Bill Zimmerman, Jr., Clerk (Wayland); Leon Churchill, (Barnstable); Frederick Tarr (Rockport); Charlie Martin, Jr., (Rockport); Bob Hilliard (Wayland); Leo J. Crowe (Westwood); Sherry Dillon (Concord); Dan Kehoe (Millis).

1. Approval of Minutes.--Upon a motion, duly made and seconded, the Minutes of the Meeting of May 21, 1992 were approved.

2. Treasurer's Report.--Jack Wilson, Executive Director/Treasurer, reported as follows:

   - Balance in account: $3,930.61
   - Mailings: May 26 letter to Representatives and Senators for: $100/pupil funding; level funding of local aid; full funding for school transportation; change 2-1/2 formula; exclude overlay from Prop. 2½, sent to 175 towns (Selectmen and School Committees) and 77 legislators. June 19 letter sent to all Senators urging passage of $100/pupil and backing of current education reform bill.
   - Linda Greyser has agreed to chair the Nominating Committee.
   - Senator 'Cile Hicks suggests merit in organizing a Suburban Consortium of Legislators.
   - School Committees should be involved NOW in Education Reform.

3. Approval of Letter to Representatives and Senators.--It was moved, seconded and voted to send a (revised) letter to the Legislators regarding Education Reform and modifications of Proposition 2-1/2.

4. Formation of a Special Sub-Committee on The Education Reform Bill.--Purpose, to carve out a position on certain key elements such as "earmarking aid for education"; "maintenance of effort" issues, etc. It was the concensus of the Steering Committee that Charlie Martin draft an analysis of these issues and circulate them to all members of the Steering Committee for reaction.

5. Suburban/Rural Legislative Caucus.--Chairman LeBart suggested that a leading Democrat and a leading Republican legislator call a meeting of Suburban/Rural legislators to which Suburban Coalition members would be invited. It was suggested that this meeting be called right after the November election but before the Legislature convenes in January.

   It was moved that Steering Committee members contact their legislators to determine their interest in our positions and whether a legislative suburban/rural caucus could be formed.

(other side, please)

TELEPHONE (617) 358-2489 OR 358-7701

6. Next Meeting.--The next meeting of the Suburban Coalition will be held on Thursday, October 15 at 3:00 P.M. in the Wayland Town Building.

   Please note: This will be our ANNUAL MEETING; make every effort to attend.

7. Adjournment.--Upon a motion duly made and seconded, the Meeting was adjourned at 4:55 p.m.

Respectfully submitted,

William G. Zimmerman, Jr.

William G. Zimmerman, Jr., Clerk

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMITTEE

To: All Representatives & Senator
Commonwealth of Massachusetts

September 22, 1992

From: Suburban Coalition

Re: Education Reform and Modification of Proposition 2-1/2

Thank you for overriding the Governor's veto of the $185 million for education and restoring the $23 million in lottery funds. We are most grateful to you. Adequate funding for our cities and towns is a critical issue. We appreciate your support !

We are also on record as favoring education reform and we hope you will revisit that. The details and substance of education reform are, of course, critical and we will be following that issue with great interest. We believe all the current proposals can be further refined and improved, especially with regard to improved state funding.

We also hope you will override the Governor's vetoes of the indexing of Proposition 2-1/2 and the exclusion of the overlay from the levy limit. The overlay is not a municipal expenditure in the usual sense and should be excluded. There was considerable question about including the overlay in the levy limit when Proposition 2-1/2 was first passed. That should be corrected NOW!

The Suburban Coalition has favored the indexing of Proposition 2-1/2 since it was first proposed by the Hamill Task Force. This makes eminent good sense and is reasonable and rational. We believe the indexing of Proposition 2-1/2 should be done **WITHOUT** the requirement of a local referendum. Many of our members have been involved in overriding Proposition 2-1/2 - some successfully, some unsuccessfully. Overrides require great effort and time and are divisive to the sense of community. As you know, communities do not have to spend up to the levy limit and the present law provides for an underride. So the argument that indexing Proposition 2-1/2, per se, will result in excessive municipal expenditures is erroneous.

The best long-term solution is, of course, increased state revenue sharing. Our studies indicate that suburban communities have lost 25% of their local aid when adjusted for inflation while cities have lost 10% on the same basis. A study by the Massachusetts Municipal Association also indicates that aid to cities and towns has not kept pace with other state expenditures. In the meantime, fine tuning Proposition 2-1/2 makes good sense. **We are counting on your support. Please don't let us down. There is too much at stake!**

Frank T. LeBart
Chairman
(617) 934-7411

John B. Wilson
Executive Director
(508) 358-2489

Bob Hilliard
Board
(508) 358-7701 Ext. 129

File
9/10/92

September 11, 1992

TO: Board of Selectmen

FROM: Nancy Tavernier

SUBJECT: Meeting with Supt. of Schools Search Firm

I have been contacted by Micki Williams in regard to a meeting that has been set up for the Board of Selectmen to meet with the Roy Search Firm hired by the School Committee. The Board is being asked to meet with the firm to give our input to the qualities we wish to see in a new Superintendent **from the Town's point of view, not personal or parental.** We will be sharing the one hour slot with the Finance Committee so please give some thought beforehand to issues you wish to raise, there will be limited time to discuss them. If you wish to put them in writing, it might be useful.

They are looking for our feelings on such things as: leadership qualities, strengths in the system that need to be perpetuated, weaknesses in the system that need to be corrected, overall relationship with the municipal side, etc.

DATE: THURSDAY, SEPTEMBER 24, 1992
TIME: 7-8PM
PLACE: HIGH SCHOOL <u>GUIDANCE</u> LIBRARY (off Commons C)

Please call me (263-9611) or Christine by Thursday, Sept. 17 about your plans to attend or not so that I can call in a count to the schools on the 18th.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

BOS

September 11, 1992

The Honorable Susan F. Tierney, Secretary
Executive Office of Environmental Affairs
MEPA Unit
100 Cambridge St., 20th Floor
Boston, MA 02202

re: EOEA # 9116

Dear Secretary Tierney:

I am very pleased that your office and the Massachusetts Government Land Bank have decided to designate a Citizen's Advisory Committee (CAC) to assist in the review and evaluation of the environmental impacts of the re-development of Fort Devens.

I am writing on behalf of the Town of Acton Board of Selectmen, to seek a seat on this review panel. Many of the major routes to and from Ft. Devens traverse our community. The Town is especially affected by automobile and truck traffic along Routes 2, 2A, 111, and 27, by rail traffic on the rail lines in or near our town, and by impacts on our air quality, water resources, and economic opportunities.

The impacts of the redevelopment of Ft. Devens are likely to reach far beyond the immediate host communities. The Town of Acton Board of Selectmen brings a perspective of how proposed re-development projects may impact the areas beyond the host communities. Representation of this perspective would be very valuable to the Citizen's Advisory Committee in the on-going reviews of re-development proposals.

As chair of the Town of Acton Board of Selectmen, I look forward to the opportunity to serve on this panel.

Sincerely,

Nancy E. Tavernier

Nancy E. Tavernier, Chair
Acton Board of Selectmen

cc Ro

NORTH EAST SOLID WASTE COMMITTEE

SEP 10 1992

MEMORANDUM

To : Chief Executive Officers
Advisory Board Members
Overseers of Solid Waste

From : Francis J. Hopcroft
Executive Director

Subject: PLANT CLOSING FOR MAINTENANCE

Date : September 9, 1992

Please be advised that the date for plant shutdown to install the air pollution control system buss bar has been changed again. The date is now September 12, 1992.

HOWEVER, because of the short notice and the fact that the shutdown falls on the Saturday of a holiday week, MRI has agreed to provide a generator set to run the scalehouse. Therefore, even though both boilers will be shut down for the day, the scalehouse will be open all day, as usual, for contract community refuse.

The facility will not be closed on September 19, 1992.

109/123 Main Street • North Andover, MA 01845 • Telephone (508) 686-6234 • FAX (508) 688-4204

C.C. BOS

'992

7 Sep 92

To: Board of Selectmen

Fm: Chairman, Board of Appeals

Subject: Annual Review Topics

At our annual review meeting, two topics were left open. They were a guide to petitioners, and the degree to which expenses were covered by fees. With respect to the first, I believe you have received copies of the guide from Don Johnson since our meeting. With respect to the second, our expenses, except for legal expenses, are currently covered by our fees. The credit for this latter situation should go to the Building Commissioner who adjusts the hours of his secretary on our meeting dates so that no overtime expenses are incurred for our clerical support. I believe this closes out the open topics.

Matt Mleziva
Chairman,
Board of Appeals

"I HAVEN'T A MAN WHO IS AFRAID TO GO" – ISAAC DAVIS

ACTON MINUTEMEN

Post Office Box 1775
Acton, Massachusetts 01720

SEP - 9 1992

64 School Street
Acton, MA. 01720
8 September 1992

Mr. Dean Charter
Town of Acton
Department of Municiple Properties
472 Main Street
Acton, MA 01720

Ref.-1: Your letter to Acton Minutemen dated December 27, 1991.
Ref.-2: Your letter to Acton Minutemen dated February 3, 1992.
Subject: Minutemen Headquarters.

Dear Mr. Charter,

Immediately upon receiving your letter(Ref-1) I informed the company and we ceased using Headquarters for our monthly meetings.

Similarly, upon receiving your second letter (Ref-2) I took action to have the instruments removed, and advised the owner that no further use of the headquarters by him was permitted since he had violated our own internal agreement.

We (the Minutemen) have noted the progression of activities during the summer months including the use of the second floor by the community supper both before and after the renovation of the fire escape, the removal of the silhouette from the front of the building, and the extreemly slow accomplishment of painting the exterior.

Now that you have finally changed the lock, I am requesting in writing for access to the building at 10:00 AM, Friday September 11, 1992, for a period of about one hour.

cc:Town Manager

Yours Truly,

Robert E. Werner

Robert E. Werner

cc: BOS

Sheriff
NEIL J PERRY
904/824-8304

ST JOHNS COUNTY
4015 LEWIS SPEEDWAY, SAINT AUGUSTINE, FLORIDA 32095

Town Manager
Information

27 August 1992

Chief George Robinson
Acton Police Department
365 Main Street, Box 2212
Acton, Massachusetts 01720

SEP - 8 1992

Dear Chief Robinson:

I am writing to extend my congratulations to you upon achieving Accredited status. Accreditation is the means by which we can measure our agency in terms of professional competence. It is a way for communities to ensure that their law enforcement agencies are doing the job the way it ought to be done.

You should take great pride in this achievement. Accreditation puts your agency on the leading edge of modern, professional law enforcement.

Again, congratulations. Please call upon me if I can be of service to you or your agency.

With kind personal regards, I am

Sincerely,

Neil J Perry
Sheriff

ve

cc: BOS

ACTON SCHOOL COMMITTEE

Conference Room
Junior High School

For September 10, 1992 Meeting

AGENDA

7:30	I.	CALL TO ORDER
7:31	II.	APPROVAL OF MINUTES OF AUGUST 24, AND STATEMENT OF WARRANT
7:35	III.	PERIOD OF PUBLIC PARTICIPATION
7:45	IV.	RECOMMENDATIONS 1. Regional Action Requiring Acton Approval a. Approval of Selection of Superintendent Search Firm 2. Appointment of Department Chairpersons 3. Acceptance of Resignation
7:55	V.	FOR YOUR INFORMATION 1. Article on State Spending for Public Schools 2. Personnel Item 3. Letter from Parker Damon to Merriam Tenants 4. Acton Public School Lunch Program Reports 5. Memo from Mark Roosevelt re:Town Meeting on Education Reform
8:00	VI.	WARRANT DISCUSSION
8:05	VII.	CONCERNS OF THE BOARD
8:20	VIII.	NEXT MEETING - October 8, 1992 - Conference Room, Junior High School - 7:30 p.m.
8:25	IX.	EXECUTIVE SESSION
9:00	X.	ADJOURNMENT

cc: BOS

ACTON SCHOOL COMMITTEE

Conference Room
Junior High School

August 24, 1992

Members Present: Jean Butler, Stephen Aronson, Pam Harting-Barrat, Rick Sawyer, Lees Stuntz, Micki Williams.

Also Present: Bill Ryan, Mac Reid, Fran Leiboff, citizens and press.

The meeting was called to order at 9:24 p.m. by Jean Butler, Chairperson.

The minutes of August 6, 1992, were approved as amended.

Warrant #93-003 in the amount of $156,649.07 and warrant #92-102 in the amount of $18,489.69 were signed by the Chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: Dr. Mary Donald, member of the Acton Finance Committee, asked for an update on the cogeneration project. Bill Ryan said he met with our engineer, Jay Silverston, today and that of the three proposals submitted two look promising. The schools may choose to go with Boston Edison or one of these proposals. Closure is planned for the October School Committee meeting.

SUPERINTENDENT'S RECOMMENDATIONS FOR AUGUST

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that up to three first grade aides (19 hours per week) be hired for the 1992-93 school year, and that these salaries be included in the FY '93 school choice budget. The total cost for the three teacher aides would be approximately $18,000.

Bill Ryan said that no sections will have more than 23 students except those with aides, which will have a maximum of 27. There is a possibility of a fourth aide if too many new first graders enroll between now and September 9. Lees asked if the influx of students between kindergarten and first grade was significantly larger than other grades. Mac Reid answered that for the last ten years there has definitely been a larger number (22 average) entering between those grades. Perhaps this should be factored in to the decision as to how many choice students to accept. Bill Ryan said he will ask the Space Committee to consider an interim proposal of continuing one more year before deciding on how to use the Merriam School space. Lees said that the New Merriam School Committee has worked very hard over the summer, is enthusiastic, and she hopes the committee will continue to plan and keep going.

WARRANT: There were one question answered by Bill Ryan.

CONCERNS OF THE BOARD: Steve Aronson reported that he and Mick Williams had talked about the cable TV process (regional school committee meetings are now being televised locally). He asked how the committee felt about local meetings also being on cable . Lees said it was fine, as long as it did not preclude having the meetings held in the elementary schools.

EXECUTIVE SESSION: No need for one.

NEXT MEETING: September 10, 7:30 p.m., Junior High Conference Room

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Sarah T. Lawton,
Secretary, Pro Tempore

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 9/10/92

TO: HISTORIC COMMISSION

FROM: TOWN MANAGER'S OFFICE

SUBJECT: OVERSIGHT MEETING

The Board of Selectmen sent the attached memo to your Board setting up a time and date for the Annual Oversight Meeting with the Board of Selectmen. Unfortunately, no one from the Commission was present to speak with the Board of Selectmen on Tuesday night. Please contact my office as soon as possible so that I may reschedule your meeting with the Board.

Christine Joyce
264-9612

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: 5/1/92

TO: Historic Commission

FROM: Nancy E. Tavernier, Chairman, Board of Selectmen

SUBJECT: OVERSIGHT MEETING

The Board of Selectmen meet annually with major boards and committees in order to facilitate communications, review policies and discuss issues of current importance to all parties. We have scheduled this year's oversight meeting with the Histocial Commission for Tuesday, September 8, 1992 at 8:15 P.M. in room 204 of the Town Hall. Please let your members know of this meeting so they can plan to attend. If you cannot make this meeting please contact Christine Joyce of the Town Manager's office to reschedule, she may be reached at 264-9612.

Your Board of Selectmen Liaison: Dore' Hunter

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

SEP 3 - 1992

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

August 31, 1992

Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through July 31, 1992.

If you have any questions, please let me know.

Very truly yours,

Acheson H. Callaghan

AHC/dcb

Enclosure

CHRIS - PLS. PREPARE FOR PYMT.

9/8

CC: BOS
ENGINEERING DEPT.
ASSESSING DEPT.
PLANNING DEPT.
POLICE DEPT.
CONSERVATION DEPT.
BUILDING DEPT.

COVER & 2 PAGE SUMMARY.

August 31, 1992

Town of Acton
P.O. Box 236
Acton, MA 01720

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100

FEDERAL I.D. NUMBER 04-2170788

PLEASE RETURN THIS COPY WITH YOUR PAYMENT TO ENSURE PROPER CREDIT

For professional services through July 31, 1992, as follows:

General Town Matters	
Review and advice concerning title issues for High Street easement;	$ 1,100.00
Review and advice regarding town contracts;	700.00
Advice on miscellaneous zoning issues and on CATV license;	250.00
Litigation and Related Matters	
Services in connection with Appellate Tax Board matters;	1,000.00
Services in collective bargaining matters;	400.00
Preparation of pre-trial memorandum and court appearance in Farm Hill subdivision and zoning appeal;	2,800.00
Services in connection with Coughlin lien;	1,250.00
Services in connection with Co-Operative Bank v. Conservation Commission;	800.00
Preparation of complaint in Acton v. Rose of Sharon;	300.00
Services in connection with miscellanous litigation matters.	150.00
TOTAL SERVICES	$ 8,750.00

EXPENSES INCURRED BUT NOT POSTED PRIOR TO THE BILLING DATE WILL APPEAR ON A SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

DISBURSEMENTS:

Computer Research	$ 15.24	
Duplication	48.40	
Telecopier	81.00	
Telephone	48.17	
Title & Title Insurance	132.00	
	TOTAL DISBURSEMENTS	324.81
	AMOUNT DUE	$ 9,074.81

CDM

environmental engineers, scientists, planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

September 2, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02114

Subject: W. R. Grace, Acton, Massachusetts

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the Draft VFL Bench Scale Test Plan for your review and comments.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Associate

BRC:paa

Enc.

SEP - 8 1992

#798-118-RT-PROC

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

cc: D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheesman, FHE (1)
D. Johnson, Acton (1)
C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr. (1)

C.C BOS
entire file. RF

11.0 RECOMMENDATIONS

The following recommendations for performance of a full scale stabilized sludge enplacement are based on the results achieved during the field demonstration and subsequent testing programs.

- The additive ratio for adequate conditioning should be in the range of 15 to 20% fly ash and 4 to 6% lime based on encountering similar conditions to those experienced during the demonstration.

- A cement addition rate of 15% should be utilized for achieving the strength and permeability requirements.

- A minimum in-place density requirement of 95% of ASTM D698 should be specified. Moisture content should be 2-3% above optimum to insure adequate moisture for hydration.

- Laboratory optimization tests should be conducted for Mix 3 and 4 prior to full scale operation.

Approved, 9/1/92
cc BoS

MASTER PLAN COORDINATING COMMITTEE

MINUTES

JUNE 30, 1992

SEP - 8 1992

Present: Anne Fanton, Board of Selectmen (Acting Chairperson)
Gary Rhodes, Building Department
David Abbt, Engineering Department
Nick Miller, Citizen at Large
Don Johnson, Town Manager
Greg Niemyski, Planning Board
Camille Chavez-Gabrielli
Bill Lawrence, Chamber of Commerce
Roland Bartl, Planning Department
Matt Mleziva, Board of Appeals

1. April 29 Minutes

The minutes were reviewed, and several ammendments made to wordings regarding the sign by-law. The minutes were approved as corrected.

2. Updates

A. Signs in Public Way

Roland distributed a reprint on how to prevent tree/sign conflicts. Anne reported that the Board of Selectmen is still uncomfortable with the Town's laissez faire approach to dealing with temporary signs, witness the July Fourth Fair signs that have appeared "everywhere". Bill suggested that a community bulletin board might be a method to exercize some control over the posting and removal of temporary signs. Ensuing discussion noted that to function, a community bulletin board would require labor, while the current approach requires labor only if and when the Town wishes to take any action. A community bulletin board also requires some thought about its placement for ease of visibility, criteria for who can post what for how long, and assignment of responsibility for its maintenance. Bill also requested that the Town consider developing an approach to placement of public service organization signs (eg. Lions, Rotary, etc.)

B. Development Guide

The "virtually final" Development Guide was distributed to those in attendance for review and comments. Thanks and congratulations were offered to those who worked to produce what was acknowledged to be a high quality and readable document. Roland said he has blue paper on which to make the final copies for distribution, but several were concerned that on blue paper the contrast would be inadequate for easy reading and copying. Don will distribute the Guide at staff meeting for final comments. Bill will help to inform the business community of the Guide once it is ready; the Chamber can provide ideas on how best to distribute the Guide.

3. Announcements

None

4. Matrix for Master Plan Responsibilities

The final matrix was distributed to attendees. Greg described the development of the matrix - how it identifies Town "boards" responsible for each of the Action Items in the Master Plan. Methods for distribution and use of the matrix were discussed at length with emphasis on the role of the MPCC in determining how the matrix should be used.

Discussions began with concerns that a lead agency/board should be identified for each action item, and that priorities should be set to give some order to the 155 items distributed among 31 responsible boards. Don noted that each board would almost certainly want to review the distribution of responsibilities and decide for itself in which of the items it wished to be involved.

Discussions produced general recognition that the MPCC cannot be the final arbiter of assignment of Master Plan Action Item responsibilities or of how the responsibilities are incorporated into each board's planning process. Rather, the MPCC should act as a clearing house and facilitator by insuring that boards are aware of:

1. Master Plan Action Items that may relate to board mandates,
2. Overlapping of various board interests and responsibilities for Master Plan Action Items.

It was concluded that the MPCC should distribute four documents to each board:

1. A cover letter that describes the MPCC's authority and responsibilities, that describes the matrix and Master Plan Action Items list, and that asks each board to

    a. Review the Master Plan Action Items and matrix to identify items for which it will assume responsibility,
    b. Provide to the MPCC a brief one or two page write-up describing how it will pursue these responsibilities.

2. The short portion of the matrix that gives only those items for which the MPCC judges the particular board to be responsible;

3. The full matrix of all items and MPCC identified responsibilities;

4. The full list of Master Plan Action Items.

Anne agreed to write the cover letter and distribute the four documents during the summer, prior to the next MPCC meeting in September. It was agreed that the documents should also be sent to Town departments.

5. Other Business

Transfer of Development Rights

It is time to return to consideration of Transfer of Development Rights (TDR). Previous efforts at providing clarifying information to the by-law demonstrated the complexity of the concepts, and there was general agreement that the September meeting should be used as an opportunity to educate ourselves on the concepts and issues. East Acton development may provide useful examples of the problems of TDR.

Transportation Improvement Plan

The Master Plan provides the only listing of proposed transportation improvements for the Town. These improvements were developed with limited public input, and there is some concern that there should be further public involvement before effort is devoted to design. The priorities for the improvements were not determined and cannot be determined by the MPCC; some type of public involvement may be needed or desirable. Opinions of the committee were mixed on the degree and type of public input needed.

6. Next Meeting

Date: September 1
Adgenda: TDR Familiarization

Nick Miller

cc:

Town Clerk
Board of Selectmen
Conservation Commission
Finance Committee
Recreation Commission
Commission on Disabilities
Historic District Commission
Board of Health
Municipal Properties
Housing Authority
Council on Aging

cc: BOS

INTERDEPARTMENTAL COMMUNICATION

TO: Planning Board DATE: Sept. 4, 1992
FROM: Anne Fanton, MPCC
SUBJECT: Light on Dark Sign Requirement in Village Districts

Roland informed the Master Plan Coordinating Committee (MPCC) of your decision not to pursue our recommended change to the Sign Bylaw at this time. The MPCC asked me to write you asking you to reconsider your decision.

As background for our request, I am enclosing copies of minutes from the two meetings at which we discussed the Sign Bylaw. Part of our direction from the Board of Selectmen is to discuss Master Plan interpretation questions and concerns, identify problems and difficulties, try to reach consensus on appropriate resolutions, and recommend changes to the plan as appropriate. As you know, there have been a number of concerns expressed about the Sign Bylaw. Prior to our discussions, MPCC members were asked to list all of their concerns about the bylaw. Bill Lawrence brought his concerns from the Chamber of Commerce and Matt Mleziva described issues brought before the Board of Appeals. Other members raised questions about sections of the bylaw. The list of concerns is included in the minutes.

The only change to the Sign Bylaw that the MPCC recommended was the light on dark requirement in the Village Districts. Our reasoning was that this requirement alone generates many requests for variances and there is no overriding reason to retain it. Allowing dark letters on light background would allow more companies (eg. Mobil, Carlson Real Estate) to maintain their logos (while still meeting the size, color and material requirements). Also, Concord Center and many other historic districts have both light on dark and dark on light signs (size, color, material and design being more significant appearance factors). The second option listed in the minutes, logo inserts in signs, was less desirable because it could result in a cluttered sign.

We feel that if this change in the bylaw is made at the next Town Meeting, the bylaw as a whole is more supportable. It is for this reason, above all, that I strongly support the change. The Board of Selectmen or the Chamber of Commerce could bring the amendment to Town Meeting, but we feel that this would be unnecessarily divisive and confusing to the voters. We hope you will reconsider your decision.

Anne

cc. MPCC
Board of Selectmen ✓

Town of Acton Planning Department

472 Main Street Acton, Massachusetts 01720 (508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: MPCC DATE: August 21, 1992

FROM: Roland Bartl, Town Planner R.B.

SUBJECT: Signs in Village Districts

The Planning Board at its meeting on July 27th, 1992 voted to not pursue any changes to the sign bylaw as it affects village districts until specific recommendations, if any, have been brought forward by the village planning committees. This vote followed a discussion of the MPCC's recommendation to change the requirement for light lettering on dark background in the village districts.

Approved, 4/29/92
a.f.

MASTER PLAN COORDINATING COMMITTEE

MINUTES FOR MEETING ON

MARCH 24, 1992

Attendance: Anne Fanton, Board of Selectmen
Nicholas Miller, Citizen at Large
Bill Lawrence, Chamber of Comerce
Christopher Devaney, Chamber of Commerce
Matt Mleziva, Board of Appeals
Garry Rhodes, Building Department
Roland Bartl, Planning Department
David Abbt, Engineering Department

Anne opened the meeting at 7:30 PM as the Acting Chairman

The February 25 minutes were approved as written

Ann agreed to create an "Issue Status" which will be kept current and c tributed with the minutes

Bill announced that a "Membership Alert" would be going out with material provided by David, Garry, and Roland

Roland announced that Development Guideline comment had been received and that Martin Graetz had volunteered to edit the product to a shorter version

The remainder of the meeting was spent discussing the Sign Issues on the agenda. The objective of the discussion was to determine whether we should recommend any changes in the Sign ByLaw to the Planning Board. The results of the discussion is as follows:

#1. Roland distributed a memo explaining the rationale for the Light Color on Dark Background requirement and then presented a "chalk talk" on the alternatives. The group discussed the pros and cons of the alternatives and concluded by voting unanimously (with one absention) to recommend to the Planning Board that:

.Delete the requirement entirely (no overriding reason to require light on dark - impacts Corporate Logos without sufficient benefits)
.or, as a second alternative; Allow trademarks, recognized company names, logos or other items which do not meet the "light on dark" criteria as inserts into an otherwise compliant sign.

#2. Roland made a presentation on the Size limits subject, which the up then discussed. The group agreed to resume discussion after individual members had done a "drive by" data collection to understand the alternatives.

#5. Skipping to Sign topic number 5 (Signs in Public Ways), Roland and Garry made a presentation. That was followed by a review and comment on the 24 March Bartl letter and the 5 Dec Charter letter. The group agreed to review the Roland/Garry draft policy at the next meeting. The recommendation would then go to the Selectmen for adoption as a policy on Signs in Public Ways.

The group discussed a suggestion to track an active application through the process, but did not feel strongly enough to commission another such effort (one such case study having been done in retrospect).

The next meeting will continue with the sign issues.

The future meeting dates set were 21 April and 30 Jun.

Minutes prepared by Matt Mleziva

cc: Conservation Comm., Finance Comm., Recreation Comm., Comm. on Disabilities, Historic District Comm., Board of Health, Municipal Properties, Housing Authority, Council on Aging, Board of Selectmen

Approved, as corrected.
6/30/92 a.f.

MASTER PLAN COORDINATING COMMITTEE

MINUTES

APRIL 29, 1992

Present: Anne Fanton, Board of Selectmen
Bill Lawrence, Chamber of Commerce
David Abbt, Engineering Department
Greg Niemyski, Planning Board
Roland Bartl, Planning Department
Garry Rhodes, Building Department
Matt Mieziva, Board of Appeals
Mark Allan, Finance Committee
Martin Graetz, Transportation Advisory Committee

1. Anne opened the meeting as Acting Chairperson.
The minutes of the March 24 meeting were approved as written.

2. Announcements

A member alert prepared by the Chamber was circulated.
A letter to the editor written by Anne will be appearing in the Beacon. It will tell about this committee.

3. Sign Bylaw: Size Requirements in East Acton Village

People were to look at the "Now and Then" sign, which is the proper size under the present bylaw. Discussion ensued, with the general feeling that the sign was adequate. Business owners can request a special permit if a larger sign is needed for longer business names.
Matt moved that we not recommend any change in the present bylaw, and the motion was approved unanimously.

4. Sign Bylaw: Variances and Special Permits

Question: Is it clear to staff when a special permit is needed and when a variance. Answer: It is not clear in that Roland and Garry have to work it out for each case. But it is also not clear how to change the bylaw to correct this problem. Decision: No action at this time, but to be considered further at the summer meeting. Goal is to reduce need to see more than one board.

5. Sign Bylaw: Plastic in Village Districts

Substantial discussion regarding the issue and various materials. Roland made the point that the special permit process is available and functions as a design review process. Decision: No change recommended.

6. Sign Bylaw: Governmental Signs and a "Level Playing Field"

Bill and Don will be discussing this. Discussion here deferred, and will be handled as part of a general discussion of "level playing field."

7. Sign Bylaw: Signs in the Public Way/ Needs of Community Organizations

Discussion of temporary versus permanent signs. Various types of organizations use such signs.

Decision: No distinction should be made between a public and private property for temporary signs since this would only add unmanageable complexity.

Temporary Signs: Two choices will be sent to the Selectmen

a) Signs may be erected under certain conditions (eg. no more than 30 days prior to the event), and are subject to removal after the event.
b) All signs erected are subject to removal at the discretion of the Selectmen; no conditions specified.

Permanent Signs:

Discussion of examples, such as churches. In principle, all organization, such as churches and businesses, should be subject to the same standards. Discussion of signs at entrance to town, such as rotary.
Decision will be left to Selectmen.

8. Development Guide

Positive comments were made on the latest version. Roland collected further comments on details. The final deadline for comments will be two weeks from today.

The main topic of the next meeting will be the Matrix of Responsibilities.
Meeting adjourned.

Respectfully submitted,

Mark Allan

Mark Allan

cc. Conservation Commission
Finance Committee
Recreation Committee
Committee on Disabilities
Historic District Commission
Board of Health
Municipal Properties
Housing Authority
Council on Aging
Board of Selectmen

cc: BOS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

September 1, 1992

TO: John Murray, Assistant Town Manager

FROM: Tom Tidman, Conservation Administrator

SUBJECT: Ice House Pond - Pb Concentrations

Since our conversation several days ago, I have received the report from Peter Shanahan. This report outlines potential uses of the dredged materials extracted from Ice House Pond as they relate to the mg/kg concentrations of suspended elements and compounds.

Specifically, can we make use of the dredged sediment as loam for playfields, roadsides, etc? The answer is "yes", in all but one of the constituents that (D.E.P.), Division of Water Pollution Control Chapter 314, §9 (314 CMR 9.00), has us test for. The element of concern is lead. As you read through the following report, you will see that our next course of action should be a follow-up round of sediment analysis specifically for lead.

Condensed Outline of Peter Shanahan's Report

Two sediment samples were collected from the pond on May 28, 1992 and subsequently analyzed by NET Atlantic Inc. of Bedford, Massachusetts. Both are grab samples taken from approximately 1 foot into the sediments. Sample 1 was taken near the dam that impounds Ice House Pond; Sample 2 was taken further upstream within the pond. Results of chemical analyses are summarized in Table 1. (PCB measurements were made for seven individual aroclors; all fell below the detection limits indicated by less-than signs (<) in Table 1.)

Disposal of sediments from Ice House Pond is potentially regulated by at least two different parts of Massachusetts state regulations. The Department of Environmental Protection (DEP), Division of Water Pollution Control regulates dredging and disposal of dredged material under Chapter 314, Section 9 of the Code of Massachusetts Regulations (314 CMR 9.00). They define dredged material into one of three categories according to its chemical constituents as shown in Table 2. The presence of single compound exceeding the lower concentration defined for a category places the dredged material into that category.

The two sediment samples from Ice House Pond meet Category One limits for all measured constituents except for lead in one of the two samples. Sample 1, at 330 milligrams of lead per kilogram of sediment, falls into Category Three.

The Division of Water Pollution regulations place limits on the disposal of dredge spoils according to the chemical categories in Table 2 and the sediment's physical properties. The regulations generally prohibit disposal of Category Two and Three materials in the ocean but do not regulate disposal on land such as the proposed for Ice House Pond sediments. For the type of disposal proposed for the Ice House Pond sediment, the Division of Water Pollution Control defers to the Division of Solid Waste.

The regulations of the Division of Solid Waste were discussed with Cheryl Poirier of the Worcester Regional Office of DEP. There are no regulations that specifically govern the use of dredge spoils as topsoil but DEP often provides informal guidance on this and similar uses. As a general guideline, they consider Category One and Two material to be clean fill. For comparison, urban soil often has concentrations of lead of approximately 150 mg/kg. If concentrations of particular constituents were very high, then the sediments would potentially be classified as a hazardous material and be subject to regulations under the federal Resource Recovery and Conservation Act (RCRA). For example, if lead were found consistently at concentrations of 300 or 400 mg/kg than additional testing would be advised to determine if the sediment was hazardous substance as defined by RCRA. These tests simulate leaching of chemicals from the sediments and classify the sediment as hazardous or non-hazardous depending on the concentrations of the extracted water.

Even if the concentrations of lead in the sediments is as low as 50 mg/kg, it would be prudent to restrict the use of the material. For example, such sediment would be highly suitable as topsoil dressing along roadsides or as a subbase, but it would be a poor choice of material for playing field or playground.

Unfortunately, the two lead measurements in Ice House Pond differ substantially and do not provide a clear definition of the sediment characteristics. Ms. Poirier recommended that the sediments be resampled and analyzed for lead only. She recommended two samples, each of which would be composited from numerous subsamples from throughout the pond and at varying depths. The goal in forming composites would be to create samples that would be representative of the overall chemical quality of the sediments that will be dredged. If these new composite samples showed concentrations in either Category One or Two, then the material could be selectively used as topsoil for town projects. If the lead concentrations exceeded 200 to 400 mg/kg, then additional testing would be advised to determine if the sediments were hazardous.

Table 1

Measured Chemical Concentrations in Ice House Pond Sediment

	Sample 1	Sample 2
	(All concentrations in mg/kg)	
Arsenic	3.8	4.9
Cadmium	2.0	< 2.0
Chromium	19	17
Copper	3.7	2.4
Lead	330	< 68
Mercury	< 0.21	< 0.34
Nickel	9.8	8.6
PCB	< 0.07	< 0.08
Zinc	21	17
Oil and grease	8.3	< 0.25

Table 2

Classification of Dredged Material under 314 CMR 9.00

	Category One	Category Two	Category Three
	(All concentrations in mg/kg)		
Arsenic	< 10	10 -20	> 20
Cadmium	< 5	5 - 10	> 10
Chromium	< 100	100 - 300	> 300
Copper	< 200	200 - 400	> 400
Lead	< 100	100 - 200	> 200
Mercury	< 0.5	0.5 - 1.5	> 1.5
Nickel	< 50	50 - 100	> 100
PCB	< 0.5	0.5 - 1.0	> 1.0
Vanadium	< 75	75 - 125	> 125
Zinc	< 200	200 - 400	> 400

P.O. Box 1069
W. Concord
cc: BOS

ACTON/CONCORD PRISON LIAISON COMMITTEE
Comm. A Mean.
MEETING MINUTES

NORTHEASTERN CORRECTIONAL CENTER

6/24/92

Present:

Mr. Herold Gordinier, Acton
Mrs. Jean Schoch, Acton
Mr. John Lok, Concord
Paul DiPaolo, Superintendent/MCI Concord
Jake Gadsden, Facility Administrator/N.E.C.C.
Cindy Chartrand, Executive Assistant/N.E.C.C. CC

The meeting began with a review of the previous meeting's minutes, followed by the remaining agenda:

E.M.S.A. (k.o.p. meds)

Mrs. Schoch questioned how medical issues are handled when the vendor is not onsite. Administrator Gadsden informed committee members that Northeastern Correctional Center receives 24 hour coverage from MCI-Concord's Health Services Unit. He further explained that in the event of a true emergency, having a medical person onsite would be of little value since the inmate would need to be transferred to Emerson Hospital.

Superintendent DiPaolo commented that this vendor (E.M.S.A.) is doing much better than the Department's last vendor. The contract was won based on bidding laws by an out of state firm that, in turn, hired local people. The contract, which came into effect January 1992, will be up for review at the conclusion of one year. E.M.S.A.'s experience includes correctional and emergency facilities in 26 different states. As a result, their practice is based on national medical standards.

Another factor to be considered is that female inmates have a higher rate of chemical dependency and, in many cases, have a history of prostitution. Such activities put the female population at a greater risk of contracting hepatitis and/or HIV. Lastly, eighty-one percent of female inmates serve a sentence of 90 days or less which precludes adequate time to perform needed services and follow-up treatment.

Department of Education (Buildings)

Facility Administrator Gadsden announced that Northeastern Correctional Center will be constructing a new building to host various inmate programs. The Department of Education will supply the materials needed as well as an instructor who will train and guide inmates through its construction.

Mr. Lok inquired as to whether the building has been incorporated into a master plan. Superintendent DiPaolo assured Committee Members that although the building is not part of a master plan, it will be constructed within stated regulations.

Mr. Lok then stated that the utilization of trailers in the past proved disastrous and expressed his concern that if this project was successful, there would be numerous new constructions scattered about the property. Superintendent DiPaolo speculated that any further construction would consist of a capitol outlay project to include a modular unit extended from the gymnasium.

Vax Terminal (Booking & Admissions)

Superintendent DiPaolo informed Committee Members that MCI Concord Complex will be taking part in a pilot program to better control bed space by means of a computer terminal. The computer program will record the exact time of booking/admissions and allow for the number of available beds throughout the system at the push of a button. This information is currently tracked manually by means of telephone and has become time consuming with an average of 300 transfers a day. Superintendent DiPaolo added that the computer system, which includes 34 terminals working off one network, will eventually be used to automate staff and inmate files, a service that will not only cut down on the costs of paper, but xeroxing and faxing as well.

Psych Services (C.H.D. is now E.M.S.A.)

Facility Administrator Gadsden stated that E.M.S.A., the contract holder for Health and Psychological Services, recently terminated its sub-contract with C.H.D., the provider of mental health services.

National Correction Officer Week

During the first week of May 1992, the Department of Correction celebrated National Correction Officer Week. In honor of such, Northeastern Correctional Center challenged MCI Concord to a series of basketball games. Facility Administrator Gadsden stated that this was a positive experience for security staff since the correction officers continue to play on the third Monday of each month.

Other events held during the week included special meals for security staff and a cookout. Also, on May 7, 1992, a symbolic torch run was held for Correctional Personnel that extended from Concord to Walpole. Superintendent DiPaolo stated that this was the Department of Correction's first time hosting such an event and hopes to make it an annual charity fundraiser in the years to come.

Superintendent DiPaolo expressed his desire to get the community involved in next year's celebration stating that he is open to any suggestions. He informed Committee Members that there are 446 Correction Officers employed at the Complex, acknowledging them as the backbone of the institution. He reasoned that many people do not understand what a correction officer does and suggested that their involvement would allow for the proper recognition.

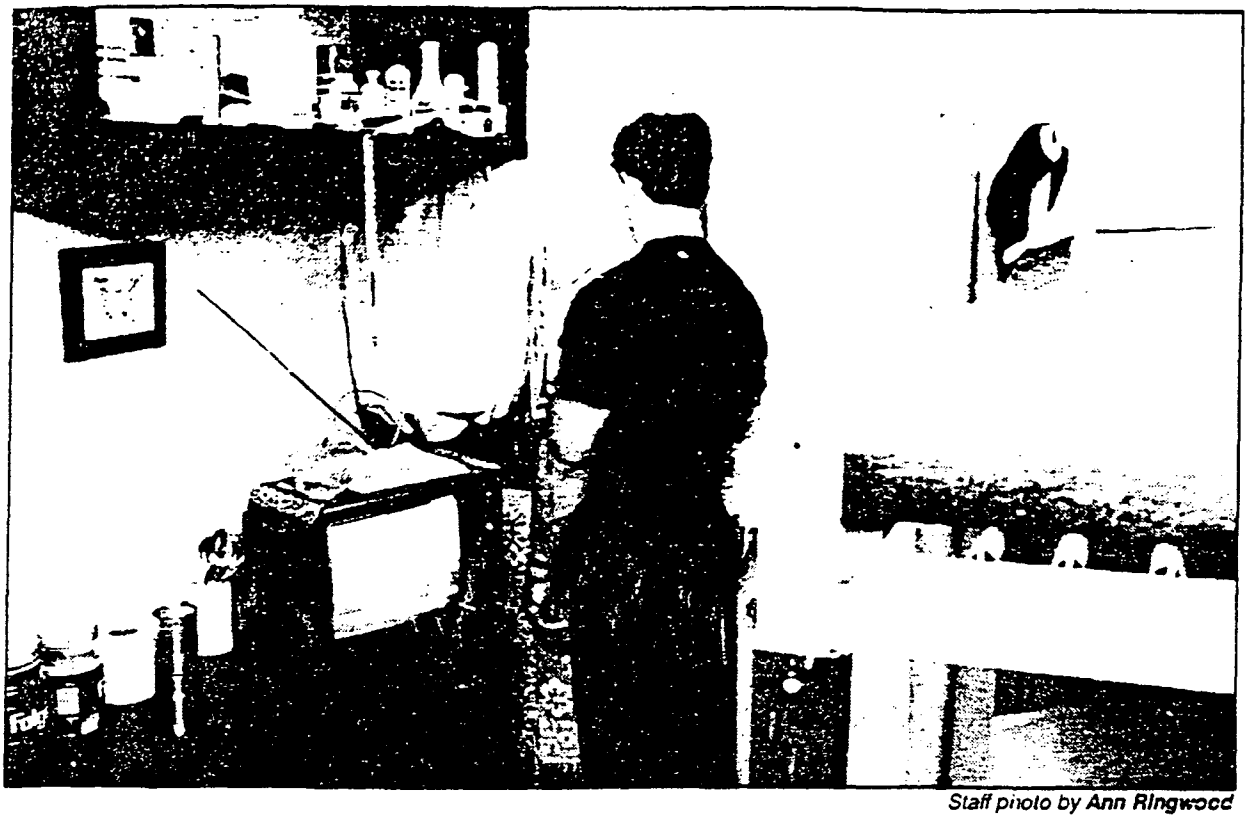
Patriot's Day (float)

Both Superintendent DiPaolo and Facility Administrator Gadsden had the honor of marching in the Concord Patriot's Day Parade, along with the Department of Correction Colorguard. Facility Administrator Gadsden stated his amazement at the magnitude of the parade as well as his appreciation for being part of it. He also called attention to the efforts of those inmates who constructed an Earth Day float that was included in the festivities.

Open Discussion

The count was reported at 263 for Northeastern Correctional Center and 1265 for MCI Concord. Superintendent DiPaolo explained that MCI Concord's count is at its current level because of renovations being made at other institutions for health and safety reasons. He stated that with 40 inmates sleeping on the floor, much attention is being paid to the climate of the institution.

Mr. Gordinier asked at what point does it (the count) become dangerous. Superintendent DiPaolo maintained that it all comes down to resources.



Staff photo by Ann Ringwood

An inmate at the Northeast Correction Center in Concord looks out the window from his cell room. Most of inmates are nearing the end of their sentences and they are required to work either inside the institution or outside for state agencies.

Concord facility the last stop

By Bill Thomas
Staff Writer

The life of Homer the Bull may be the envy of some inmates at the Northeast Correctional Center in Concord. After all, head farmer John Chalmers turns to Homer for help in calf production when artificial insemination fails to achieve results among the 70 cows at the facility's dairy farm producing 5,000 pounds of milk per day. And Homer's pen is bigger than the inmates' rooms.

The cow barn and other facets of the facility in Concord bear semblances of a country boarding school, except that the students are a bit older and they're locked into their dormitory-style rooms at night.

There's the culinary arts program, a gleaming new gymnasium and social and religious activities ranging from Spanish Bible Study to visits by the Concord bookmobile.

Designed to hold 150 inmates, the Center holds 274 men, operating at 183 percent capacity. The average age of inmates at the minimum security facility located off the Concord Rotary, is 30 years old. The breakdown by offenses committed is as follows:

- Crimes against a person: 87
- Sex-related crimes: 73
- Drug-related crimes: 82
- Property crimes: 25

Capt. Thomas Berlied said the most serious offenders at the Center are those serving time for second-degree murder. In such cases, the inmate must have completed 10 years of exemplary behavior within a walled facility before he can be transferred to a minimum security facility such as the Northeastern Correctional Center.

There is little in the way of stopping inmates who wish to escape, but in most cases they don't bother, because they are nearing the end of their sentences.

All of the inmates at the Center are required to work, either inside the institution or as unskilled labor provided for state agencies. Cindy Chartrand, executive assistant to the administrator at the Center, emphasized that those inmates working outside the institution do so exclusively on state jobs which would not be completed otherwise.

On a recent tour of the facility, Berlied showed visitors inmate housing in Gralton Hall, where prisoners are housed on a seniority basis. The 52 inmate rooms in Gralton are larger than those in the accompanying Farm Dormitory, where the two men-per- room accommodations are about the size of walk-in closets. Although larger, 42 of the Gralton Hall rooms are also doubled up.

Past a bank of pay phones — the inmates are permitted to make collect calls only — a prisoner is overheard to say: "Love ya. I'm playin' cards. What are you doin?' "

There is the laundry room, and on another wing, Berlied points to the paint peeling from the hallway floor in unsightly blotches. He explains that the budget provided money for painting the floor in the communal shower, but not for the hall. Still, the inmate's rooms are spotlessly clean, and prisoners are seen polishing those floors.

The Center's barbershop has been converted from a former inmate's room, and a game room area includes pinball machines and battered ping pong tables. The drab cafeteria doubles as a movie hall at night.

At the gym and recreation center built in 1990, a staff member just off her shift gets ready to work out on exercise equipment.

"Due to lack of space — you'll hear me say that quite often — we hold religious services here," says Berlied.

The Center previously used the entryway of Gralton Hall for the services, but that's also where the inmates receive visitors: The prisoners preferred visits over services.

Inmates rebuild lives and wait for freedom

INMATES, From Page 1

Lube," said Koulalis, who is 30.

A first-time offender who has served 19 months of a three-year sentence for possession of cocaine with intent to distribute, Koulalis is at the halfway point of his term at the Center. A former Worcester resident, he offers a matter-of-fact perspective on conditions there.

"You get used to it," Koulalis says of the cramped living conditions.

"I work from 8 in the morning until 1 in the afternoon. I go to the gym in the afternoon. I'll get a visit tonight. You've got to keep busy," he reasoned.

Koulalis was concise regarding positive and negative aspects of prison life. "You're away from your family," he said, in reference to the latter category.

But each day brings him closer to freedom, Koulalis said, citing a positive aspect.

Asked to consider Gov. William Weld's proposals for cracking down on crime, Koulalis said such measures should take into consideration the severity of the offense and the defendant's criminal background.

"You get used to it. I work from 8 in the morning until 1 in the afternoon. I go to the gym in the afternoon. I'll get a visit tonight. You've got to keep busy."

Aris Koulalis
Inmate at Northeast Correctional Center in Concord

Increased respect

Born in Concord, Kelley is serving a 5- to 7-year sentence for an offense which he declined to name. He is eligible for parole on June 11, 1993.

Kelley, 50, spoke of his prison experience as a type of cleansing pain. Kelley said his personal growth while serving his sentence has included an increased respect for the Hispanic community. As an instructor in the Center's English as a Second Language program, Kelley teaches Hispanics 16 hours per week, he said.

"The institution has been very much behind that," he said.

"Prior to my incarceration, I had a total non-involvement with Hispanic experiences. It's been a real eye-opener for me to know a larger group of Hispanic people," Kelley said.

"The fact is, that as a white American, I've been given a real privilege and honor to work with these guys," he said.

A wholesale florist at the time of his conviction, Kelley said he has broadened his employment skills while serving his sentence.

"I'm going to go back to my flowers," upon his release, he said. "I feel that I'm more equipped to engage in a multiplicity of activities, that I can earn a good income."

Like Koulalis, Kelley said he believes the governor's anti-crime proposals should look at criminal cases on an individual basis.

"My wisdom, I suppose I learned painfully. Somewhere in the middle of those two extremes there has to be a reasonable, practical solution. I don't feel that it is a black-and- white issue. There's a great need for the judicial mind to be able to consider the individual committing the crime, and to take the case on a personal basis," Kelley said.

He believes benefits can be derived from the prison experience.

"The biggest experience for me in prison is meeting and living with people, face-to-face with the real issues in life. The staff is good and the inmates are good. For an inmate to take a negative experience and to use it to positive advantage after a period of incarceration, could help him to come out a more refined, sensitive human being," Kelley said.

"... For an inmate to take a negative experience and to use it to positive advantage after a period of incarceration, could help him to come out a more refined, sensitive human being."

Hope Kelley
Inmate

SEP 10 1992

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720 (508)264-9632

September 9, 1992

Donald Foster
Foster Masonry Products Inc.
22 Everett Street
PO Box 65
Westwood, MA 02090

Re: Property at 25 Lawsbrook Road, Acton, MA

Dear Mr. Foster:

By letter dated August 31, 1992, I notified you pursuant to MGL c143, s6 that the property located at 25 Lawsbrook Road, Acton, MA, was unused, uninhabited and open to the weather, and I ordered you to make the buildings safe and secure. You did not comply with that order. Accordingly, pursuant to MGL c143, s8, a Board was convened for the purpose of making a careful survey of the premises. This morning, the Board conducted its survey of the property and prepared a written report of its findings. A copy of the Board's written report is enclosed for your review. As you will see, the Board's report confirms my earlier determination that the buildings on the premises are unused, uninhabited, open to the weather and dangerous.

On the basis of the written report of the Survey Board, I am again ordering that you either remove the buildings or secure such buildings so as to prevent unlawful entry. In order to properly secure the buildings, it will be necessary to bolt or weld all doors and plywood all windows and doors that can not be secured. You shall also remove or restack all concrete blocks to a level not over two tiers high so as to prevent falling. You have until 5:00 p.m. September 15, 1992 to start this work with a work force sufficient in size to accomplish this task within three (3) days.

I am aware that you continue to claim you are no longer in possession of this property. I have been informed that Shawmut Bank has secured the property with a chain and lock. I am therefore seeing that they receive a copy of this notification so that all parties will be aware of my order.

If you fail to either remove the buildings or secure this site as outlined above by the end of the day Sept. 15, I will take the necessary steps to make the premises safe and secure, and I will seek to recover the costs incurred as provided by MGL c 143 s 9.

If you have any questions, I can be reached at 264-9632 Monday thru Friday, 8:00 a.m. to 5:00 p.m.

Sincerely,

Garry A. Rhodes

Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Hon. William Hillman; 1101 Federal Office Building, 10 Causeway Street
Boston, MA 02222-1074
Mr. Kevin Murphy; Shawmut Bank
1 Federal Street, Boston, MA 02211
Mr. Joe Butler; Barron and Stadfeld
2 Center Plaza, Boston, MA 02108
Mr. Bill Jacob; Boroff and Associates
55 Summer Street, Boston, MA 02110
Mr. Stephen Levine; Brown, Rudinick, Freed and Gesmer
1 Financial Center, Boston, MA 02111
Acton Town Manager
Board of Health
Police Department
Fire Department
File

(877)

REVIEW OF SURVEY BOARD

On September 9, 1992 the Survey Board consisting of Dean DeMaster, Citizen at Large; Robert Craig, Chief of the Fire Department; and Dennis Ring, Engineering Administrator inspected the buildings at 25 Lawsbrook Road. The following observations were made:

1. The buildings are uninhabited and there is evidence of buildings having been entered and vandalized.
2. There was a recent arson fire at the manufacturing building.
3. Most of the windows have been broken throughout.
4. Debris, rusty metal, broken glass, hazardous and combustible materials exist throughout the site.
5. The buildings are not properly secured and access could be obtained relatively easily.
6. Many full pallets of blocks, some stacked three to five tiers high, are crumbling, some have fallen and others are listing to the side and may fall. Many metal bands supporting these pallet stacks have rusted and broken, making them extremely dangerous.

We believe that the buildings are an attractive nuisance and the structures are dangerous, unused, uninhabited, and open to the weather and are a detriment to public safety.

Dean DeMaster, Citizen at Large

Robert Craig, Acton Fire Chief

Dennis Ring, Engineering Admin.

(872)

cc: BOS

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

SEP 10 1992

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

Tom Tidman
Acton Conservation Commission
472 Main Street
Acton, MA 01720

Dear Tom:

(Concord Co-Operative Bank
v. Acton Conservation Commission,
Superior Court No. 91-8096)

The interlocutory order in this case (copy enclosed) remands the case to the Commission "for the purpose of conducting further hearings and expanding the record," giving the plaintiff "a full opportunity to submit such evidence as they may desire to become part of the record in this action."

Under the order, the Commission does not have discretion whether to grant a hearing or limit the hearing to a new proposal. Rather, the purpose of the remand is to permit all the issues to be developed fully so it can be reviewed and resolved by the Court.

Given the terms of the order and the purpose of the hearing, it is clear that the originally scheduled fifteen minutes for the hearing is completely inadequate. The forty-five minutes now provided is also. We need a minimum of two hours, and preferably the whole evening. The Bank has expressed a willingness to come in on the 19th for forty-five minutes and to return another night. I think that is inefficient and wasteful of time and would prefer that it be rescheduled for a date when it can be given proper time. The order says the hearing should be held before October 1, so that does not leave many choices.

Would you call me next week to straighten out the scheduling.

Very truly yours,

Acheson H. Callaghan

AHC/dcb
Enclosure
cc Don Johnson
Rebecca S.K. Webber, Esq.
Lou Levine

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 91-8096

THE CO-OPERATIVE BANK OF CONCORD, Plaintiff VS. ANDREW SHEEHAN, ANN SHUBERT, CHARLOTTE TIMLEGE, JOHN CHALMERS, PETER SHANAHAN, WILLIAM HILL AND MORENE BODNER, As They Are the Members of and Constitute the Conservation Commission of the Town of Acton, Middlesex County, Massachusetts, Defendants	STIPULATION FOR THE ENTRY OF INTERLOCUTORY ORDER REMANDING ACTION TO DEFENDANT CONSERVATION COMMISSION FOR PURPOSE OF CONDUCTING FURTHER HEARINGS AND EXPANDING RECORD

Now come the parties to the above-entitled action and hereby agree that this matter shall be and is remanded to the Defendant Conservation Commission for the purpose of conducting further hearings and expanding the record. The Defendant Conservation Commission shall forthwith schedule and conduct such hearings as are necessary to permit the Plaintiff and all other interested parties to have a full opportunity to submit such evidence as they may desire to become part of the record in this action no later than October 1, 1992. The Defendant Conservation Commission shall file and certify up again with this Court the record in this matter, as expanded. Whereupon, this matter shall be set down for trial at the earliest possible date thereafter.

At all times this remand to the Defendant Conservation

Commission shall be deemed as an Interlocutory Order, this Court retaining continuing jurisdiction.

Respectfully submitted,

ANDREW SHEEHAN, ET ALS,
As They Are the Members of
and Constitute the Conservation
Commission of the Town of Acton,
Middlesex County, Massachusetts,
The Defendants,
By their Attorney,

Acheson H. Callaghan, Jr.
BBO # 070060
Palmer & Dodge
One Beacon Street
Boston, Massachusetts 02108
(617)573-0100

Respectfully submitted,

THE CO-OPERATIVE BANK OF CONCORD,
The Plaintiff,
By its Attorneys,
D'AGOSTINE, LEVINE & GORDON, P.C.

By: _____

Louis N. Levine
BBO # 296880
268 Main Street
Acton, Massachusetts 01720
(508)263-7777

Dated: July , 1992

s:\civil\concord.wp

Don, BOS, David
9/10/92

The Commonwealth of Massachusetts
Department of Public Works

DISTRICT #4 OFFICE
519 APPLETON STREET, ARLINGTON 02174
TELEPHONE No. 648-6100
Fax No. (617) 643-0477

September 8, 1992

To: Route 2 Corridor Advisory Committee (CAC) Members

From: Laurinda Bedingfield, District Highway Engineer LTB

Subject: Meeting Notice

This is to confirm that the next Route 2 CAC meeting is scheduled for Thursday, September 17 at 8:00 am, at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton St. in Arlington.

The agenda will include a presentation by Efi Pagitas from the Central Transportation Planning Staff (CTPS), to explain the HATS Hanscom Model. Stan Woods from the MHD Location Section will provide an update of the Route 2 Crosby Corner Improvement Project RFP/RFQ. The members will have the opportunity to explain the three priorities of the CAC to CTPS.

cc: B. Seffens, Director, BTP&D
E. Pagitas, CTPS
S. Woods, Location Section

att.

The Massachusetts Department of Public Works
is now
The Massachusetts Highway Department

MINUTES OF THE MAGIC/ROUTE 2 CORRIDOR ADVISORY COMMITTEE
MAY 28, 1992

The meeting of the Route 2 Corridor Citizens Advisory Committee was held Thursday, May 28, 1992 at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton Street in Arlington. The following were in attendance:

Laurinda Bedingfield, MHD, District Highway Engineer
Bob MacDonald, MHD, District Project Engineer
Jack Wood, MHD, District Environmental Engineer
Bill Steffens, MHD, Director BTP&D
Harriet Todd, Selectman, Town of Lincoln
Dan Fortier, Metropolitan Area Planning Council
Ann Fanton, Selectman, Town of Acton
Judy Walpole, Selectman, Town of Concord
Gail Jewell, Planning Board, Town of Concord

Bob MacDonald began by showing the Conceptual Improvement Plan for the Crosby Corner intersection project. The plan includes an elevated section for the Route 2 mainline with the minor approaches remaining essentially the same. There is a good chance that the RFP/RFQ will go out this summer. A signal update project for this intersection is tentatively scheduled to be advertised this year. Hopefully the signal update design can be incorporated with the final design so that reconstruction will be unnecessary and disruptions during construction will be minimized. Bob said that there are wetland issues that need to be considered during design. Laurinda Bedingfield added that Right-of-Way issues will also need to be addressed.

Dan Fortier asked whether the Crosby Corner Improvement Project should be included in the next TIP (3 years). Bob did not think it would be ready to be advertised for at least 5 years.

Ann Fanton asked what other projects along Route 2 that are expected to be advertised. Bob listed 5 intersections that will be improved as Signal Update Projects at: Relocated Baker Ave., ORNAC (Emerson Hospital), Route 126, Sudbury Road and Main Street. Ann also asked about the status of projects in the Draft TIP. Bob said we are not working on Piper and Taylor yet.

Judy Walpole said that the three towns have come up with a consensus on an agenda for the CAC:
- To focus on long term solutions
- To provide for better communications between the towns and the Mass Highway Department
- To increase safety, improve efficiency and maintain local

cross town access.

Ann added that improvements to the Crosby Corner and Rotary intersections are top priorities. She feels that the Rotary project should be looked at on a regional basis. The traffic study area for this project needs to be broad enough so that the usefulness of the data collected can be applied to other projects when determining the best cross-over point.

Bob listed the Acton Route 2 cross-overs: School St. and Hosmer St. has been closed, Piper/Taylor remains open.

Ann said there is a consensus among the three communities that the rotary is a priority as long as the cross-over location is not based on just one community's desire. The geographic boundaries of the CAC are to be Route 2A to the north and Route 117 to the south.

Judy asked if the Department had any information regarding DEM's plans for realigning Route 126 at Walden Pond. Bob said he has seen plans showing Route 126 relocated away from the pond. It appears that some of the major issues will be funding, parking and drainage treatment. It is the MHD's intention to complete Route 2 improvements as quickly as possible, then assess the impacts of the improvements.

Ann said that traffic movements on parallel routes have to be looked at so that improvements can be implemented that will address congestion which diverts traffic that would rather be traveling on Route 2. Bob said he believes that without the rotary impediment and with the use of Route 2 traffic signal coordination, more motorists will be induced to travel Route 2.

Bill Steffens said that the 1989/1990 HATS Model (for the Hanscom area) could be used to forecast for the Environmental Study. This model covers Routes 2, 111, 117, 62 and 2A.

Ann mentioned that in the last year or so, changes to the traffic patterns at the rotary have been noticed. Traffic entering from Route 2A has caused backups along Route 2 eastbound to the Weatherbee St. She felt this may be due to improved signing and/or the State's effort to educate the public on the use of rotaries. Also there is concern about congestion at the Route 111 intersection.

?

Bob said District 4's Route 2 priorities are: #1 Crosby Corner, #2 Concord Rotary and #3 Route 111.

Gail Jewell asked how far the rotary concept has been developed. Laurinda said that there is no conceptual plan yet.

Harriet Todd asked what the plan was for Route 2 between Bedford Rd. and Crosby Corner. Bob's best guess was that the Crosby Corner intersection project would connect to the Bedford Rd. project (not within 5 years). Laurinda said that an overlay project would occur sooner. The Signal Update project for Crosby Corner would be completed by calender year 1993. This would include widening 500 feet each side of the intersection.

Gail asked about the timing for the Signal Update projects beyond Crosby Corner such as Route 126 and Sudbury Rd. Bob said that since 100% State funds are involved, they would not occur until at least next fiscal year. Bill added that there are no more 100% State funds available for this fiscal year.

Gail asked if the Signal Update projects will make the intersections safer. Bill said that these projects improve the visibility of the signals. He wasn't aware if accident studies are done for these projects.

Ann wanted to know if the Signal Update projects are considered long term solutions. Laurinda said that Signal Updates and resurfacing are short term solutions. Ann felt that the CAC is useful to look at more long term solutions that address old issues. Laurinda said the Rotary improvements will be part of a long term solution. Ann asked if the Signal Update project for Crosby Corner will be part of the long term solution. Bob said that it is the District's intention to design the project so that it will be part of the future "flyover" project.

Bill said that the Rotary interchange project may be further off than 5 years. The MHD has no short term solution yet but there may be interim improvements possible.

Ann said that the geographic boundaries for the CAC should probably be Route 111 or 27 to the west and Bedford Rd. to the east.

Bill asked if there are other planned long term intersection improvements. Bob said that currently plans are short termed because environmental problems need to be worked out before long term solutions can be looked at.

Dan asked if towns' want further analyses for long term improvements. Judy said safety problems should be taken care now.

Acton has a new Zoning Ordinance plus a 5 year Master Plan. Ann will get a copy to Bill.

Harriet referred to correspondence dated June 4, 1990, from the Lincoln Board of Selectmen, to Robert Sloan, Executive

Secretary of the Metropolitan Planning Organization. The letter described roads intersecting Route 2, the concerns and recommended improvements. (A copy of the letter was given to the District).

Judy asked if the overlay project planned for Route 2 would extend beyond Crosby Corner. Laurinda said it would be what is needed based on visual inspection.

Ann expressed her concerns about how the CAC will function such as membership, scheduled meetings, funding and clerical. Bill suggested that the meetings be informal, discussions based on what District is actively doing and something that the CAC can respond to. He felt presently there is no urgency to have monthly meetings, at least until Laurinda has information needed to go toward projects.

Ann would like assurances that the CAC would make things happen that haven't happened. Laurinda pointed out that projects are slow moving and that the projects should drive the schedule for meetings.

Bill suggested that for now the meetings be held quarterly (Sept.). The next meeting's agenda could include updates on Crosby Corner including someone from CTPS to explain modeling and someone from the Department's Location section. Bob felt we should have a good idea by September of what the permanent solution for Crosby Corner will be. Bill pointed out that the MHD needs support for these projects from the CAC members, to go back to their communities to push projects that the MHD comes up with. Ann said we need to formalize each others responsibility. Laurinda said we have not formalized previously.

Judy would like to be able to tell the community early on, what impacts will occur related to the Crosby Corner project. Bill said the RFP/RFQ will come up with alternatives.

Bob said that it may be necessary to look for short term solutions (possibly signals) for the Rotary in light of the fact that Route 2A traffic is causing backups for Route 2 eastbound traffic. He added that the Rotary will take longer than Crosby Corner.

Laurinda said next meeting date should be set based on Stan Woods' (Boston Location Section) and CTPS's schedules. Bill said at the next meeting, it would be useful to explain to CTPS the three priorities of the CAC.

Judy asked if there will be any surprises related to the proposed Signal Update projects. Bob said no land takings are expected, Time Base Coordinator Units will be installed and wood

strain poles will be used at Crosby Corner.

The date for the next meeting was set for Thursday, September 17 at 8:00 a.m.

EXTRA CONSENT 9/22/92

Friends of the Acton Nursing Services, Inc.
A NON-PROFIT CHARITABLE CORPORATION
P.O. Box 541, Acton, Massachusetts 01720

SEP 22 1992

September 1992

Town Manager Don P. Johnson
Town Hall
472 Main Street
Acton, MA 01720

Dear Mr. Johnson:

This letter is intended to meet the requirements of the Massachusetts State Ethics Commission re. the Conflict of Interest Law G.L. c. 268A as outlined for us at the meeting held at the Town Hall on 6 February 1991.

The Friends of the Acton Nursing Service wish to contribute the following items to the Town of Acton at the cost indicated for use by the Acton Public Health Nursing Service (APHNS):

6 Cholestrol Kits	$197.94
2 Admissions to: Nat'l Association of Home Care Seminar	305.00
2 Videos for Home Care Kansas Home Care Assoc.	60.00
	562.94

We hope this will meet your requirements for such information. We will keep you informed in the future of other such items of direct support to the (APHNS).

Sincerely,

Margaret Richter

Margaret Richter, Treasurer

cc: Douglas K. Halley
Lucy A. Saia, MS, RNC

Acton Garden Club
Post Office Box 2137
Acton, MA. 01720

September 18, 1992

Board of Selectmen:

I am writing on behalf of the 114 members of the Acton Garden Club, to protest any proposal of a parking ban from Nagog Hill Road to the Acton Town Hall.

Since its inception in 1934, Acton Garden Club has been housed in the Woman's Club building. It pays a nominal rent for the priviledge, nominal, because the Garden Club plants and maintains on this property, the Mabel Jenks Garden, the funds for which were donated in 1976 by Albert Jenks in memory of his wife. It should be noted here, that in addition to this garden, our Club maintains for the town of Acton, plantings in front of the Town Hall, in the troughs at the center of Acton and West Acton, at Meeting House Hill, and at a variety of traffic islands. Additionally, it annually contributes a $1,000 scholarship for a high school student.

A ban on parking along the proposed area would directly affect the accessibility of older Garden Club members, and the on/off loading of large and heavy materials which are frequently brought into the Club for our programs.

An indirect effect of such a ban could be even more serious. Such a ban could very well cut off the essential additional income which the Woman's Club derives from renting space for dancing classes, weddings, and other affairs, income it needs to survive. Should the Garden Club no longer have the use of this beautiful old Land Trust Building, a negative effect on our membership would surely be expected.

Mrs. Virginia Hahn
President

TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

September 12, 1992

Nancy Tavernier, Chair
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Dear Nancy:

I just wanted to thank the Selectmen for the oversight meeting of the Historic District Commission last week. I realized afterward that I made one error in referring to the staff members who had helped us with various tasks this year: it was not Mary Larsen, but Alice Shepard in, I believe, the Treasurer's Office, who was kind enough to walk me through the billing procedures, etc.

I also wanted the Board to know that the Commission will be continuing to work with Dean Charter on mitigating the visual effect of the new Davis Monument light fixtures. If the Selectmen would like to comment on that application, please let us know. We'd also be glad to send you copies of any communications on it, if that would be helpful.

Thank you for bringing us up to date on the status of the South Acton bridge. We will be contacting Dore about how we might proceed with a letter to the proper authorities.

Sincerely,

Anne

Anne Forbes, Chair

EXTRA INFO. 9/21/92

Selectmen

MASSACHUSETTS

BOARD OF APPEALS

#92-15

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday October 5, 19 92, at 7:30P.M. in the TOWN HALL, Room 121

on the following petition:

by John F. Swanson, Jr. for Swanson Pontiac-Buick-GMC Truck, Inc., 12 Sudbury Road, for a PETITION FOR A VARIANCE from Sections 7.7.4.2, 7.7.4.3, and 7.4.1.1 of the Zoning Bylaw to allow (1) re. section 7.7.4.2 an exterior wall sign with a total height of 7'4" rather than 3'0" as allowed by this section of the Bylaw; (2) from section 7.7.4.3, a wall sign up to 34'8" in maximum width rather than 30" allowed by this section of the Bylaw; (3) from section 7.4.1.1, a sign to feature three different product lines offered by the dealership.

Matt, BoA members: I urge you to deny this petition for a variance for the following reasons: (1) The petitioner cannot demonstrate hardship owing to his location when a literal enforcement of the bylaw still gives him the option of applying for a special permit to increase the size of the sign, (2) Granting the request will derogate from the intent of the bylaw, which is to bring requests for larger signs to the Planning Board; and (3) The MPCC voted unanimously on 4/29/92 not to change size requirements (in village districts) (which are even smaller) because the special permit provision exists.

Section 7.12.1.1

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine, *Clerk*

cc BOS, Planning Board

Anne Fanton

BCS

September 15, 1992

TO: Master Plan Coordinating Committee

FROM: Acton School Committee

SUBJECT: Master Plan Implementation

We are glad to cooperate with the Master Planning Committee, and wish to express our thanks for your efforts to include all areas of the community in your work. Thank you for the time and energy you've given already to preserve the quality of life in Acton and help direct us toward the future. We look forward to a positive interchange of ideas which will benefit us all.

* The Acton School Committee respectfully requests that a member of the School Committee be included in the Master Plan Coordinating Committee, because we are a major representative body, a community-wide influence, and a potentially valuable resource. In addition, we have a need to know about most of your activities for both planning and reaction purposes.

Below is a list of the action items that you indicated the Acton School Committee should have some responsibility for and our responses:

Item 105: *Continue to strive for excellence in educating Acton's youth.* This has always been, and will continue to be, the Acton School Committee's primary goal. Improving the educational opportunities means being alert to all possibilities and opportunities available to the school system and directing required resources to developing curriculum, technology, professional development and encouraging community involvement.

Item 106: *Maintain the quality and diversity of education resources for all ages, including the Community Education Programs, Library Service and Acton's participation in the Minuteman Regional Vocational Technical School District.* Our Community Education Programs are indeed well received and provide a nice educational resource for young and old. The Committee is proud of Community Ed and wants to maintain and continue to develop ideas and programs that meet a need in the community. We will continue to encourage community involvement and input to assure the quality of programs and the variety of courses available. We strongly support any student or family who wishes to utilize the educational opportunities at Minuteman Regional Vocational Technical School. This is a fine school. We encourage students to become aware of the programs offered and to investigate the best option for each individual.

Item 107: *Encourage public and private cooperation to facilitate the use of Acton's multiple resources for educational purposes, including conservation lands, historic resources, private businesses and industries, and social services, and facilitate internship programs for Acton's youth.* We support this action item and encourage and support cooperative efforts between the public, municipal properties and the school facilities department which benefit us all. Joint efforts have involved planning and planting trees, landscaping, and flower beds, installing shelving, and upgrading school facilities. We have also encouraged a collaboration between faculty, school staff, parents, community members and town staff to develop boardwalks. These boardwalks on school grounds benefit the neighbors in a recreational manner. The students benefit educationally and physically. The faculty has grown professionally in the endeavor to develop and present a wetlands curriculum . Cooperation of this nature benefits us all. We encourage any youth organization or community organization interested in preparing and presenting an idea for utilizing our resources for "educational purposes" to contact the appropriate town agency.

112 & 113: *Increase public awareness of Acton's recreational opportunities and create ral "clearing house" for all Town and school recreational facilities.* We are prepared to cooperate in an effort to better publicize school recreational facilities and opportunities. We present a good representation of options and possibilities in the Community Education's Interaction Catalog. Community Education now acts as a clearing house for community use of school facilities. If any of the committees represented on the Master Plan Coordinating Committee has specific suggestions, we would be glad to hear them.

Item 118: *Institute "Adopt a trail, playground, recreation area, etc." program to substitute and supplement Town efforts.* As indicated, the school system utilizes this idea in a cooperative effort. School grounds and buildings have been "adopted" at various times and at varying degrees of intensity depending upon the volunteer efforts at that school for that year. If you are suggesting an educational forum for students or parents, or a possible community service option for students, you should contact the superintendent and discuss the project in detail.

In addition to the school committee action items listed above, we also have an interest in other items. The school committee has already developed programs in a number of these areas, including transportation services, handicapped accessibility, and many others. Other items concern us because they especially affect families with young children. Specific items of interest to the school committee include:

Item 124 *Develop an under-21 club or youth center away from school complex.*

Item 125 *Improve and maintain handicapped accessibility to public buildings and facilities, recreational areas, conservation lands, playgrounds, sidewalks, etc.*

Item 132: *Improve inter-departmental and inter-board communication and coordination through joint meetings, hearings, and educational workshops.*

Item 142: *Require trip reduction measures, i.e. van/car pooling, private transportation services: use demand management, i.e. flexible work hours.*

Improving inter-departmental and inter-board communication and coordination is a high priority for the school committee.

Thank you for including us in your activities. We look forward to hearing from you.

Jean Butler

Jean Butler, Chairperson
Acton School Committee

Copies: Acton School Committee members

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

****

DATE: Sept. 21, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Meinike Muffler Expansion

Quite a number of people (including several Selectmen) have called Town Hall asking about the work that is under way at Mienike Muffler. I have researched the typical questions that are being asked and developed the following information:

1. A Building permit has been properly issued for this work.

2. The expansion will add 1047 sq. ft. to the building and will not generate any increase in the impervious cover of the site. (I am informed that there will be a slight decrease in the latter.) The requirement for Site Plan is not triggered until there is an increase of 1200 sq. ft. of building floor area or 1200 sq. ft. of impervious cover on the site. Consequently, Site Plan Approval by the Board of Selectmen was not required.

3. The allowable FAR at this location is .20. The Floor Area Ratio (FAR) for this property, after the addition and renovation to the existing building has been completed, will be slightly less than .15.

4. The Board of Appeals heard two (2) separate petitions on this work. The first was in 1990 and resulted in a denial

of the petitioner's request. The second was in 1991 and received a conditional approval. (Copies of both are attached for your information.) In the case of the conditional approval, one of the conditions required the petitioner to provide an easement to the Town for future intersection improvements and sidewalks on the Main Street side of this property. Lengthy delays have been experienced while both parties negotiated a satisfactory agreement in this regard.

5. All other conditions precedent to issuance of a building permit have been satisfied.

6. I have been asked why this project escaped the Site Plan process while CML did not. The answer is in the bylaw triggering mechanism. CML proposed an increase of 3361 sq. ft. of floor area plus 3800 sq. ft. of additional impervious pavement on their site. Either of these conditions would trigger Site Plan Approval. As noted above, the additional floor area for Meinike is less than 1200 sq. ft. and there is no net increase in impervious coverage. Site Plan was not triggered.

I trust that the above will be of some value in helping you to understand and answer the questions you may have ... or those that are being asked of you. I will be happy to answer any other questions you may have.

Don

cc: Building Commissioner

RECEIVED & FILED
DATE June 11, 1991
for TOWN CLERK, ACTON

MASSACHUSETTS

BOARD OF APPEALS

Hearing 91-14

DECISION ON THE PETITION OF WILLIAM E. YETMAN

A public hearing of the Acton Board of Appeals was held in the Town Hall, Room 204, Acton MA on May 6, 1991 on the petition of Charles G. Kadison, Jr., Attorney for the petitioner, William E. Yetman, 238 Main St., Acton, MA for a Special Permit under MGL C. 40A, s 6 and/or a variance from Section 5 of the Zoning Bylaw as authorized by MGL C. 40A, s 10 to allow the expansion of a pre-existing non-conforming structure and the relocation of pre-existing non-conforming parking spaces to provide greenbelt screening as shown on a plan entitled "Plot Plan of 236 Main Street @ Massachusetts Avenue, Acton, Mass. Prepared for William E. Yetman 236 Main Street, Acton, MA 01720" dated August 8, 1990, modified February 1, 1991.

Members of the Board present were Matt Mleziva, Chairman; Marilyn Peterson, Member; and Malcolm Burdine, Clerk. Also present were Garry A. Rhodes, Acton Building Commissioner; Charles G. Kadison, Jr., Attorney for the petitioner; and interested parties.

Mr. Mleziva read the petition, reviewed the contents of the file and explained the Board's procedures.

The Board of Appeals, after considering the materials submitted with the request, together with the information developed at the hearing, finds that:

(1) The factors that caused the Board to deny the previous request (Decision 90-17) have been substantially addressed by the revised plan.

(2) The revised plan is deficient only in the planting of trees and/or shrubs. This aspect will be addressed in the conditions attached to the Board's decision.

(3) The expansion, with suitable plantings, will be a net improvement to the attractiveness of this major intersection .

(4) The petitioner has offered an easement to the Town for future road widening provided that the access to the business is not affected and that, as a result of the takings he is not deprived of any parking spaces. This offer is a substantial contribution to the improvement of a troublesome intersection in the Town of Acton and furthers the goals of the Town of Acton Master Plan, specifically High Priority Action 134.

Based upon the above findings, the Board of Appeals concluded that:

(1) The request, augmented by suitable plantings, will not be substantially more detrimental to the neighborhood that the existing non-conforming structure.

(2) The request is in harmony with the intent and purpose of the Bylaw, and is appropriate for the site. Additionally, the request is consistent with the Town of Acton Master Plan.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to GRANT the request for the Special Permit, subject to the following:

(1) The petitioner shall plant three deciduous trees, at least eight feet tall at the time of planting, upbranched and located on the intersection sides of the lot at specific locations to be approved by the Municipal Properties Director.

(2) The petitioner shall plant two shrubs/trees on the east and south sides (four total) to provide screening. The choice of shrubs/trees and the specific location shall be approved by the Municipal Properties Director.

(3) The easement offered shall be conveyed to the Town of Acton.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON
BOARD OF APPEALS

Matt Mleziva, Chairman

Malcolm Burdine, Clerk

Marilyn Peterson, Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on 6/10/91

Norine Christian, Secretary
Board of Appeals

neighborhood than the existing structure, nor can it find that the request is in harmony with the intent and purpose of this Bylaw or is appropriate for the site in question or that it complies with all applicable requirements of the Bylaw.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to DENY the request for the Special Permit, but to waive the minimum time before the request could be resubmitted provided that the concerns regarding greenbelt screening and parking on the property line are addressed in the revised request.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON
BOARD OF APPEALS

Matt Mleziva, Chairman

Malcolm Burdine, Clerk

Robert Tabor, Alternate

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on October 4, 1990

Norine Christian, Secretary
Board of Appeals

MASSACHUSETTS

BOARD OF APPEALS

RECEIVED & FILED
DATE September 12, 1990
Barbara L. Brown
for TOWN CLERK, ACTON

Minutes on the Petition of William E. Yetman Hearing #90-17

A public hearing of the Board of Appeals was held in the Town Hall, Room 126, Acton, MA on Monday, September 10, 1990 at 7:00 P.M. on the petition of William E. Yetman, 263 Main Street, Acton, MA for a Special Permit under MGL c. 40A, s.6 to allow the expansion of a pre-existing, non-conforming structure presently housing Meineke Muffler.

Board members present were Matt Mleziva, Chairman; Malcolm Burdine, Clerk and Robert Tabor, Alternate. Also present were Garry A. Rhodes, Building Commissioner; William Yetman, Petitioner; Charles Kadison, Attorney for the Petitioner and John E. Dunphy, Engineer for the Petitioner.

Mr. Mleziva read the petition, noted the file contents and explained the hearing procedure. The petition is for a Special Permit to allow an addition to be erected on a presently non-conforming building.

Mr. Kadison explained that Chapter 40A, s. 6 provides in relevant part that a pre-existing, non-conforming structure or use may be extended or altered provided that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority that such change or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. He then noted that the last sentence had been changed in the case of Willard vs. the Board of Appeals of Orleans. He gave the Board copies. In the court's opinion the word "use" was interpreted to mean "use and structures". This would indicate, according to Mr. Kadison, that as long as the additional structure is no more detrimental to the neighborhood than the existing structure, then if the Board makes that finding then the non-conforming use can be expanded.

On the left hand side of the plan Mr. Kadison indicated the existing structure as it presently exists on the site, consisting of a two-bay garage formerly known as Frank's Gulf and presently housing Meineke Muffler. Mr. Yetman established his business in that location in 1984. The site is almost totally paving and the addition to the building will not add to the impervious surface, it does not change the drainage patterns, it does not change the run off, the only thing it will change is the addition of the building. Mr. Kadison continued, he did not feel the petitioner was required to comply with parking requirements, however, they attempted to provide the required 24' behind each space, showing 17 parking spaces. The entrance onto Mass. Ave. has, by agreement with the Selectmen, been blocked with a truck parked across the entrance. The reason being, people were coming in the Main Street entrance and exiting the Mass. Ave. entrance in order to bypass the traffic lights. Mr. Yetman would like to keep the truck there as opposed to installing a gate. There is no intention of using that entrance as such, but to use it for parts loading and unloading.

Mr. Burdine asked why Mr. Kadison had included a Variance with the Special Permit. Mr. Kadison said he felt it might be needed due to the fact that parking cannot be located within 30′ of the street line and this site cannot fulfill the 30′ requirement due to its size.

Mr. Mleziva asked what is non-conforming about the site.

Mr. Kadison explained it is the setbacks. The use is by right.

Mr. Burdine asked whether Mr. Yetman preferred a gate or a truck to block the Mass. Ave. access. Mr. Yetman explained he preferred the truck because it could double as a plow, plus a gate would attract young people hanging on it as well as graffiti. It would also curtail foot traffic which presently uses the parking lot as a short cut.

Mr. Kadison explained there is not one residential abutter to the property.

Garry Rhodes said he had a different recollection as to why the Variance was put on the application. The discussion done in his office was that the building itself is within the setback, customarily, anytime the building is within the setback, a variance is required for the building itself. He discussed that with Town Counsel and that the law is somewhat unclear so it could go either direction. There are no comments from the Town Planner because until this evening we have been working with the petitioner to evaluate because we are concerned that there would be a substantial impact to that neighborhood. As indicated on the plan, there is parking along the entire front of the property. An old drawing of the property shows there was never parking along this area and instead of allowing the 30′ setback to parking, the parking has been moved up to the property line increasing the impact and thereby negating the intention of the Master Plan which stresses the maintenance of setbacks. Another area of concern is that this is a garage, there are vehicles which need to be repaired and there is a requirement for increased screening by greenbelts we have been unable to achieve. The petition is to work on the structure, not on the parking lot which is clearly in violation of zoning, the entrance onto Mass. Ave. creates another violation between the building and parking space due to the zoning requirement for 24′ and they allow 14′. The island indicated on the plan as a planter was a pump island and therefore the parking spaces located directly in line could never have existed as represented and would also require a variance. This particular site is increasing impact to the neighborhood and any future possibility of reducing paving on the site would be eliminated. The Sunoco station across the street has agreed to add green space.

Mr. Kadison stated the Sunoco lot is much larger and therefore easier to comply. Should green space be added in front of the site in question, the drainage would not run off, there would be ice and build up and a plow could not be maneuvered on the site.

Mr. Rhodes stated that he agreed the drainage would be difficult but it could be done and that the Town cannot allow building to take place just for the sake of building.