

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

Don P. Johnson
Town Manager

July 7, 1994

Nicholas Prasinos, Attorney at Law
Autumn Lane
Lincoln, MA 01773

Subject: Street Condition, 7 Hemlock Lane

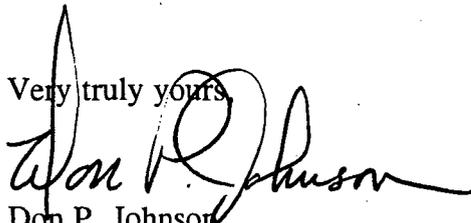
Dear Mr. Prasinos:

Thank you for your letter dated July 2 (received July 7) in the subject regard. The drainage structure to which you referred was temporarily repaired within 18 hours of receipt of your notice. Permanent repair will be made in the near future.

In your letter you indicate that Mrs. Flanagan reported this condition to my office "more than one week ago". Unfortunately, we have no record of such a report having been received. Hence, you are right, no corrective action had been taken as of the date of your letter. Also, in three (3) places you refer to this condition as "life threatening". Upon inspection, we determined that immediate attention was warranted; however, the characterization of "life threatening" is a bit of an overstatement. In any event, we appreciate having this brought to our attention in order that timely repairs might be made.

If you have any questions or further concerns please feel free to call me. Thank you again for the notification.

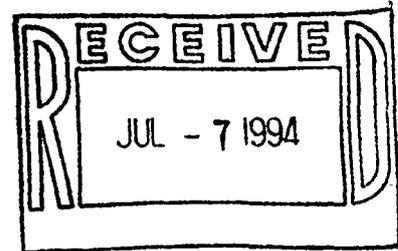
Very truly yours,


Don P. Johnson
Town Manager

cc: Highway Superintendent
Board of Selectmen
Mrs. Flanagan, 7 Hemlock Lane

DPJ:76

Nicholas Prasinios
Attorney at Law
Autumn Lane
Lincoln, Massachusetts 01773



(617) 259-9702

July 2, 1994

Office of the Town Manager
Acton Town Hall
Acton, Massachusetts

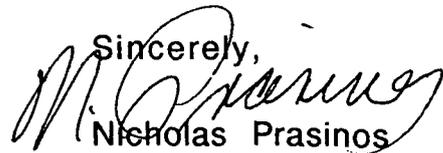
Attention: Town Manager

Subject: Repair of Life Threatning Conditon On Acton's Public Way

Dear Sir:

This letter is to place you on notice that there is a highly hazardous and life threatning condition on Hemock Lane, in Acton. The water drain in front of Mrs Flanagan's driveway, at 7 Hemlock Lane, has caved in on one side leaving an exposed hole through which a young child playing in the vicinity could fall, resulting in dire consequences. Mrs. Flanagan reported this hazard to your office more than one week ago, but no action has been taken to date.

I urge you to give this life treatning hazard your immediate attention.

Sincerely,

Nicholas Prasinios

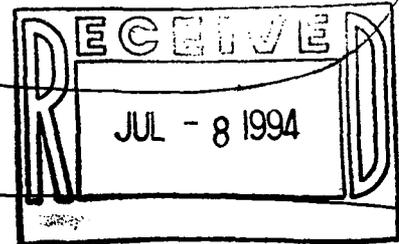
cc. Mrs. M. Flanagan
7 Hemlock Lane
Acton, Mass.01720

CC: DAVID ABBT - PLEASE HANDLE THE ADDITIONAL COPIES OF THE STOCKPILING PLAN AS REQUESTED BY DEP. CONGRATULATIONS!



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection



William F. Weld
Governor
Trudy Coxe
Secretary, EOE
Thomas B. Powers
Acting Commissioner

cc: BOS -

THIS IS GOOD NEWS! WE DON'T HAVE MATERIAL

July 5, 1994

YET BUT WE SHOULD BE NEAR THE TOP OF THE LIST OF COMPETITORS!

RE: Acton Municipal Landfill.
Approval to Receive Phase I
CA/T Clay

Don P. Johnson
Town Manager
472 Main Street
Acton, MA 01720

Dear Mr. Johnson:

The Department of Environmental Protection (DEP) is pleased to announce the eligibility of your community to receive clay from the Central Artery/Tunnel Project (CA/T). The Department has reviewed your application titled: Solicitation of Interest and Municipal Application For Receipt of Clay from the Central Artery/Tunnel Project (CA/T) and has determined that the application is complete and contains the required documentation, including a DEP approved stockpiling plan.

A list containing all the approved municipal locations that may receive CA/T clay (see attachment) will be forwarded to Massachusetts Highway Department (MHD) for inclusion in the bid documents for the First Phase CA/T contracts. Your facility will be included on the list as a location approved to receive clay from the CA/T project. This list will be used for the two contracts scheduled to be awarded in 1994 encompassing approximately 500,000 cubic yards of clay to be excavated over the next five years.

Applications will be solicited for future phase(s) for contracts to be awarded beyond 1994. All applications received in the first phase and determined to be complete by DEP will also be included for consideration at that time. Municipalities will be notified of any additional requirements for such future phase(s).

Placement of your facility on the attached list represents agreement by you that the contractor may contact your municipality to discuss issues related to his/her efforts to comply with contract requirements. MHD has determined that clay delivered by the contractor shall be done at no cost to the

municipality.

The inclusion of your facility on the list is not a guarantee that CA/T clay will be transported to your location. The bid specifications issued by the MHD allow the contractor to make selections from the approved list at their discretion.

Should your municipality and the selected contractor reach agreement to utilize your facility for the receipt of CA/T clay, both parties must sign a written agreement stating the municipality's intent to receive the clay. The schedule and other terms and conditions shall be identified in the agreement. It is the Municipality's responsibility to negotiate directly with the Contractor regarding all aspects of the agreement to have clay stockpiled at your facility. The contractor is responsible for the proper delivery and stockpiling of clay at the approved site in accordance with the MHD contract specifications.

The DEP will not be a party to any contract between the municipality and the contractor for the transporting, receipt or stockpiling of the clay. DEP is available to answer any questions regarding the clay stockpiling or utilization. MHD is available to answer questions relative to the bid specifications and contract.

The Department hereby approves your stockpiling plan with the following conditions:

1. It is the applicant's responsibility to maintain the stockpile in accordance with the approved stockpiling plan and all other applicable local, state or federal laws, regulations or requirements.
2. There shall be no changes in the approved plan unless prior written approval is received from the Department.
3. This approval is for clay from the CA/T project only. Prior written approval must be obtained from the DEP before the stockpile plan is used to store clay or soils from another source.
4. This approval is for stockpiling only. The facility must have a Department approved final closure plan prior to spreading the clay as part of the final landfill cap.

Please provide four additional copies of the stockpiling plan to:

Richard Gioiosa
4th Floor - DSWM
One Winter Street
Boston, MA 02108

by July 13, 1994. The Department will stamp approved and return one copy of the stockpiling plan to the municipality.

The placement of your facility on the list to receive clay from the CA/T Project does not relieve the municipality from the requirement to comply with the Department's Solid Waste Regulations, facility permit, or consent agreement (if any) and the closure schedule specified therein.

Should you have any questions regarding this issue, the DEP encourages you to please contact Joel Hartley at 617-292-5661.

Sincerely,



Thomas B. Powers

cat3.sol

cc:

Municipal contact
MHD - Peter Zuk
DEP Regional Office

CA/T CLAY DISTRIBUTION PROGRAM

APPROVED MUNICIPAL LANDFILLS

JULY 5, 1994

Acton
Andover
Ashby
Attleboro
Ayer
Barnstable
Bedford
Bolton
Boston
Bourne
Buckland
Chatham
Cohasset
Concord
Dartmouth
Dennis
Dunstable
Duxbury
E Bridgewater
Eastham
Easton
Fairhaven
Falmouth
Foxborough
Franklin
Freetown
Gloucester
Greenfield
Harwich
Haverhill
Holbrook
Kingston
Lakeville
Lee
Lowell
Marshfield
Mashpee
Mattapoissett
Merrimac
Middleborough
Middleton
Milford
Millis
Milton

Natick
Needham
New Bedford
New Salem
Newton
Norfolk
Norwood
N. Attleboro
Oak Bluffs
Orleans
Otis
Pepperell
Plymouth
Raynham
Reading
Rockland
Rockport
Rowley
Salisbury
Scituate
Seekonk
Sharon
Shirley
Southampton
Springfield
Sudbury
Sunderland
Sutton
Taunton
Topsfield
Walpole
Wendell
Westport
Weymouth
Winchendon
Woburn
Worcester
Yarmouth

INTERDEPARTMENTAL COMMUNICATION

Conservation Administrator

DATE: 7/8/94

TO: Christine Joyce 
FROM: Tom Tidman, Conservation Administrator
SUBJECT: Conservation Commission Appointment

With respect to our conversation this morning concerning Andrew Durham; and his being moved from Associate Commissioner to Full Commissioner, I ask that you forward this request to the Board of Selectmen for their consideration.

The Conservation Commission asks that at the Selectmen's earliest convenience that Andrew Durham be interviewed by the Board and be appointed as a Full Member of the Conservation Commission.

Mr. Durham since interviewing with VCC has been faithfully attending all commission meetings and workshops for over one year, and as an Organic Chemist should provide the Commission much additional expertise. Thank you for your time.

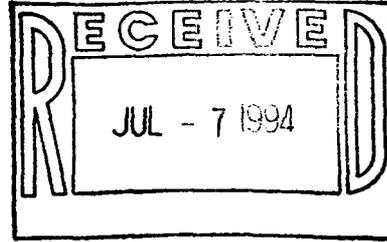
NOTE TO BOS:

Mr. Durham was interviewed by VCC and apparently began to attend Commission meetings with the impression he had been formally appointed as an associate. Walter George of the VCC will be submitting Mr. Durham's formal paperwork for interview before the Board at his earliest convenience so that this appointment can be reviewed and acted upon by the Board.

cc: BOS

534 Old Stonebrook
Acton, MA 01718
July 5, 1994

Mr. William McInnis, Chairman
Acton Board of Health
Town Hall
Acton, MA 01720



Dear Mr. McInnis:

I read with disappointment and frustration an article in the Beacon on the vote of the Board of Health to recommend halting the mosquito spraying program. I believe that this program is safe and beneficial. The opportunity for residents to prevent their property from being sprayed has always seemed to be a workable compromise for those who do not support the program. I do not, however, agree that this small minority of residents should sway a decision that has been affirmed by the Selectmen and by Town Meeting.

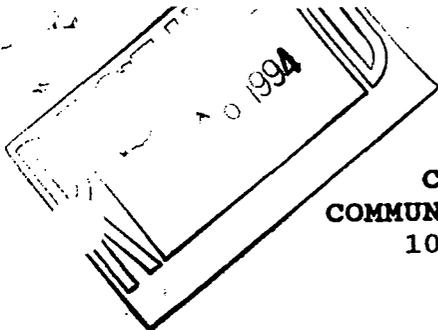
Based on everything that I have read on the subject, this decades-old practice results in levels of malathion well within regulatory guidelines. We look forward to the welcoming sound of the fog machine knowing that we can once again go outside without our children becoming covered with mosquito welts. Unless and until definitive scientific evidence is presented to the contrary, I believe that the existing program should continue. I would consider it a serious breach in the the democratic process if a long-standing program that is supported by a majority of the town is eliminated merely because a small group of people oppose it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward H. Adelman".

Edward H. Adelman

cc: Town Manager - Don Johnson
Selectmen



cc: BOS
1994 ✓ CABLE ADVISORY COMM.

REGULATORY AND LEGISLATION DIVISION

MAY 12 9 21 AM '94

COMMONWEALTH OF MASSACHUSETTS
COMMUNITY ANTENNA TELEVISION COMMISSION
100 Cambridge Street, Suite 2003
Boston, Massachusetts 02202
(617) 727-6925

ORDER ADOPTING EMERGENCY REGULATION

Pursuant to 207 CMR 2.06(4), the Massachusetts Community Antenna Television Commission hereby adopts the following emergency regulation:

207 CMR 6.43: Refunds

207 CMR 6.43(3) is amended to read as follows:

- (3) The refund period shall run as follows:
 - (a) From the date the cable operator implements a prospective rate reduction back in time to September 1, 1993, or one year, whichever is shorter.
 - (b) From the date the Commission issues an accounting order pursuant to 207 CMR 6.35, and ending on the date the cable operator implements a prospective rate reduction ordered by the Commission or one year, whichever is shorter.

This emergency regulation changes the end of (3)(a) from "shorter; or" to "shorter." This eliminates the "or" and changes the punctuation.

**FINDINGS OF THE COMMISSION, AND
PURPOSE OF THE EMERGENCY REGULATION**

The Commission finds that the immediate adoption of this emergency regulation is necessary for the public health, safety, or general welfare, and that the observance of requirements of notice and public hearing would be contrary to the public interest. Because of the Commission's current rate regulation activities, this regulation as amended must come into effect without delay. The Commission will adopt this amendment as a permanent regulation pursuant to 207 CMR 2.06, after proper notice and hearing, within the next three months.

The purpose of the amendment is to conform 207 CMR 6.43 to the provisions of the equivalent Federal Communications Commission ("FCC") regulation, 47 C.F.R. § 76.942(c). Under the FCC's regulations, at 47 C.F.R. § 76.910(b)(1), a franchising authority, such as this Commission, is required to "adopt and administer regulations . . . consistent with the regulations prescribed by the [FCC] for the regulation of the basic service tier. . . ."

The FCC's regulation concerning refunds, 47 C.F.R. § 942(c), reads as follows:

(c) The refund period shall run as follows:

(1) From the date the operator implements a prospective rate reduction back in time to September 1, 1993, or one year, whichever is shorter.

(2) From the date a franchising authority issues an accounting order pursuant to § 76.933(c), and ending on the date the operator implements a prospective rate reduction ordered by a franchising authority or one year, whichever is shorter.

The FCC provision was interpreted as follows, when an operator has taken more than the 90 or 150 additional days for its initial review of a cable operator's rates. In its Report and Order and Further Notice of Proposed Rulemaking, MM Docket 92-266, FCC 93-177, released May 3, 1993, at paragraph 142, footnote 376, the FCC said:

[I]f a franchising authority has taken more than the 90 or 180-day period to complete its initial review of cable operator's rates, refund liability will still be limited to one year. The refund period will be calculated from the date of the accounting order to the point a prospective rate reduction is issued, and then back in time from the date of the accounting order to the effective date of our rules, or to the point where the total refund period would equal one year, whichever is less.

As originally enacted, the Commission's regulation might be construed to provide that if the Commission issued an accounting order in a rate proceeding, a refund could be ordered only back to the issuance of the accounting order, but not before. This was not the Commission's intent in adopting its regulation; the addition of the "or" was inadvertent. It could also be construed as having made the Commission's regulation inconsistent with the FCC regulation upon which it is modeled. This emergency regulation resolves this question. The Commission will interpret 207 CMR 6.43(3) in compliance with the Report and Order, footnote 376.

This emergency regulation will become effective upon filing, May 12, 1994.

By Order of the Community Antenna
Television Commission


John M. Urban
Commissioner

Date: May 12, 1994

COMMONWEALTH OF MASSACHUSETTS
COMMUNITY ANTENNA TELEVISION COMMISSION

NOTICE OF PUBLIC HEARING ON ADOPTION OF REGULATION

Pursuant to M.G.L. ch. 166A, § 16, M.G.L. ch. 30A, and 207 CMR 2.06, the Community Antenna Television Commission will hold a public hearing on Monday, July 25, 1994, concerning the adoption as a permanent regulation, of an emergency regulation filed with the Massachusetts Secretary of State, Rules and Regulations Division, on May 12, 1994. This proposed regulation makes a technical amendment to 207 CMR 6.43(3), Refunds, to conform it with Federal regulation. The hearing will be held at 9:30 A.M., in the A.B.C.C. Hearing Room, 22nd Floor, 100 Cambridge Street, Boston. Written comments may be filed with the Commission no later than Thursday, August 4, 1994. Copies of the text of the emergency regulation are available at the Commission's office, Suite 2003, 100 Cambridge Street, Boston 02202.

By Order of the
Community Antenna Television Commission



Jill M. Reddish
Acting Commissioner

Date: June 30, 1994



CC: BOS

Minuteman Advisory Group on Interlocal Coordination

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

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

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

MEETING NOTICE

July 14, 1994
Fairbank Senior Center
Fairbanks Road
Sudbury

7:30 p.m. Greater Boston Manufacturing Partnership*

Jerry Rubin of UMass-Boston College of Management will describe the services of the Greater Boston Manufacturing Partnership, which provides technical resources to small and mid-sized manufacturers.

- ⊕ **MAGIC reps are urged to invite local business & Chamber of Commerce leaders, economic development professionals, legislators, & others for the Partnership presentation.**

8:00 p.m. Updates and Briefings

State of the Region
Team Hanscom Presentation at September meeting?
Housing Task Force cost estimate & question of September breakfast meeting*
TIP Update
Other

8:30 p.m. State Transportation Plan*

Representatives of the Executive Office of Transportation and Construction will present the draft plan and seek input.

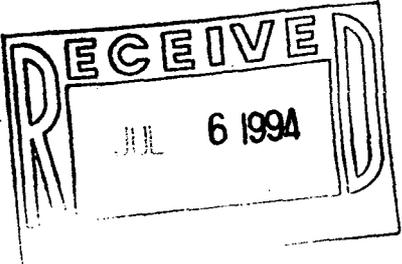
9:00 p.m. "Growing Smart" Legislation*

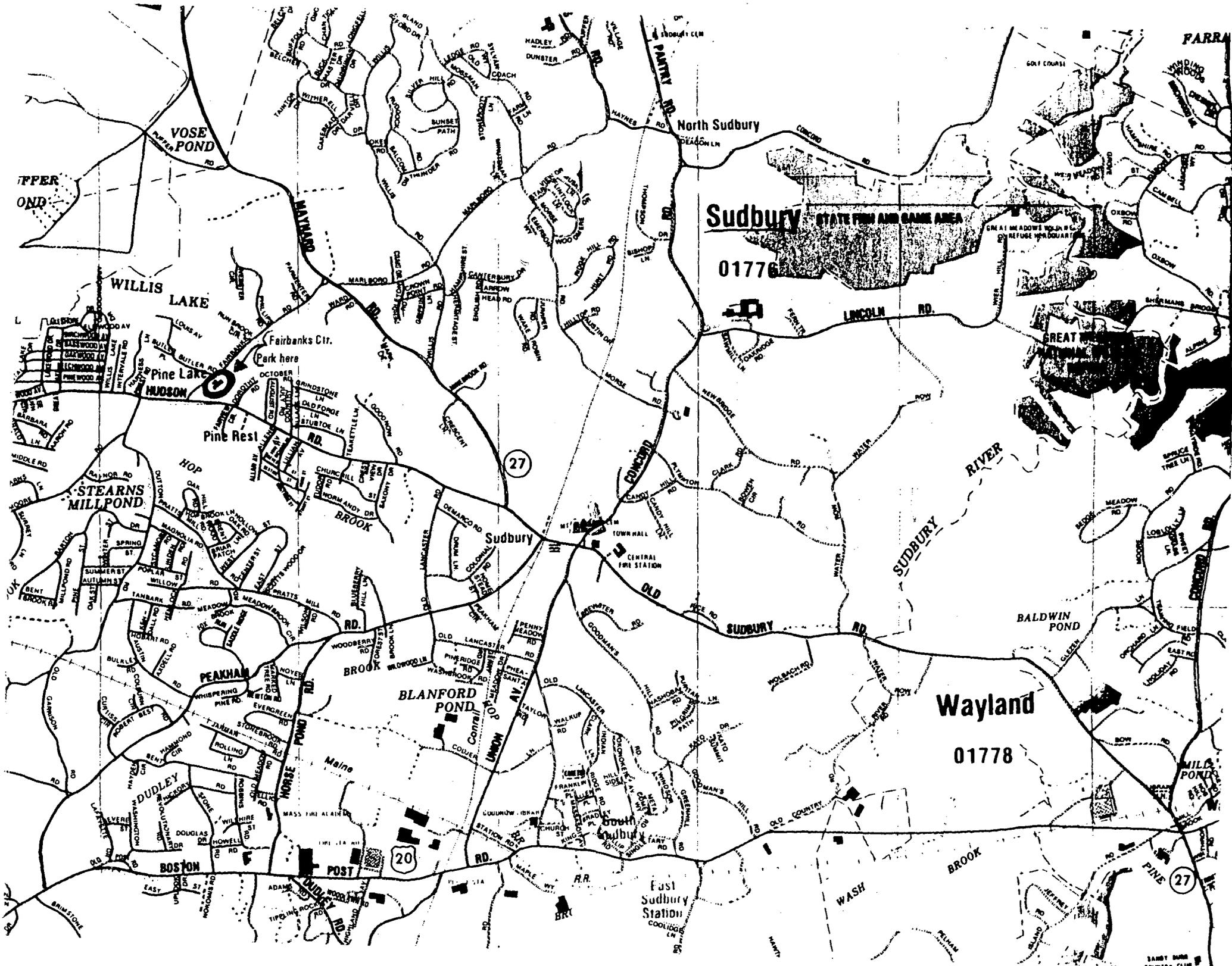
Discussion of most recent draft.

9:30 p.m. MAGIC FY 95 Work Program*

Continued planning for FY 95.

** Informational materials are enclosed in mailings to active MAGIC members. Please review them in advance.*





Sudbury STATE FISH AND GAME AREA

01776

Wayland

01778

27

20

27

VOSE POND

WILLIS LAKE

Pine Lake

STEARNS MILL POND

PEAKHAM

BLANFORD POND

BALDWIN POND

MILD POND

North Sudbury

Sudbury

Wayland

East Sudbury Station

Fairbanks Ctr. Park here

Town Hall

CENTRAL FIRE STATION

BOSTON

POST

SANDY HARBOR COUNTRY CLUB

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 7, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Senator Durand

Senator Durand's office has called to invite the Board to his reelection announcement on Wednesday morning, July 20, at 11:30 AM at Jones' Tavern in South Acton. I understand that the Senator's interest in historic preservation may have been a motivating factor in the selection of this site.

A handwritten signature in black ink, appearing to read "Don", is centered on the page below the main text.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 7, 1994

TO: David Abbt, Engineering Administrator
FROM: Don P. Johnson, Town Manager
SUBJECT: Post Office Square Traffic Light

I note from your July 7 report that Chuck Allard is apparently having difficulty obtaining strain poles for this project and "... is worried that the signals won't be in place by September first (the opening of the day care facility)." Please follow-up with Chuck and Roy Smith to get an update for me prior to the Selectmen's meeting next Tuesday, July 12. When you are speaking with them, please remind them of the Selectmen's commitment to have the light operational prior to occupancy of the day care facility ... even the bonds they provided will not insure the operational timeliness.

Your report prior to the Selectmen's meeting will help determine whether a letter of caution needs to be sent to Messrs. Allard and Smith, with copies to the day care tenant and LMI.



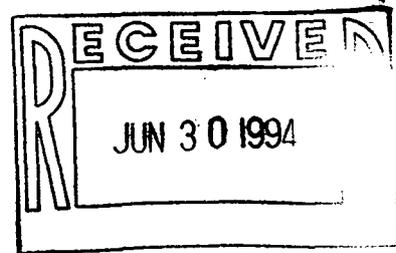
cc: Board of Selectmen ✓
Garry Rhodes



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston



July 1, 1994

Mr. Norman Lake
Board of Selectmen
Town Hall
Acton, MA 01720

Dear Mr. Lake:

Please pay MAPC \$2,249.00 for your town's FY 95 appropriation for the Minuteman Advisory Group on Interlocal Coordination (MAGIC). The Committee is grateful for your continued support and participation.

Please remit to the above address, attention Cheryl Kelley.

Sincerely,

Stanley B. Arend
Director of Administration
and Finance

SBA/CK/pm
(Account-Magic)

CHRIS -
~~ISNT THIS MUCH HIGHER
THAN REQUESTED OR PAID
IN THE PAST?~~

cc: BOS - 7/1/94
WE PAID \$1000.00 AS OUR "FAIR SHARE"
IN EACH OF THE LAST SEVERAL YEARS. BASED
ON THAT HISTORY, I WOULD PROPOSE THAT WE
SEND THE SAME AMOUNT AGAIN THIS YEAR. UNLESS
I HEAR OBJECTIONS FROM YOU I PLAN TO HAVE
CHRIS PROCESS FOR \$1000.00

Edmund P. Tarallo, President

William G. Constable, Vice-President

Donna M. Jacobs, Secretary

Richard A. Easler, Treasurer

David C. Soule, Executive Director



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

INVOICE

FY 95 local contribution for MAPC services rendered in support of MAGIC, the Minuteman Advisory Group on Interlocal Coordination. Local share varies with population.

MAGIC's priorities this year will include strategic planning for economic development, open space planning and mapping, transportation, an affordable housing task force, a forum on the Massachusetts Planning and Development ("Growing Smart") bill, and review of developments of regional impact (DRI).

AMOUNT DUE \$2,249.00

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Donna M. Jacobs, *Secretary*

Richard A. Easler, *Treasurer*

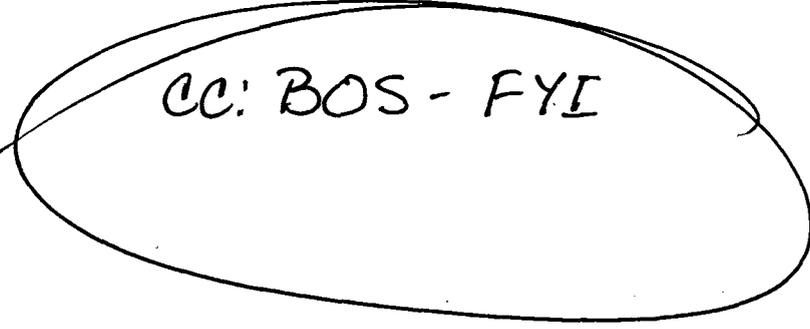
David C. Soule, *Executive Director*

From: ACTPD::FEA
To: @DEPARTMENT
CC: FEA
Subj: DETAILS

"DISPATCHER FAY ALLEN" 14-JUN-1994 11:35:47.17

TODAY THE CHIEF FROM CHELMSFORD PD CALLED, REPORTING THEY WILL NO LONGER BE ABLE TO WORK DETAILS FOR US, DUE TO THE LIABILITY. SO WE NEED NOT CALL THEM ANYMORE.

FEA



CC: BOS - FYI

**SELECTMEN'S MEETING
JUNE 21, 1994**

The Board of Selectmen held its regular meeting on Tuesday, June 21, 1994 at 7:30 P.M. Present were Norman Lake, F. Dore' Hunter, William Mullin, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson, and Assistant Town Manager John Murray.
{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

CONSENT CALENDAR

F. DORE' HUNTER - Moved to approve Consent Calendar item #11 with the condition that the Town Manager's office ask for a letter of support from Senator Bob Durand and Representative Pam Resor. UNANIMOUS VOTE.

F. DORE' HUNTER - Moved to accept the Consent Calendar as printed
- NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

PRISON ADVISORY COMMITTEE APPOINTMENT - NANCY TAVERNIER - Move to appoint Thomas Ballantyne to a term to expire 6/30/97. WILLIAM MULLIN - cond. UNANIMOUS VOTE.

PLANNING BOARD APPOINTMENT - NANCY TAVERNIER - Move to appoint Joshua Chernin and Richard Crosswell from Associate Members to Full members with a five (5) year term.
F. DORE' HUNTER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

Don discussed the memo's that were included in the Board's extra information packets. The selectmen advised Don to send a letter to the School regarding early retirement. Dore' drafted a written agreement to hold municipal budget harmless in regards to early retirement to send with Don's letter.

Don stated that staff has narrowed their search for a new computer system down to three company's. The three companies are Munis, Access and Pentamation. Don also stated that staff would be travelling to Augusta, Maine tomorrow to see a Pentamation system that the City of Augusta is currently utilizing. If staff is impressed with the computer system then a trip to Virginia where Pentamation's home base is will be necessary. Pentamation

has offered the Town \$1000.00 to help defray travel expenses.
DORE' HUNTER - Move to accept gift of \$1000.00 with the
understanding that no preference will be given to this company.
NANCY TAVERNIER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

CROSSROADS LIQUOR VIOLATION HEARING

Jay Manning, owner and manager of the Crossroad's spoke to the Board about the incident and explained the background of the sale to the minor. He stated that the bartender that served Ms. Dineen has been with him for seven (7) years and is presently a trusted employee. He apologized for the infraction and stated that all staff has recently gone through training to prevent this type of infraction from happening again. Mr. Manning also stated that employees are checking identification at the door on their busier nights and bartenders are also required to check identification. Mr. Manning stated that he recognizes the responsibility of holding a liquor license, realizes its consequences and will take all precautions necessary to see that this won't happen again.

DORE' HUNTER - Moved to instruct the Town Manager to issue a letter to Crossroad's expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER -
COND. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #4/15/94-345 251 ARLINGTON STREET SAVOURY LANE

The applicants, Rick and Paula Gordon, are proposing to construct a one and one-half story building with a basement to be used as a 32 seat restaurant with a small area designated for retail sales. Department heads have reviewed this proposal and have submitted comments to the Board of Selectmen. Abutters have received notification regarding this proposed construction and were present to voice their concerns. Tom Sheehan, 306 Arlington Street, stated that there are already six restaurants in the West Acton Village area and he doesn't want to see a seventh. Walter Pizzano stated that there is presently a traffic congestion problem in this area and by allowing this construction would only add to the problem. He also stated that customers would tend to park on the street, thereby creating more traffic hazards. George Vessi stated that he has lived adjacent to the proposed restaurant for 55 years and would like to see a tall fence between his house and the proposed construction. His house is located only 11 feet from the proposed building. Eric Liquest, president of the W. Acton Village Condo's, stated that the tenants/owners are concerned with any parking lot lights,

removal of the ash tree, fencing, customers parking on their sidewalk, and cars cutting through their back parking lot. Phil Modine, 301 Central Street, stated he was concerned with lighting and would like to see a fence installed. The Selectmen stated that these concerns would be taken under advisement after the public hearing is closed.

WILLIAM MULLIN - Move to take site plan special permit #4/15/94 - 345 under advisement. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ATLANTIC SEA GRILL LIQUOR VIOLATION HEARING

The manager of the Atlantic Sea Grill was present before the Board to discuss this liquor license infraction. The Board of Selectmen stated that they wish to speak with the license holder/owner and that this hearing would be rescheduled for a later date. Mr. Hunter stated his displeasure that the owner chose not to be present for tonight's hearing.

The Board directed the Town Manager's office to send a letter to Atlantic Sea Grill with a new hearing date and to reiterate the importance of the owner's presence.

DAVID BROWN COMMITTEE INTERVIEW BOARD OF ASSESSORS

The Board thanked Mr. Brown for applying and stated to him that it was the Board's policy to interview potential members.

Each Board member questioned Mr. Brown, covering his work and personal background. Mr. Brown was asked if he would have any conflict of interest between his present job and the Board of Assessors. Mr. Brown stated that it wouldn't be likely, however, if it were to occur he would excuse himself from the vote.

WILLIAM MULLIN - Move to appoint David Brown for a three (3) year term as a full member of the Board of Assessors to expire 6/30/97. DORE HUNTER - Second. UNANIMOUS VOTE.

The Board reminded Mr. Brown to be sworn in by the Town Clerk prior to attending a meeting as an official member.

TOWN MANAGERS CONCERNS (con't)

Mr. Johnson discussed the parking problems for the Library and Town Hall. Mr. Johnson stated that the problems arose after construction of the playground and stated that the playground could be the contributing factor. There is additional parking behind the Fire Station, however, crossing Main Street then becomes an issue.

Nancy stated that she would like to see the Regional School Committee minutes. Don stated that he would include them in the next packet.

Don updated the Board regarding the railroad bridge repair. Don is concerned that the funding will be taken away from Acton and used for the Central Artery Tunnel. Don has received two conflicting letters regarding this issue.

EXECUTIVE SESSION

The Board voted to go into Executive Session for the purpose of negotiations.

Roll Call was taken all ayes.

The Board adjourned at 9:45 P.M.

Clerk

Date

Sheryl Ball
Recording Secty.
njW11-(524)

JUNE 17, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

JUNE 21, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 CROSSROADS CAFE - Liquor license violation review.
2. 8:00 SITE PLAN SPECIAL PERMIT #4/15/94-345 - (MULLIN) Restaurant at 251 Arlington Street - This hearing was continued from June 7, 1994. Please let the Manager's Office know if you did not retain the materials from the June 7th packet.
8:30 ATLANTIC GRILL - Liquor license violation review.
4. 8:45 DAVID BROWN - COMMITTEE INTERVIEW - BOARD OF ASSESSORS - Enclosed please find Citizen Resource Sheet and VCC Recommendation for David Brown as a Full Member of the Board of Assessors to expire 6/30/97.

III. SELECTMEN'S BUSINESS

5. PRISON ADVISORY COMMITTEE APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Thomas Ballantyne to a term to expire 6/30/97 for Board action.
6. PLANNING BOARD APPOINTMENT - Enclosed please find a request from Planning Staff that the Board approve their request to move Joshua Chernin and Richard Crosswell from Associate Members to Full Members for Board discussion.

IV. CONSENT AGENDA

7. ACCEPT MINUTES - Enclosed Please find the Minutes from May 3, and May 17th for Board approval.

8. SITE PLAN SPECIAL PERMIT AMENDMENT - Enclosed please find a request and comment from the Building Commissioner to amend Site Plan #7/8/91-332 Village Saab for Board action.
9. FEE WAIVER - Enclosed please find a request from Stamski and McNary in behalf of its client Distinctive Acton Homes, Inc. for a reduced Common Drive way filing fee and staff comment for Board action.
10. ACCEPT GIFT - Enclosed please find copies of checks in connection with Site Plan Special Permit #11/5/93-341 from Wendy's International with staff comment and recommendation for Board action.
11. KELLEY'S CORNER MIG GRANT ENDORSEMENT - Enclosed please find a letter drafted by Planning staff for Board signature to be submitted with the Town's MIG Grant for Board review and action.

V. TOWN MANAGER'S REPORT

EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

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

July 12 - Papa Gino's Violation review
Sanford Motors - Class II

July 26 -

EXECUTIVE SESSION
JUNE 21, 1994

Don updated the Selectmen regarding negotiations with Maynard. Mike Gianotis suggested to Don that Acton draw up a letter asking Maynard what their status is regarding sewers for Acton.

Don briefly discussed NESWC with the Board. John stated that he had been to a NESWC meeting this afternoon and spoke with the executive director. John and the executive director could not reach an agreement as to the amount that NESWC says the Town owes them.

COLLECTIVE BARGAINING

Don updated the Board regarding Union collective bargaining. The Fire Department has signed an agreement. Highway is presently in negotiation meetings. Police stated that they would like to meet ~~ing~~ June 29, 1994 and are aware that an agreement needs to be reached by the 30th.

The Board adjourned at 10:15 P.M.

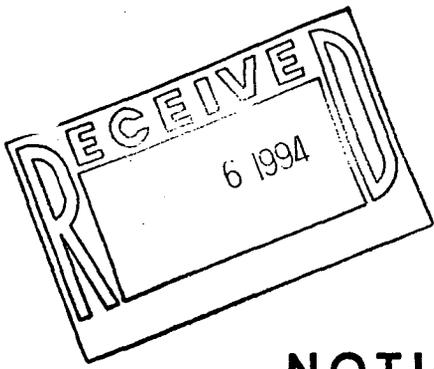
Clerk

Date

Sheryl Ball
Recording Secty.
cmjW11- (524)

cc: BOS - NOTICE ONLY
FULL DOC IN RF

Selectmen



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED
DATE July 5, 1994
Catherine Belloni
TOWN CLERK, ACTON

#94-16

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday

August 8, 19 94, at 8:15P.M. in the TOWN HALL, Room 126

on the following petition:

by Jean H. James, 4 Vanderbilt Road for a Petition for Variance from the requirements of Section 5.2.5 of the Zoning Bylaw to allow the construction of a small breezeway and two-car garage at 4 Vanderbilt Road, Map H3/Parcel 87, which would extend five feet into the ten foot setback from a side property line.

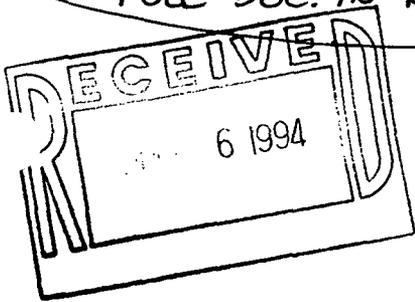
Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Stephen Crockett, Clerk

CC: BOS - NOTICE ONLY
FULL DOC. IN RF



MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED
DATE July 5 1994
Christina Bellini
TOWN CLERK, ACTON

#94-14

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday

August 8, 19 94 , at 7:45P.M. in the TOWN HALL, Room 126

on the following petition:

by Thomas & Ruth Bergin, 128 West Plain St., Wayland, for
a Petition for Variance from the requirements of Section 3.3
of the Zoning Bylaw to allow the replacement of two existing
single family dwellings with total new construction and with
the possible expansion of a third existing single family
dwelling, all of which are located on the same lot at 292 to 298
School Street, Map H4/Parcels 63 and 79.

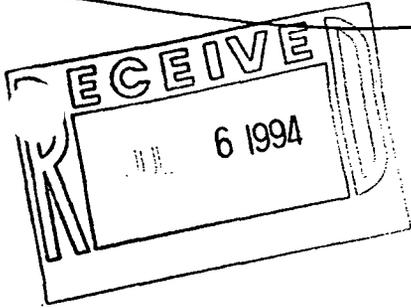
Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By Stephen Crockett,

Clerk

CC: BOS - NOTICE ONLY
Full Doc. in RF



MASSACHUSETTS
BOARD OF APPEALS

Selectmen
RECEIVED & FILED
DATE July 5, 1994
Christopher Beckwith
TOWN CLERK, ACTON

#94-13

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday

August 8, 1994, at 7:30 P.M. in the TOWN HALL, Room 126

on the following petition:

by Michael LaFoley for Acton Supply Inc., 222 Main Street
for a Petition for a Variance from the requirements of
Sections 7.2.5 and 7.7.7 of the Zoning Bylaw to allow
(7.2.5) previously erected and approved signs to be re-lettered
when new tenants occupy existing space; and (7.7.7) to allow
the use of a "True-Value" oval trademark as a secondary sign
to be placed on the south side of the Acton True Value building
facing south on Rte. 27. This oval sign is approximately
10 square feet. Both sign requests are for the buildings at
222 Main Street, Map G2/Parcel 117.

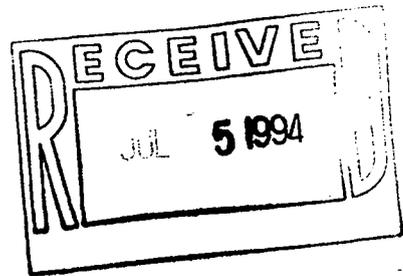
Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Stephen Crockett, Clerk

TOWN OF ACTON



INTERDEPARTMENTAL COMMUNICATIONS

DATE: July 1, 1994

TO: Don Johnson

FROM: Cathy Belbin

A handwritten signature in cursive script, appearing to read "Cathy".

SUBJECT: Questions for November Ballot

This is to alert you that if you have any proposition 2 1/2 questions going on the November ballot, they must be submitted to the Secretary of State's office no later than August 3rd. ~~Anyone~~ other questions must be submitted by September 9th, preferably earlier.

A handwritten note "CC: BOS - FYI" enclosed within a hand-drawn oval. The text is in a simple, blocky font.

cc: BOS

Town Manager
Information
July 1, 1994

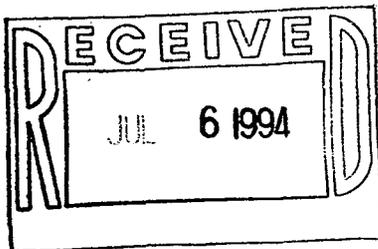
Thanks to the Acton Police Department.

On June 14, 1994 I called the Acton Police to help me locate my husband John who was painting a house 'somewhere' in Acton.

Armed with only a description of his van, the call went out and the officers found him within 20 minutes. Amazing! Due to the officers' quick response, my husband was able to make a flight to Ireland with his brothers and sister. Their father had died suddenly and they were flying over to attend the funeral.

A great heartfelt THANKS to the Acton Police for their kindness to a stranger. A difficult and painful time was made easier by their timely assistance.

Thanks to each and everyone who helped.



Gratefully,

Carol Hartigan

Carol Hartigan

Needham, Ma.

cc: The Beacon

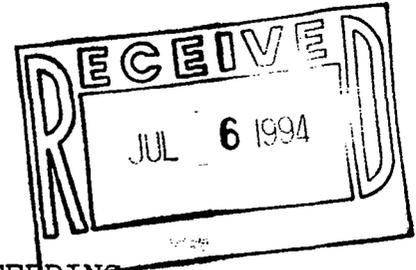


cc: Bas

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

June 28, 1994



D.P.U. 94-104

TRANSITION COST ALLOCATION GENERIC PROCEEDING

Investigation by the Department of Public Utilities on its own motion for the purpose of setting standards for the recovery by Massachusetts gas utilities of FERC Order 636-related transition costs billed by interstate gas pipeline companies.

The Department of Public Utilities ("Department") will conduct a procedural conference on the above-captioned matter at its offices, 12th floor, Saltonstall Building, 100 Cambridge Street, Boston, Massachusetts 02202 on Tuesday, July 26, 1994, at 10 A.M.

Pursuant to 220 C.M.R. 1.03(1), any person who desires to participate in this proceeding shall file a written petition for leave to participate by July 6, 1994.

By Order of the Department,



MARY L. COTTRELL, Secretary

Sulctuer

CC: BOS - FULL PKG. EXCEPT LARGE PLAN.
FULL DOC., INCL. PLAN IN RF

RECEIVED & FILED

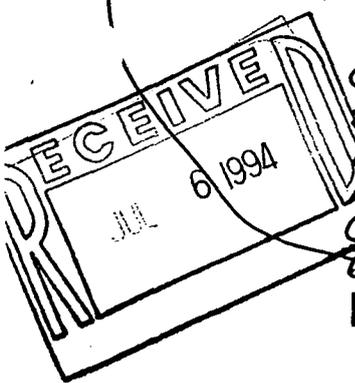
DATE July 5, 1994

Christine Keenan
TOWN CLERK, ACTON



NOTE TO BOS -

THIS IS THE CONTINUATION OF SIDEWALK ON ARLINGTON ST. AND IS BEING CONSTRUCTED BY DEVELOPER.



#94-15

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday

August 8, 1994, at 8:00P.M. in the TOWN HALL Room 126

on the following petition:

by Don P. Johnson, Manager for the Town of Acton, 472 Main Street

for a Petition for a Flood Plain Special Permit from the requirements of Section 4.1.8 of the Zoning Bylaw to allow excavation of an old drive and culvert pipe within the Flood Plain fringe and within the floodway at 104 & 108 Arlington St., and 98 Charter Road, May E2/ Parcels 8 & 9 and Map E3/Parcel 117. The result will be an increase in flood storage on the subject property and will not result in any increase in flood levels during the occurrence of the base flood discharge.

This excavation on private property is in conjunction with proposed sidewalk construction within the towns property.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By Stephen Crockett, Clerk



Date Received
TOWN CLERK
June 29, 1994
By: *Daryl Amell*

Date Received *6/29/94*
BOARD OF APPEALS
By: *Valie Signell*

TOWN OF ACTON
MASSACHUSETTS

BOARD OF APPEALS
(FORM 3)
PETITION FOR A SPECIAL PERMIT
(FLOOD PLAIN DISTRICT)

June 22 19 94

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section IV.1.8, Flood Plain District, of the Zoning By-Law to allow:

Excavation of an old drive and culvert pipe within the Flood Plain fringe and within the floodway. The result is an increase in flood storage on the subject property and will not result in any increase in flood levels during the occurrence of the base flood discharge. This excavation on private property is in conjunction with proposed sidewalk construction within the towns property.

Respectfully submitted

OFFICE USE ONLY	
Seven copies of petition?	<input checked="" type="checkbox"/>
Seven copies of site development plan?	<input checked="" type="checkbox"/>
Site plan complete as per checklist?	<input checked="" type="checkbox"/>
List of abutters and other interested parties?	<input checked="" type="checkbox"/>
Fee - \$100.00/1-25 abutters \$125.00/26+ abutters?	<i>N/A</i>
Next Hearing Date?	<i>8/8/94 No 94-15</i>
Copy of petition & site plan sent to:	<i>8:00p.m.</i>
Planning Board	<i>7/5/94</i>
(Date)	
Conservation Commission	<i>7/5/94</i>
(Date)	
Town Engineer	<i>7/5/94</i>
(Date)	
Board of Health	<i>7/5/94</i>
(Date)	

Signed *Don P. Johnson*
(Petitioner)
Town Manager
Name Town of Acton
Address Acton Town Hall
472 Main St.
Acton, MA 01720
Phone # 264-9636
Signed *[Signature]*
(Owner of Record)
Name Carol Fenton
Debra G. Jeanson

Address 97 Charter Rd., Acton, Ma 01720
Phone # 263-8628

Last recorded plan: Date	<u>157 of 1993</u>
Book No.	<u>Instrument #1000 of</u>
	<u>12/17/93</u>
Page No.	<u></u>
Town Atlas Sheet No.	<u>E-20</u>
Parcel No.	<u>151-8, 151-9</u>

Section IV-H (Flood Plain District) of the Zoning By-Law requires that the application for a special permit¹ shall include seven copies of a Site Development Plan. This plan shall include, but shall not necessarily be limited to, plans for the total site development, existing and proposed buildings, original grade elevations, proposed final filling, drainage, system layouts and septic system plans. The following items make up an acceptable Site Development Plan:

_____ Location map (Scale 1200 ft. = 1 inch)

_____ Plot plan(s) - Maximum size 24" x 36"²

Horizontal scale 40 ft. = 1 inch, if area is
greater than 2 acres

20 ft. = 1 inch, if area is
less than 2 acres

_____ Contour plan(s) - Maximum size 24" x 36"²

Horizontal scale as above. Vertical scale with one (1)
foot intervals to include:

- a. Existing grade elevations
- b. Proposed grade elevations
- c. Flood Plain grade elevations

_____ Proposed building or construction plans³

_____ Drainage system layout³

_____ Septic system plans³

NOTES:

¹ Approval of a permit for land use in the flood plain does not imply approval under any other sections of the Zoning By-law or approval under other applicable statutes or regulations.

² Must include boundaries of area, date of preparation, natural features, North point, scale and professional engineer or land surveyor seal.

³ If applicable.

Arlington St
Sidewalk
1" = 1200'
LOCATION
MAP



Arlington Street Sidewalk

HAWK

DRIVE

SENECA

ONEI

SEMINAOLE

ROAD

BOAG ROAD

ROAD

ZONE X

MOHEGAN

AGAWAN

ZONE X

ROAD

ZONE X

ZONE X

ZO

205
206

ZONE X

ZONE X

LOCUS

ZONE X

ZONE X

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at: (800) 638-6620.



APPROXIMATE SCALE

0 100 200 300 400 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
ACTON, MASSACHUSETTS
MIDDLESEX COUNTY

PANEL 2 OF 8

(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER
250176 0002 C

MAP REVISED:
JANUARY 6, 1988



Federal Emergency Management Agency

TOWN OF ACTON
Board of Assessors
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9622
Fax (508) 264-9630

ABUTTERS LIST

<u>LOCUS:</u>		
<u>MAP/LOT</u>	<u>OWNER</u>	<u>MAILING ADDRESS</u>
	E20 151 009	108 ARLINGTON STREET
	E20 151 008	104 ARLINGTON STREET
	E30 117 000	98 CHARTER ROAD
E20 237 000	Richard Fecher	6 Kennedy Lane, Acton 01720
237 008	Ray Whitehead	4 Kennedy Lane, Acton 01720
237 005	Gary Abrahams	9 Kennedy Lane, Acton 01720
256	Ira Smith	68 Charter Road, Acton 01720
197	Calvin Boston	P.O. Box 865, Acton 01720
233	Francis Malson	117 Arlington Street, Acton 01720
220	James Walters	105 Arlington Street, Acton 01720
227	Wilma Vonjess	100 Arlington Street, Acton 01720
151 002	Wilma Vonjess	
151	Debra Jeanson	97 Charter Road, Acton 01720
031 020	Stephen Sousa	16 Freedom Farme Road, Acton 01720
031 021	Russell Feener	14 Freedom Farme Road, Acton 01720
237 007	Richard Fecher	
237 006	Craig Loucks	8 Kennedy Lane, Acton 01720
257 001	George Charter	79 Charter Road, Acton 01720
238	James Bricker	80 Charter Road, Acton 01720
221	Peter Murphy	98 Arlington Street, Acton 01720
210	Gail Roche	94 Arlington Street, Acton 01720
200	Juergen Nordhausen	92 Arlington Street, Acton 01720
151 001	Susan Nordhausen	92 Arlington Street, Acton 01720
151 007	Michael McCormick	78 Arlington Street, Acton 01720
151 005	Michael McCormick	
151 004	Peter Fordham	
	c/o William Hart	102 Charter Road, Acton 01720
151 003	Francis Cronin	104 Charter Road, Acton 01720
E30 116 000	John Morrison, Jr.	90 Charter Road, Acton 01720
089	Gerald Burgess	86 Charter Road, Acton 01720
083 003	Gene Miller	99 Charter Road, Acton 01720
083 004	Michael Jeanson	
	c/o Kailas Aravinthan	97 Charter Road, Acton 01720
083 005	James Mingle	95 Charter Road, Acton 01720
083 006	Gary Green	93 Charter Road, Acton 01720
083 007	Raymond Hart	91 Charter Road, Acton 01720
083 008	Edward Stevens	89 Charter Road, Acton 01720

June 15, 1994

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,



Betsy J. Jackson
Administrative Clerk

Written Statement Per Section 4.19a

The proposed excavation of an old culvert pipe and cartpath from the flood plain of Grassy Pond Brook is part of a larger project associated with construction of sidewalk along Arlington Street. The owners of the land where the excavation is taking place will be constructing the sidewalk. This work is detailed on the enclosed plan.

A Flood Plain Special Permit dated 1/9/90 was granted for work within the Flood Plain District at this site. The work would have upgraded the cartpath to a common drive and replaced the old culvert pipe with a bridge. This new drive and bridge were to provide access to two new houses. This permit has expired with the work allowed not started. Alternative access to the two houses was found that did not require work within the Flood Plain.

Per Section 4.1.8.1 a & b

The proposed use is to expand the flood plain volume on the subject property. This is in compliance with the purpose and intent of the Bylaw. The increase in flood storage will offset fill being placed on town right-of-way property (Arlington Street). While it is not a requirement of the Town of Acton Flood Plain District to provide compensating storage for town roadway projects, the requirement does exist under other state and federal laws.

The sidewalk construction while not part of this application will be constructed in a manner that will prevent flotation and lateral movement.

STAMSKI AND McNARY, INC.

80 Harris Street
 ACTON, MASSACHUSETTS 01720
 (508) 263-8585

JOB SM-1292
 SHEET NO. 1 OF 1
 CALCULATED BY BMS DATE 4/28/94
 CHECKED BY RJH DATE 4/20/94

SCALE _____

Arlington St. Sidewalk
Flood Storage & Wetland Calculations

Planimeter Plan

Wetlands Filled: 710 SF
 Wetlands Created: 2340 SF

Flood Plain Calculations 100 year Flood elev = 206.0

55+25 to 57+50

Volume Filled

Elev	SF	ΔCF
203.0	110	
		290
204.0	470	
		870
205.0	1270	
		1575
206.0	1880	
Total CF		2735

53+75 to 54+50

Elev	SF	ΔCF
205	204	
		226cf
206	248	
Total CF		226CF

52+75 to 53+20

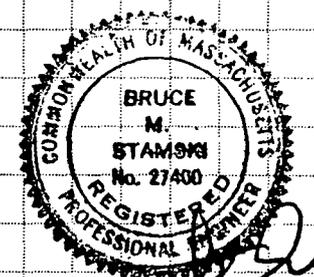
Elev	SF	ΔCF
205.5	0	
		39cf
206	156	
Total CF		39CF

Total Filled = 3000cf

Volume Excavated

Elev	SF	ΔCF
203	155	
		459
204	764	
		1276
205	1787	
		1821
206	1855	

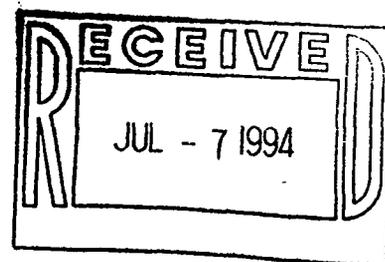
Total = 3556CF > 3000 CF



[Signature]
 4/28/94



AUDUBON HILL COMMUNITY CORPORATION
BOARD OF GOVERNORS



115 Audubon Drive
Acton, MA. 01720-4258
July 6, 1994

Board of Selectman
Town of Acton
472 Main Street
Acton, MA. 01720

Chairman of The Board,

This letter is written requesting permission to place a traffic safety mirror on a large oak tree located on the property of Mr. Ken Carlson, 47 High Street across the street from Audubon Drive. Mr. Carlson has granted us permission to do so, of which we are very grateful.

The reason for this request is that the residents of Audubon Hill and we suspect people using the COA and Senior Center are having difficulty seeing on-coming northbound traffic without having to stick the nose of their car out into that lane to get a good view of what is approaching them. When you do this, any on-coming car has to swerve into the southbound lane to avoid hitting you, and could cause an accident if a car were heading south on high street.

I have spoken to Mr. Dean Charter, Director of The Acton Municipal Properties and he agrees that this area has the potential of being dangerous. If this request is approved, he will help us with all the formalities in the proper placement of the mirror.

The question arises as to who bears the expense of purchasing and installing the mirror, Audubon Hill Association or The Town of Acton. Please advise.

CC: DEAN CHARTER }
DAVID ABBT }

7/8/94

CC: BOS

IF THIS IS ON PRIVATE PROPERTY :

- 1) WHY IS PERMISSION BEING SOUGHT FROM THE BOARD OF SELECTMEN?
- 2) WHY IS THERE ANY QUESTION AS TO THE BEARER OF THE EXPENSES OF PURCHASE AND INSTALLATION?
- 3) I WILL PLACE THIS ON A FUTURE BOS AGENDA, DEPENDING ON YOUR RESPONSES.

We thank you in advance for a favorable reply to this request.

Sincerely,



Jim Mertz
Chairman

cc:
Mr. Ken Carlson
Mr. Dean Charter
President, AHNCA
President, AHSCA



T O W N O F A C T O N

I N T E R - D E P A R T M E N T A L C O M M U N I C A T I O N

TO: Don Johnson, Town Manager

FROM: Roy Wetherby, Finance Director

SUBJECT: Trust Fund Report 6/30/94

Enclosed please find copy of Trust Fund Portfolio Report since inception. Prior to 1980 the Trust Funds were maintain in approximately 170 individual passbook accounts over 40 plus banks earning 5 percent or less interest. Some of the pass books had not been updated for several years.

I was in hope of seeing the book value of the portfolio to be over 2,000,000 dollars this year but fell short.

CC: BOS -

7/7/94

I WAS QUITE PLEASED WITH THIS INFORMATION AND ASKED ROY TO PUT THE SUMMARY TOGETHER IN ORDER TO SHARE IT WITH YOU.

Don

TOWN OF ACTON
TRUST FUND HISTORY

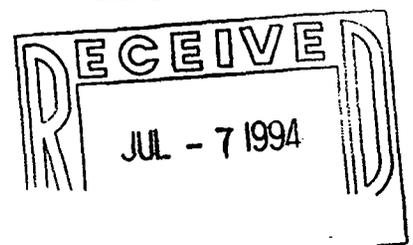
FISCAL YEAR	EXPENSES	INCOME	NEW PRINCIPAL	BOOK VALUE	MARKET VALUE	INCOME YIELD	UNREALIZED GAIN/LOSS
1979	\$41,064	\$157,913	\$34,650	\$999,671	\$999,671		0.00%
1980	\$60,764	\$62,105	\$0	\$1,001,012	\$1,000,554	6.21%	-0.05%
1981	\$59,250	\$109,043	\$43,705	\$1,094,510	n/a	10.89%	n/a
1982	\$48,792	\$106,807	\$22,521	\$1,175,047	n/a	9.76%	n/a
1983	\$60,886	\$152,203	\$15,914	\$1,282,278	\$1,330,943	12.95%	3.80%
1984	\$68,929	\$121,466	\$19,602	\$1,354,419	\$1,318,188	9.47%	-2.68%
1985	\$77,492	\$126,637	\$18,570	\$1,422,133	\$1,618,400	9.35%	13.80%
1986	\$92,739	\$117,666	\$29,929	\$1,476,990	\$1,733,916	8.27%	17.40%
1987	\$90,226	\$166,776	\$24,695	\$1,578,235	\$1,785,555	11.29%	13.14%
1988	\$109,731	\$159,067	\$26,729	\$1,654,301	\$1,768,214	10.08%	6.89%
1989	\$102,137	\$135,597	\$24,055	\$1,711,816	\$1,845,907	8.20%	7.83%
1990	\$111,064	\$128,625	\$40,311	\$1,769,688	\$1,942,793	7.51%	9.78%
1991	\$132,953	\$156,928	\$30,284	\$1,823,948	\$2,039,371	8.87%	11.81%
1992	\$105,273	\$124,644	\$41,575	\$1,884,895	\$2,031,584	6.83%	7.78%
1993	\$127,466	\$124,972	\$32,772	\$1,915,173	\$2,170,405	6.63%	13.33%
1994	\$103,461	\$134,908	\$47,660	\$1,994,280	\$2,113,403	7.04%	5.97%
TOTALS	<u>\$1,392,225</u>	<u>\$2,085,359</u>	<u>\$452,972</u>				
Annual Average Since 1980	<u>\$90,077</u>	<u>\$128,496</u>	<u>\$29,880</u>				

cc: BOS

LOWELL REGIONAL TRANSIT AUTHORITY

ADVISORY BOARD MINUTES

April 21, 1994



The meeting was called to order by Chairman Kenneth Stevens at 7:00 p.m. at the Lowell Regional Transit Authority Offices, 145 Thorndike Street, Lowell, MA. Mr. Charles Coppola of Tewksbury, Mr. Donald Herskovitz of Acton, Ms. Beth Kalhauser of Tyngsborough, Mr. Timothy Lorden of Townsend and Mr. John Lyons of Dracut were present. (Weighted vote present = 18.32 constituting a quorum.)

MINUTES:

Chairman Stevens presented the Minutes of March 17, 1994 Advisory Board Meeting for acceptance.

MS. KALHAUSER MOVED THAT THE MINUTES BE ACCEPTED AS PRESENTED, SECONDED BY MR. HERSKOVITZ. VOTED: FOUR IN FAVOR, TWO ABSTAINED. (WEIGHTED VOTE = 15.38 IN FAVOR, 2.94 ABSTAINED)

ADMINISTRATOR'S REPORT:

Chairman Stevens reported that Vice Chairman Charles Coppola would read the following Administrator's Report due to the fact that Mr. Kennedy has laryngitis. He also asked Board Members to interject after each item if there were any comments.

In your packets there is an article from the Lowell Sun titled Local Transit firms face ax. This was the result of a bill that was filed by Representative Douglas Stoddard, Republican from Natick, that would dissolve the Regional Transit Authorities, including the LRTA and place them under State control. I am pleased to report that the bill's author withdrew the bill last Wednesday, which puts to rest any concerns about the RTA's being dismantled.

Also, in tonight's edition is an article regarding the State audit which you have a copy of. Last September you received a draft of the audit and our auditors' comments to that draft. In fact, Ms. Jeanne Zimmerman of Peat Marwick was at the meeting to answer questions of the Board. (Refer to Pg. 23)

What is important in my view is when I became Administrator, I made a decision to put all our contracts out to bid including Leasing Systems Development Corp. contract. That decision was made based on good business procedure, and not as a result of this audit which had not been prepared at that time.

What the Board should be aware of is there are no State procurement guidelines that pertain to the LRTA regarding this issue and the Federal third party contracting guidelines, or specifically Section 9A and 9C which the State auditor refers to has been revised by the Federal Circular

Guidelines 4420-B. This clearly gives the Authority the right to extend contracts beyond 5 years for continuing good service at a reasonable cost. This was the criteria that the Board used in evaluating and extending the fixed bus contract with Mr. Trombly and that was done in consultation with our auditors, legal counsel and this Board.

At this point, Chairman Stevens asked if there were any question regarding the above report. There being no questions, Mr. Coppola continued.

ELECTRIC BUS:

Mr. Chairman, we have more good news to report on the status of the electric bus. As you recall, the University of Mass. is working on obtaining funding for an electric bus. The proposal would provide transportation from the Gallagher Terminal to campuses of the University via a new electric bus that would be supplied by the Mass. Electric Company. The LRTA would operate the service at no cost to the LRTA. The University has notified me that the application is moving forward and the prospects for the project being approved look excellent.

REVENUES FOR FEBRUARY AND MARCH:

Mr. Chairman, all indications show a strong upward trend in revenues continuing. I attribute this to our ridership week and our continuing efforts to market the LRTA service.

BAR CODING:

Today I met with Ed Anderson of the Systems Resources Company of Burlington, MA. regarding our participation in a joint effort to obtain a grant from the Department of Transportation to study how Bar Coding Technology can improve our fare collection process in our buses and at our parking garage. Mr. Anderson believes that with this technology, we could become a model for Intermodal Transportation facilities our size. The first phase of the grant is for \$100,000. I would like the Board's concurrence to proceed with this application.

Flxible Corp. has requested the LRTA to use our fixed buses on Sunday, September 25, 1994 to transport their guests from downtown Boston hotels to the pier in conjunction with this Fall's American Public Transit Association (APTA) conference. This should be an excellent opportunity to market the LRTA to transportation officials from around the world who are coming to Boston to view the latest transportation technology. Before agreeing to this request or determining the cost of this service, which Flxible has agreed to pay, I would like the Board's concurrence.

Mr. Herskovitz questioned if the insurance that we normally carry would cover the buses in operation?

Administrator Kennedy replied that he was not absolutely sure because the buses would be outside our district, but assured the Board that he would check it out.

Mr. Coppola asked if there were any specifics in the Bar Code to improve the fare collection. Mr. Stevens replied that there is and they would also involve the parking garage.

MR. COPPOLA MOTIONED TO ALLOW THE ADMINISTRATOR TO PROCEED WITH BOTH THE APPLICATION FOR BAR CODING AND DETERMINE THE COST OF SERVICE WITH FLXIBLE CORP. PENDING THE INSURANCE COVERAGE, SECONDED BY MR. LORDEN, VOTED UNANIMOUSLY.

OLD BUSINESS:

Mr. Chairman I am pleased to report this evening that on Monday, April 11, we awarded the contract for architectural/engineering services for the renovation of our administrative offices to Mr. Bruce Scott of Scott and Russell Architects.

I want to particularly thank Mr. Frank Grady, the City of Lowell Engineer, Don Herskovitz and Ken Stevens who, along with Tom Henderson and myself, were involved in the selection process.

We expect construction to begin in about 90 days with the completion scheduled around Labor Day.

I am delighted to report that we have awarded the contract for our new 30 foot transit buses to the Gillig Corp. of Hayward, California. We received 2 bid proposals, one from Gillig Corp., the other from Flxible Corp. In addition to Gillig being the low bidder, they were the only bid that met our delivery date requirement of September 30, 1994.

Before we made the award, Frank Trombly, Tom Henderson, Carl Theimer, our head mechanic, and myself thoroughly investigated the Gillig Corp. by visiting several transit authorities that use the Gillig buses and we found that Gillig has a high quality bus that met or exceeded all the standards that the IRTA required.

MBTA UPDATE:

We received a letter from the MBTA's General Counsel, Peter Morin, this week informing us that the MBTA has approved our proposal for settling their debt to the IRTA. I have distributed a summary sheet of the proposal which highlights the projects the MBTA has agreed to fund and these projects are consistent with those the Board voted on at the February 1994 Advisory Board meeting.

This news is particularly satisfying to me because just 6 months ago, the MBTA refused to recognize that they owed us one red cent, but through several tough negotiating sessions and the outstanding work of our legal counsel, we have resolved a liability that reaches back over 10 years. Mr. Chairman, I would like to publicly thank our legal Counsel, Mr. Arthur Sullivan for the outstanding work he has done on this issue.

Chairman Stevens commented that he also would like to compliment Atty. Sullivan on a job well done.

Atty. Sullivan explained that this is only a partial settlement which takes care of liabilities incurred prior to July 1993. The MBTA did ask us to consider changing the lease for future years, but Mr. Burns, who is in charge of operations, is leaving the MBTA and we cannot consider changes until his replacement is on board.

Mr. Coppola asked Atty. Sullivan if he thought this was because the MBTA was using bonding funds instead of current expense budget funds. Atty. Sullivan responded in the affirmative stating that they didn't have operating funds to pay us. We would be getting either capital funds or capital assets.

Chairman Stevens referred to the second page of a letter received from the MBTA stating what they have agreed to do, and asked Atty. Sullivan if it was correct that the LRTA would be operating and deriving the revenues from the Billerica station. Atty. Sullivan responded stating that the MBTA would be responsible for spending up to \$125,000 to fence, pave and supply security equipment for the Billerica parking lot. We probably would get the station as well and we would have the opportunity to try and generate income from this over the next twenty (20) years.

RAIL EXTENSION GRANT:

This week you received a copy of the joint application by the LRTA and the LHPC for a \$60,000 grant to conduct a feasibility study to connect rail service at the Gallagher Terminal to the downtown locations, including the Lowell National and State Historic Parks, Middlesex Community College, University of Mass, Downtown businesses and any future developments like the sports arena and Exposition Hall which are presently under discussion.

This connection would utilize the National Park trolley system, existing right of way and tracks to downtown.

There really has been a tremendous amount of enthusiasm and support from around the region for this project.

MR. COPPOLA MOTIONED TO APPROVE SUBMISSION OF THE APPLICATION FOR THE RAIL EXTENSION FEASIBILITY STUDY, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

ADA IMPLEMENTATION

I am pleased to announce that the first phase of our efforts to bring our terminal up to 100% compliance with ADA regulations has begun. Last week the MBTA completed the installation of the path finder perimeter on our platform. The path finder enables the blind and visually impaired to safely determine the edge of the platform.

The second phase, and actually the final phase, will be completed by the fall with the installation of the ADA approved doors.

Mr. Herskovitz asked for an explanation of the path finder.

Chairman Stevens explained that it is an 18" bubble strip that allows the blind to feel the edge of the platform with their cane. It is really a warning device.

FINANCIAL REPORT:

As a result of Peter Lawlor's suggestion, we have submitted a new format for our monthly financial report. I believe this format better provides a month to month analysis of our financial picture.

My only concern would be to recognize the effect of one time charges on a month to month analysis, charges such as prepaid insurance, legal costs, such as the Andy Marion case or transit week expenses, all which cause significant month to month variations in the actual vs. budgeted analysis and also significant variations occur as well on the revenue side due to snow days, or in a month like with February, fewer days and more holidays or school vacation months.

Mr. Coppola expressed his thanks saying that it was an excellent report and it presented a great picture.

Mr. Lyons asked if the new report titled Budget Status and Revenue Trends was going to replace the Monthly Financial Statement. Chairman Stevens replied that it was.

MR. COPPOLA MOTIONED THAT THE ADMINISTRATOR'S REPORT BE ACCEPTED AS PRESENTED, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

DEPUTY ADMINISTRATOR'S FINANCIAL STATUS REPORT:

MR. LYONS MOTIONED TO REPLACE THE MONTHLY FINANCIAL STATUS REPORT WITH THE BUDGET STATUS, SECONDED BY MR. LORDEN, VOTED UNANIMOUSLY.

MR. COPPOLA MOTIONED TO ACCEPT THE DEPUTY ADMINISTRATOR'S FINANCIAL STATUS REPORT, SECONDED BY MR. LORDEN, VOTED UNANIMOUSLY.

ADMINISTRATIVE ASSISTANT'S REPORT:

MS. LYONS MOTIONED TO ACCEPT THE ADMINISTRATIVE ASSISTANT'S REPORT AS PRESENTED, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

REPORTS OF SUB-COMMITTEES:

Chairman Stevens reported that there was going to be three Sub Committees set up, one being a Personnel Committee which would be chaired by Mr. Coppola.

Mr. Coppola explained that the Personnel Sub Committee was putting together a Code of Conduct for LRTA employees and hoped to have a Code of Conduct to present to the Advisory Board Members for review at the May 1994 meeting.

The second Sub Committee will be a Rates & Fares Sub Committee to look at all the different rates we are charging. This Committee will also review present fixed bus routes and route changes.

The third Sub Committee will be a Budget Sub Committee which will be coming up very shortly.

At this point Mr. Lyons asked what the summer schedule would be for Advisory Board meetings. A discussion ensued regarding this issue.

MR. LYONS MOTIONED TO GO ON A SUMMER SCHEDULE AND THE ADVISORY BOARD NOT MEET IN JULY AND AUGUST, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

COMMUNICATIONS:

Enclosed in your packets is a news release stating that Mr. Kennedy will not be seeking reelection to the Governor's Council.

Mr. Coppola praised the job that Administrator Kennedy has done for the LRTA over the past months, noting the progress that has been made, along with holding the Governor's Council seat. He also stated that he appreciated the fact that Administrator Kennedy was unselfish in putting the Governor's Council aside and devote all of his time to the LRTA.

MR. LYONS MOTIONED TO ACCEPT THE COMMUNICATION AS PRESENTED, SECONDED BY MR. COPPOLA, VOTED UNANIMOUSLY.

NEW BUSINESS: Transportation Improvement Program

Mr. Tim Goddard stated that a revised draft Transportation Improvement Program for the Northern Middlesex MPO will be presented at the May meeting for the LRTA Advisory Board's review. A vote will not be necessary at this time.

A draft Unified Planning Work Program for the Northern Middlesex MPO will be presented for the Advisory Board's information. a vote will not be necessary at tonight's meeting.

Certification of the Metropolitan Planning Organization Planning Process is required to certify that the MPO Planning Process for the Northern Middlesex region in FY'94 has been carried out in conformance with the applicable provisions of: the Federal Transit Act, the Clean Air Act, Title VI of the Civil Rights Act, the Intermodal Surface Transportation Efficiency Act and the Americans with Disabilities Act.

All four members of the Northern Middlesex MPO are required to sign this certification,. The Chairman of NMOOG has already endorsed the certification. Following tonight's meeting, it will be forwarded to Mass. Highway Dept. and the Executive Office of Transportation and Construction.

MS. KALHAUSER MOTIONED TO ENDORSE THE CERTIFICATION OF MPO PLANNING PROCESS, SECONDED BY MR. LYONS, VOTED UNANIMOUSLY.

Mr. Coppola inquired whether the Advisory Board would have to make other arrangements for meetings when the offices are being renovated. Chairman Stevens replied that since there will be no meeting in July or August, disruptions should be minimal.

MOTIONS: None

WARRANT:

MOTION MADE BY MR. LORDEN TO APPROVE THE WARRANT IN THE AMOUNT OF \$328,557.08 WITH A SUPPLEMENT AMOUNT OF \$17,447.70 (Gallagher Terminal) FOR A TOTAL OF \$346,004.78, SECONDED BY MR. COPPOLA, VOTED UNANIMOUSLY.

ADJOURNMENT:

ON A MOTION MADE BY MR. LYONS, SECONDED BY MR. LORDEN, THE MEETING ADJOURNED AT 7:55 p.m.

I, William Kavanagh, duly elected and acting as Clerk of the Lowell Regional Transit Authority, do hereby certify that the foregoing minutes are a true and accurate record of the meeting of the Lowell Regional Transit Authority Advisory Board held on April 21, 1994.

Date

William Kavanagh

LOWELL REGIONAL TRANSIT AUTHORITY

cc: BOS

ADVISORY BOARD MINUTES

May 19, 1994

The meeting was called to order by Chairman Kenneth Stevens at 7:10 p.m. at the Lowell Regional Transit Authority Offices, 145 Thorndike Street, Lowell, MA. Mr. Charles Coppola of Tewksbury, Mr. Joseph Czarnionka of Pepperell, Mr. Arthur Doyle of Billerica, Mr. William Kavanagh of Westford and Mr. Peter Lawlor of Chelmsford were present. (Weighted vote present = 21.31 constituting a quorum.)

MINUTES:

Chairman Stevens presented the Minutes of April 21, 1994 Advisory Board Meeting for acceptance.

MS. COPPOLA MOVED THAT THE MINUTES BE ACCEPTED AS PRESENTED, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

ADMINISTRATOR'S REPORT:

The following report was given by Administrator Kennedy:

REPORT ON BUS PROCUREMENT

On Tuesday, May 3, 1994 we officially signed the contract with the Gillig Corp. to acquire 11 new buses.

We met at their factory with their President and staff in a pre-production conference. This pre-production conference lasted 2 days and included a line by line discussion and approval of virtually every major component required to construct our buses.

Gillig has programmed our production to begin in mid August with delivery scheduled to be completed by September 30.

We were all very impressed with the Gillig Corp., particularly how they reached out to address our needs and concerns throughout our visit. Included was a tour of the factory where we saw first hand the production process from beginning to end.

Mr. Trombly stated that he was very impressed with the quality of the vehicle.

REPORT ON NEW CAPITAL GRANTS

I would like to thank EOTC officials for their commitment to the LRTA. In addition to the \$300,000 we received earlier in the year for paratransit vehicles, this week we received an additional \$80,000 to fund various capital needs outlined in the RTA/CAP Application that you received in your packets.

This was really the result of working very closely with EOTC officials and developing an excellent relationship which resulted in this award of extra funding over and above what the Commonwealth had allocated for this year. This funding doesn't require any local or federal match. I particularly would like to thank our staff for the extraordinary job they did in preparing our application with such short notice.

ENHANCEMENT FUNDS:

I am pleased to report that we have received notification that our application for enhancement funding of \$60,000 to determine the feasibility of extending commuter rail service from the Gallagher Terminal to downtown has been approved. It was especially gratifying knowing that only 23 projects got funded out of 75 applications and we were ranked the 4th highest statewide.

LETTER TO HOUSE TRANSPORTATION COMMITTEE

The main purpose of the communication was to inform the Board that Rep. Stephen Karol, the House Chairman of the Transportation Committee, is not running for reelection and that this will create a serious void in the legislative leadership for the RTAS. We will need to do a better job of informing our legislators about the needs of the IRTA, how they can help, what impact that legislation, such as House Bill 4574 and Senate Bill 1521, would have on our region.

One thought I had was to ask the Advisory Board to create a Government Affairs Subcommittee to work on putting together a legislative breakfast where we would have the opportunity to present our position on these important legislative matters directly to our region's Representatives and Senators.

Mr. Czarnionka suggested that the Administrator contact all members of MARTA and request that each one set up a particular time and place for a meeting with the Representatives and Senators. He also suggested that MMA should be contacted. Administrator Kennedy said that he would do this.

MR. COPPOLA MOTIONED TO ACCEPT THE ADMINISTRATOR'S REPORT, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

Deputy Administrator's Monthly Financial Status Report:

Mr. Lawlor commented that the new report is a substantial improvement over the previous reports.

Mr. Coppola commented that it was good to see that the overall revenues were up 8% from the preceding year.

MR. DOYLE MOTIONED TO ACCEPT THE DEPUTY ADMINISTRATOR'S MONTHLY FINANCIAL STATUS REPORT, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

Administrator's Assistant Report:

MR. COPPOLA MOTIONED TO ACCEPT THE ADMINISTRATOR'S ASSISTANT REPORT, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

REPORTS OF SUB-COMMITTEES:

Mr. Coppola stated that the Personnel Sub-Committee will be presenting three recommendations at the June Advisory Board meeting. One will be the Personnel Guidelines in which there will be some modifications. The second will be to adopt a Code of Conduct and the third will be a recommendation on the Administrator's Contract.

MR. CZARNIONKA MOTIONED TO ACCEPT THE REPORT OF THE PERSONNEL SUB-COMMITTEE, SECONDED BY MR. COPPOLA, VOTED UNANIMOUSLY.

COMMUNICATIONS:

Letter to House Committee on Transportation regarding proposed legislation.

MR. COPPOLA MOTIONED TO ACCEPT THE COMMUNICATION AS PRESENTED AND PLACE ON FILE, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

OLD BUSINESS: AMENDMENT TO HIGHWAY FUNCTIONAL CLASSIFICATION

Mr. Tim Goddard explained that the Amendment to Highway Functional Classification involves a minor technical correction to our regional functional classification highway map that EDIC and Mass. Highway have requested.

Mr. Kavanagh questioned why the road appeared to be designated differently on two different sides of the town border. After much discussion, Mr. Goddard stated that he did not have an answer but would look into this and report back to the Advisory Board at the June meeting.

MR. KAVANAGH MOTIONED TO DEFER THE AMENDMENT UNTIL THE JUNE MEETING, SECONDED BY MR. COPPOLA, VOTED UNANIMOUSLY.

Referring back to Old Business, Chairman Stevens asked the Administrator if he had received an answer from our insurance company as to whether the LRTA would be covered if we were to allow Flxible Corp. to use our fixed buses on Sunday, September 25, 1994 to transport their guests from downtown Boston hotels to the pier in conjunction with this Fall's American Public Transit Association conference. Administrator Kennedy assured him that the LRTA would be covered by the insurance.

MR. KAVANAGH MOVED TO ALLOW THE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH FLXIBLE TO USE IRTA BUSES FOR TRANSPORTATION, SECONDED BY MR. COPPOLA, VOTED UNANIMOUSLY.

CURRENT BUSINESS: Mr. Lawlor asked if the warrant could be completed in advance of the meeting and sent out to any Board Member who wished to review it. After much discussion, it was agreed that the Administrator would review this issue and report back to the Advisory Board.

NEW BUSINESS: Resolution Authorizing the Administrator to file 19th Round Mobility Assistance Grant Application.

Mr. Tim Goddard stated that we have requested (4) 8-11 passenger mini vans and computer and radio equipment in this year's MAP application. The MAP program is our main funding source for vehicle replacement for our Road Runner program.

MR. COPPOLA MOTIONED TO AUTHORIZE THE ADMINISTRATOR TO SIGN AND FILE THE 19TH ROUND MOBILITY ASSISTANCE GRANT APPLICATION, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

MOTIONS: None

WARRANT:

MOTION MADE BY MR. COPPOLA TO APPROVE THE WARRANT IN THE AMOUNT OF \$263,068.08 WITH A SUPPLEMENT AMOUNT OF \$14,075.88 (Gallagher Terminal) FOR A TOTAL OF \$277,143.96, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

ADJOURNMENT:

ON A MOTION MADE BY MR. COPPOLA, SECONDED BY MR. CZARNIONKA, THE MEETING ADJOURNED AT 7:50 p.m.

I, William Kavanagh, duly elected and acting as Clerk of the Lowell Regional Transit Authority, do hereby certify that the foregoing minutes are a true and accurate record of the meeting of the Lowell Regional Transit Authority Advisory Board held on May 19, 1994.

Date

William Kavanagh

cc: BOS - FYI

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

July 6, 1994

Mr. Peter J. Donohue
District Highway Director
Massachusetts Highway Department - District 3
403 Belmont Street
Worcester, MA 01613-0885

REGARDING: FY 95-97 TIP, Proposed Acton Projects

Dear Mr. Donohue:

Acton has submitted ten projects for inclusion in the FY 95-97 TIP. In light of the substantial ISTEAs available over the next few years, we expect that most or all of the Acton projects should be included in the Draft TIP which will be released for circulation this July.

It is my understanding that projects programmed into the Draft TIP need the approval of your office. On March 28, 1994 Acton Town Manager Don P. Johnson, sent you a request for your support and approval of Acton's projects including a project list with descriptions and locations indicated on a map. For your convenience I have attached a copy of his correspondence with the project list and descriptions.

Once again, the Town would appreciate your prompt attention and response to this request as well as your approval of the proposed projects, so that they may be included in the FY 95-97 TIP. Please contact David Abbt (508-264-9628) or me if you have any question or would like to arrange site visits.

Sincerely,



Roland Bartl, AICP
Town Planner

cc: ✓ Don P. Johnson, Town Manager
David Abbt, Engineering Administrator
Daniel Fortier, MAPC

rlet.94*16

cc: BOS

DRAFT

I. A.

ACTON PLANNING BOARD

Minutes of Meeting

June 27, 1994

Planning Board members in attendance were: William Shupert, Vice Chairman; John Pavan, Clerk; Gregory Niemyski; Mary Giorgio and Associate Members Richard Crosswell and Joshua Chernin. Planning Board members David Hill, Douglas Carnahan, and James Lee were not in attendance. Assistant Planner Donna Jacobs also attended.

I Consent Agenda

- A. Minutes of the 6/6/94 Board meeting
Mr. Pavan asked to have the minutes called off of the consent agenda. He reviewed one section of the minutes with the board, but no change was made. Mr. Pavan moved that the Board vote to approve the minutes as written. Mr. Niemyski seconded the motion which passed by unanimous vote.
- B. Maple Creek Farm Bond Calculation
Mr. Niemyski moved that the Board vote to establish a \$235,000 performance bond for the Maple Creek Farm Subdivision/PCRC as recommended by the Engineering Department. His motion was seconded by Mrs. Giorgio and passed by unanimous vote.
- C. Audubon Hill Bond Release
Mr. Pavan moved that the Board vote to deny the bond release requested for the Audubon Hill development based on staff recommendations. His motion was seconded by Mr. Niemyski and passed by unanimous vote. Staff will advise the bank of the Board's vote and the nature of the work remaining to be done.

II Village Planning Report

- A. West Acton Village Plan
Mr. Shupert discussed the implementation program with the members of the Board. Mr. Shupert will write an explanatory letter to the Board of Selectmen regarding implementation of the West Acton Village Plan.
- B. The South Acton Village Planning Committee
Mr. Shupert reported that the committee expects to release the draft plan for public review and comment in July.

BOS - PLS. NOTE!

717
BOS- PLS. NOTE RELATED BD. OF APPEALS
HRG. NOTICE IN THIS PACKET.



III Kelley's Corner - MIG Grant Application, CDC, Committee Search, Planning Area

Board members reviewed the draft application and discussed the ambitious time table outlined therein. Members discussed how the project would be completed if the Town is not awarded the MIG Grant. Mrs. Jacobs explained that the consultant's work would have to be scaled back to what could be funded by the Town Meeting appropriation and that the time table would be extended, probably at least a year. Mr. Pavan and Mr. Croswell are considering co-chairing the Kelley's Corner Planning Committee. Mr. Niemyski moved that the Board vote to submit the Municipal Incentive Grant application as drafted. His motion was seconded by Mr. Pavan and passed by unanimous vote.

IV Public Hearing, Arlington St. Scenic Road

Mr. Shupert read the hearing notice and introduced Tree Warden Dean Charter. Mr. Charter described the proposed project and the number and types of public shade trees that would have to be removed to accommodate the construction of the sidewalk. Mr. Charter informed the board that the fewest trees possible were being removed, but that a meandering sidewalk that could save trees is not possible in this location due to the close proximity of Grassy Pond Brook. Mr. Stamski of Stamski and McNary reviewed the construction details. Mr. Charter stated that he is a frequent walker in this area and has almost been hit by cars a number of times in the past.

Mr. Richard Swenson of Newtown Road objected to the defoliation and the added expense incurred by the Town when sidewalks are constructed. Mr. Swenson stated that he uses the road daily and never sees anyone walking along the road.

Mr. Niemyski informed the audience that the sidewalk construction is being funded by a developer as part of the subdivision approval process. Ms. Belle Choate stated that she took pictures of sidewalks throughout Acton for the Town Manager in preparation for Town Meeting. She photographed residents walking on the newly constructed sidewalk on Arlington Street. Mrs. Giorgio said that the high speed of traffic on Arlington Street causes very serious safety issues for pedestrians. She also reported that school children regularly use the new sidewalk.

Mr. Pavan inquired about the replication of wetlands. Mr. Stamski responded that the project proposes to replicate 3 times the amount of wetlands lost in construction of the sidewalk.

Mr. Croswell asked about the guard rail and recommended that the detail be modified to provide positive drainage on the guard rail posts to extend the life of the posts.

Mr. Swenson asked how salt will be constrained from entering the wetlands and whether the Conservation Commission has held a hearing for the sidewalk. Mr. Stamski replied that the salt application will not change from what is currently in use. The Conservation Commission has already held a hearing on the proposed project.

Mr. Pavan moved to close the public hearing. His motion was seconded by Mr. Niemyski and passed by unanimous vote. Mr. Niemyski moved that the Board vote to issue the draft decision with a second condition that the detail for the

guard rail be modified to provide positive drainage. His motion was seconded by Mr. Pavan and passed by unanimous vote.

V Public Meeting, Marshall Crossing Preliminary Subdivision/PCRC

Mr. Shupert announced the public meeting and introduced Mr. Stamski who described the proposed development. The following issues were raised for discussion: waiver to allow a 1500' road length in consideration of the open space to be preserved and the undisturbed vegetated area along Carlisle Rd.; waiver to allow sidewalk to be constructed along Pope Road instead of along Carlisle Rd.; waiver to allow access to a lot of land located in Carlisle; road projections to adjacent parcels of undeveloped land; potential for historically significant features found on the parcel; and inclusion of affordable housing.

Mr. Stamski presented a map of Acton to show the area from Carlisle Road to Pope Road and stated that there would be 2-3 wetlands crossings required if a road were to be constructed to connect these two town roads. Mr. Peabody stated that he would provide emergency access, but did not want to provide a full service road access.

Mr. Peabody reported that he has walked the parcel with two members of the Acton Historical Society and that David Wood of the Concord Antiquarian Museum has said that there is no historical significance to the piles of rocks found on the parcel. Mr. Peabody is scheduled to meet with Mr. Fred Browne of the New England Association of Antiquities to investigate the rock formations. Mr. Peabody informed the Board that he would preserve the rock piles if they are found to be of historical significance.

Mr. Stamski said that the plan shows a common driveway for five houses, but the developer may choose to construct the road to town standards for future acceptance by the town.

Mr. Pavan expressed his belief that the Board require a full service road to provide future access to the adjacent undeveloped parcels. Board members discussed that there may be better connection provided on a future parcel proposed for development, but that it is important to provide the option for future connection in this proposed development.

Mrs. Muriel Lombardo of 26 Carlisle Road expressed concern about the development proposal because she has water in her basement every Spring and doesn't want it to be increased due to additional development. Mr. Stamski explained that the development is required to adhere to a water balance which means that the water discharged won't be any more post development than the amount discharged predevelopment. Mrs. Giorgio stated that the developer is required to comply with drainage standards when he files the definitive plan. Mrs. Giorgio expressed her support for connection to adjacent parcels of land and reminded the Board and audience that the Master Plan calls for connectivity, not isolation.

Mr. Niemyski moved that the Board vote to include the following conditions in its decision: modification of the plan to require projection of road from the first cul-de-sac to the adjacent parcel of land; access to the lot in Carlisle be denied; require a 100' minimum setback to Carlisle Road for Parcel A; emergency access be provided along the border of Parcel A and the adjacent parcel to connect to

the road extension at the cul-de-sac; the definitive plan comply with the requirements of the Subdivision Rules and Regulations; and that the sidewalk required along the subdivision frontage be allowed to be constructed elsewhere as specified by the Board.

Mr. Pavan seconded the motion. Discussion on the motion was Mr. Pavan's request to require the following additional conditions: the developer submit a proposal for affordable development in one of his proposed developments; careful review of the historical sites will be conducted and the plans shall be modified as needed, pending the results of the review; and that the road extension from the cul-de-sac to the adjacent parcel be in the form of a full service right-of-way. Mr. Niemyski agreed to these additional conditions as a friendly amendment to his motion. The board voted to approve the motion as amended by Mr. Pavan by unanimous vote.

Mr. Niemyski moved that the Board vote to approve the preliminary subdivision/PCRC including but not limited to the conditions established by the previous vote. His motion was seconded by Mr. Pavan and passed by unanimous vote.

VI Neon Signs

Board members agreed to postpone discussion of this item until the next Planning Board Meeting.

Other Business

West Acton Train Stop

Mr. Pavan reported that he is in the process of arranging a preliminary meeting to discuss the possibility of restoring the train stop in West Acton. He will report further at the next meeting.

Appointment of New Members

Mr. Chernin and Mr. Croswell have been appointed as full members of the Planning Board effective July 1, 1994. They will replace Mr. Carnahan and Mrs. Giorgio who have both decided not to serve another term.

Board members expressed their appreciation of Mrs. Giorgio's years of service to the Town and stated that they would miss her expertise on the Board. Mrs. Giorgio thanked the Board members and staff for their cooperation and support over the past seven years.

The meeting adjourned at 10:30 PM.

Respectfully submitted,

John Pavan, Clerk

dw11.262



cc: BOS

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

ACTON PLANNING BOARD

Minutes of Meeting

June 6, 1994

Planning Board members in attendance were: David Hill, Chairman; John Pavan, Clerk; Gregory Niemyski; Douglas Carnahan; James Lee; Mary Giorgio and Associate Members Richard Crosswell and Joshua Chernin. Planning Board member William Shupert was not in attendance. Town Planner Roland Bartl also attended.

I Consent Agenda

A. Minutes of the 5/23/94 Board meeting

Mr. Niemyski moved that the Board vote to approve the minutes of 5/23/94 with corrections noted this evening. His motion was seconded by Mr. Lee and passed by unanimous vote.

B. McGovern Estates Bond Calculation

Mr. Niemyski moved that the Board vote to establish a \$53,000 performance bond for McGovern Estates as recommended by staff. His motion was seconded by Mr. Pavan and passed by unanimous vote.

II Village Planning Report

The South Acton Village Planning Committee

Town Planner Roland Bartl reported that attendance remains a problem, but a couple of the missing sections of the draft plan had been completed and a couple more are expected shortly. The Committee will move forward with its intention to release the draft plan for public review and comment in July.

Mr. Carnahan questioned how the process will continue from this point. Mr. Bartl explained that the draft plan will be distributed to all departments, boards and committees. In addition, a notice will be published announcing that the plan is available at the two libraries and Town Hall. In the Fall, the SAVPC will hold a couple of public forums to receive further comment.

West Acton Village Plan

Mr. Bartl reported that the Action Recommendations have been forwarded to the Board of Selectmen. The Selectmen will address this request at their meeting of June 7, 1994. Assistant Planner Donna Jacobs will attend that meeting.

III Public Hearing, New View Neighborhood

Mr. Hill reconvened the public hearing. Representing the New View Neighborhood Development, Mr. Robert Engler submitted a letter asking that the Board allow withdrawal of the present application so that the application can be refiled in late June to accommodate the change in membership of the Board. The applicant would like to have the hearing scheduled for July 25. Mr. Bartl said that the July 25th date would be possible, provided the complete application is filed with the Planning Department at least 35 days prior to July 25, as required by the Zoning Bylaw.

Mr. Niemyski moved that the Board vote to allow the withdrawal without prejudice. Mr. Lee seconded the motion which passed by unanimous vote without further discussion. Mr. Niemyski moved that the Board vote to close the public hearing. His motion was seconded by Mrs. Giorgio and passed by unanimous vote.

IV Public Hearing, Sign Special Permit for Purity

Mr. Hill opened the public hearing by reading the notice as published in the Beacon. Mr. Owen Teagan, consultant for Purity, spoke to the Board about Purity's request to revise the sign at the Powder Mill Road location. The store is setback approximately 300' from roadway and they have 180' of storefront. There is no freestanding sign at this location. The new sign will conform to the area requirement, but does not conform to the height limitation due to the new logo adopted by Purity. The existing sign is 120 sq. ft. and the new sign will be 96 sq. ft., but it does exceed the height limitation.

Members discussed possible alternatives to the proposed sign with the applicant. Mr. Lee noted that the Board can only grant an increase in height from 3' to 4.5'; any increase beyond the 4.5' would require a variance from the Board of Appeals.

Board members voted to issue a decision approving the sign proposed but limiting the height to 4 feet 6"; in all other respects the sign shall comply with the Zoning Bylaw.

V Vote, Perkins Lane Subdivision

Mr. Hill and the Board reviewed the draft decision and agreed to minor modifications. Mrs. Giorgio moved that the Board vote to approve the Perkins Lane subdivision as modified. Mr. Niemyski seconded the motion which passed with 4 members voting in favor and 2 members abstaining from vote.

VI MIG Grant Application for Kelley's Corner, Kelley's Corner CDC Committee Search, Kelley's Corner Planning Area

Board members reviewed the correspondence from staff regarding the proposed MIG application. Mr. Niemyski moved that the Board sign the drafted letter of support for the application and that the Board recommend that the Board of Selectmen file a MIG application for a strategic planning grant from EOCD. His motion was seconded and passed by unanimous vote.

Other Business

Maple Creek Farm - A question has been raised by abutters to the residential development regarding the use of the field as a sand and gravel pit during construction of the development. Town Counsel has advised Mr. Bartl by telephone today that he

believes that such a use is not consistent with the zoning bylaw. Town Counsel will further address this issue by letter this week. Board members discussed how the field should be restored and requested that the restoration work be included in the bond calculation being prepared for the subdivision.

Selectmen's Public Hearings - Mr. Pavan suggested that the Board should consider attending the Board of Selectmen's public hearings on site plan approvals and special permits. Board members agreed that an item will be added to the Planning Board agenda advising of upcoming public hearings before the Board of Selectmen.

Appointment of New Members

Mr. Hill inquired whether the two vacancies occurring on the Planning Board will be filled on July 1, 1994. Mr. Bartl responded that he was waiting for letters from Mr. Carnahan and Mrs. Giorgio indicating that they did not want to be reappointed to the Board. He has received both letters as of this evening and will forward them to the Board of Selectmen with the Planning Board's recommendation that Associate Members Mr. Chernin and Mr. Crosswell be appointed as full members effective 7/1/94.

The meeting adjourned at 9:00 PM.

Respectfully submitted,

John Pavan, Clerk

dw11.245

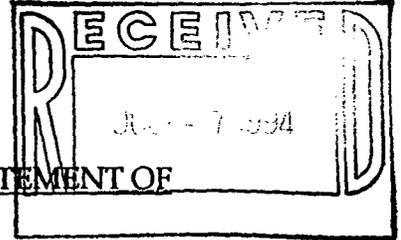
cc: BOS

ACTON SCHOOL COMMITTEE

Library
Junior High School

July 7, 1994
- following the
Regional meeting

AGENDA



- I. CALL TO ORDER
- II. EXECUTIVE SESSION
- III. APPROVAL OF MINUTES OF JUNE 9 AND 16, 1994, and STATEMENT OF WARRANT
- IV. CHAIRMAN'S INTRODUCTION (2 min.)
- V. PUBLIC PARTICIPATION (10 min.)
- VI. OLD BUSINESS
 1. Sexual Harassment Policy - Second Reading - Approval (Reg. packet)
 2. Providing Funds to Schools Policy - Approval (Reg. packet)
 3. Confirmation of Regional Action (Reg. packet)
 - a) Food and Related Products Bid
 - b) Milk Bid
 4. ERI Hold Harmless Agreement
- VII. NEW BUSINESS
 1. Acceptance of Gift from Conant School PTO
 2. Superintendent's Evaluation Process (Reg. packet)
 3. Request for Staff Certification Waiver
 4. MASC 1994-95 Membership
- VIII. FOR YOUR INFORMATION
 1. City & Town - May and June issues
 2. Conant Crier - June issue
 3. Douglas Digest - June issue
 4. McCarthy-Towne Bulletin - June 23 issue
 5. LEF Letter from Dr. Zimmerman
 6. Memo to Parker Damon/McCarthy-Towne re; Plans for Next Year
 7. Memo to Randa Mammarella re: Fundraising Plans for Next Year
 8. Letter to Parker Damon from Sukant Tripathy
 9. Memos from Sally Fink
 10. Personnel Items - New staff, LOAs (see regional packet)
 11. School Object Report
 12. Merriam School Council Minutes
 13. Update on Request for Physical Education Waiver
 14. McCarthy-Towne Fundraising/Technology
- IX. WARRANT DISCUSSION
- X. CONCERNS OF THE COMMITTEE
- XI. NEXT MEETING - July 28, 6-10 p.m., #114 - School Committee workshop
- August 22, 6-10 p.m., #114 - School Committee workshop
- September 1 - 7:45 p.m., regular meeting, Junior High Library
- XII. ADJOURNMENT

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library
Junior High School

AGENDA

CC: BOS

July 7, 1994
7:00 p.m.

I. CALL TO ORDER

EXECUTIVE SESSION

II. APPROVAL OF MINUTES OF JUNE 2 and JUNE 16, 1994 and STATEMENT OF WARRANT

III. CHAIRMAN'S INTRODUCTION

IV. PUBLIC PARTICIPATION

V. OLD BUSINESS

1. School Committee Goals, FY'95
2. Policy for Providing Funds Approval
3. Sexual Harrassment Policy - Second Reading - Approval
4. ERI Update

VI. NEW BUSINESS

1. Evaluation of District Goals
2. Superintendent's Evaluation Process
3. Revised FY'94 ABRSD Revenue and Assessments
4. Request Waiver for Staff
5. Acceptance of Colonial Club Donation
6. Athletic Supply Bids
7. Food and Related Products Bid
8. Milk Bid
9. High School Handbook Review Summary

VII. FOR YOUR INFORMATION

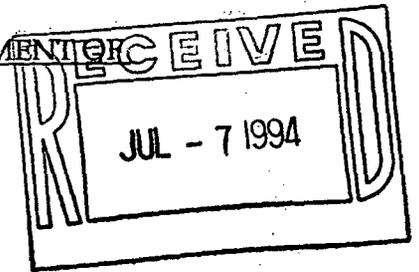
1. Summary Report of Athletic Fees
2. Administrative Salaries
3. Personnel Items - Fall coaches, new hires, LOAs, Externships
4. Award to Bill Noeth
5. Relationship between athletic policy and chemical abuse policy
6. Monthly Enrollment
7. School Object Report
8. *The Spectrum* - June 9 edition
9. NECC 94 Conference Report
10. Schedule of 1994-95 School Committee Meetings
11. School Committee Members - 1994-95
12. ABRHS Monday Memos
13. Transportation Schedule, 1994-95
14. Letter from Bob Evans
15. Letter from Valerie Robinson
16. Memo re: Fundraising Plans for Next Year

VIII. WARRANT DISCUSSION

IX. CONCERNS OF THE COMMITTEE

- X. NEXT MEETING - July 28, 6-10 p.m. - School Committee Workshop, #114
August 22, 6-10 p.m. - School Committee Workshop, #114
September 1, 7:45 p.m. - Regular meeting - JH Library

XI. ADJOURNMENT



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 7, 1994

TO: Tom Tidman, Conservation Administrator
Brian McMullen, Assistant Assessor
Dean Charter, Municipal Properties Director
David Abbt, Engineering Administrator
Roland Bartl, Planning Director
Doug Halley, Health Director
Garry Rhodes, Building Commissioner

7/8/94

FROM: Don P. Johnson, Town Manager

SUBJECT: Chapter 61A, Choate Offer

Attached you will find a copy of correspondence in the subject regard. Please submit your comments or recommendations for inclusion in the Board of Selectmen's packet when they consider this matter. (I would like to place this on the Selectmen's agenda for July 26 so I would appreciate any comments by Thursday, July 21.)

I am not sure how the Board may wish to handle this matter in the absence of a bona fide offer but they may be willing to give Belle an "informal" indication. My recommendation will be that the Board take no formal action until a firm offer is received and the Board has had an opportunity to at least consider it.



cc: Board of Selectmen ✓

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

Don P. Johnson
Town Manager

July 7, 1994

Isabella V. Choate
225 Newtown Road
Acton, MA 01720

Dear Miss ~~Cheate~~: *BELLE*

I am in receipt of your letter dated July 6, 1994, regarding the planned removal of a portion of your land from the provisions of Chapter 61A. I will be placing a copy of this correspondence in the Selectmen's mail this weekend and scheduling this subject for their consideration after all appropriate reports have been received from Town Departments.

In the meantime, you should be aware that the Selectmen do not consider an "asking price" to be a bona fide offer or Purchase and Sales agreement as stipulated under the statute. The Selectmen may be willing to give you an early indication of their interests but you should be aware that they may prefer to wait for the bona fide offer. In either case, the Board does not consider the clock to have started on the 120 day notification period until after the full offer has been presented. Upon receipt of this information the Board will determine whether the Town has an interest in matching the offer.

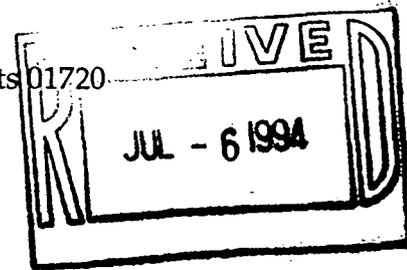
Very truly yours,


Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:71

225 Newtown Road
Acton, Massachusetts 01720
July 6, 1994



Don P. Johnson
Town Manager
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Dear Don:

Enclosed is a copy of my letter to the Board of Selectmen notifying them, as required under M.G.L. ch 61, s 14, of my intent to convert to residential use a portion of parcel D3-5, currently taxed under Chapter 61A. The required notices have also been sent to the Board of Assessors, Planning Board and Conservation Commission, by certified mail.

Over the past few months I have been working towards the approval of these lots. This has to be done to settle mother's estate. I had originally intended to wait until I had a signed purchase and sale to notify the Town. I felt that it would be better to notify them now rather than in mid-August, particularly with summer meeting schedules and vacations. (It is my intention to sell one lot before the end of the year.)

Most of the departments concerned are already aware of my plans either "officially" or "unofficially".

If there are any questions about this I would be more than happy to discuss them. There are no lawyers or real estate agents in this one, just me.

Yours truly,

(Miss) Isabella V. Choate

enc: 2

225 Newtown Road
Acton, Massachusetts 01720
July 6, 1994

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

To the honorable Board of Selectmen:

This is notice as required under M.G.L. ch 61,s 14, of my intent to convert to residential use a portion of parcel D3-5, currently taxed under Chapter 61A. It is my intent to withdraw the two proposed lots as shown on the enclosed preliminary plan (B-1 and B-2) from under Ch 61A when I file this October.

I am currently in the process of negotiating with a developer to purchase one lot this year and the other next year. The asking price is \$150,000 per lot, with seller financing, and includes all testing, septic design, design of a common drive, and allowance for the cost of the drive built to seller's specifications. The lots will be sold subject to: a drainage easement along the existing ditch and pond area, design review of the houses, and restrictions as to removal of trees and vegetation along Newtown Road. There is no purchase and sale at this time.

Before I proceed with the final design and approval of the lots I would like to know if the Town has any interest in exercising its option under Chapter 61A.

It is necessary to sell these lots to settle my mother's estate. I fully understand that you have 120 days to consider this, however I hope that you will act as expeditiously as possible on this matter so that I may proceed.

If there are any questions as to the specifics or if you wish staff to walk the property please do not hesitate to contact me.

Yours truly,

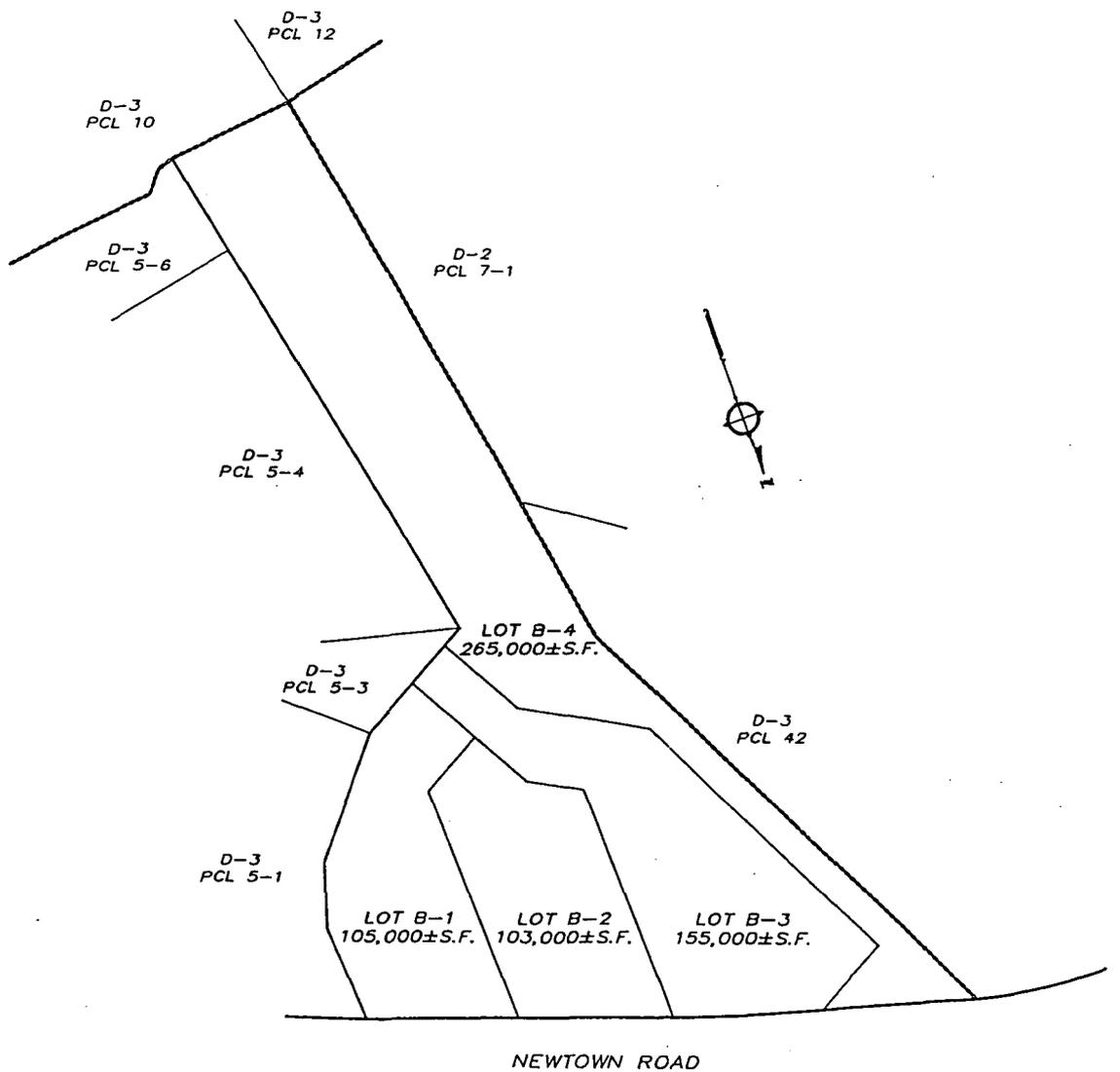


(Miss) Isabella V. Choate

enc: 1

cc: Don P. Johnson, Town Manager ✓
Board of Assessors, Town of Acton
Conservation Commission, Town of Acton
Planning Board, Town of Acton

certified mail # P 185 014 082



LOCUS:
 208-226 NEWTOWN ROAD
 ATLAS MAP D-3, PARCEL 5

7/7/94

~~RF~~
RETURN

BOS-

I HAVE PLACED THE ATTACHED
"TRANSPORTATION FACTS" IN YOUR READING
FILE FYI. THE INFO. MAY BE OF
VALUE IN THE FUTURE SO I ASK THAT
THIS BOOKLET BE RETURNED TO MY OFFICE
WHEN YOU ARE THROUGH WITH IT.

TKS.
John

TRANSPORTATION FACTS

FOR THE
COMMONWEALTH OF MASSACHUSETTS

May 1994

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

James J. Kerasiotes
Secretary
Executive Office of Transportation and Construction



Prepared by the
Central Transportation Planning Staff

cc: BOS
D. HALLEY

W R GRACE COST RECOVERY

ANDERSON & KREIGER

Attorneys at Law

STEPHEN D. ANDERSON
(Also admitted in CT)

ARTHUR P. KREIGER
(Also admitted in NY)

GEORGE A. HALL, JR.

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
Fax: (617) 252-6899

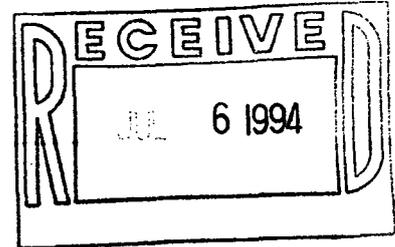
CYNTHIA HESLEN
(Also admitted in VT)

WILLIAM H. BRACK
(Also admitted in DC)

June 30, 1994

BY FAX

Leon Birnbaum, Esq.
GZA Environmental
320 Needham Street
Newton, MA 02164



Re: Town of Acton/W.R. Grace & Co.--Conn.

Dear Leon:

We understand from the June 21, 1994 meeting among the government parties, W.R. Grace and GZA, among others, that a public review of the Grace Site is now scheduled for September 12, 1994. We understand that Grace wants to begin work in the exclusion zone literally the day after the meeting. In the interim, we understand that GZA remediation will continue with non-intrusive site preparation work.

Under these circumstances, it would appear that there is no further justification to delay GZA's payment of \$15,000 to the Town as you and I have previously discussed. The Town has been actively participating in the ongoing meetings concerning the Grace site and has incurred substantial bills to bring its new consultant up to speed in this matter.

Accordingly, the Town looks forward to receiving \$15,000 from GZA at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen D. Anderson".

Stephen D. Anderson

SDA/shc

cc: Don Johnson, Town Manager ✓
John Murray, Assistant Town Manager
Cynthia Heslen, Esquire

Act/Gr/L/Birnbaum.002

JULY 10, 1994

*File
copy*

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

JULY 12, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:31 BOSTON EDISON - MASSACHUSETTS AVE. - Enclosed please find a request from Boston Edison and staff comment for Board review.
- 2. 7:32 BOSTON EDISON/NEW ENGLAND TELEPHONE - SCHOOL STREET -Enclosed please find a request from Boston Edison and New England Telephone along with staff comment for Board review.
- 3. 7:33 BOSTON GAS - SUMMER STREET -Enclosed please find a request from Boston Gas and staff comment for Board review.
- 4. 7:45 SANFORD MOTOR CO. - CLASS II LICENSE - 317 Central Street - Enclosed please find application and staff comment for Board review and action.
- 5. 8:00 BOARD OF HEALTH INTERVIEW - Cindy Patton - Enclosed please find Ms. Patton's Citizen Resource Sheet and information forwarded from VCC for Board review.
- 6. 8:15 PAPA GINO'S - Liquor license violation review.
- 7. 8:45 ATLANTIC SEA FOOD GRILL - Liquor license violation review.

III. SELECTMEN'S BUSINESS

- 8. Landmark Sign Designation - Enclosed please find a request from the Historic District Commission to the Board asking for Board approval designating the "Exchange Hall" sign as a Landmark Sign.

9. 1994-95 Committee Reappointments - Enclosed please find a recommended list of reappointments prepared by VCC for Board action. The Planning Board staff has requested that Jim Lee be reappointed tonight so that a quorum problem can be avoided. This recommendation has also been included in the VCC list.

IV. CONSENT AGENDA

10. ACCEPT MINUTES - Enclosed Please find the Minutes from June 7th for Board approval.
11. Boston Edison - Enclosed please find a request from Boston Edison along with staff comment regarding transfer of ownership of a pole on Town Property for Board review and action.
12. SITE PLAN SPECIAL PERMIT - SAVORY LANE - Enclosed please find a copy of the Decision for Savory Lane Site Plan Special Permit with additional comments from the Building Commissioner for Board action.
13. SITE PLAN SPECIAL PERMIT (AMENDED) VILLAGE SAAB - Enclosed please find the Amended Decision for Village Saab for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

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

July 26 -
August 16 - Shell Oil Site Plan
August 30

7/12/94 - 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 12th day of July, 1994, 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:

Massachusetts Avenue - northwesterly approximately 290 feet
southeast of Flint Road
a distance of about 18 feet - conduit

BOARD OF SELECTMEN

Form 518D
648ACS

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/13/94

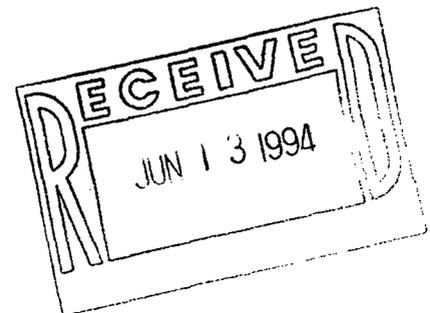
July 12
7:31
WBE

TO: Board of Selectmen
FROM: Dennis P. Ring, Engineering Assistant II *D.R.*
SUBJECT: Boston Edison Petition
Massachusetts Avenue

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

This petition is for the installation of a conduit to provide underground electrical service to a newly constructed house near 477 Massachusetts Avenue. Although this section of Massachusetts Avenue is a state highway, the Selectmen have the authority to grant petitions from utility companies for work of this nature.

We do not foresee any problems with granting this petition. Please feel free to contact me if you need additional information.



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 R. A. Ruscitto dated May 20, 19 94 and filed herewith, under the following public way or ways of said Town:

Massachusetts Avenue - northwesterly approximately 290 feet
southeast of Flint Road
a distance of about 18 feet - conduit

BOSTON EDISON COMPANY

By 
Denis J. Deagle - Supervisor
Rights, Permits & Survey

Dated this 6th day of June 19 94

Town of Acton Massachusetts

received and filed 19

7:31 p.m

7/12/94 - (2)

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 12th day of July, 1994, at 7:32 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:

School Street - northeasterly side approximately 160 feet
southeast of River Street
One (1) Pole

Also that permission be and hereby is granted to each of said companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

HEARING REQUIRED

BOARD OF SELECTMEN

BY *Sheryl Ball*

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/21/94

TO: Board of Selectmen
FROM: Dennis P. Ring, Engineering Assistant II
SUBJECT: Boston Edison Petition
School Street

Dennis

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

This petition is somewhat unique in that there are no physical changes or construction required. This petition is to allow a pole which is currently owned by New England Telephone to become a jointly owned pole by New England Telephone and Boston Edison. This is apparently a formality which must be followed to provide joint ownership and rights in any given pole.

We do not foresee any problems in granting this petition. Please contact us at 264-9628 if you have any questions or need additional information.

PETITION OF BOSTON EDISON COMPANY AND OTHER COMPANIES
FOR JOINT OR IDENTICAL LOCATIONS FOR EXISTING POLES

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

Respectfully represent BOSTON EDISON COMPANY and
NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

companies subject to Chapter 166 of the General Laws (Ter. Ed.) and having locations in the public ways of said Town, that NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY has a location or locations for, and has erected or constructed, poles in the public way or ways hereinafter specified, and that it is desirable that said poles be used in common by your petitioners.

WHEREFORE, your petitioners pray that without notice or hearing the Board may by Order grant to your petitioners joint or identical locations for the maintenance of said existing poles and such other fixtures as may be necessary to sustain or protect the wires of the line, said poles and fixtures to be used in common by them and to be located, substantially as shown on the plan made by R. A. Ruscitto dated May 12, 19⁹⁴, and filed herewith, upon, along and across the following public way or ways of said Town:

School Street - northeasterly side approximately 160 feet
southeast of River Street
One (1) Pole

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and building as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

BOSTON EDISON COMPANY

By *Denis J. Deagle*
Denis J. Deagle - Supervisor
Rights, Permits & Survey

NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY

By *Matthew S. Hurley*
MANAGER RIGHT OF WAY

Dated this 7th day of June 19⁹⁴

7:32

Town of Acton Massachusetts.

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

Acton Board of Selectmen

7/12/94 - (3)

Boston GAS
Gas Main locations

NOTICE TO ABUTTERS

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 12th day of July, 1994, at 7:33 P.M., o'clock, upon the petition of Boston Gas Company for consent to the locations of mains a hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and place of Town of Acton and of pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

Approximately 21 feet, more or less, of 2 inch gas main in Summer Street, Acton, from the existing 3 inch gas main in Summer Street south to the proposed Woodfield Road. Submitted is a set of plans of said gas mains.

BOARD OF SELECTMEN

Form 518D
648ACS

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/22/94

TO: Board of Selectmen

FROM: Dennis Ring, Engineering Assistant II

Dennis

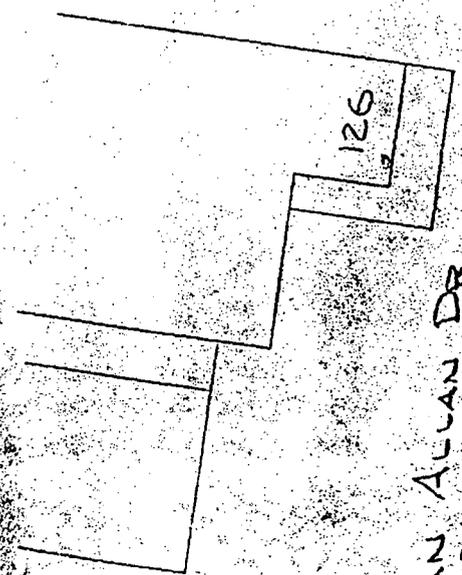
SUBJECT: Boston Gas Petition
Summer Street

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

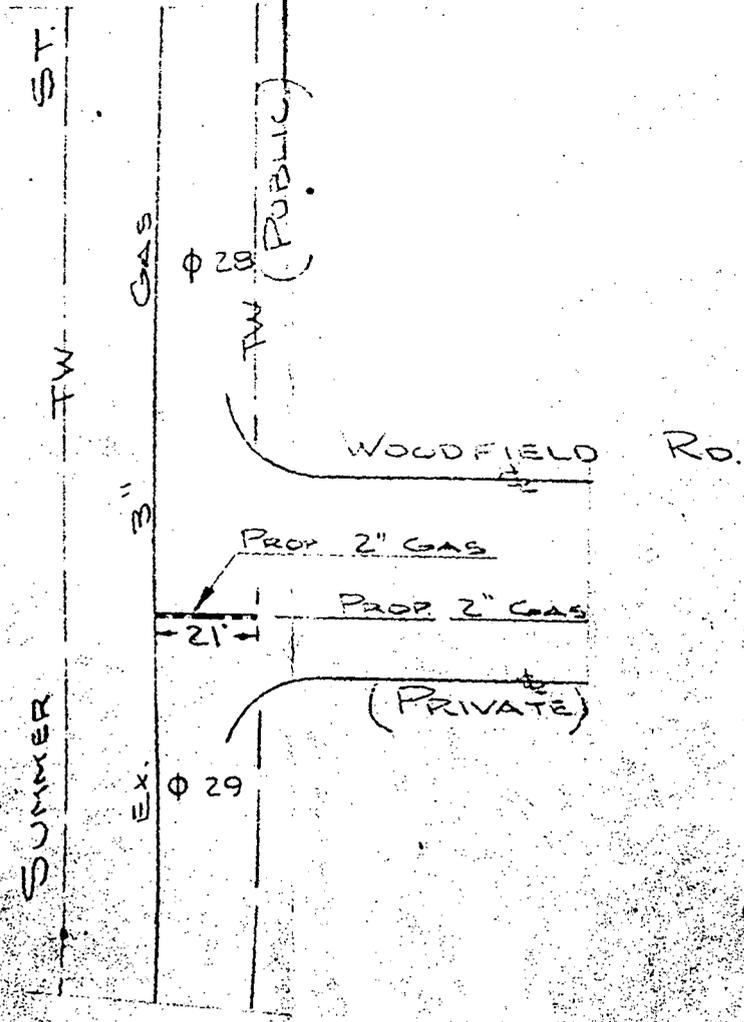
This Petition is for the installation of a gas main extension from Summer Street into a newly constructed subdivision known as Maple Creek Farm. We do not foresee any problems associated with this construction.

Please contact us at 264-9628 if you have any questions or need additional information regarding this matter.

.94*205



ETHAN ALLAN DR
 P. 049 #



REVISIONS	DRAWN G. J. H.	DATE 6-19-96
	TRACED	DATE
	CHECKED W. W. W.	DATE 6-15-96

FILE COPY

TOWN OF ACTON
NOTICE OF HEARING

7/12/94 - (4)

Notice is hereby given that the Board of Selectmen will hold a public hearing in its office at the Town Hall on Tuesday, July 12, 1994 at 7:45 P.M. on the application of Scott W. Sanford, d/b/a DJS Automotive, for a Class II Dealer's License at 317 Central Street, Acton, MA.

NORMAN D. LAKE
WILLIAM C. MULLIN
NANCY E. TAVERNIER
F. DORE' HUNTER
WAYNE L. FRIEDRICHS
BOARD OF SELECTMEN

JUNE 15, 1994

TO: Building Commissioner, Police Dept.

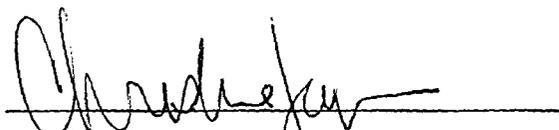
FROM: Don P. Johnson, Town Manager

SUBJECT: CLASS II LICENSE

#####

Enclosed please find a copies of a Class II License Application for SANFORD MOTOR COMPANY d/b/a DJS Automotive at 317 Central Street.

Please send your comments and recommendations. The hearing is set for July 12, 1994 at 7:45 P.M.


Christine Joyce
Town Manager's Office

Town Acton OF Acton

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? SANFORD MOTOR COMPANY
DBA... DJS... AUTOMOTIVE.....

Business address of concern. No. 317 CENTRAL..... St.,
ACTON, MASS...... City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?
IND......

3. If an individual, state full name and residential address.
SCOTT W. SANFORD 77 Wilson St C-7
MARLBORO, MA 01752.....

4. If a co-partnership, state full names and residential addresses of the persons composing it.
.....
.....
.....

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President

Secretary

Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? NO.....

If so, is your principal business the sale of new motor vehicles?

Is your principal business the buying and selling of second hand motor vehicles? YES.....

Is your principal business that of a motor vehicle junk dealer? NO.....

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

ONE PARKING LOT HOLDING NO MORE THAN THIRTEEN (13) VEHICLES - ONE OFFICE LOCATED AT 317 CENTRAL ST

8. Are you a recognized agent of a motor vehicle manufacturer? NO (Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? NO (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? NO (Yes or No)

If so, in what city — town

Did you receive a license? (Yes or No) For what year?

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO (Yes or No)

Sign your name in full.

[Handwritten signature]

(Duly authorized to represent the concern herein mentioned)

Residence 77 Wilson, Malden, MA

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: June 21, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Class II License 317 Central Street
Sanford Motor Company d/b/a DJS Automotive

This property is zoned Village Residential. DJS Automotive, according to the Zoning Bylaw, is referred to as Light Vehicular & Equipment Sales. Light Vehicular & Equipment Sales is a nonconforming USE. The application indicates that they are requesting to have up to thirteen vehicles on site. This amount is the same as was previously approved by the Board of Selectmen and therefore, is not a change to the nonconforming USE.

There does not appear to be any changes to the site. The applicant should realize that any change to the signs on the property will need approval from the Building Department. I do not have any other concerns.

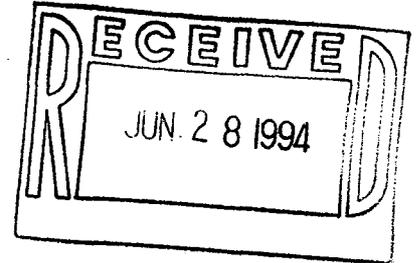
TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Town Manager
FROM: Police Chief
SUBJ: Sanford Motors

DATE: June 27, 1994

**Town Manager
Information**

The Department does not know of any reason to recommend denial of the application of Sanford Motors at 317 Central Street.



TOWN OF ACTON

7/12/94 - (5)

INTER-DEPARTMENTAL COMMUNICATION

DATE : 22 July 1993
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Recommendations for Appointments

At its meeting on 19 July 1993, the VCC made the following recommendations for your consideration:

VAILLANCOURT, R. Peter to become a Full Member of the Board of Health filling the unexpired term resulting from the resignation James Barbato. His term would expire on 6/30/94. This is supported by the Board of Health.

PATTON, Cindy A. to be Associate Member of the Board of Health for a one-year term expiring on 6/30/94 if the above action is favorably acted on. While we gave consideration to Cindy being recommended for the Commission on Disability, we concluded that her training and experience would equally be valuable to the Board of Health.

McELROY, Linda S. to be moved up from Associate Member to Full Member of the Conservation Commission for a three-year term expiring 30 June 1996. This action has the support of the Conservation Commission.

PARKER, James L. to be a Member of the Council on Aging for a one-year term expiring on 6/30/94. He has extensive training and experience in the problems of the elderly and can provide expertise in Medicare and Medicaid.

CONN, Angelene L. to be a member of the Council on Aging for a one-year term expiring 6/30/94. While only a relatively recent resident of Acton, she is anxious to become involved in Town activities and feels she can make a contribution to the Council.

HARTUNG, Kay B. to be a Member of the Acton/Boxborough Arts Council for a two-year term expiring 6/30/95. She has attended meetings of the Council and was active for some six years on the Somerville Arts Council.

picked up 6/28/93

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: 6/21/93

Ms / Mrs Patton Last Name Cindy First Name A Middle Initial

11 Elm St #1 Street Address 269-0487 Home Phone 269-4700 Business Phone left message

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) Board of Health
2) Commission on Disability
3) Recreation Commission

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

Do you have any time restrictions? Only during school hours

How long have you lived in Acton? Since 1969 in Massachusetts? 35 years

Are you a US citizen? Yes Except for 8 years in Stw

Present occupation and employer (optional - attach resume) Teacher - Acton-Buxborough Public Schools

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No

Education or special training BS. in Biology / MED in Health Education. CPR Instructor, EMT, National Youth Sports Coach Certified.

TM 4 93

Please list below any additional information or comments which may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc. :

I am a very active person who uses a wheelchair for mobility. Basketball, Cheerleading and Tennis Coach.

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES, AND COMMISSIONS

- | | |
|-----------------------------------|--|
| Acton-Boxborough Arts Council | Historical Commission |
| Aging, Council on | Historic District Commission |
| Appeals, Board of | Metropolitan Advisory Planning Council |
| Assessors, Board of | Minuteman Home Care |
| Cable Advisory Committee | Minuteman Vocational School Representative |
| Cemetery Commissioners | Planning Board |
| Commission on Disability | Prison Advisory Committee |
| Conservation Commission | Public Ceremonies & Celebrations Committee |
| Fair Housing Committee | Recreation Commission |
| Finance Committee | South Acton Revitalization Committee |
| Fort Devens Reuse Task Force | Town Report Committee |
| Hanscom Field Advisory Commission | Volunteer Coordinating Committee |
| Health, Board of | |

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee (you can find out who the current members are by calling the Town Manager's office at Town Hall, 264-9612). The space below is for the use of the Volunteer Coordinating Committee and the appointing body to record the status of your application.

<p>VCC INTERVIEW</p> <p>Applicant called: date/by <u>7-12</u></p> <p>Scheduled date / time <u>7:45</u></p> <p>VCC RECOMMENDATION: Date <u>7/19/93</u></p> <p>Board(s) <u>BOH</u> Member / Alt / <u>(Assoc)</u> <u>1 yr term exp 6/30/94</u> _____ Member / Alt / Assoc _____ Member / Alt / Assoc</p> <p>Date VCC recommendation sent to <u>(BOS) / TMgr / TMod 7/22/93</u></p> <p><input type="checkbox"/> No openings at this time >>>>-----> Date applicant notified _____</p>	<p>APPOINTING BODY : BOS / TMgr / TMod</p> <p>Interview date _____</p> <p>Appointed : Date _____</p> <p>To: Board _____</p> <p>Term _____</p> <hr/> <p>NOTIFICATION OF APPOINTMENT</p> <p>Date received by VCC _____</p> <p>Notification by the VCC :</p> <p>Date committee notified _____</p> <p>Date applicant notified _____</p>
--	---

Cindy A. Patton
11 Elm Street, #1
Acton, MA 01720
(508) 264-0487

EMPLOYMENT

9/89 - 6/93 **Grey Junior High School, 16 Charter Rd, Acton 01720**

Position:

Science - 7th grade (9/89 - 6/92) 1.0 FTE

Science - 8th grade (9/92 - 6/93) .6 FTE

Teaching physical science using a hands on, laboratory centered, approach that stresses science as a way of thinking. Key concepts were introduced through student experiments and reinforced by teacher/student one-to-one interaction. The focus of the seventh grade course was basic physics and was taught as part of a teaching team. The focus of the eight grade course was basic chemistry.

Other duties include: Faculty Advisory Committee (4 yrs.), Cheerleading Coach (4 yrs.), Intramural Tennis Advisor (3 yrs.), Community Education Boy's Basketball Coach (3 yrs.)

9/86 - 6/87 **Acton-Boxborough and Concord-Carlisle Regional**

9/88 - 6/89 **School Systems**

Position - Substitute Teacher

Long and short term positions at the Junior and Senior High School level in all subject areas.

9/87 - 6/88 **Leominster High School, Granite St, Leominster 01453**

Position - 9th grade - Earth Science, .4 FTE

One year position teaching Earth Science using lectures and discussions with coordinating laboratories to enhance concepts. Faculty advisor for the Science Club.

CERTIFICATION

Massachusetts Certification: # 0271869

Biology (9 - 12), General Science (5 -12)

Health (5 - 12) * Pending

CPR Instructor - American Heart Association

Skills for Adolescence Instructor - Quest

EDUCATION

5/87-5/93 **Worcester State College, 486 Chandler Street, Worcester**
M.ED Health Education

9/84 - 6/86 **Fitchburg State College, Pearl Street, Fitchburg**
B.S. in Biology - Summa Cum Laude

9/74 - 9/84 **Undergraduate courses:**
Rensselaer Polytechnic Institute
Boston University
Middlesex Community College

HONORS

1991 **Reader's Digest - American Hero in Education**
1992 **Portrait of a Teacher - Campbell's Soup**
1994 **Who's Who in American Education**

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

DATE 22 July 1993

NAME	COMMITTEE	APPOINTED		REG.	ASSOC.	ALTN.	EXPIRES	HOLD	COMMENTS
		YES	NO						
✓ VAILLANCOURT, R. Peter	BOH	X		X			6/30/94		To complete unexpired term of James Barbato who has resigned. <i>App't 9/7/93</i>
PATTON, Cindy A.	BOH				X		6/30/94		Replace above as Assoc.
✓ Mc ELROY, Linda S.	ACC	X		X			6/30/96		Replaces Charlotte Timledge who did not wish reappointment
PARKER, James L.	COA	X		X			6/30/94		<i>appointed 1/4/94</i>
CONN, Angelene L.	COA	X		X			6/30/94		<i>Appointed 1/4/94</i>
✓ HARTUNG, Kay B.	A/B AC	X		X			6/30/95		<i>Appointed 8/10</i>

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 7/4/94

TO: Don P. Johnson

FROM: Christine Joyce

SUBJECT: Attached VCC Recommendation (Cindy Patton)

Upon review of my file I located one of the two people's paperwork and VCC recommendations that Mr. Kadlec referred to in your recent conversation. Ms. Patton was contacted by phone last Fall (a message was left on her machine as noted on the sheet) a return call was not made to this office. The other paper work was not to my knowledge received. I have asked Walter George to send me a copy of the other paperwork on the individual that was interested in the Board of Health now that they have an opening. He said he would do that as soon as possible.

I subsequently called Cindy again, asked her if she were interested in an interview, she said yes, and have scheduled her or the next meeting.

According to the Board of Health, they now have one opening for a Full-member and could use an Associate Member to train in hopes of upgrading when an opening becomes available.

7/12/94 - (7)

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

Don P. Johnson
Town Manager

June 24, 1994

Mr. Ali Zosherafatain
Atlantic Seafood Grill
77 Great Road
Acton, MA 01720

Dear Mr. Zosherafatain:

On Tuesday, June 21, the Acton Board of Selectmen met briefly with Mr. Hamid Alipzadeh, the individual you apparently sent to discuss the recent violation of your Liquor License. The Selectmen appreciated the opportunity of speaking with the person who actually committed the violation; however, the Board was greatly distressed that you, the License Holder, apparently did not consider this matter to be important enough to warrant your presence.

The Selectmen have asked that I write you and schedule another appointment in order that you might appear personally to discuss this matter with them. This violation is sufficiently serious to warrant suspension or revocation of the license and the Board wishes to give you, the actual holder of the license, the opportunity to be heard prior to making their decision. This is your single opportunity to explain what happened, how it happened, what you have done about this violation and what you are doing to prevent this from happening again.

Accordingly, you have been scheduled to appear before the Board of Selectmen at 8:45 PM on Tuesday, July 12, 1994 in the Main Hearing Room at Town Hall.

Very truly yours,

Don P. Johnson
Town Manager

cc: Board of Selectmen

6/21/94
3

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

Norman Lake, Chairman
Board of Selectmen

April 26, 1994

Atlantic Seafood Grill
Ali Zosherafatain
77 Great Road
Acton, MA 01720

Dear Mr. Zosherafatain:

On April 29, 1994 the Acton Police Department conducted a spot check with respect to your policies and procedures for the service or sale of alcoholic beverages to minors. The Board of Selectmen has been advised by the Police Chief that, during the course of this check, your establishment allowed the purchase of an alcoholic beverage by a minor.

The Board of Selectmen considers this to be a serious violation of the responsibilities of a Liquor License holder in the Town of Acton and has ordered a hearing into this matter. The hearing will be before the Board of Selectmen at 8:35 PM on June 21, 1994 in Room 204 of the Acton Town Hall. You or your duly authorized representative are requested to appear before the Board at that time to explain the circumstances related to the incident in question and to detail the safeguards that you have enacted to insure that such incidents do not occur again. Your testimony will be considered in the Board's determination as to what action(s) it will take under the circumstances.

Please contact the Town Manager's office at 264-9612 to confirm your representation at the scheduled hearing.

Very truly yours,

Norman D. Lake, Chairman
Board of Selectmen

DPJ:992

FILE COPY

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson
FROM: Lt. McNiff
SUBJ: Furnishing alcohol to a minor

DATE: April 29, 1994

5/17/94
CHRIS - DID WE
PICK UP THESE
ADDL VIOLATIONS
AND WRITE THEM IN
TOO?
NOM

On this date I again met Ms Kristin Dineen, dob 11/7/73 to complete checking on possible liquor licence violations relating to selling or furnishing alcohol to minors.

Beginning at 12:45 hrs we checked Pizza Hut, Beef 'n Ale, Atlantic Seafood Grill, The Candelwood, and Papa Gino's. Of the six establishments MS Dineen was served wine at the Atlantic Seafood Grill and at Papa Gino's.

At the Atlantic Seafood Grill I identified myself to Mr. Hamid Alipzadeh, the manager who told me that the bartender/waiter that served Ms Dineen the wine was Scott Wedge. Mr. Wedge stated that he did not ask Ms. Dineen for her ID as he thought she was over 21. The policy of the restaurant is to card anyone that looks to young to be served. I told Mr. Alizpadeh that I would be submitting this report and that he would be hearing from the licencing authority of the Town.

6/21
8:50

At Papa Gino's I identified myself to the manager Renne Brunelle who brought her supervisor, Donna Braun into the conversation. I was informed that Ms. Dineen was served wine by David Lozier, an assistant manager. I spoke to Lozier rel why he did not card Ms Dineen and he told me that he thought she was old enough. Restaurant policy is to card everyone but because it was at the busy dinner hour he did not do same.

7/12
8:15

I received information from Lt. Widmayer that Don Johnson has scheduled a hearing on May 17 with the establishments that sold alcohol to Ms Dineen would be brought before the BOS. I was also informed that Mr. Johnson would like a picture of Ms Dineen and with

TOWN OF ACTON POLICE DEPARTMENT

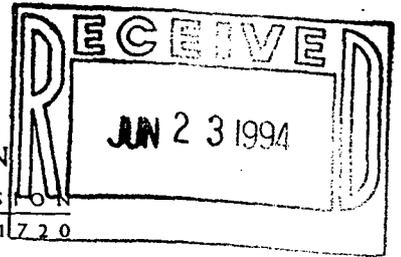
INTER-DEPARTMENTAL COMMUNICATION

her permission, I have attached the same hereto.



7/12/94 (8)

TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720



June 21, 1994

Board of Selectman
Town of Acton
472 Main St
Acton MA 01720

At the last meeting of the Acton Historic District Commission, the signs for the Exchange Hall in the South Acton Historic District were considered, resulting in a lengthy discussion as to how to properly comply with the Acton Zoning Bylaw and help the businesses located in that building identify themselves.

Exchange Hall is listed on the National Register of Historic Places and is a very old landmark in South Acton Village, much admired for its architecture and style. In order to properly identify the building and preserve the old signage on the upper front facade, we request that you approve the current sign "EXCHANGE HALL" as a Landmark Sign as covered in Sect 7.5.8 of the Acton Zoning Bylaw.

The sign is in need of restoration and repair, and Landmark Sign status will aid in the permitting process and will allow for proper identification of the building as well. The owner, Glenn Berger, also agrees with this commission that this step will be helpfull.

For: Acton Historic District Commission

cc: Building Dept
Acton Historic Commission
Anne M Forbes
Glenn Berger

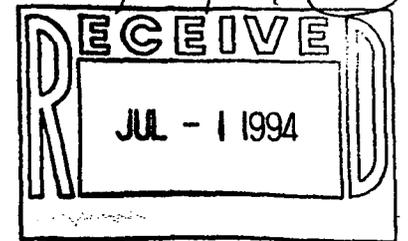
SELECTMEN'S BUSINESS 7/12/94

CC: BOS -

CHRIS, PLS. SCHED.
FOR 7/12 ... SEL. BUSINESS.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION



DATE : 24 June 1994
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Reappointments

Walter E. George

Part I

The VCC has voted to recommend the following reappointments based on feedback from the Boards and Commissions involved:

A/BAC	CLEMENT, Jacqueline	Member	2 yr term	6/30/96
BOAP	CLARK, Janet	Assoc	3 yr term	6/30/97
	WOOD, Duncan	Member	3 yr term	6/30/97
BOH	VAILLANCOURT, R. Peter	Member	3 yr term	6/30/97
COA	BEDDOE, Margaret	Member	1 yr term	6/30/95
	CONN, Angelene	Member	1 yr term	6/30/95
	DONOVAN, Warren	Member	1 yr term	6/30/95
	ERLANGER, Peggy	Member	1 yr term	6/30/95
	KENNEDY, Juliana	Member	1 yr term	6/30/95
	KREA, Constance	Member	1 yr term	6/30/95
	PARKER, James	Member	1 yr term	6/30/95
	TRAFTON, Roy	Member	1 yr term	6/30/95
ACC	BODNER, Morene	Member	3 yr term	6/30/97
	HILL, Bill	Member	3 yr term	6/30/97
AHS	BEYER, Victoria	Assoc	1 yr term	6/30/95
	HARRIS, Jr., David	Assoc	1 yr term	6/30/95
	RHODES, Robert	Member	3 yr term	6/30/97
AHDC	DALLMUS, Christopher	Member	3 yr term	6/30/97
	FORBES, Anne	Member	3 yr term	6/30/97
	PETERMAN, Thomas	Alt	3 yr term	6/30/97
MAPC	GILBERTI, Donald	Member	3 yr term	6/30/97
PLB	LEE, James	Member	5 yr term	6/30/99
VCC	COMSTOCK, Elizabeth	Member	3 yr term	6/30/97
	HUSBANDS, Charles	Member	3 yr term	6/30/97

Part II

The following Boards and Commissions request waiver of the Sunset ByLaw and recommend reappointment of the following:

CEC	BAILEY, Edward	Member	3 yr term	6/30/97
REC	STAMSKI, Bruce	Member	3 yr term	6/30/97
SARC	ELDRIDGE, Betsy	Member	3 yr term	6/30/97
	WHALEY, Sandra	Member	3 yr term	6/30/97

Part III

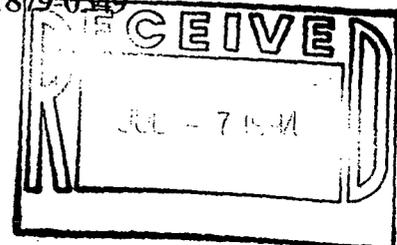
The A/B Arts Council has recommended the reappointment of Gail ERWIN, however, we find that she has moved to Maynard and is a registered voter there. Therefore, the VCC cannot recommend this request.

7/12/94 - (9)



Town of Tyngsborough

Box 5, 10 Kendall Road, Tyngsborough, Massachusetts 01879-0549
TEL: 508-649-2300
FAX: 508-649-2301



Board of Selectmen/
Executive Administrator

June 16, 1994

Mr. Robert Kennedy
Administrator
Lowell Regional Transit Authority
Charles Gallagher Terminal
145 Thorndike Street
Lowell, MA 01852

Dear Mr. Kennedy:

RE: Chairperson's Representative

Please be notified that Elizabeth M. Kalhauser has been designated as the Tyngsborough Representative to the Lowell Regional Transit Authority, effective June 16, 1994, term to expire June 30, 1995.

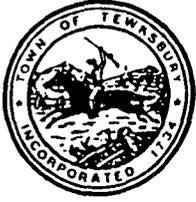
If I may be of additional assistance, please do not hesitate to contact me at 508 649-2300.

Respectfully,

Warren W. Allgrove, Jr.
Warren W. Allgrove, Jr.
Chairman, Board of Selectmen

WWA/tg

BOS -
If the selectmen would like me to continue as Actm's representative to the LRTA - a letter to that effect to the Administrator (see examples) would be appropriate. *Don H.*



Board of Selectmen

TOWN HALL
1009 MAIN STREET
TEWKSBURY, MASSACHUSETTS 01876
(508) 640-4300
FAX (508) 640-4302

Richard Hanson, Chairman
Joan M. Dunlevy, Vice Chairman
Kevin C. Anderson, Clerk
John J. Kelley, Jr.
Thomas G. Conlon



May 24, 1994

Mr. Robert Kennedy
Administrator
Charles A. Gallagher
Transportation Terminal
145 Thorndike Street
Lowell, MA 01852

Dear Mr. Kennedy:

Please be advised that Chairman Hanson has assigned Charles T. Coppola to continue to serve as the Board's representative on the Lowell Regional Transit Authority Advisory Board.

If any additional information is needed, please advise.

Very truly yours,

Sandra A. Barbeau
Executive Secretary



TOWN OF PEPPERELL

BOARD OF SELECTMEN



June 2, 1994

Joseph Czarnionka
17 Tucker Street
Pepperell, MA 01463

Dear Mr. Czarnionka,

At its regular meeting held on May 23, 1994, the Board of Selectmen appointed you to the position of Chairman's Designee to the Lowell Regional Transit Authority, the term to be effective July 1, 1994 and term to expire June 30, 1995.

In order for your appointment to be effective, you must be sworn in by Town Clerk. Her office hours are Monday through Thursday, 8:00 a.m. to 4:30 p.m.

The Town Clerk can often make arrangements when necessary, if you will telephone her at 433-0339 during the above office hours.

Sincerely,

Steven C. Boudreau
Executive Secretary

SCB/pmm

cc: Town Clerk
File

7/12/94 - (10)

SELECTMEN'S MEETING
JUNE 7, 1994

The Board of Selectmen held its regular meeting on Tuesday, June 7, 1994 at 7:30 P.M. Present were Norman Lake, William Mullin, Nancy Tavernier, Wayne Friedrichs and Town Manager Johnson.

{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

PUBLIC HEARINGS AND APPOINTMENTS

ACTON WINE AND SPIRIT D/B/A LIQUOR OUTLET
LIQUOR VIOLATION HEARING

Steve Zeitler, owner of the Liquor Outlet spoke to the Board about the incident and explained the background of the sale to the minor. He apologized for the infraction and outlined the steps he is taking to insure that it won't happen again. He has closed circuit cameras and reviews the tapes to ensure no one is slipping past without being carded. The Board thanked him for his proposal and apology letter and will place it in his file for reference in the event his establishment violates the law.

NANCY TAVERNIER - Moved to instruct the Town Manager to issue a letter to Liquor Outlet expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. WILLIAM MULLIN - SECOND. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #4/15/94-345
Savory Lane - 251 Arlington Street

The Chairman read the notice of meeting and explained that due to an error with the publishing of the Notice of Hearing the hearing would have to be opened and continued. WILLIAM MULLIN - MOVED to continue the Site Plan Hearing for Savory Lane to June 21, 1994 at 8:00 P.M. NANCY TAVERNIER - Second. UNANIMOUS VOTE

WEST ACTON VILLAGE PLAN

Chairman Lake asked for Board comments on the plan. Bill noted the comments that staff had made on page two. Wayne was concerned that the train stop was reinstated verses the original review status. Nancy spoke about uses and the new zoning changes. Donna Jacobs said it was to be used as a reminder during Site Plan review by boards and staff. She also questioned the necking down of intersections and agreed with staff comments.

The installation of mirrors concerned Nancy because of liability. Donna explained that the mirrors would not be installed or maintained by the Town, but residents merely wanted the option to install without Town regulation or objection. Bill felt that staff comments should be resolved and asked the purpose of this review and document if the comments were not considered. He felt that staff comments should be reviewed and that any sections already covered by a Town Bylaw should be removed.

Don noted his problem with the term implementation. He felt that was an issue that staff would have a problem with. Nancy felt landscaping issues described could be addressed by the permitting process and review.

WILLIAM MULLIN - Moved to work with this document, each member will forward their comments to the Town Manager to forward to planning for review. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON BEVERAGE CO. INC.
133 GREAT ROAD - PACKAGE STORE TRANSFER AND LOCATION CHANGE

Mr. Malanti represented by his attorney outlined the applicants background and experience in the liquor industry. Currently they operate a facility in Bedford and have previously owned another license in Cambridge. They propose to move the current Notar's License from Massachusetts Ave. to 133 Great Road in the old Warren Rental Building. They will do some interior modifications and have submitted the floor plan which details those changes.

Selectmen Friedrichs asked if they had ever had a violation. Mr. Malanti replied that they had one about eight years ago.

Henry Dane, attorney representing Colonial Spirits outlined their opposition to the transfer and location change requested. He brought up several technical problems with respect to the filing which staff cleared up. He stated his concern that they had indicated a No answer on a question that asked if they had been convicted of a crime, when they admit to being found guilty of a violation eight years ago. He further urged the Board not to approve since the location would not be in the public's interest.

Several people spoke on behalf of the transfer. They spoke about the applicant's fine character as well as it being in the public's interest since they felt the prices were too high at Colonial and that this would induce competitiveness which would benefit the public.

An abutter Mr. Glick was concerned about the potential for hang outs, litter and cost to the Town for police. Mr. Steinberg added that the police on duty at his store are there on private detail, paid by them.

Molly Mink asked why the No answer on the question about being convicted of a crime was still being discussed since they admitted they were found guilty of one violation and asked if Colonial Spirits had ever had a violation. They replied yes.

NANCY TAVERNIER - Moved to approve the transfer and change of location on the application of Acton Beverage Co. Inc. upon proof of citizenship and five page application being amended to reflect the correct answer on being convicted of a crime. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

GOLDEN BULL RESTAURANT LIQUOR HEARING

Holly Lung representing the Golden Bull apologized to the Board and further stated that the waitress that sold to the minor was no longer working for them. They are now only hiring experienced help. The Board asked if they had received any alcohol management training. Holly replied no. The Board urged them to take whatever steps necessary to see that it did not occur again and suggested that they look into TIPS Training. They reminded them of the hard work they did just to get the license and they should take steps to protect it. The Board cautioned them that the Town takes these violations very seriously. The Board asked if they had a liquor serving policy on file. They do in English and Chinese and will remind the waitstaff of these requirements so as to insure no future violations.

NANCY TAVERNIER - Moved to instruct the Town Manager to issue a letter to the Golden Bull expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. WILLIAM MULLIN - SECOND. UNANIMOUS VOTE.

SCHOOL EARLY RETIREMENT INCENTIVE (ERI)

Chairman Lake spoke about the analysis of savings developed by the School Personnel. It appeared to represent an overall savings of \$886.00. He was concerned about signing on to this when the numbers and formulas were not firm. He was concerned that once we were in, the Town would have to participate and was concerned too that the Town side would have to absorb any costs if the formula changed.

Steve Aronson of the School Committee explained that the School Committee has examined and re-examined the issue at the Regional Meeting. He spoke to the risks and the Board's concerns. The School Committee agreed that there were errors made in the formula and more could be discovered at a later date. He urged the Board's approval. They feel the teachers should be rewarded for their services. In the process new, energized

teachers would be brought on board which would benefit the children also. They understand the financial issues that concern the Townside. They have brought a document with them which would reinforce the School Committee's desire and moral promise to hold the Town harmless in the event that additional monies were required to fund the program. They said that they would fund any unforeseen shortages from School Choice monies which they felt would remain stable for the term of the proposed five year amortization schedule. They intend to pay it off as soon as possible to make it more feasible. He urged the Board's favorable vote on this request.

Bill Mullin asked for someone to go through the memo prepared by school staff so that he could better understand the issue. He asked about unfavorable money conditions and if they could amortize it on a longer schedule. They replied they chose the shortest amortization so the cost would be more effective. The Regional School District is already involved and would require no action on the part of the Board of Selectmen. Mac Reid has reviewed his calculations with their auditor and the auditor is comfortable with it mathematically.

Wayne Friedrichs was concerned with what appeared to be two formulas. Mac and Supt. Zimmerman explained that the two formulas were necessary to reflect health costs and other costs and that the worst case scenario was used in each case to come up with the final cost as it is presented today.

Norm Lake queried why the State would not let people out once they were in the program. He cautioned that the State had a history of changing the rules at the last minute. It was noted that the funds for FY95 might not even be available if the Legislature votes to use them to pay for last year's participants.

Nancy felt comfortable with it because of the written agreement offered by the School Committee which holds is intended to hold the Town harmless. She felt that while it was only morally binding, it would insure no financial impact/hardship would be borne by the Townside to fund this program.

Bill noted he would like the agreement amended to reflect real costs in each fiscal year and the date needed to be changed. Bill Ryan and school staff will amend the document and forward it to the Selectmen.

NANCY TAVERNIER - Moved to accept the ERI Program for the Acton Public Schools. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

WILLIAM MULLIN - Moved to accept the Consent Calendar as printed with #18 held for discussion and additional items added.
- NANCY TAVERNIER - Second - UNANIMOUS VOTE.

#18 Bill noted the grammatical errors contained in the document. He asked that it be proofread and corrected before being resubmitted to the Board. He asked that #5 be clarified to reflect who the permission is to be obtained from and definition of Town land. BILL MULLIN - Moved to send back to Municipal Properties for re-editing. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

New View Neighborhood Development - The Board discussed the second PCRC waiver requested by New View. The Board thought that it was a fifty-fifty issue and felt we should waive the second filing fee. NANCY TAVERNIER - Moved to grant the waiver to New View Neighborhood Development. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

Girl Scouts Court of Honor - Nancy volunteered to attend on behalf of the Board.

Sign request, Friends of the Library - NANCY TAVERNIER - Moved to approve with Highway Supt. review of location. WILLIAM MULLIN - Second. UNANIMOUS VOTE

Sign request, Acton Children's Playground Committee - WILLIAM MULLIN - moved to approve with Highway Supt. review of location. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Appointment - Arts Council - NANCY TAVERNIER - Moved to appoint Susan Richmond for a term of 6/30/95

Appointment - Cable TV Committee - WILLIAM MULLIN - Moved to appoint Henry J. Hogan to fill the unexpired term to 6/30/96.

TOWN MANAGER'S CONCERNS

Transfer Station Fees - The board reviewed the report submitted by the Highway Supt. and John Murray regarding the transfer station and fees associated. They outlined that with action taken at the 94 annual town meeting the felt comfortable level funding the fee for this upcoming year. NANCY TAVERNIER - Moved to level fund the Transfer Station Sticker Fee for FY95 Schedule. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

Kelley's Corner Concentrated Development Center (CDC) - Donna Jacobs outlined the purpose of the request and signature on the letter designating this area a CDC. Donna felt with this designation it would help with MAPC funding for projects.

WILLIAM MULLIN - Moved to expand on Planning Board's recommendation for Kelley's Corner CDC. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Year End Spending - The Board discussed the Town Manager's recommendations for Year End Spending. Don felt that by implementing his recommendations he could make some headway with projects and items that have slid behind like the paving. NANCY TAVERNIER - MOVED to approve the Town Manager's recommendations for Year End Spending - WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Nancy then began to discuss the possibility of putting together a sidewalk program for next year to continue to provide a net work of sidewalks to the center and from the schools. It was felt that to have a plan on the shelf would be beneficial to the Town so that when and if monies became available they could implement them. Don cautioned that it is not that simple because easements must be obtained and that takes time.

NANCY TAVERNIER - MOVED to direct the Town Manager to expend a portion of the \$15,000 on designing sidewalks looking toward providing future networks. BILL MULLIN - Second. After discussion Nancy withdrew her motion.

EXECUTIVE SESSION

None needed

The Board adjourned at 11:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(522)

JUNE 3, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA
ROOM 204
JUNE 7, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 ACTON WINE AND SPIRIT CO. D/B/A LIQUOR OUTLET - Liquor license violation review.
2. 8:00 SITE PLAN SPECIAL PERMIT #4/15/94-345 - (MULLIN) Restaurant at 251 Arlington Street - Enclosed please find staff comment regarding this Site Plan filed by Savory Lane for Board action.
3. 8:05 WEST ACTON VILLAGE PLAN - Enclosed please find staff comment regarding the West Acton Plan for Board discussion.
4. 8:30 ALL ALCOHOLIC BEVERAGE PACKAGE STORE LICENSE - ACTON BEVERAGE INC. 133 Great Road - Enclosed please find a request for transfer of license from Notar's Market to Acton Beverage Co. as well as request for transfer of location from 391 Mass Ave. to 133 Great Road for Board action.
5. 9:00 GOLDEN BULL RESTAURANT - Liquor license violation review.
6. 9:15 SCHOOL EARLY RETIREMENT INCENTIVE (ERI) - Enclosed please find additional materials and the Town Manager's comments for the Board's consideration. Any vote of the board must be made by June 10.

III. SELECTMEN'S BUSINESS

7. New View Neighborhood Development Corp. - Enclosed please find a request from New View to waive a second PCRC Application Fee for Board review.
8. GIRL SCOUTS OF AMERICA - Enclosed please find an invitation from Troop #2001 to attend the Court of Honor being given for Clare Murray and Kirsten Peterson on June 17, 1994 for Selectman assignment.

9. SIGN REQUEST - Enclosed please find a request to post signs on Town property throughout town in conjunction with the Annual Book Sale. Staff comment has been attached for your review.
10. SIGN REQUEST - Enclosed please find a request to post signs on Town Property from the Acton Children's Playground Committee. Staff comment has been attached for your review.
11. ARTS COUNCIL APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Susan Richmond as a full-member of the Arts Council with term to expire 6/30/95 for Board action.
12. CABLE ADVISORY APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Henry Hogan to fill an unexpired term as a full-member of the Cable Advisory Committee with term to expire 6/30/96 for Board action.

IV. CONSENT AGENDA

13. SURPLUS EQUIPMENT - Enclosed please find a request from staff to declare the old voting equipment surplus for Board action.
14. JUNK CAR VIOLATION - Enclosed please find information and a letter for Board signature regarding a Junk Car violation at 28 Willow Street.
15. PROPOSED TIP AMENDMENT - Enclosed please find a copy of a letter drafted by staff for Board approval and Chairman's signature.
16. ACTON HOUSING AUTHORITY - Enclosed please find a copy of an amended filing required by HUD for Board signature. Original copies will be in the signature file on Tuesday.
17. ACCEPT GIFT - Enclosed please find copy of a check to be accepted and applied to the Civil Defense Agency account for Board action.
18. RULES AND REGULATIONS FOR USE OF TOWN LAND - Enclosed please find materials and comment from staff for your approval.

V. TOWN MANAGER'S REPORT

19. TRANSFER STATION FEE SCHEDULE - Enclosed please find staff comment regarding Transfer Station Fee Schedule for FY95 for Board review.
20. KELLEY'S CORNER CDC (Concentrated Development Center) - Enclosed please find staff memo for Board review. Staff will discuss this with the Board on Tuesday evening.

21. Year End Budget Status Report - Enclosed please find the Manager's projected Year End Budget Report and recommendations for Board action.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

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

- June 21 - Crossroads Violation review
 - Savory Lane - Possible Site Plan Continuation
 - Atlantic Grill Violation review
 - David Brown - Interview Full-member Bd of Assessors
- July 12 - Papa Gino's Violation review.
- July 26 -

7/12/94 (11)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

June 27, 1994

TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director 
SUBJECT: Boston Edison petition, Pole 11/37, Concord Road

I am recommending that the Board of Selectmen act favorably upon the above noted petition.

The pole in question was installed by Boston Edison on our property several years ago as a community service contribution as part of an ongoing project spearheaded by Lt. George Williams, of the Fire Alarm Division, to provide easily accessible call boxes next to all high use recreation areas. Although the pole was donated and installed by Boston Edison, they cannot extend electric service to the pole unless they own it, and this petition will allow BECO to put the wires in to be used for the irrigation system that is being installed and maintained by Acton Boxboro Youth Soccer. The donation of the irrigation system was accepted by the Board a little over a month ago. The Town incurs no additional liability or expenses by accepting this petition.

DAC/424

W.D. # 665562

Customer

June 22 19 94

In consideration of permission free of charge from Town of Acton
owner of the premises No. off P 1137 Concord Rd Street, Acton

Massachusetts, to BOSTON EDISON COMPANY to construct, install, repair, renew and maintain one (1) poles with the necessary wires, sustaining or protecting fixtures and service connections attached thereto constituting a line for the transmission of electricity upon, along and across said premises, the said BOSTON EDISON COMPANY hereby agrees that no easement shall accrue to it by reason of the construction, installation, repair, renewal and maintenance of said line and that it will remove said line at any time upon sixty days' notice in writing from said owner, _____ heirs or assigns.

BE Co. to take over customer pole 11-37/ix

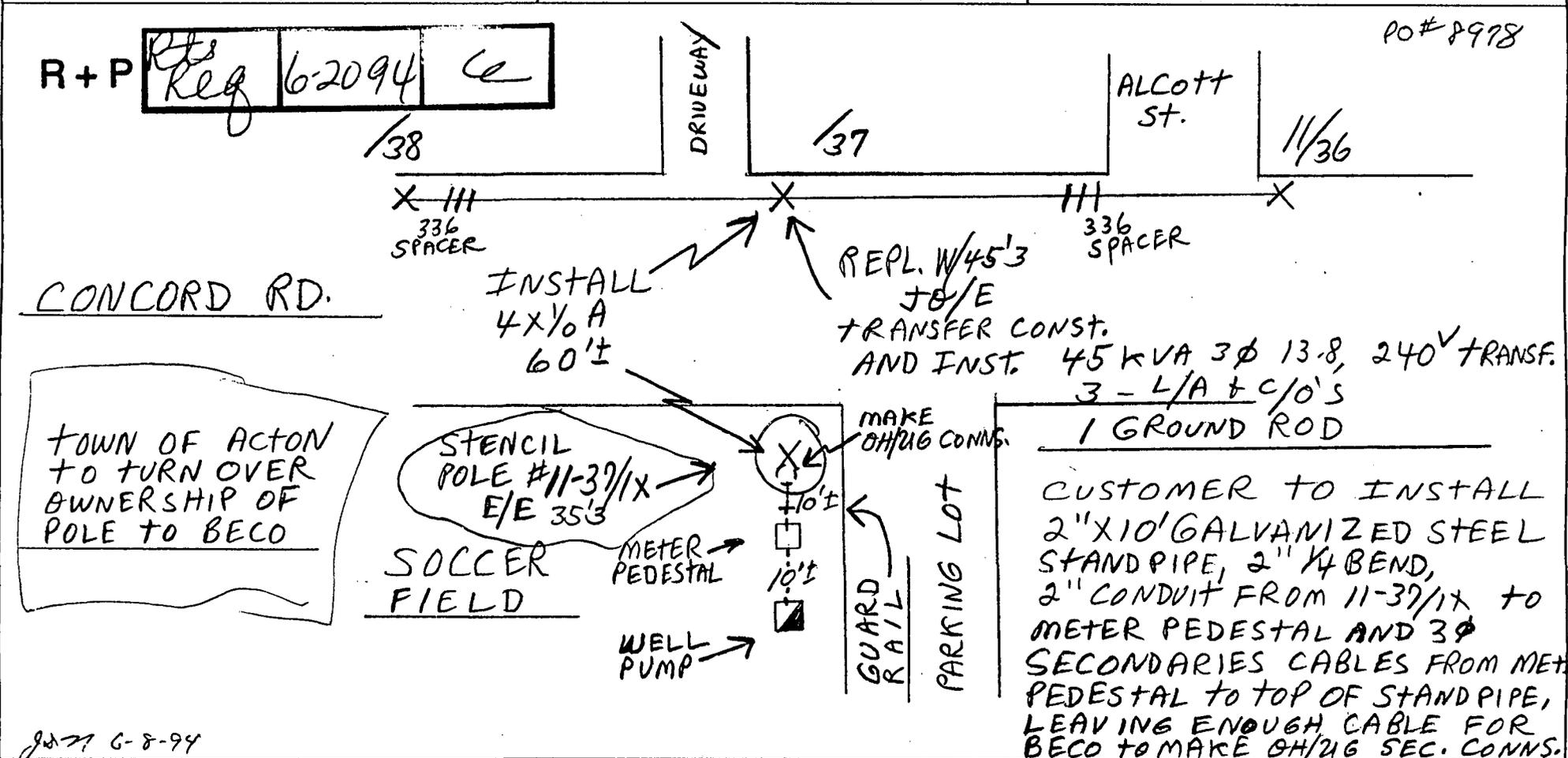
BOSTON EDISON COMPANY

By Christine Costy

In consideration of the foregoing agreement of BOSTON EDISON COMPANY, the undersigned, the owner of said premises, hereby consents to the construction, installation, repair, renewal and maintenance of the above described line.

✓ _____
Owner

SERVICE ADDRESS 137 #104 CONCORD RD.	CITY ACTON	LEAD TIME	PAGE NUMBER 1 of 2 Pages	YEAR 94	AUTH. NO. 262	DIST. 31	WORK ORDER NUMBER 665562	
CUSTOMER'S NAME/TITLE YOUTH SOCCER	PREPARED BY JIM HANSEN	DATE 6/7/94	CONSTRUCTION WORK ASSIGNED TO		CONSTRUCTION WORK COMPLETED BY			DATE
SALES REPRESENTATIVE R. RASMUSSEN	ELECTRICIAN <i>[Signature]</i>		<input checked="" type="checkbox"/> OVERHEAD <input type="checkbox"/> UNDERGROUND		CIRCUIT NUMBER 307-135/H1			PURCHASE ORDER NUMBER
SWITCH SIZE 100A 3φ, 240V					SECONDARY SHEET NUMBER 235			



JA 77 6-8-94

EXTRA COST	OVERTIME	TREE TRIMMING	ROCK HOLES
MAN-HOURS:			

7/2/94 - (12)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: July 7, 1994

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Site Plan Special Permit # 4/15/94-345
Savoury Lane, 251 Arlington Street

I have attached a draft copy of the above referenced decision. I would like to take this opportunity to point out issues that I feel were left unresolved at the hearing.

The Board will note that the draft decision leaves the entrance to the building on the side rather than relocating it to the front. I felt that there may be a connection between the location of the entrance and the perceived traffic congestion that was a concern of abutters. There was concern that this restaurant could create similar traffic problems presently being experienced on Spruce Street. I noted that two restaurants on Spruce Street have entrances located on the front of the building. There is adequate parking behind these restaurants. With the entrance to Savoury Lane located on the side, the customers may find it more convenient to park on site rather than on the street as people do on Spruce Street. The down side to this proposal was pointed out by the Town Planner. He feels that the location of the entrance should be on the front of the building in order to enhance the village character.

I have not included any additional landscaping except loam and seed between Veasie's home and Savoury Lane. There is only a 12 foot separation between the buildings. Any landscaping may quickly over take this small area and may tend to collect trash.

I have only included a 93 foot long fence adjacent to the property line directly west of the parking lot. This may provide better shielding from car lights than landscaping.

If the Board desires any changes please advise so that I may correct the Draft Decision.

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Savoury Lane (hereinafter the Petitioner) for the property located at 251 Arlington Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map F2A, parcel 66.

This Decision is in response to an application submitted to the Board on April 15, 1994 by the Petitioner for a Site Plan Special Permit under Section 10.4 and a Special Use Permit for a restaurant under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) to construct a one and one-half story building with a basement and associated parking.

After causing notice of the time and place of the public hearing and the subject matter thereof to be published, posted and mailed to the Petitioner abutters and other parties in interest as required by law, the hearing was called to order on June 7, 1994 at 8:00 PM and immediately continued until June 21, 1994 at 8:00 PM in the Selectmen's hearing room at the Acton Town Hall. Board members Norman Lake, William Mullin, F. Dore' Hunter, Nancy Tavernier and Wayne Friedrichs were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

An application for Site Plan approval received April 15, 1994 signed by Melvin McKee, SVP of Hudson National Bank. An application for a Special Permit for a restaurant; certified abutters list dated January 26, 1994; use description; a plan recorded in 1958; drainage design dated March 1994; water balance calculations dated March 1994; earth removal calculations; preliminary comments from the Building Commissioner and Town Planner.

Exhibit II

A set of plans with the following sheets: Site Plan sheet 1 of 3 dated March 22, 1994; Post Development Plan sheet 2 of 3 dated March 22, 1994; Construction Detail Sheet, sheet 3 of 3 dated March 22, 1994, all three sheets prepared by Acton Survey & Engineering Inc.; Floor Plans, Exterior Elevations prepared by E.J. Rempelakis dated March 22, 1994; Landscape Plan by Moriece & Gary; the aforementioned exhibit was provided in full and reduced size.

Exhibit III

An Interdepartmental Communication (IDC) from the Town Manager to staff requesting comments; letter to Ms. Gordon dated April 20, May 16 and June 2, 1994 from the Manager's office; letter to the Beacon dated April 21 and May 16, 1994 from the Manager's office; Notice of the Hearing; letter to the Middlesex News dated June 2, 1994 from the Manager's office; a second Notice of Hearing.

Exhibit IV

The following IDC's were received:

1. Building Commissioner dated June 1 and 3, 1994.
2. Municipal Properties Director dated May 9, 1994.
3. Town Planner dated April 25, 1994.
4. Fire Chief dated May 19, 1994.
5. Engineering Department dated May 20, 1994.
6. Health Director dated June 3, 1994.
7. Assistant Assessor dated June 16, 1994.

Exhibits I and II are referred to hereinafter as the Plan.

1.0 Findings and Conclusions

Based upon review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the West Acton Village District. Retail Sales is a permitted use and a restaurant is allowed by Special Permit.
- 1.2 The site is located in both Zone 3 and Zone 4 of the Ground Water Protection District. Both the drainage and sewage disposal system are located in Zone 4. The Plan as presented meets the zoning requirements of both zones.
- 1.3 The Board granted a Site Plan Special Permit #04/27/89-314 in 1989. The rights granted by this permit were not exercised in a timely manner. That permit is considered null and void.
- 1.4 The Plan shows a thirty-six (36) inch diameter ash tree adjacent to Arlington Street. Numerous abutters expressed concern that this tree may be removed and, therefore, would damage the character of the street. The Municipal Properties Director reports that this tree has "ash decline", caused by a mycoplasma like organism. The tree more than likely will die within two years and should be removed.
- 1.5 The Plans indicate that the existing sidewalk will remain with appropriate handicap ramps. The West Acton Village Plan, which is in draft stage, suggests that sidewalks in this district should be concrete with vertical granite

curbs. To further the village plan, this site should have concrete sidewalk and granite curbs along Arlington Street.

- 1.6 The Plans, as presented, do not show any fences between the locus and any abutters. The abutters, West Acton Village Condominiums, are concerned about vehicle lights shining onto their property. A five foot high stockade fence in line with the parking spaces located on the property line will help alleviate the problem.
- 1.7 The Plans do not indicate what type of exterior lighting will be used. The site at its widest is only approximately 87 feet. It would be inappropriate to place any lighting at a height of over eight feet because it would not be in the spirit of or in compliance with section 10.4.3.2 of the Bylaw.
- 1.8 The Plans indicate that Savoury Lane will be located approximately twelve feet from an adjoining residential abutter. In order to provide some level of privacy for the abutter, no windows shall be located on the west side of the building for a distance of twenty-two feet from the south end of the building.
- 1.9 Section 6.9.2.3 requires that provisions be provided for connection of parking to abutting sites. The applicant has provided letters that indicate abutters do not want any connection at this time. It is appropriate that a letter of agreement be provided so that a future connection may be provided.
- 1.10 The Plan, as herein modified, is consistent with the Master Plan.
- 1.11 The Plan, as herein modified, and as provided for in the Conditions and Limitations, protects the Town and the neighborhood against serious detrimental or offensive uses on the site and against adverse effects on the natural environment and complies with all applicable requirements of the Bylaw.
- 1.12 The Plan, as herein modified, and as provided for in the Conditions, provides for convenient and safe vehicle and pedestrian movement to and from the site as well as within the site; adequate methods of waste disposal and adequate parking and loading facilities.
- 1.13 The granting of a Site Plan Special Permit for the site, as herein modified, and as provided for herein, will not derogate from the intent of the Bylaw to limit the adverse effects of the use and development of the land on the surface and groundwater resources of the Town of Acton.

Therefore, the Board voted to GRANT the requested Site Plan Special Permit and Special Use Permit with the benefit of the following Plan modifications, conditions and limitations.

2.0 Plan Modifications

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not issue any building permit nor shall he permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, compliance with the requirements of this permit shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit any construction on the site. The Petitioner shall submit two copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a building permit.

- 2.1 Remove the 36" ash tree and replace with a 3" caliber tree to the satisfaction of the Municipal Properties Director.
- 2.2 Show a concrete sidewalk with required handicap ramps and vertical VA5 granite curb. Curbing should end not closer than fifteen feet to the track with end buried and continuing to the westerly boundary. On the eastern side show the tracks and the curb and sidewalk ending no closer than fifteen feet of the tracks with the curb ending flush with the ground. The final location and design subject to the Engineering Department approval.
- 2.3 Show a five foot high stockade fence on the boundary directly west of the parking spaces and not exceeding any further north or south of the parking spaces.

3.0 Conditions

- 3.1 The exterior lighting shall not exceed eight feet in height.
- 3.2 There shall be no windows located on the westerly side of the building for the first twenty-two feet.
- 3.3 Prior to issuing a building permit an approved septic permit shall be obtained from the Board of Health.
- 3.4 If hazardous materials (as outlined in Board of Health regulations) are utilized on site. A hazardous materials storage permit will be needed from the Board of Health.

3.5 Prior to occupancy or use of the new building, an as-built plan will be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.

3.6 The Petitioner shall supply, prior to issuance of a building permit, a letter of agreement indicating that the Petitioner will reasonably cooperate with the Board of Selectmen and with abutters in order to provide for a future common driveway connection with abutting property.

4.0 Limitations

The Authority granted to the Petitioner by this permit is limited as follows:

4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.

4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.

4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.

4.4 No approval of any indicated signs or advertising devices is implied by this Decision.

4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.

4.6 This Site Plan Special Permit shall lapse on July 12, 1996 if a substantial use thereof has not commenced sooner except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least thirty (30) days prior to said expiration date and the Board herein reserves its rights and powers to grant or deny such extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.

7/12/94 (13)

Site Plan Special Permit #7/8/91-332
Charles G. Kadison, Jr. for Village Saab
30 Main Street

Amended Decision of the Board of Selectmen on the Petition of Charles G. Kadison, Jr. on behalf of Village Saab for the property located at 30 Main Street, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map I2, Parcels 14, 15.

This Decision is in response to a request submitted to the Board on May 9, 1994 to amend the existing Site Plan Special Permit.

The Board exercises its powers to amend this permit without a new public hearing in that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and the terms of the permit.

Submitted for the Board's deliberation prior to the close of the meeting were the following exhibits:

Exhibit I

Letter to the Board dated May 9, 1994 from Charles G. Kadison, Jr. for Village Saab; letter from Frank J. Gallagher, P.E. to the Building Commissioner dated April 27, 1994.

Exhibit II

Planting Plan dated May 16, 1994; set of plans consisting of two sheets entitled "Site Plan of Land in Acton" dated April 2, 1994 and "Construction Detail Sheet" dated April 20, 1994.

Exhibit III

Letter to the Board dated June 9, 1994 from the Building Commissioner.

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

1. The Site Plan Special Permit #7/8/91-332 remains in full force and effect with this Amendment affecting only those issues as shown on the exhibits.
2. The amended plan shall be completed with appropriate as-built plans by January 1, 1995.

The Board of Selectmen voted to GRANT the requested Site Plan Special Permit Amendment.

Extra Info

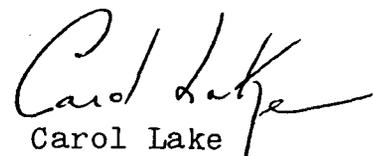
July 12, 1994

CONFIDENTIAL

Caroline Horrocks, 48, of 25 Parker Street, South Acton is in need of a sticker for entrance to the transfer station. Miss Horrocks lives alone, has no siblings, and is a marginally functional person with a long history of instability. She lives in a very modest home that belonged to her deceased parents.

Within the past year and a half Caroline's older car had episodes of repair needs. Until she finds finances to cover the repair costs she rides the COA van in a handicapped person status. About every six to eight months Caroline calls the COA office asking for volunteers to take her accumulated trash - bagged in plastic and placed on an enclosed porch - to the transfer station. This is a huge, smelly undertaking for the long suffering volunteers. Caroline says she will go to the station herself if she only had funds to purchase the \$100 sticker.

I have known both Caroline and her parents for sometime and visited in their modest home to complete papers/forms for them. Caroline, I believe, may be receiving a disability check for income. I would trust Caroline to use funds to purchase a sticker for her car.


Carol Lake
Council On Aging

Whitney Fund: \$100

Whitney Fund

\$100

Remit to: Caroline Horrocks

25 Parker St.

Acton

CONFIDENTIAL

GEORGIA E. WHITNEY FUND

Accepted at Town Meeting dated March 9, 1936

Voted:

To accept from the Trustees under the will of Georgia E. Whitney, late of Somerville, Mass., deceased, as approved and allowed by the Probate Court for the County of Middlesex, the gift of \$10,000.00 made to the inhabitants of the Town of Acton by Clause "K" of the 26th item of said ~~xxiii~~ will as follows:

"K". Unto the said inhabitants of the Town of Acton the sum of \$10,000.00 the same to be kept safely invested, and the income and interest arising therefrom to be devoted by the Selectmen of said town to the relief of the worthy poor of said South Acton, preferably elderly people, such distributions to be made ostentatiously to the end that the names of those benefited thereby shall not be published."

And also any and all other sums of money which may accrue to the Town by virtue of Clause P of said 26th item of the will, all the same to be kept safely invested as a trust fund and the income and interest arising therefrom to be devoted by the Selectmen of this town to the relief of worthy poor of South Acton, preferably elderly people, all as set forth in said Clauses K and P of said will.

Principal as voted above March 9, 1936	\$10,000.00
1938--Received bequest from 26th item of will	2,000.00
1940-- " "	1,500.00
1943-- " "	573.70
Total	\$14,073.70

TOTAL AMOUNT OF FUNDS AVAILABLE FOR DISBURSEMENT AS OF 7/12/94 \$12,057.03

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 8, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: West Acton Village Plan

In my memo to you dated June 17, I noted that we would not bring this subject back before the Board until matters were more clearly settled. Roland's attached comments begin that process but they are not quite where I believe Trey Shupert and I were in our most recent conversation.

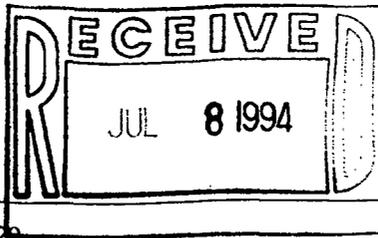
I am forwarding Roland's memo to update you as to the current status but it is not yet ready for your agenda. I am waiting for Trey's letter. I expect Trey to more clearly state that the listed action recommendations are precisely that ... recommendations ... to be taken into consideration as the wishes of the residents of the area but not as mandates or projects that are anticipated as imminent by the Committee. I also expect him to indicate that the desire was to show the decision makers what the residents would optimally like and give guidelines for goals to be achieved, if possible. Specified remedies in the plan have been described to me as suggested methods for achieving the intended goals, not directives.

The understanding that I have of my conversation with Trey is that the plan was intended to present the preferred goals of the neighborhood. The desire would be to achieve all of these goals; however, if they are impossible or otherwise impracticable, the Committee's desire was to give broad guidelines that would allow decision makers to factor-in the citizen's preferences when and where possible. In other words, use this information as a resource and apply common sense.

By copy of this memo to Trey I am asking that he note my interpretations and, in his letter, address any misconceptions I may have developed.

cc: Roland Bartl
Trey Shupert

A handwritten signature in black ink, appearing to be 'Roland Bartl', written in a cursive style.



INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager DATE: July 7, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*

SUBJECT: West Acton Village Plan Implementation - Clarification

The Planning Board at its meeting on June 27, 1994 discussed the issues raised following the Planning Board's recommendations for implementation of the West Acton Village Plan, dated May 24, 1994. The Planning Board will clarify its understanding of how the action recommendations of the Plan should be viewed and how their implementation might best be accomplished. Mr. Trey Shupert, Vice Chairman of the Planning Board and Chairman of the now dissolved West Acton Village Planning Committee, will write a letter on behalf of the Planning Board to the Board of Selectmen explaining the Planning Board's views on the matter.

For my part, I regret the disagreements between the Plan's recommendations and the opinions of some department heads and the misunderstandings that apparently have resulted from the May 24 communication. More direct, face to face communication, rather than memos and letters, between the Department Heads and the Village Planning Committee might have resulted in a better understanding of the issues on both sides. In future planning efforts, I will make sure that there will be an opportunity for direct interaction.

The following describes my understanding of how the Plan's action recommendations should be understood. I suspect this is not going to be very different from what Mr. Shupert will write on behalf of the Planning Board.

1. All input from the public meetings, surveys and responses to the draft plan have been considered carefully before drafting the final plan document. If specific recommendations and comments made by staff to the draft plan have not resulted in a change or elimination of a specific action recommendation, then this fact reflects this careful consideration of all input received.
2. The action recommendations of the West Acton Village Plan, as with any other plan document should not be ignored. They should be taken seriously and be actively pursued. Progress in small increments is better than no progress at all.
3. Running the Town with limited resources requires that decision makers at all levels consider the various needs that exist at any given moment. Clearly, the West Acton Village Plan action recommendations must be viewed in this light. The recommendations should be considered as an aid to help remind decision makers what needs exist in the West Acton Village planning area, all compiled in one place and easy to read. These would always have to be weighed with others needs which

amongst many might be action recommendations from other planning documents, such as the 1991 town wide Master Plan or another village area plan.

4. The action recommendations are submitted by the Planning Board to the Board of Selectmen in the hope that the Board of Selectmen will pass them on to Town departments and staff. The Planning Board believes it would be helpful if the Plan's action recommendations were to be organized in categories showing which action the Board of Selectmen considers to be the principal responsibility of which department. The Planning Board has attempted to organize the list in this fashion. The Board of Selectmen may feel that some changes to the assignments must be made. In any case, this list should not be considered a marching order, but rather a guide to help department heads understand what the major issues are. Knowledge and acknowledgment of the recommendations by the departments would be helpful, since opportunities may arise over the years by which individual departments may be in the position to address certain recommendations in a way not contemplated today. They may not see the opportunities if they are not aware of the Plan recommendations.
5. The action recommendations in the West Acton Village plan are sometimes very specific. They represent the planning committee's best effort to identify a way to address an obvious need. This does not mean, that Town staff should feel limited in their creativity to address the underlying problem in a different and perhaps better way.
6. The action recommendations are formulated to give the final desired state to be achieved. It is clear, that some of these action recommendations need further study and multiple preliminary steps before they can be implemented. It is also understood, that in one or the other case such study or preliminary work might reveal obstacles which could have the result that the action recommendation must be shelved, at least for the time being, or that a change may be required in the way implementation is sought, or that the action recommendation might have to be modified to achieve similar results.

With the above in mind, I re-submit for your and the Board of Selectmen's consideration the attached list of action recommendations. The list as previously submitted did not include any action recommendations which are already implemented. These were the recommendation related to the zoning changes adopted by Town Meeting in April 1994.

I have made some changes, additions and clarifications which are highlighted.

The West Acton Village Planning Committee attached a "high priority" rating to almost 75 percent of the attached action recommendations. The committee struggled with the priority ratings. Clearly, the Plan reflects the committee's feeling that this many were important enough to deserve a high rating. It was also feared, that giving certain action recommendations a medium or low priority rating might give the wrong impression to readers that they are not important, and that they should or need not be implemented until the high priority recommendations are done. Independent from its priority rating, every action recommendation has its merits and deserves to be implemented as the opportunity and ability to do so arise. Therefore, I have deleted the priority ratings from the attached list.

xc: Planning Board

ridc.94*46

July 7, 1994

West Acton Village Plan Implementation

The following Action Recommendations have been grouped according to the boards, committees, commissions or departments most likely to be responsible for implementation. Clarifications are added in *italics*. They are not contained in the completed West Acton Village Plan document.

Board of Selectmen, Planning Board, Board of Appeals (*added*), Building & Planning Depts.

Encourage off-street walkway connections between buildings in West Acton Village for improved pedestrian circulation and to encourage one-stop shopping.

Require landscaping and adequate, accessible parking in the rear of all new commercial developments.

Encourage off-street driveway connections between off-street parking lots in West Acton Village for improved vehicle circulation off of the public ways.

Limit and discourage development of commercial uses in strip malls that create congestion and are not compatible with the Village environment.

Encourage the development of a pedestrian pathway from Massachusetts Avenue to Arlington Street. (*Between Central Street and Spruce Street.*)

Encourage developers of vacant parcels of land surrounding West Acton Village to use cluster methods of development.

(The above six action recommendations would be primarily the responsibility of the named permit granting authorities when issuing decisions on special permit and variance applications. Planning and Building Department staff would be responsible for reviewing applications with these planning objectives in mind and making appropriate recommendations to facilitate plan implementation.)

Establish criteria through Zoning and Site Plan Regulations for the siting of new construction and the alteration of existing buildings and structures to protect West Acton's village character. (*The zoning has been adopted to help implement this recommendation - see Zoning Bylaw new Section 10.4.3.9. The Site Plan Special Permit Rules and Regulations should be reviewed to see if any additional information is needed in applications and proposed plans to allow full review under this section.*)

Investigate the possibility of utilizing grant monies available from state and federal agencies and research other economic development programs that will help small shopkeepers stay in the Village where they add life to the street, provide convenient and economical services, and remain neighbors and members of the village in ways that large businesses cannot.

Adopt impact fee regulations to fund off-site infrastructure improvements necessitated by increased development such as contributions to parking solutions and increased public safety personnel and equipment.

Investigate the feasibility of shuttle bus to the South Acton train stop and public parking lots/facilities. *(Shuttle buses from West Acton to South Acton, with parking in West Acton.)*

Reinstate the West Acton Village MBTA train stop in a location that can accommodate parking and will not block traffic on Massachusetts Avenue. *(If this can be implemented, the previous action recommendation will probably be obsolete. Both recommendations target more direct access from West Acton to the commuter rail.)*

Encourage site alterations at the West Acton Post Office to provide additional parking, and consider designating on-street parking in safe locations for post office use only.

Board of Selectmen, Police, Highway & Engineering Depts.

Reduce the speed limit to 25 mph for north, south and eastbound motorists entering the Village and post signs in appropriate locations. *(Seek MHD support for this measure.)*

Enforce no-parking restrictions at intersections and along the north side of Arlington Street from Spruce Street to Central Street. If parking at intersections remains a problem, extend sidewalks to provide a neck-down (narrowing of pavement) and to improve sight distance.

Enforce parking regulations to ensure safe vehicle movements at the intersections in West Acton Village.

Enforce one hour parking regulations along Massachusetts Avenue.

Provide clear speed control signage and consistent enforcement thereof.

Utilize mirrors or other safety devices for intersections where there are inadequate sight distances; particularly at the corner of Mead Terrace and Massachusetts Avenue.

Install village entry signs at key points in West Acton Village (Route 111/Central Street).

Limit street curb cuts for driveways and make their boundaries clear so pedestrians know

where they are safe and where to be careful and narrow the existing wide curb cuts. *(Limiting curb cuts and reducing the width of existing curb cuts would fall under site plan, special permit, or variance application reviews. To better define boundaries between sidewalks, streets and driveways would also involve work in the public street layout and can be done by Town departments)*

Reconstruct existing sidewalks along both sides of Spruce Street from Massachusetts Avenue to Arlington Street to prevent cars from parking over the sidewalks. Add a new segment of sidewalk along the frontage of parcel 70 on Map F-2A. Construct new sidewalks using concrete paving material and granite curbs.

Maintain pavement markings for crosswalks by semi-annual repainting or through the use of thermoplastic marking material. Stripe on-street parking spaces annually.

Add new crosswalks at the following locations: across Central Street from Arlington Street; across Massachusetts Avenue at Arlington Street; and across Arlington Street at Spruce Street.

Replace the present crosswalk across Massachusetts Avenue from Windsor Avenue with a new crosswalk across Massachusetts Avenue from the west side of Windsor Avenue. *(This would eliminate a couple of on-street parking spaces on Mass. Ave.. Alternatively, the existing sidewalk on the east side of Windsor Ave. could be completed for the entire length between the Windsor Green project to the current cross walk location on the east side of Windsor Ave.. The objective here is to bring all pedestrians, including elderly residents from Windsor Green, safely to the village center and back with as little street crossing as possible. Under current conditions, a sidewalk extends for a short distance northward from Windsor Green on the east side of Windsor Ave.. Where it ends, pedestrians have to cross Windsor Ave. to pick up a sidewalk on the west side which then continues to the village center. To reach the bank, pharmacy or post office pedestrians would have to cross Windsor Ave. once again at the Mass. Ave. intersection to reach the cross walk leading to the north side of Mass. Ave..)*

Amend the Acton Sidewalk Master Plan to provide adequate pedestrian safety within West Acton Village by adding sidewalks along the south side of Arlington St. (between Spruce St. and Central St.), along both sides of Windsor Ave., along both sides of Spruce St. from Massachusetts Ave. to Gates School, along the north side of Arlington St. (between Central St. and Massachusetts Ave.), along Central St. from Massachusetts Ave. to Elm St., and the north side of Massachusetts Ave. from the intersection at Central St. to the intersection at Wright Terrace.

Adjust the Acton Sidewalk Master Plan as needed to provide for construction of sidewalks along roadways leading into West Acton Village such as along Arlington St. from Summer St., extend sidewalks south on Central St. and Windsor Ave.

Create safer street-crossings for pedestrians by extending sidewalks into the parallel parking lane at crossing locations along Massachusetts Avenue.

Review the street layouts, such as Central Street, within West Acton Village to determine whether it is possible to create a row of angle on-street parking spaces rather than parallel parking spaces within the West Acton Village business center to accommodate more cars for use by patrons of the merchants and public buildings in the Village.

For better separation of pedestrian ways, as sidewalk repairs are made, replace all bituminous concrete sidewalks and cape cod berms with concrete sidewalks and vertical granite curbing within West Acton Village. Construct all new sidewalks using concrete for the walkways and vertical granite curbing for pedestrian safety and preservation of village character.

Install pedestrian crossing signs at all crosswalks within the Village.

Board of Selectmen, Conservation Commission, Schools (added), Conservation & Highway Depts.

Restrict the application of road salt in environmentally sensitive areas (roadway segments that are adjacent to brooks and wetlands) to only intersections and hills.

Formalize the brook crossing between the Gates School and Douglas School; construct a paved pathway for pedestrians and bicyclists from Spruce St. to Elm St.

Board of Selectmen, Board of Health, Health & Planning Depts.

Provide alternatives to subsurface sewage disposal such as tertiary treatment or other emerging technologies that will better protect the groundwater resources.

Encourage installation of sewage treatment facilities in all new construction of commercial and residential developments in and around West Acton Village.

To ensure the continued vitality of West Acton Village and to allow growth to occur, provide alternatives to subsurface sewage disposal such as tertiary treatment facilities through the use of one or more of the following: sewer districts; betterments; and impact fees.

Encourage the construction of one or more sewage treatment facilities to serve the West Acton Village area on the following public and privately owned parcels of land identified by their Town of Acton Atlas Map and Parcel numbers: E2, 247; F2A, 1-1; F2A, 2; F2A, 2-1; F2A, 1; F2A, 140; F2A, 16-1; F2A, 51; F2A, 72; F2B, 1; F2B, 31-2; F2B, 31; F2B, 31-10; F2B, 14; F2B, 17; F2B, 25; F2B, 79; F2B, 87; F2B, 87-1; and F2B, 41.

Construct sewage treatment facilities to serve areas where on-site replacement of septic systems is not feasible through the use of one or more of the following: sewer districts, betterments, and impact fees.

Board of Selectmen, Municipal Properties

Coordinate volunteer efforts and Town resources/equipment for renovation of Gardner Field to eliminate the feeling of isolation by performing the following tasks: replace the portion of the chain-link fence facing and parallel to Massachusetts Avenue; expand Gardner Field to the full size of the parcel and provide a separation of space for the ball field and the playground equipment; create a social area in front of the fenced playground/ball field and install picnic tables and park benches in this area; prune the heavy canopy of trees to the rear of the field to allow sunlight; and repair and replace outdated playground equipment.

Create a green belt along Fort Pond Brook as recommended in the Town of Acton Open Space and Recreation Plan.

Facilitate the joint effort of Town personnel and community volunteers to beautify West Acton Village.

Accommodate pedestrians with landscaping such as street trees to provide shade and beauty, and street furnishings such as benches and trash containers for convenience and comfort.

Coordinate volunteer efforts and Town resources/equipment to better utilize existing open space and to keep the Fort Pond Brook area clean.

Encourage activity in the Village through both public programs and private efforts: book fairs, special events, sidewalk sales, exhibits and artists' corners.

Historic District Commission, Historical Commission

Expand the West Acton Local Historic District to include: Spruce Street from Massachusetts Avenue to the Gates School parcel; Central Street north of Massachusetts Avenue to and including the Ice House parcel (F2A, 2-1); Central Street south of Massachusetts Avenue to Summer Street; Mead Terrace; and other buildings of historic significance within West Acton Village.

Encourage the preservation or adaptive reuse of existing older buildings in West Acton Village that will accommodate "village scale" businesses.

Encourage the adaption of historic buildings for re-use whenever possible.

Encourage the use of plaques that name buildings or discuss historic events within the Village.

West Acton Residents

The West Acton Village Planning Committee also recommended the formation of a West Acton advocacy group to address the following Objective.

Objective: Encourage volunteer efforts to promote a sense of village community and to foster awareness of village character.

This committee should be a neighborhood organization, separate from the Town of Acton, which can assist the Town with the implementation of the following Action Recommendations which call for volunteer efforts and activities.

Coordinate volunteer efforts and Town resources/equipment for renovation of Gardner Field to eliminate the feeling of isolation by performing the following tasks: replace the portion of the chain-link fence facing and parallel to Massachusetts Avenue; expand Gardner Field to the full size of the parcel and provide a separation of space for the ball field and the playground equipment; create a social area in front of the fenced playground/ball field and install picnic tables and park benches in this area; prune the heavy canopy of trees to the rear of the field to allow sunlight; and repair and replace outdated playground equipment.

Facilitate the joint effort of Town personnel and community volunteers to beautify West Acton Village.

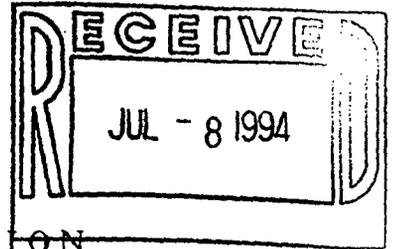
Coordinate volunteer efforts and Town resources/equipment to better utilize existing open space and to keep the Fort Pond Brook area clean.

Encourage activity in the Village through both public programs and private efforts: book fairs, special events, sidewalk sales, exhibits and artists' corners.

CONFIDENTIAL

To
BOS

TOWN OF ACTON



INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/8/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner

SUBJECT: TRANSPORTATION IMPROVEMENT PROGRAM FY'95-97 (TIP)
Critical Funding Issues

This is somewhat confidential in nature.

BOS, PLS. NOTE!

SEE NOTATION, NEXT PAGE.

The state transportation agencies have developed a TIP that calls for the use of \$140 million slated for use by the cities and towns in the Surface Transportation Program (STP) to be diverted to the Central Artery/Third Harbor Tunnel project (CA/T). The TIP also eliminates most of the MBTA's money and all of Massport's money (MBTA parking projects, ridership expansion, access improvements required by the ADA, the people mover at Logan Airport, etc.).

The state asked the Federal Highway Administration (FHWA) for permission to use 100% of the region's Bridge and National Highway System monies for the CA/T. The FHWA told the state on 6/27/94 that they cannot use all of these monies; however, the FHWA advised the state that they could use STP monies instead ("our" \$140M). MAPC & the MBTA Advisory Committee, representing local communities, voted against distribution of the proposed TIP yesterday, but lost 4/2 so the TIP will be distributed as proposed on Monday; the beginning of a 35 day public comment period.

We, the officers of MAPC, have voted to protest the FHWA's policy allowing the state to use STP monies because the federal law (ISTEA) stipulates that the money be spent by local communities, not state agencies. We're seeking legal counsel on whether we have a "cause for action" at the federal court level and whether we can enjoin the STP monies until the dispute is resolved. In addition, we're informing the administration & state transportation agencies that the CA/T needs a dedicated funding source & cannot continue to be funded off the backs of the cities and towns of the MAPC region. The proposed TIP discloses, for the first time anywhere, exactly how badly underfunded the CA/T project is (\$3.5 Billion, or about 50% of the total project cost). In addition, we're asking to have any out-year (beyond FY'97) funding for the CA/T removed from the TIP. (The TIP proposes using more than 100% of the region's STP monies for the CA/T through project completion in 2004.)

MAPC is working with 8 cities and towns across the region as primary supporters of our protest. Acton was suggested as one of the eight because the TIP proposes to move the Rt.27 bridge from '95 bridge funding to '96 STP funding (funds which are already proposed for diversion to the CA/T); the bicycle racks and lockers and the Concord Rd. sidewalk projects have been cut entirely; the School St./Lawsbrook sidewalks have been moved from '96 to '97.

However, because I wasn't sure of Acton's position, I did not encourage MAPC to seek Acton's help as a major supporter of our efforts.

MAPC is meeting with MMA today and we may decide that we need to call Acton and

several other communities (in addition to the 8 mentioned above) who will be "hurt" by the TIP looking for vocal and written support of our efforts to overturn this funding for the CA/T.

As we can expect when dealing with the state, there are a couple of interesting wrinkles. First, the state transportation agencies have said that they don't want to see the local communities hurt by the TIP and have offered to fund local projects with the non-federal aid money proposed in the Transportation Bond Bill. However, we have no mechanism to tie that money to these projects, nor do we know whether the money even exists as the Bond Bill is still in the Senate Ways & Means Committee. Furthermore, we don't know what projects were to be funded with the Bond Bill's non-federal aid monies that won't get done if this money is used to replace the federal money in the STP portion of the TIP. Second, the state proposes to distribute STP monies to the other regional agencies so that most of their projects will not be effected by the diversion of money to the CA/T, just the communities in the MAPC region will be hurt. MAPC has always taken the position that the CA/T project is a state-wide benefit and that it should not be funded solely by the MAPC region, obviously the state disagrees?

I know this is a transportation information overload, but I wanted to provide you with advance notice of what is happening. Many meetings will be held between now and Tuesday. I'll update you on recent developments before the Selectmen's meeting on Tuesday night.

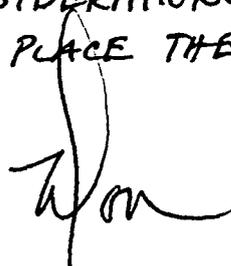
P.S. Attached is a list of projects moved or missing from the TIP.

dw11.269

7/8/94

NOTE TO BOS :

I WILL RECEIVE ANY UPDATES FROM DONNA AND ADVISE YOU OF STATUS AND ANY NECESSARY ACTIONS TUESDAY EVENING. THE REASON FOR CONFIDENTIALITY @ THIS TIME IS MAPC IS CONSIDERING STRATEGY AND WOULD PREFER THAT STATE AGENCIES NOT BE PRIVY TO THEIR CONSIDERATIONS BEFORE NEGOTIATIONS TAKE PLACE THE FIRST OF THE WEEK.



COMMUNITIES WITH BRIDGE PROJECTS MOVED OR MISSING		
COMMUNITY	LOCATION	
ACTON	ROUTE 27	CHANGED FROM 95 BRIDGE TO 96 STP
ARLINGTON	ROUTE 2 PED CROSSING	CHANGED FROM 97 BRIDGE TO 97 STP
ASHLAND	HIGH ST	96 BRIDGE TO 97 STP
BOSTON	DORCHESTER AVE	CHANGED FROM 97 BRIDGE TO 97 STP
BOSTON	ALBANY ST	CHANGED FROM 97 BRIDGE TO 97 STP
BOSTON	SULLIVAN SQUARE	CHANGED FROM 97 BRIDGE TO 97 STP
BOSTON	WEST BROADWAY	PROJECT NOT LOCATED
BOSTON	BABSON ST	CHANGED FROM 95 BRIDGE TO 96 STP
BOSTON	CONGRESS ST	CHANGED FROM 95 BRIDGE TO 96 STP
BOSTON	HARVARD ST	CHANGED FROM 95 BRIDGE TO 95 NFA
BOSTON	MERIDIAN ST	CHANGED FROM 95 BRIDGE TO 96 STP
BOSTON	RESERVATION RD	CHANGED FROM 95 BRIDGE TO 96 STP
BOSTON	WALWORTH ST	CHANGED FROM 95 BRIDGE TO 96 NFA
BOSTON	WEST SECOND ST	CHANGED FROM 97 BRIDGE TO 97 STP
BOSTON	ADAMS ST	CHANGED FROM 97 BRIDGE TO 97 STP
CAMBRIDGE	WALDEN ST	CHANGED FROM 96 BRIDGE TO 97 STP
CANTON	DEDHAM ST	CHANGED FROM 95 BRIDGE TO 96 STP
CANTON	ROUTE 1	CHANGED FROM 95 BRIDGE TO 96 STP
COHASSET	BEECHWOOD DR	PROJECT NOT LOCATED
CONCORD	PINE ST	CHANGED FROM 95 BRIDGE TO 96 STP
DEDHAM	SPRING ST	CHANGED FROM 97 BRIDGE TO 97 NFA
DOVER	DOVER RD	CHANGED FROM 95 BRIDGE TO 96 STP
FRANKLIN	ROUTE 140	CHANGED FROM 97 BRIDGE TO 97 STP
HANOVER	ROUTE 53	PROJECT NOT LOCATED
HINGHAM	ROUTE 3A	CHANGED FROM 95 BRIDGE TO 96 STP
HUDSON	CHAPIN ST	CHANGED FROM 97 BRIDGE TO 97 STP
LINCOLN	CONCORD ROAD	CHANGED FROM 96 BRIDGE TO 97 STP
MARSHFIELD	ROUTE 3A	CHANGED FROM 97 BRIDGE TO 97 STP
MEDFIELD	CURVE ST	PROJECT NOT LOCATED
MEDFORD	COLLEGE AVE	CHANGED FROM 95 BRIDGE TO 96 STP
MEDFORD	NORTH ST	CHANGED FROM 95 BRIDGE TO 95 NFA
MILLIS	PLAIN ST	PROJECT NOT LOCATED
NATICK	LOKER ST	PROJECT NOT LOCATED
NORFOLK	MAIN ST	CHANGED FROM 95 BRIDGE TO 96 STP
NORWOOD	PENDERGRAST CIRCLE	PROJECT NOT LOCATED
NORWOOD	PENDERGRAST CIRCLE	CHANGED FROM 95 BRIDGE TO 96 STP
QUINCY	ROUTE 3A	PROJECT NOT LOCATED
REVERE	ROUTE 60	PROJECT NOT LOCATED
REVERE/SAUGUS	3 BRIDGES	CHANGED FROM 96 BRIDGE TO 97 STP
SAUGUS	HAMILTON ST	CHANGED FROM 95 BRIDGE TO 96 STP
SCITUATE	VET MEM BRIDGE	CHANGED FROM 96 BRIDGE TO 97 STP
SHARON	DEPOT ST	CHANGED FROM 97 BRIDGE TO 97 STP
SOMERVILLE	LOWELL ST	CHANGED FROM 97 BRIDGE TO 97 STP
SOMERVILLE	CEDAR ST	CHANGED FROM 95 BRIDGE TO 96 STP
SOMERVILLE	SCHOOL ST	CHANGED FROM 95 BRIDGE TO 96 STP
SOMERVILLE	WALNUT ST	CHANGED FROM 95 BRIDGE TO 96 STP
SOMERVILLE	WEBSTER AVE	CHANGED FROM 97 BRIDGE TO 97 STP

STOUGHTON	WEST ST	CHANGED FROM 95 BRIDGE TO 96 STP
SWAMPSCOTT	ESSEX ST	CHANGED FROM 96 BRIDGE TO 96 STP
WATERTOWN	MAIN ST	CHANGED FROM 95 BRIDGE TO 95 NFA
WAYLAND	ROUTE 20	CHANGED FROM 97 BRIDGE TO 97 STP
WELLESLEY	ROUTE 16	CHANGED FROM 97 BRIDGE TO 97 STP
WELLESLEY	WOODLAWN AVE	PROJECT NOT LOCATED
WELLESLEY	ROCKLAND ST	CHANGED FROM 95 BRIDGE TO 96 STP
WESTON	SOUTH ST	CHANGED FROM 96 BRIDGE TO 97 NFA
WEYMOUTH	COLUMBIA ST	CHANGED FROM 95 BRIDGE TO 96 STP
WEYMOUTH	COMMERCIAL ST	PROJECT NOT LOCATED
WILIMINGTON	ROUTE 62	CHANGED FROM 95 BRIDGE TO 95 NFA
WILMINGTON	ROUTE 129	PROJECT NOT LOCATED
WILMINGTON	ROUTE 38	CHANGED FROM 95 BRIDGE TO 96 STP

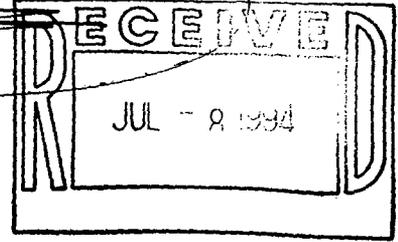
COMMUNITIES WITH STP PROJECTS MOVED OR MISSING			
COMMUNITY	LOCATION	AT	
ACTON	BICYCLE RACKS & LOCKERS	S ACTON TRAIN STATION	PROJECT NOT LOCATED
ACTON	CONCORD RD SIDEWALKS	NA	PROJECT NOT LOCATED
ACTON	SCHOOL ST & LAWSBROOK RD SIDEWALKS	NA	CHANGED FROM 96 STP TO 97 STP
BELLINGHAM	SOUTH MAIN ST	NA	CHANGED FROM 96 STP TO 97 STP
BELMONT	PLEASANT ST	UNKNOWN	CHANGED FROM 96 STP TO 97 STP
BOLTON	ROUTE 117	NA	CHANGED FROM 96 STP TO 96 NFA
BOSTON	ESSEX ST	NA	CHANGED FROM 96 STP TO 97 STP
BOSTON	LOGAN AIRPORT- MASSPORT	PEOPLE MOVER	PROJECT NOT LOCATED
BOSTON	NORTHERN AVENUE CONNECTING ROADS	NA	CHANGED FROM 96 STP TO 97 STP
BOSTON	LOGAN AIRPORT- MASSPORT	PEOPLE MOVER	PROJECT NOT LOCATED
BOSTON	SE EXPRESSWAY HOV	NA	PROJECT NOT LOCATED
BOSTON	WASHINGTON ST		PROJECT NOT LOCATED
BOSTON REGION	RESURFACING & RECONSTRUCTION	ON FED AID ELIGIBLE	PROJECT NOT LOCATED
BOSTON REGION	RESURFACING & RECONSTRUCTION	ON FED AID ELIGIBLE	PROJECT NOT LOCATED
BOSTON REGION	ENHANCEMENT PROJECTS	TO BE DETERMINED	PROJECT NOT LOCATED
BOSTON REGION - MBTA	PARK & RIDE FACILITIES	BEVERLY, GLOUCESTER,	PROJECT NOT LOCATED
BOSTON REGION - MBTA	RAIL GRADE CROSSINGS	NA	PROJECT NOT LOCATED
BOSTON REGION - MBTA	PARK & RIDE FACILITIES		PROJECT NOT LOCATED
BOSTON REGION - MHD	PARK & RIDE FACILITIES		PROJECT NOT LOCATED
CHELSEA	EVERETT AVENUE	NA	PROJECT NOT LOCATED
FOXBOROUGH	NORTH ST	NA	CHANGED FROM 96 STP TO 96 NFA
HINGHAM	ROUTE 228	NA	CHANGED FROM 96 STP TO 97 STP
HINGHAM	DERBY ST/OAK ST	NA	CHANGED FROM 96 STP TO 97 STP
IPSWICH	ROUTE 1	LINEBROOK ROAD	CHANGED FROM 96 STP TO 96 NFA
LEXINGTON	MARRETT RD		PROJECT NOT LOCATED
LEXINGTON	MAPLE ST	RR	CHANGED FROM 96 STP TO 95 NFA
LITTLETON	ROUTE 119	POWERS RD & SHAKER LANE	CHANGED FROM 96 STP TO 95 NFA
MALDEN	PEDESTRIAN BRIDGE @ T	NA	CHANGED FROM 96 STP TO 97 STP
MBTA	WELLINGTON STATION	NA	PROJECT NOT LOCATED
MBTA - VARIOUS	GREEN LINE LOW FLOOR VEHICLES		PROJECT NOT LOCATED
NATICK	ROUTE 135	MILL ST	CHANGED FROM 96 STP TO 95 NFA
NATICK	ROUTE 135	SPEEN ST	CHANGED FROM 96 STP TO 95 NFA
NATICK	WEST CENTRAL ST	NA	PROJECT NOT LOCATED

Attachment 2.2

NEEDHAM	HIGHLAND AVENUE		PROJECT NOT LOCATED
NORTH READING	ROUTE 62	NA	CHANGED FROM 96 STP TO 97 STP
NORWELL	ROUTE 123 - MAIN ST	NA	CHANGED FROM 96 STP TO 97 STP
PEABODY	ANDOVER ST - ROUTE 114 @ WILSON SQ	PULASKI, CENTRAL & ENDICOTT STS	PROJECT NOT LOCATED
PEABODY	DOWNTOWN	UNKNOWN	CHANGED FROM 96 STP TO 97 STP
QUINCY	DRAINAGE IMPROVEMENTS	UNKNOWN	PROJECT NOT LOCATED
RANDOLPH	ROUTE 139 - UNION ST	NA	CHANGED FROM 96 STP TO 97 STP
REVERE	ROUTE 1A	OAK ISLAND ST	CHANGED FROM 96 STP TO 95 NFA
REVERE	ROUTE 1A	REVERE ST	CHANGED FROM 96 STP TO 95 NFA
SALEM	ROUTE 107	SWAMPSCOTT RD	CHANGED FROM 96 STP TO 95 NFA
SALEM	BOSTON ST	ESSEX ST	PROJECT NOT LOCATED
SALEM	RILEY PLAZA PARKING		PROJECT NOT LOCATED
SAUGUS	WALNUT ST		CHANGED FROM 95 STP TO 96 STP
SHARON	ROUTE 27	BAY RD & WASHINGTON ST	CHANGED FROM 96 STP TO 97 STP
SOMERVILLE	I-93	MYSTIC AVE & ROUTE 28	PROJECT NOT LOCATED
SUDBURY	OLD SUDBURY RD	CONCORD RD NB	PROJECT NOT LOCATED
TOPSFIELD	ROUTE 1	IPSWICH RD	CHANGED FROM 96 STP TO 95 NFA
WALTHAM	BUS PURCHASE	NA	PROJECT NOT LOCATED
WELLESLEY	ROUTE 9	ROUTE 16	CHANGED FROM 96 STP TO 95 NFA
WESTON	SCHOOL ST	ROUTE 20	CHANGED FROM 96 STP TO 95 NFA
WESTWOOD	ROUTE 109 - HIGH ST	GAY & HARTFORD STS	PROJECT NOT LOCATED
WEYMOUTH	PARK AVE	PLEASANT ST	CHANGED FROM 96 STP TO 95 NFA
WEYMOUTH	ROUTE 18	ROUTE 53	CHANGED FROM 96 STP TO 95 NFA
WILMINGTON	I-93	ROUTE 125	PROJECT NOT LOCATED
WILMINGTON	ROUTE 125	BALLARDVALE RD	PROJECT NOT LOCATED
WINCHESTER	WASHINGTON ST	NA	PROJECT NOT LOCATED

cc: BOS - ~~CONFIDENTIAL~~

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION



DATE: July 8, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Lawsbrook Road Earth Removal Permit
Lawsbrook Inc.

Lawsbrook Inc. (James Fenton) applied for an earth removal permit from the Zoning Board of Appeals. He was proposing to remove earth from the former Foster Masonry site.

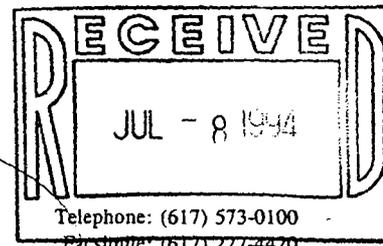
A hearing was held on March 21, 1994 and concluded on May 21. The Board of Appeals denied the request and a written decision was required by June 17, 1994. As of this date that decision has not been written.

Fortunately for the Town, Mr. Fenton did not exercise his right to a "Constructive Approval" by notifying the Town Clerk within the allowed 14 day period. I have informed Mr. Crockett, as he was chosen by the Board to write the decision, of his error. I have tried to impress on him the importance of writing a decision, especially when a request is denied. This could have been very embarrassing for the Town.

cc. Board of Appeals

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108



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

CONFIDENTIAL

July 5, 1994

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

CC: BOS - THIS IS A BIT TECHNICAL AND WAS INTENDED FOR THE BENEFIT OF ROLAND BUT IT MAY HAVE SIGNIFICANT RAMIFICATIONS. AT A MINIMUM, WE ARE ON NOTICE THAT OUR DECISIONS AND CONDITIONS MUST BE CAREFULLY CONSTRUCTED IF THEY ARE TO BE DEFENDED.

CC: GARRY RHODES
ROLAND BARTL

(Dolan v. City of Tigard)

Dear Roland:

As you probably have seen, the U.S. Supreme Court recently decided the Oregon land use case I mentioned to you in connection with the Town's study of impact fees. By a vote of 5-4, the court held that the city had not adequately demonstrated that the conditions it imposed on the development, including dedication of land in the flood plain for a greenway and provision for a bicycle path, were "roughly proportional" to the impact of the proposed development. As a result, the court said the conditions were invalid as a "taking" of the owner's property.

To understand the decision, it is necessary to know what the city did and how the court characterized these actions. The city had adopted a comprehensive development code ("CDC") that included both flood plain controls and projected work on the stream to alleviate flooding, and a citywide plan for a system of pedestrian/bicycle pathways to relieve traffic congestion. The owner sought a permit to increase the size of the building and parking lot on her land, apparently within the requirements of the zoning code. The CDC required her to dedicate land adjacent to the stream, and within the 100 year flood plain, for purposes of flood control and for the construction of a bike path. The land so dedicated constituted about 10% of the total lot. The Commission found that the increased development on the site would increase storm water flow and thus increase flooding; and that a larger store would increase vehicle trips, which "could" be alleviated by provision for pedestrian and bicycle access.

The court began by saying that the Fifth Amendment prohibits the government from taking land without compensation. Thus, the city could not simply require the plaintiff to give the city a strip of land along the creek, and the question was whether it could condition

the grant of a permit to develop her property on such a dedication. The court recognized that previous Supreme Court decisions had sustained the general authority of states to regulate land uses, and had decided that such regulation did not constitute an unconstitutional taking if it did not deny an owner all economically viable use of her land. It said that these decisions differed from what the city had done in this case in two respects: first, they were "legislative determinations classifying entire areas of the city" rather than an "adjudicative decision" on an individual parcel. Second, the conditions here were not simply a limitation on how the plaintiff could use her parcel, but a requirement that she deed part of it to the city. The court concluded that under the "well-settled doctrine of unconstitutional conditions," the government could not require a citizen to give up a constitutional right -- to receive just compensation -- in exchange for a discretionary benefit conferred by government "where the property sought has little or no relation to the benefit."

It is against this background that the court announces the constitutional test, or rather tests, that must be applied to the kind of government action in *Tigard*. First, the court applied the "essential nexus" test announced in *Nollan v. California Coastal Comm.*, 483 U.S. 82, 837 (1987). It conceded that the prevention of flooding and the reduction of traffic congestion were "legitimate public purposes" and that the limitation of development in the flood plain and the provision of pedestrian/bicycle access served these public purposes. This analysis characterizes the *Nollan* "essential nexus" test as one relating to the *nature or purpose* of the condition. The court went on to say that *Nollan* had not decided what "degree of connection between the exactions imposed by the city and the projected impacts of the proposed development" there had to be to satisfy the constitution.

It considered three tests, which had been adopted by state courts, including a "reasonable relationship" test adopted by the majority of the state decisions it discussed. It characterized this formula as close to the federal constitutional norm, but it rejected it as "confusingly similar" to the "rational basis" test, which describes the minimal level of scrutiny required under the Fourteenth Amendment. It, therefore, settled on a "rough proportionality" test as expressing the required degree of connection. It explained this as follows:

"No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development."

The court's discussion of the various tests may appear to be splitting semantic hairs, but each of these formulas carries with it a history of application in specific cases that gives content to the words and some guidance to other courts in applying it. The formula adopted by the court is clearly intended to make reviewing courts require *more* evidence of connection than has traditionally been required in cases involving the constitutionality of land use controls.

More importantly, the court has not only changed the verbal formula, but it also shifted the burden of proof. In the future, a government entity or agency will have the

burden of showing that its actions meet the "roughly proportional" test, whereas previously the landowner had to show that the government's action did not meet the "rational relationship" test. As the dissent points out, this is a radical change in prior law, and potentially the most important aspect of the decision.

In applying these tests, the court held that the dedication of the flood plain for what it characterized as a "public greenway" was not sufficiently related to the public's legitimate interest in flood control to satisfy its new test. The majority purported to see no connection between what it characterized as "recreational visitors trampling along petitioner's flood plain" and the city's legitimate interest in reducing flooding problems. Similarly, it held that the city's finding that the bicycle path "could offset some of the [increased] traffic demand" from the expansion of the store was "a far cry from a finding that [it] will, or is likely to offset some of the traffic demand." As the dissent pointed out, this part of the decision depends on the ambiguity of the city's findings, which could easily be cured by a finding that the bike path "would" reduce traffic. With respect to the first point, the dissent argued that the city could cure the court's objection by prohibiting the use of, but not acquiring, the flood plain land. This seems to be an appropriate point if the city was concerned only with regulating the use of the land. It seems clear, however, that if a city chooses to acquire the land rather than merely to limit its use, its action will (and perhaps should) be judged by a stricter standard than would apply to regulatory action alone.

The court's analysis raises a number of questions about its meaning and future effect. First, as one of the dissenting opinions points out, the "conditions" imposed by the city were part of its general development code; the only "adjudicative decision" was the denial of a variance request. The court apparently adopted this characterization of what the city did, because the test that it announces seems to require a case by case review of the particular benefits and burdens involved in each land use decision. Second, the city seems to have left itself vulnerable to a "taking" analysis by requiring the owner to convey land to it. As the dissent points out, and the majority seems to concede, a requirement that there be no development in the flood plain would not have raised any constitutional problems. It is, therefore, not clear why the city thought it necessary to take the land, except that it appears that it wanted to deepen and improve the stream channel, which as the dissent also points out, would probably benefit the plaintiff's land. The "taking" of the strip of land for the bicycle path is more understandable and may be a more important aspect of the case. In Massachusetts, the subdivision law prohibits a town from requiring the dedication of any land for public use, except for street layouts, and even there the landowner is not *required* to convey the land to the town; rather the benefits of public maintenance of the roads is great enough so that the developer, and eventually the lot owners, want the town to accept the street. In other parts of the country, however, a requirement either that land be dedicated, not only for streets but for other public facilities, such as parks and schools, or that a cash payment be made, is apparently more common, and the court seems to have been concerned with establishing a test applicable to such requirements. It is here that the court's analysis may become applicable to either a general "impact fee" or to specific mitigation measures imposed on special permits. Finally, *Tigard* did not directly address the question of whether the city could require a developer to pay part or all of the public costs imposed by additional

development. On the one hand, the court makes much of the fact that the city required the developer to give it part of her land. A condition that the developer either expend additional money herself or make a payment to the city to solve the problem created by the development is harder to fit into a "taking" framework. For example, a condition that the developer construct flood protection works to protect any development on the land falls readily within the traditional justification of building code requirements. On the other hand, in various places, the court characterizes both contributions of land and contributions of money as "exactions" and the decision can and will be read by many to support an argument that the same test of "rough proportionality," with its attendant shift in the burden of proof, applies to cash contributions as well as to land transfers. If this occurs, the impact of *Tigard* on land use regulation may be much broader than the actual decision.

The *Tigard* decision should be compared with the recent decision of the Supreme Judicial Court in *Lopes v. City of Peabody*, 417 Mass. 299 (March, 1994). In *Lopes*, the owner challenged the constitutionality of a wetlands conservancy overlay district, which prohibited any construction within the district; only recreation and agricultural uses were allowed. The plaintiff's small lot was almost entirely within the district. The zoning was upheld by the Land Court, even though the parties stipulated that the owner was "unable to use it." The Appeals Court upheld the decision, partly on the ground that flood prevention purposes justified the prohibition, and partly on the ground that the plaintiff had purchased the land after it had been rezoned. The decision was appealed to the U.S. Supreme Court and remanded by that court for further consideration in light its decision in *Lucas v. South Carolina Coastal Council*, which involved a prohibition of development on coastal land.

In reviewing the case, the SJC drew a sharp line between a challenge to the validity of the zoning and a taking. It said that if the zoning had deprived the land of all economically beneficial uses (which it said had not been fully defined in *Lucas*), then the by-law should be declared invalid, "to the extent necessary ... to permit an economically beneficial use." In that case there would be no taking; and no need for the payment of compensation. Although the distinction has its most obvious impact on the remedy granted by the court, it also has a more subtle effect on the analysis. The "taking" language relied on by the Supreme Court was originally little more than a metaphor for regulation that went "too far." It has been used by the present majority in the court as a way of imposing more constitutional limitations on governmental regulation of land use than have been imposed on almost any other form of regulation. I think the Massachusetts Court will not read the *Tigard* decision broadly, but will tend to limit it to its specific facts. On the other hand, I think *Lopes* shows that the Court may require more particularized support for regulatory action than has been the case in the past.

The court said that *Lopes* could show that the regulation was invalid, as applied to his lot, by proving that it was not necessary to restrict all land below the selected contour line to accomplish the legitimate flood control purposes. On this issue, the court said:

"After the *Lucas* opinion, generally expressed political [i.e., legislative] judgments concerning the desirability of a zoning regulation will do little to resolve the question whether a regulation substantially advances state interests." Rather, "the *Lucas* case directs that the test must be made on a case by case basis as to the particular land involved." 417 Mass. at 306.

Alternatively, it said that the Land Court could first decide whether "the regulation deprives the land of all economically beneficial uses." To do so, the owner must prove that the land had some economically beneficial use, absent the regulation, and that it had none after the adoption of the regulation. It seems that these are issues of practical fact, not theoretical law. For example, it appears that the plaintiff could show that the land had no economic use, if it was too isolated, or too small, or not suitable for agricultural use, even though that was a legally permitted use. On the other hand, the city might try to show that development on the land would be impractical, even without the restriction, either because any home built on the land would be subject to so much flooding that no one would choose to buy it, or that preventing such flooding would be so expensive that such use would not be feasible.

Thus, although *Lopes* involved a challenge to a generally applicable by-law rather than an explicit legal taking, the SJC decision seems to anticipate the *Tigard* emphasis on particularized fact finding. The SJC notes, however, that *Lucas* did not specify who has the burden of proof. The court suggests that in the context of a "taking" due to regulatory restrictions, the burden would remain on *Lopes* to show that the regulation does not advance legitimate state interests, and that he had been deprived of all economically beneficial uses of the land. It says, however, that the city may have the burden of showing that the use would violate pre-existing nuisance or other principles of law.

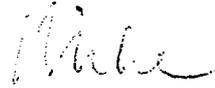
It is not clear whether *Tigard* changes the allocation of the burden of proof suggested in *Lopes*. On balance, *Tigard's* analysis may only apply when there has been an actual taking, not simply a "regulatory taking" by the application of regulatory restrictions on certain kinds of development. For example, the majority opinion in *Tigard* suggests that the owner would have to show that the regulation does not advance a proper state interest (which is consistent with *Lopes*), and may also leave the burden on the owner of showing that the regulation deprives him of all beneficial use of the land. (In *Tigard* this issue did not arise because the city by definition deprived the owner of all use of the land which it acquired).

Summary

Like many Supreme Court decisions involving constitutional issues, the *Tigard* decision raises as many questions about its ultimate scope and meaning as it settles. At a minimum it is important as a further indication that five members of the court want to put more constitutional limits on local regulation of land uses. On the other hand, the "defects" in the city's action that the court pointed to can be cured rather easily and can be

distinguished from more traditional forms of regulatory action. Even in such cases, however, courts are likely to require a more specific showing of the connection between the public purpose of the regulation and its actual impact on the land owner than has been traditional under the due process provisions of the constitution.

Very truly yours,



Acheson H. Callaghan

AHC/cnf

cc: Don Johnson

File Copy

*Mail
packet
7/15/94*

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 15, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Out of State Travel

We will have a team in Allegheny County, Virginia and Bethlehem, Pennsylvania on Monday and Tuesday, July 18 and 19 to see the actual application of the computer software package proposed by one of our top vendor candidates for the Town's computerization program. This is the trip associated with the travel expense donation that I discussed with the Board recently.

The team will consist of Roy Wetherby, Sharon Summers, Marcella Sultan, John Murray and me. We are anxious to see an actual application of the products we have only seen in demo at this time. I will report our findings to you.



cc: Roy Wetherby
Sharon Summers
Marcella Sultan
John Murray

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

Don P. Johnson
Town Manager

July 14, 1994

Finnegan and Stanzler, P.C.
20 Beacon Street
Boston, MA 02108

Attention: Mr. James J. Finnegan

Subject: Papa Gino's, Acton

Dear Mr. Finnegan:

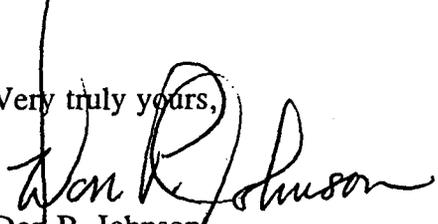
The Acton Board of Selectmen recently requested that Papa Gino's appear before the Board to explain a liquor license violation and, in effect, show cause as to why the Selectmen should not suspend or revoke the license. The appointment was scheduled for 8:15 PM on July 12. Papa Gino's failed to appear.

The violation in question related to the service of a minor at the Papa Gino's restaurant in Acton on April 29, 1994. The Selectmen consider this to be a serious violation of the responsibilities of a Liquor License holder and will allow the holder one last opportunity to comment to the Board before determining what action is appropriate under the circumstances. Accordingly, a hearing has been scheduled for 7:45 PM on July 26, 1994 in Room 204 of the Acton Town Hall. The Selectmen have directed that the License Holder be present at that time to explain what happened, how it happened, why it happened and what actions have been taken to prevent this from happening again. After hearing from the License Holder the Board will determine any appropriate action, up to and including suspension or revocation of the license.

This will be the last opportunity for Papa Gino's to address the Board before their decision. I am writing you, as the attorney who submitted the original application on behalf of Papa Gino's, to solicit your assistance in encouraging your client to attend this meeting. The Town does not have a specific person named as the responsible License Holder on this license so I trust that you will communicate with the appropriate individual(s). By copy of this letter to the Manager of the Acton Papa Gino's restaurant I am advising that this hearing has been scheduled and requesting similar assistance in securing attendance by the appropriate person from Papa Gino's.

The importance of attendance at this hearing cannot be overstated. The Selectmen have indicated an intent to summarily suspend the license indefinitely if Papa Gino's fails to appear for this hearing.

Very truly yours,


Don P. Johnson
Town Manager

Hand-delivered to Papa Gino's, 82 Powder Mill Road, Acton, MA, by Police Officer on July 15, 1994.

Received: _____

Manager

cc: Board of Selectmen

DPJ:90

Anne B. Fanton
43 Fort Pond Road
Acton, MA 01720

~~Don FYI~~

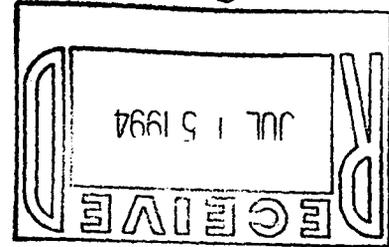
~~R.B.~~

~~FYI~~

cc: BOS

July 1, 1994

Acton Planning Board
Planning Department, Town Hall
472 Main Street
Acton, MA 01720



Dear Planning Board Members:

At your meeting on June 27, you held a scenic road hearing on removal of several large trees for the purposes of sidewalk construction on Arlington Street. I had intended to come to express my concern about the location of the sidewalk and removal of some of the trees, however, at the last minute was unable to attend. In any case, it is my feeling that the hearing is generally too late in the process to affect the outcome because Town department staff have already invested time in field studies and design. It is also my opinion that residents do not turn out for these hearings on short sidewalk sections because small, incremental changes in scenic roads often go unnoticed until the damage is done.

I am writing to ask you to include in any future development conditions a recommendation as to the location of the sidewalk, and as often as possible, to recommend that sidewalks constructed on scenic roads wind through the trees even if easements are required to avoid the trees, wetlands and stone walls. The Master Plan contains frequent references to maintaining what remains of Acton's rural character. It also supports sidewalk construction. As members of the board that most often sets conditions requiring sidewalks, you are in the best position to balance these two goals. Without your clear direction, staff can be expected to take the easiest, least costly and maintenance-efficient route to construction. With a decision as to the sidewalk location at the time you set conditions, you can require the applicant to fund a sidewalk that is appropriate to a scenic road. I do not feel that your decision should be constrained by a reluctance to seek easements when necessary and appropriate. Construction time is not of the essence when you are trying to balance one valued goal with another.

Residents who attended the Master Plan public meetings voiced many concerns about the loss of rural character, with frequent, specific reference to our winding, country roads. In fact, this was the second most often mentioned priority after good schools. The "character" of rural roads is lost as they are visually widened by the addition of a curb and an (8-10 foot?) sidewalk even when trees remain behind the sidewalk. This character is further eroded in coming years as the curb starts to crumble and the sidewalk deteriorates, or when the Highway Department's sweepers do not remove the sand from the sidewalk.

Simply swinging behind a couple of trees is not the solution. (As Dean Charter says, single trees trapped between the sidewalk and the road often die anyway.) I think that Lincoln and Sudbury offer the best models for balancing rural character with sidewalk construction. They move their sidewalks well back from the road, however, this can mean getting easements from homeowners. It is very unlikely that the Municipal Properties and Engineering Departments will take this route, for understandable reasons, unless you develop a policy that gives scenic roads as high a value as the construction of a sidewalk.

Finally, there are some roads, such as Nagog Hill Road, which are so beautiful and non-heavily traveled that sidewalk construction is neither necessary nor possible without destruction of their scenic value. Such scenic roads are heavily traveled by pedestrians and bicyclists who know to listen for the occasional car. We are not dealing with a high frequency of accidents or any overriding need for a sidewalk. In such a case, I would hope that you would waive your policy that sidewalks along the frontage of subdivisions are always required.

I know that you have many responsibilities as the first line of defense for much that exists in the Master Plan, and I believe that you have been doing an outstanding job in that regard. You are often accused by abutters of not protecting wooded areas when you have no legal authority to protect them. I understand how difficult it is to be blamed for something you cannot legally control. In this case, however, I feel that one Master Plan goal is being slowly, but surely sacrificed for another and that you do have the ability to address this issue in your decisions.

I hope that you will consider my suggestion.

Sincerely,



Anne Fanton

The Ledger

July/August 1994

CHAMBER MEMBERS IN THE NEWS...

Congratulations and thank you to the Chamber's new slate of officers who were elected at the Board of Directors meeting in May. They include, President, Sandi Pitcher, CambridgeWear; Vice-President, Mark Scheier, Scheier & Katin, PC; Treasurer, Tallene Baxter, Westford Regency Inn & Conference Center; Clerk Joan Meyer, Acton Real Estate Co. Inc. and Immediate Past President Steve Aronson, Star Consultants. The Chamber is fortunate to have such outstanding leadership.

Steve Aronson, Star Consultants, was recently named to the Board of the Mental Health Association of Central Middlesex where he will serve as treasurer. Additionally, Steve has been elected Chairman of the AB Regional School Committee. Congratulations!

Best of luck to Laura Archambault, Executive Director of the United Way of Acton/Boxborough on her pending relocation to Barrington, Rhode Island. Her husband, Pat, has accepted a new job as manager of the Rhode Island Country Club. Best Wishes!

Congratulations to Deborah Gilpin on being named Executive Director of The Discovery Museums. She was formerly the Deputy Executive Director. Debbie succeeds Rob Moir, who left to pursue other interests.

LETTER FROM THE PRESIDENT



Growing up in a small Idaho community, I was well aware of our local and active Chamber of Commerce. The Chamber was highly visible and issued a strong message to residents to "Shop at Home" instead of taking their business to larger neighboring cities. Then, for a short time between teaching school and my "family raising" years, I worked in a regional office of the United States Chamber of Commerce in Palo Alto, CA. Through that experience, I became firmly committed to the objectives of local Chambers of Commerce, wherein businesses and professionals work together to build a healthy economy and to improve the quality of life in the community.

It has been a pleasure for me to be associated with the Acton Area Chamber of Commerce during the past few years. We have learned to truly work together to strengthen the socio-economic climate of our region. Our local businesses are truly leading out. Two fine examples of our members working to make a difference include Gould's, which recently hosted its annual "Fun(d) Run" to raise funds for Concord Family Service and Idylwilde Farms, which sponsored a Strawberry Festival this month with proceeds benefiting the United Way of Acton/Boxborough. There are many other examples of local businesses and professionals who regularly and unselfishly give back to our community. We, at the Chamber, will continue to make every effort to recognize and thank them.

I am proud to accept the role of President of the Acton Area Chamber of Commerce for this next year, and I pledge my support to all Chamber members (and prospective members!) as we work together to accomplish our common goals.

Sandi Pitcher,
Acton Area Chamber of Commerce, President
CambridgeWear

CHAMBER MEMBERS IN THE NEWS...continued

Best wishes to ADESA Auctions of Boston on their upcoming move to Framingham's former GM plant. ADESA, formerly Concord Auto Auction, has been a "Good Neighbor" in Acton for many years. The Chamber thanks them for all of their support. Good Luck! You *will* be missed.

Kudos to Nadine Yates, principal of N.R. Yates & Associates of Maynard, on her recent certification as a Senior Marketing Professional by the Society for Marketing Professional Services (SMPS). The SMPS demonstrates advanced competency in planning, business development and marketing management. ■

CHAMBER CALENDAR
JULY 1994

CHAMBER HAPPENINGS

OFFICE CLOSED
Independence Day

- 7/6 PROGRAMS COMMITTEE
12:00 Noon
- 7/7 FREE SBDC* COUNSELING
Call Chamber office for an
appointment
1:00-5:00 p.m.
- 7/12 MEMBERSHIP COMMITTEE
7:45 am
- 7/13 BOARD OF DIRECTORS
7:30 a.m.
- 7/14 LEADS EXCHANGE GROUP
7:30 a.m.
- 7/15 AMBASSADORS
Westford Regency
8:00 a.m.
- 7/19 EXECUTIVE COMMITTEE
7:30 a.m.
- 7/20 BUSINESS BEFORE HOURS
"Humor in the Workplace"
Speaker: Rick Segel
Westford Regency
7:30- 9:00 a.m.
- 7/21 FREE SBDC* COUNSELING
Call Chamber office for an
appointment
1:00-5:00 p.m.
- 7/28 LEADS EXCHANGE GROUP
7:30 a.m.

*SBDC = Small Business Development
Center

All meetings at Chamber Office
unless otherwise noted

MAP OF ACTON

Members should have received a promotional flyer on our new Map of Acton project. A date of June 20, 1994 was printed as a cut-off date for advertisers to receive 100 complimentary maps. Due to a mix-up at the Post Office, our members did not receive the Map notice until June 23 or later. The new cut-off date is July 7, 1994. We apologize for any inconvenience. AD SPACE IS STILL AVAILABLE. Call the Chamber, 263-0010, for additional information.

HUMAN RESOURCE ASSOCIATION

The Human Resource Association held its last program of the winter / spring series on June 9 at the Westford Regency Inn and Conference Center. The topic, "Hiring and Firing Within the Law" was presented by Attorney Robert P. Corcoran. A partner in the law firm of Gleeson and Corcoran, he has extensive experience in employee termination, wrongful discharge and employee at will legislation. The highly informative and interactive session was well attended not only by HRA regulars, but several new participants as well.

Programs are being developed for next fall and the Association is looking forward to increased participation and a new format.

MICROLOAN PROJECT

An informational meeting entitled The Revolving Loan Fund: Putting the Pieces Together for Small Businesses was held at the Chamber office on Thursday, June 23, 1994. Facilitated by Doug Detweiler of the North Central Massachusetts Development Corporation (NCMDC) and Mike Holbrook of the Massachusetts Small Business Development Center (MSBDC), the presentation explained eligibility, qualifications and application requirements for businesses interested in the program. Designed to provide financing to start-up, small and medium size companies in order to stimulate the economy, the fund is available to 23 communities affected by the closing of Fort Devens. The eleven participants were given valuable information about the fund and the steps a business needs to take in order to be considered. For additional information contact the NCMDC, (508) 840-4300.

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- 8/10 BOARD OF DIRECTORS
7:30 a.m.
- 8/11 LEADS EXCHANGE GROUP
7:30 a.m.
- 8/12 AMBASSADORS
Site: TBA
8:00 a.m.
- 8/17 EXECUTIVE COMMITTEE
7:30 a.m.
- 8/18 FREE SBDC* COUNSELING
Call Chamber office for an
appointment
1:00-5:00 p.m.
- 8/25 LEADS EXCHANGE GROUP
7:30 a.m.

*SBDC = Small Business Development
Center

*All meetings at Chamber Office
unless otherwise noted.*

1994/95 Board of Directors

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Tallene Baxter, Treasurer
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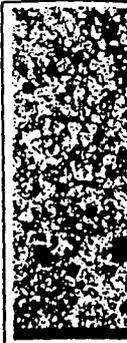
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IMPORTANT PROGRAM INFORMATION ENCLOSED!!

SECOND ANNUAL GOLF TOURNEY AND OUTING

A GREAT SUCCESS!

Sixty golfers braved the steamy weather to participate in the Chamber's Second Annual Golf Tourney and Chicken Barbecue held on June 17 at Stow Acres Country Club. First place went to Lau Technologies; second place to Champions and third place to the LaFoley/Christmas/Napoli foursome. In addition, Mike Ring of Lau Technologies won two dinners at Scupper Jack's for earning the Longest Drive honors. Brian Fortin, also of Lau Technologies, won two rounds of golf at Stow Acres for capturing the Closest to the Pin awards. Congratulations!

Many thanks to the following businesses and professionals whose financial support, donation of goods and services, and sponsorship of golfers directly contributed to the overwhelming success of the tourney. Their support enables us to provide generous scholarships to deserving students in our local schools. Included are:

Acton Chiropractic, Inc.
Acton Paint & Decorating
Acton Public/ A-B Regional Schools
Acton Real Estate Co., Inc.
 on True Value
 on Woods Plaza
Baker-Whitney Oil Company
Beacon Community Newspapers
Brewer & Lord Insurance
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Colonial Valet, Inc.
CompPro Computer Corp.
Copyland, Inc.
Coughlin, Sheff & Associates, PC
Crossroads Cafe
Cynthia G. Sechrest, CPA
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Key West Coffee & Teas
Lau Technologies
Law Office of Henry Hogan III
Maynard Supply Co., Inc.
McDonald's of Acton
Meriwether & William
Midas Muffler & Brake Shop
Patterson Auto Body
Payright Payroll Service
Pedal Power
Powers Gallery & Fine Framing
Setra Systems, Inc.
Shamrock Sales
Shapiro, Israel & Weiner
Scheier & Katin, P.C.
Star Consultants
The Gift Basket
The Golf House
United Way of Acton and Boxborough
Village Saab
Wallace/James International Deli
Warren Rental
Westford Regency Inn and Conference Center

The Golf Outing Committee included Chairman David Beardsley, Key West Coffee and Teas; Joan Olson, J. Olson Jewelers; Larry Powers, Powers Gallery and Fine Framing; Kevin Storti, Champion Sporting Goods; Jack Campbell, Campbell Associates, Architects; Pat Beran, The Discovery Museums; Tom Wachtell, Facilitations and Jock Robey, Acton Paint & Decorating.

Thanks for a fantastic job!



Jack Campbell, Campbell Associates, Architects; Joan Olson, J. Olson Jewelers; David Beardsley, Key West Coffee & Teas and Larry Powers of Powers Gallery put on their golf faces.

WHAT'S AHEAD — FALL PROGRAMS

As we all look forward to taking advantage of those lazy, hazy days of summer, we must also face the stark reality that the season passes quickly. That's why your Chamber is planning a fall season full of beneficial programs for YOU! Let's review what's up:

ANNUAL AWARDS DINNER

Plans are well underway for the ANNUAL AWARDS DINNER to be held on Friday, September 16, 1994, at the Westford Regency Inn and Conference Center. Chairperson Marne Geller, Westford Regency and members Christopher Litterio, Shapiro, Israel & Weiner, P.C.; Peter Rondeau, Copyland; Jan Ristagno, Crafty Creations and Marlene Wachtell, Facilitations have been working hard to plan an event that promises to be the social highlight of the year. Mark your calendars and watch the mail for additional information on this special event. Sponsorships are available. Please sign up — *we need your support!*

You have received nomination forms for the Lou Brock Memorial Award and the Community Service Award. The Lou Brock Memorial Award is given to an individual business person, living or working in Acton, who over a period of time has consistently demonstrated excellence in business and community leadership; has made, or is making significant contributions to the welfare of the community through involvement and participation and who has given freely of his/her time and energy for community betterment. The Community Service Award is given to an individual in the area who has made a positive impact on the community through continued or continuous involvement; who has demonstrated loyalty, dedication and commitment to the area. One who has dedicated his/her free time, making significant contributions to the welfare of the community. The recipient need not be a business person.

Please note that recipients for both awards need not be Acton residents nor have a business in Acton. Send in your nominations by Wednesday, July 13, 1994.

BANK CHALLENGE

The Chamber's Membership Committee is busy planning our second annual "Bank Challenge" Membership Drive this summer. The drive will be held from Monday, October 3 through Friday, October 21. This membership campaign is an exciting and fun way for you and your employees to get involved in your Chamber of Commerce.

As an added benefit to Chamber members we once again invite you to promote your business through our gift package. Drive volunteers present these packets to prospective members. You may include promotional flyers and coupons (no larger than 8 1/2 X 11) and promotional items such as pens, magnets and mugs. This was a popular advertising vehicle last year.

The BayBank team is our reigning "Bank Challenge" champ. The coveted Minuteman Trophy on display in their Great Road branch is up for grabs in October. What bank will display the trophy for the next year? The competition is fierce, but the purpose is noble — A larger membership means a stronger and more effective Chamber for you!

Membership Committee members include, Chairman Ruth Gerath, Gerath & Good Company; Bonnie Lieberman, Mail Boxes Etc.; Mary Jo Welch, Fleet Bank, N.A.; Nancy Donohue, BayBank and Dave Augusta, United Chambers Insured Plans.

BUSINESS EXPO '94

The Chamber's Business Expo Committee also has a full agenda this summer as they plan for Business Expo '94. The event will be held at the Boxborough Host Hotel & Conference Center on Thursday, October 13 from 11:00 am to 6:00 pm.

Take advantage of this high-visibility opportunity to profile your business. By working together and doing business locally we can create new jobs and support our local communities.

The committee is in the process of finalizing corporate sponsors for this October event. Fifty professional trade show booths will be available (8' X 8'). The Early Bird Rate is only \$80 through August 5 and a Regular Rate of \$95 will be extended until September 2. Booth space will be available on a first-come first-serve basis.

Any Chamber member business wishing to offer a discount on Expo related services should contact the Chamber office, 263-0010, immediately. This information will be included in our promotional literature. WATCH YOUR JULY MAIL FOR MORE DETAILS ON THIS EXCITING OPPORTUNITY TO SHOWCASE YOUR BUSINESS.

Expo Committee members include Chairman Phil O'Brien, Payright Payroll Services; Judy Sylvia, Express Sign; Ken Frank, Gallant & Brock Insurance; Marcia Marcantonio, MomsAway; Peter Shinas, Hudson National Bank and John MacKinnon, MacKinnon Printing Company, Inc

JULY BUSINESS BEFORE HOURS

Wednesday, July 20, 1994

7:30-9:00 am

at the

Westford Regency Inn and Conference Center

219 Littleton Road, Westford

Guest Speaker

RICK SEGEL

Humorist

"HUMOR IN THE WORKPLACE"

Rick is a well-known humorist who believes in the philosophy of education through entertainment, where humor becomes the teaching technique. He has had speaking engagements in cities from coast to coast and has appeared on the Sally Jessy Raphael Show. He is a contributing writer for several magazines and is a founding member of the Retail Advisory Council for Johnson & Wales University. Rick's presentation will offer insight into the use of humor as a valuable tool in customer service and employee satisfaction. Join us for this fun-filled and informative session.

RSVP BY MONDAY, JULY 18, 1994



Clip and return with payment to:

Acton Area Chamber of Commerce, Inc.
77 Great Road, P.O. Box 805
Acton, MA 01720

BUSINESS BEFORE HOURS

WEDNESDAY, JULY 20, 1994

MEMBERS: \$10 _____

NON-MEMBERS: \$15 _____

NAME(S) _____

COMPANY _____

PHONE _____

NUMBER ATTENDING: _____ PAYMENT ENCLOSED _____

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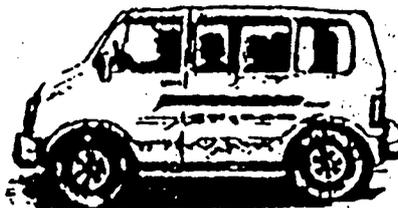


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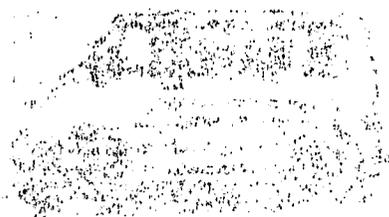
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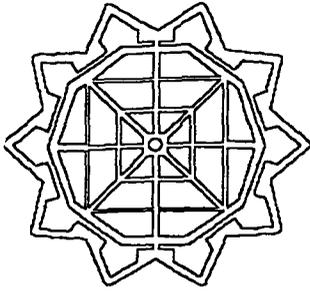
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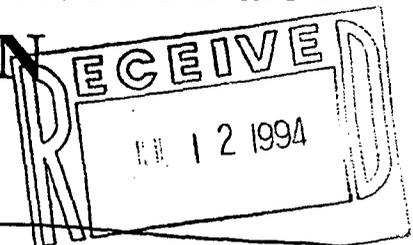
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Massachusetts Municipal Association LEGISLATIVE BULLETIN



July 8, 1994

BUDGET SENT TO WELD; CH. 90 STILL IN CONFERENCE

The Legislature has completed its work on the fiscal 1995 state budget and sent its version to Governor Weld for his approval. Throughout the budget process, the Executive and Legislative branches of state government have been responsive to the needs of local government, both in terms of funding and by including passage of an early resolution on local aid for the first time in six years. The fiscal 1995 budget represents the best budget for local government since fiscal 1989.

However, local officials have expressed concern that the Legislature has not completed action on the Chapter 90 bond bill. The official explanation is that the staff of the Ways and Means committees simply have not had time to do the work necessary for the members of the Chapter 90 conference committee. It is widely reported by many legislators that the conference committee report on Chapter 90 will be ready for final action when the Legislature returns for its next formal sessions. The best information we have is that the Legislature is expected to return for one formal session during the second or third week of July and then be in recess until after the September 20 primary. If you haven't done so already, please call your legislators and ask for their commitment to push for a resolution of the Chapter 90 bond issue before the Legislature recesses for the summer.

Local Aid Summary

Here is what is in the fiscal 1995 budget that is before Governor Weld for his approval:

Local Aid

Both the House and the Senate honored the commitments made to local aid that were contained in the local aid resolution passed in the

Massachusetts Municipal Association, 60 Temple Place, Boston 02111

spring: level funding of additional assistance; \$189 million in new money earmarked for schools; and \$42.6 million in new, unrestricted lottery funds. The lottery fund increase is a result of a compromise between the House and Senate on the lottery's advertising budget. The House had approximately \$5 million for advertising, the Senate had zero, and they decided to split the difference, and use the remaining \$2.6 million to provide an increase in lottery funds for cities and towns over the original \$40 million included in the local aid resolution.

Lottery

The Legislature sent Governor Weld a plan to phase out the \$170 million diversion of lottery funds over a five-year period. At the June meeting of the Local Government Advisory Committee the governor told the MMA Board of Directors that he would sign the plan. This represents a victory for cities and towns, because local officials have now convinced the state to end its practice of diverting lottery money by reducing the diversion to zero by fiscal 2000. Beginning next year, cities and towns will receive all of the growth in the lottery plus an estimated \$34 million as the first installment of the lottery diversion phase out.

Pilot for State Owned Land

The budget before Governor Weld contains \$6.5 million for reimbursements to cities and towns for state-owned land. At the June LGAC the governor indicated that he would sign this item.

School Finance

The fiscal 1995 budget bill sent to Governor Weld includes almost two dozen changes to the

new school finance law. Some changes are technical in nature and would correct problems with the original draft, which is now one year old. Other changes represent structural amendments in the law, although nothing that compromises the spirit of the law.

The budget bill also reauthorizes for fiscal 1995 the Hardship Waiver Program through which financially stressed cities and towns can gain a measure of relief from the mandated minimum local contribution to schools.

The bill does not include the two provisions, opposed by the MMA and dropped by the House-Senate budget conference committee, that would have made the finance provisions even more demanding at the local level than they already are. The first provision would have changed how Medicaid reimbursements for medically-related special education costs are budgeted at the local level, and the second would have limited the availability of the "excess debt service" factor.

The Hardship Waiver for Fiscal 1995

Section 272 of the budget bill would reauthorize and expand the state Department of Revenue's (DOR) school spending relief program for cities and towns experiencing revenue or spending difficulties in fiscal 1995. The program would apply to municipalities and regional school districts. It would require a majority of the member municipalities of a district to approve use of relief granted to any member if the regional school budget had already been approved. One of the relief program components requires an application to the state Department of Education (DOE).

The proposed program would have several parts: defining who may apply for relief; the manner in which relief is granted; and what a municipality must do to implement relief once granted. Generally, any municipality or regional school district that used "qualifying" or one-time revenues in fiscal 1994 that will not be available in fiscal 1995 and any municipality that will be required to use revenues for extraordinary non-school related expenses in fiscal 1995 for which it did not have to use revenues in fiscal 1994 may apply for relief. Both of these criteria were included in the fiscal 1994 waiver program.

New to the program for fiscal 1995 is the availability of relief for any municipality with an "excessive municipal revenue growth factor," (MRGF) which is defined as at least 1.5 times as high as the state-wide average MRGF of approximately 2.9 percent.

Another new item is the waiver program administered by the DOE under which the member municipalities of any regional school district that received regional school incentive aid in fiscal 1995 as the result of reorganization can apply for a reduction in the minimum required local contribution. Applications must be filed with the DOR or the DOE no later than October 1, 1994.

Structural Changes in the Law

Section 93 in the budget bill would eliminate the extra local contribution required of some low spending and low effort cities and towns under current law. It would establish a local contribution "circuit breaker" that would apply when the average per capita income in a municipality is less than the state-wide average. Currently, municipalities spending less than the foundation budget and contributing less than the effort standard must make a base increase in the local contribution and also make an extra effort to close the local spending gap. In below average income municipalities, the "gross overburden amount" would be 100 percent of the "standard of effort gap." In other words, below average income municipalities would receive overburden aid to close any "standard of effort gap" rather than being required to use local revenues to close the gap.

Sections 92 and 262 would eliminate in two different places in the new school finance law disincentives for cities and towns to spend more than the "minimum required local contribution." Section 92 would change the way that overburden aid is calculated for a fiscal year so that aid is not reduced by the amount that a city or town appropriated for schools in the prior year above the "minimum required local contribution." Section 262 would change the calculation of the "local contribution" for a fiscal year so that it is based on the "minimum required local contribution" for that year and not the actual "local contribution." This change would eliminate the disincentive to spend more than the minimum amount which then becomes the base for calculating the

required local contribution in the next year.

Section 95 would allow at local option the calculation of the foundation budget of a school district to be based on full day kindergarten rather than a half day kindergarten as is now the case. This would increase the foundation budget for a school district and as a result affect Chapter 70 distributions and the required local contribution.

Corrections and Other Changes

The budget bill also includes a variety of technical changes, including how the school choice reimbursement system works, in how the "excess debt service amount" is calculated.

Labor Issues in Budget

Health: Any Willing Provider for Pharmacies (Section 148)

The budget includes an any-willing pharmacy provision, which would require HMOs and other managed care organizations to contract with any pharmacy that is willing to take a price. This would remove the ability of health plans to negotiate based on volume of sales, cost, quality and price, and would undo networks and undermine managed competition.

Quinn Bill (Line item 8000-0040)

The budget on the Governor's desk would not fully fund the police career incentive pay program. The program would be funded at \$11.5 million, \$1.3 million short of the state's \$12.8 million obligation for fiscal 1995 to reimburse 50 percent of 1994 costs related to the program. In addition, the line item contains language that would create a special commission to study the merits and fiscal impact on the commonwealth of providing full reimbursement under the program.

The MMA has requested the governor to include the \$1.3 million in any fiscal 1995 supplemental budget that he submits to the Legislature.

Retirees' COLA (Section 208)

The budget would grant a 3 percent cost of living increase for retirees. A cap of \$275 would be imposed. It would require that any state or municipal employee retiring after July 1, 1994 contribute a minimum of 15 percent of his or her health care coverage, or the same dollar amount that active employees in the same plan contribute,

which ever is greater.

Disability retirement (Section 305)

The budget includes a provision that would allow individuals who have retired under a disability retirement, and who have been continuously employed by the state or a municipality for at least 10 years after retirement, be restored to active service upon the employee's election. After having been restored to active service, the retirement allowance would end, and he or she would become an active member. Any creditable service in effect at the time of retirement for disability would be restored, and upon subsequent retirement, the individual's allowance would be calculated as if the disability retirement and reinstatement had not taken place.

Mandated Benefits

The budget would create new mandated health care benefits by mandating coverage for blood glucose monitoring strips for home use for diabetics (Sections 141, 145, 147, 150) and by mandating coverage of off-label use of prescription drugs used in the treatment of HIV/AIDS (Section 142, 144, 146, 149).

Worker's Compensation (Section 138)

The budget includes a provision that removes a prohibition against workers' compensation awards for scar disfigurements that are not on the face, neck or hands.

Items Not Included in Conference

Committee Budget

Police Cadet Training

The House had included a provision that would have established a Cherry Sheet assessment of \$1,800 for each police cadet trained at the Criminal Justice Training Council. The municipality would have been reimbursed by the cadet over eighteen months through wage withholdings from the cadet, or as otherwise negotiated.

Health: Abortion Coverage

The Senate had included outside sections that would have removed the provisions in Chapter 32B that have prohibited health policies from covering abortions.

Landfill Capping Grants.

Both the House and the Senate included lan-

guage in their budgets that would have required the Department of Environmental Protection to finally implement the Landfill Capping Grant program that was initially authorized in 1983. MMA is continuing to press the Administration to include funds for capping and closing of landfills within the Administration's 1995 bond cap.

Ch. 90 TRANSPORTATION BOND BILL

The Legislature still had not taken action on either the Capital Expenditures bill, S. 1740/H. 4905, or the \$4.6 billion Transportation Bond Bill at *Legislative Bulletin* press time. The Capital Expenditures bill contains \$300 million in Chapter 90 bond funds for cities and towns, and broader language to allow communities greater flexibility in using the funds.

The House and Senate took up the bills immediately after passing the budget, and have appointed a conference committee to work out the differences in the bills. According to a Senate source, the conferees, Senators Thomas Birmingham (D-Chelsea), Robert Wetmore (D-Barre), and Henri Rauschenbach (R-Brewster), and Representatives Thomas Finneran (D-Mattapan), Thomas Kennedy (D-Brockton), and Kevin Poirier (R-North Attleboro), had every intention of releasing a report after completing their work on the budget, but simply ran out of time. The conference committee's goal was to get the budget to Weld before the end of fiscal 1994, which was achieved. Because of the number of controversial items contained in the budget such as the death penalty provision and welfare reform measures, ironing out the differences took longer than was originally anticipated. The committee's goal now is to report out the capital expenditures piece within the first two weeks of July.

One major difference between the House and Senate versions of the Capital Expenditures bill is that the House version, H. 4905, contains language to allow for the care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools. The Senate version, S. 1740, does not include this language. The MMA has sent a letter to all conferees detailing the importance of the language to many of the smaller communities, and has had

numerous discussions with staff and legislators. The MMA has also raised the issue with the Weld administration during a recent Local Government Advisory Committee meeting in which Governor Weld appeared to understand the importance of the flexible language, and agreed to sign the measure once it is placed before him.

Another item not contained in the Senate version is the section that would require the Massachusetts Highway Department to certify in writing the amounts to be made available to cities and towns within 30 days of the effective date of the bill. This is a two-year bond bill, and the House language would direct the Mass. Highway Department to release up to half of the \$300 million during the first year. The MMA believes this language to be especially significant as communities approach the middle of the construction season. Many municipalities have appropriated the funds in anticipation of the passage of this act and may be in the position to receive reimbursement funds.

The Senate has started its review of the Transportation Bond Bill (H. 5039) passed by the House on June 8, and has indicated a desire to deal with it prior to the fall. H. 5039 contains \$5 million for cities and towns for off-street parking, \$2 million for the Small Town Road Assistance Program (STRAP) and language to increase both the population threshold and individual project dollar amounts. These amounts differ significantly from the original bill released by the Transportation Committee (H. 4682).

**The Boards and Medical Staffs
of
The University of Massachusetts
Medical Center**

**and
Marlborough Hospital**

**cordially invite you
to join them
for a major public announcement**

**8:30 a.m.
Tuesday, July 26
Front Lawn
Marlborough Hospital
57 Union Street, Marlborough**

A breakfast buffet will be served between 8 and 10 a.m.

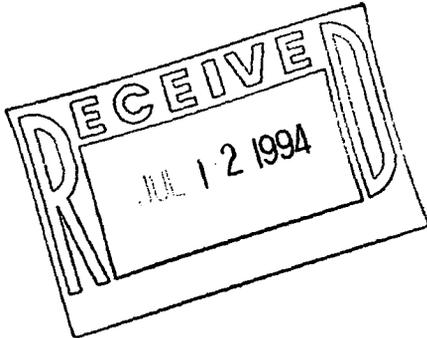
RSVP 485-1121, ext. 302

by July 22

cc BOS
Town Clerk



Boston Gas Company
One Beacon Street
Boston, Massachusetts 02108
Telephone (617) 742-8400



Chairman - Board of Selectmen
Acton Town Hall
472 Main St.
Acton, MA 01720

July 6, 1994

Dear Sir/Madam:

Enclosed please find Notice of Adjudication and Public Hearing from the Commonwealth of Massachusetts Department of Public Utilities. Would you please post this notice in your city or town hall until after July 21, 1994.

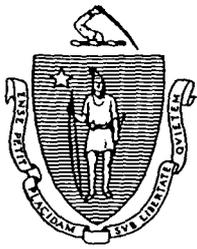
Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "Roberta A. Strange".

Roberta A. Strange

Enclosure



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

July 1, 1994

NOTICE OF ADJUDICATION AND PUBLIC HEARING

D.P.U. 94-109

BOSTON GAS COMPANY

Petition of Boston Gas Company and Massachusetts LNG, Inc., for Approval of its 1994 Long-Range Resource and Requirements Plan.

The Department of Public Utilities ("Department") has received the petition of Boston Gas Company ("Boston Gas" or "Company") for approval of its 1994 Long-Range Resource and Requirements Plan, encompassing the years 1995-1999. The Department will review the demand and sendout forecasts for the appropriateness and accuracy of these forecasts, and will review the Company's supply plan for the adequacy and cost of the supply plan. In its petition, Boston Gas is also requesting pre-approval of and cost recovery for conservation programs in each of the Company's residential, multifamily, and commercial and industrial sectors.

Upon the foregoing petition, the Department of Public Utilities will conduct a public hearing at 10:00 A.M. on July 21, 1994 at the following location:

Department of Public Utilities
Main Hearing Room
100 Cambridge Street
12th Floor
Boston, Massachusetts 02202

The public hearing is to be followed immediately by a procedural conference during which the schedule for this adjudicatory proceeding will be established.

The Company is required to give notice of said public hearing and procedural conference by publication at least fourteen (14) days prior to July 21, 1994 in the Boston Globe, Boston Herald, and Middlesex News (Framingham). The Company shall serve a copy thereof by mail at least fourteen (14) days prior to July 21, 1994, on the mayors, the city clerks, chairpersons of the boards of selectmen, and town clerks of the cities and towns in the Boston Gas service territory, and on all persons and organizations that participated in D.P.U. 90-55, D.P.U. 90-320, and EFSC 91-25.

A copy of the Company's petition is available for inspection at the Department's offices in Boston (100 Cambridge Street - 12th Floor). The Company is required to place copies of its petition for inspection at the main public libraries in Boston, Belmont, Concord, East Brookfield, Hingham, Lynn, and Quincy, and at the offices of Boston Gas at One Beacon Street, Boston, MA 02108.

Any person wishing to intervene as a party or participate in the Department's review of the Company's petition shall file a written petition for leave to intervene or participate with the Department by July 21, 1994. Pursuant to 220 C.M.R. § 1.03, petitions to intervene as a party or participate must describe the manner in which the petitioner is substantially and specifically affected by the proceedings. Persons petitioning to intervene or participate should file an original and five copies of the petition with:

Mary L. Cottrell, Secretary
Department of Public Utilities
100 Cambridge Street - 12th Floor
Boston, MA 02202

and a copy with the Company's attorney:

Thomas P. O'Neill, Esq.
Boston Gas Company
One Beacon Street
Boston, MA 02108

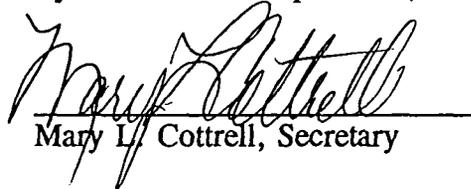
Any person desiring information concerning intervention or participation in this case or desiring further information regarding this notice should contact:

Joan Foster Evans
Hearing Officer
Department of Public Utilities OR
100 Cambridge Street, Room 1210
Boston, MA 02202
(617) 727-3500

Robert W. Ritchie
Hearing Officer
Department of Public Utilities
100 Cambridge Street, Room 1210
Boston, MA 02202
(617) 727-1136

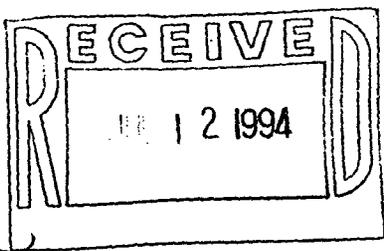
Boston Gas is required to make return of service and proof of publication on or before July 21, 1994, certifying compliance with this Order.

By Order of the Department,


Mary L. Cottrell, Secretary

~~CC. BOS~~
D. ABBT
G. ROBINSON

110



Penny Pitts
63 Willow St.
Acton MA 01720
7-7-94

Selectmen,
Town of Acton

Dear Selectmen,

I wish to add my voice to those already crying for the town to protect citizens from being injured at the corner of Summer St. & Willow St. Accidents are occurring here now at a frequency of MORE than once a week! As I heard an E.M.S. service person say the other day (4 accidents ago), "This is becoming the most dangerous intersection in Acton".

We've lived on this corner for 14 years, know how dangerous the corner is, yet both my husband & I have "almost" had accidents ourselves - & we are very cautious! Believe me, its not all from foolish driving behaviors - it is hard to see cars coming along Willow from

The Summer St. Stop signs!

Please initiate action to help keep
people SAFE at this intersection.

Thanks.

Sincerely,
Penny Pitts

cc: BOS
Tom Tidman



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**

William F. Weld
Governor

Trudy Coxe
Secretary, ECEA

Thomas B. Powers
Acting Commissioner

July 7, 1994

Norman Lake, Chairman
Acton Board of Selectmen
Town Hall
472 Main Street
Acton, MA 01720

Dear Chairman Lake:

Attached for your review is a copy of the Water Management Permit recently issued by the Department of Environmental Protection's Water Management Program to the Acton Water District for the Marshall and Kennedy Wells.

If you have any questions about the contents of the permit, or any other aspect of the program, feel free to contact me at (617) 292-5706.

Sincerely,

Duane E. LeVangie, Planner
Water Management Program



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Trudy Coxe
Secretary, EOE

Thomas B. Powers
Acting Commissioner

July 07, 1994

Carl Troupe
Acton Water District
P.O. Box 953
Acton, MA 01720

RE: Water Withdrawal Permit #9P4-2-14-002.01

Dear Mr. Troupe:

In response to your application for a permit to withdraw water from sources located in the Concord River Basin, and after having completed the regulatory notice and review, the Department hereby issues the attached withdrawal permit.

The permitted volumes shown in Special Condition 1, Authorized Withdrawal Volume, are based on the population and water needs forecasts prepared by the Department of Environmental Management as part of the ongoing river basin planning project. These volumes may be different from those contained in your original permit application and will be reviewed and revised as necessary when the water management permits are reviewed in 1996.

Special Condition 3 states that the delineations of Zones of Contribution for the Marshall Wellfield (09G) and Kennedy Well (10G) are required. Because maximum daily withdrawal rates for these permitted wells have not been established by the Department, it will be necessary to establish such rates. Section 4.7 of the "Guidelines and Policies for Public Water Systems" describes the two methods of establishing an approved pumping rate for a water supply well. Because these wells will be producing at rates above their historic rates, Method I: Pumping Test is the method appropriate for these wells.

Analysis of your application showed that withdrawals from the Marshall Wellfield and Kennedy Well off North Main Street may have impacts on wetlands. The monitoring conditions in your permit are intended to determine and gage actual impacts. Should the monitoring reveal that the withdrawals are having a negative effect on wetlands, the Department may amend the permit pursuant to 310 CMR 36.29 to include conditions to mitigate the negative impacts attributable to the withdrawals. Monitoring by a municipal conservation officer is appropriate.

If you have any questions regarding this permit, please contact Beth McCann, Duane LeVangie or Sarah Crockett at (617) 292-5706.

Sincerely,



Andrew Gottlieb, Director
Office of Watershed Management

cc: J. Desmond, DEP CERO
R. Leitch, Dufresne-Henry
Acton Board of Selectmen
M. Gildesgame, DEM



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Trudy Coxe
Secretary, EOEPA

Thomas B. Powers
Acting Commissioner

WATER WITHDRAWAL PERMIT MGL c 21G

This permit is issued pursuant to the Massachusetts Water Management Act for the sole purpose of authorizing the withdrawal of a volume of water as stated below and subject to the following special and general conditions. This permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

PERMIT NUMBER: 9P4-2-14-002.01 RIVER BASIN: Concord

PERMITTEE: Acton Water District
P.O. Box 953
Acton, MA 01720

EFFECTIVE DATE: July 7, 1994

EXPIRATION DATE: August 31, 2011

NUMBER OF WITHDRAWAL POINTS: 2

Groundwater: 2
Surface Water: 0

USE: Public Water Supply

DAYS OF OPERATION: 365

LOCATION(S):

<u>Source</u>	<u>Source Code</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Location</u>
Marshall Wellfield	002-09G	42 31 38	71 24 08	off North Main St. (Rt. 27)
Kennedy Well	002-10G	42 31 33	71 24 10	off North Main St. (Rt. 27)

SPECIAL CONDITIONS

1. Authorized Withdrawal Volume

This permit authorizes the withdrawal of water, on average over a calendar year, at the rate described below. The volume reflected by this rate is in addition to the 1.56 mgd previously registered to the permittee through the Water Management Act Program.

The permitted volume is expressed in millions of gallons, both as an average daily withdrawal rate per year and as a total annual withdrawal volume for each five-year period of the permit term.

Withdrawals are authorized as follows:

		Daily Average (MGD)	Total Annual (MGY)
Period One Years 2-5	7/7/1994 to 8/31/1996	0.27	98.55
Period Two Years 6-10	9/1/1996 to 8/31/2001	0.36	131.40
Period Three Years 11-15	9/1/2001 to 8/31/2006	0.37	135.05
Period Four Years 16-20	9/1/2006 to 8/31/2011	0.38	138.70

2. Authorized Withdrawal Points

Withdrawals from individual withdrawal points are not to exceed the approved daily volume listed below without specific advance written approval from the Department.

<u>Source</u>	<u>Source Code</u>	Daily Rate (mgd)
Marshall Well	002-09G	*
Kennedy Well	002-10G	*

* The approved daily pumping rate for these wells will be determined upon DEP approval of the Zone II delineations for the sources.

3. Wetlands Monitoring

Monitoring of the wetlands adjacent to the Marshall Wellfield (09G) and Kennedy Well (10G) is required on an annual basis. Monitoring should include physical inspection

of the wetland by a trained and qualified professional. A plan detailing who will conduct the inspections, when they will be conducted each year, and a site map showing the area that will be inspected each year must be submitted to the Department by January 7, 1995. Reports detailing the results of the annual inspection, including a listing of percent coverage of wetland plant species, must be maintained and submitted to the Department at the five year review of this permit.

4. Zone of Contribution (Zone II or Zone III) Delineations

Zone II or Zone III delineations for the Marshall Wellfield (09G) and Kennedy Well (10G), conducted in accordance with current Division of Water Supply "Guidelines and Policies for Public Water Systems", must be submitted to the Department (one copy to the DEP Regional Office and one copy to the DEP Boston Office) for approval by July 7, 1997.

5. Wellhead Protection

Land use controls meeting the requirements of 310 CMR 22.21(2) shall be in place within two years of the date(s) that DEP approves the Zones of Contribution delineated for the Marshall Wellfield and Kennedy Well.

6. Water Conservation Requirements

Based on the minimum water conservation requirements, the Department has accepted the Acton Water District's Water Conservation Plan and Plan of Action (Plan of Action attached) as a permit condition with the following modifications:

Metering

- o 100 percent metering with all meters of proper size and accuracy to measure water flow to within 5 percent, including public buildings and facilities.
- o Public water suppliers must have an ongoing program to test all meters over 10 years old with funds included in the annual water department budget to recalibrate, repair or replace meters as needed.
- o Master meters must be calibrated annually.

Leak Detection

- o All public water suppliers must institute a program to survey the entire system for leaks within two years

after receiving this permit.

- o . A full leak detection survey is to be conducted biennially thereafter.

Leak Repair

- o Suppliers must have repair reports available for inspection by the Department.
- o ~~Leaks are to be fixed as soon as possible.~~

Pricing

- o Suppliers shall take steps to ensure that water supply system operations are fully funded by water supply system revenues. The pricing system should reflect the full cost of supplying water, including but not limited to:
 - administrative costs
 - staff salaries, benefits, insurance and pension costs
 - distribution system operation, maintenance and repair, including leak detection and repair costs and metering costs
 - pumping costs and utilities
 - treatment costs
 - capital replacement costs, capital depreciation and debt service
 - any costs associated with water conservation programs and public education programs
 - watershed or wellhead purchase and/or protection costs and land acquisition
 - emergency planning
 - enforcement of the building code and/or local regulations

Plumbing

- o Public water suppliers must ensure enforcement of the March 1, 1989 plumbing code for new construction and building rehabilitation where installation of water saving devices and low flow toilets is required.
- o Public buildings must be retrofitted with water saving devices (faucet aerators, low flow shower heads and toilet displacement bottles/dams).
- o If residential consumption is over 80 gallons per capita per day, a program must be implemented to make retrofit devices (faucet aerators, low flow shower heads and toilet displacement bottles/dams) available to customers at cost.

Education

- o * Suppliers are to develop and implement a public education program which emphasizes
 - all the costs of providing water
 - that investments in efficiency and conservation will provide consumers with long-term savings
 - the environmental benefits of reducing water demand

- o Bill stuffers with water conservation tips or water saving messages should be included at least annually with customer's water bills, or as a separate mailing.

Plan of Action: Water Conservation Efforts

Describe briefly your "plan of action" to implement water conservation efforts over the next five (5) years. List the activity, who will implement it, what the timeframe will be, what the approximate cost is, and the funding source.

Activity	Who will implement	Timeframe	Cost	Funding Source
Water Conservation Plan	District Personnel	Immediately	\$ 1000.00	M&O Account
Water Emergency Plan	District Personnel	1-2 Years	1000.00	M&O Account
Need to Improve and Expand Meter Repair and Replacement Program	District Personnel	In Progress	5000.00 to 10000.00	Appropriations - Water Meter Account
Develop Master Plan for 10 Year Period	District Personnel and Engineering Firm	1 Year	10000.00 to 20000.00	Appropriations Engineering Account
Proposing Odd and Even Outside Water Ban. By-law to be Voted on in March at Annual District meeting.	District Personnel		1000.00	Appropriations - Legal Account

GUIDELINES FOR WETLANDS INSPECTIONS

- o Delineate the wetland resource within 1000 feet of the withdrawal point, as defined by that area in which greater than fifty percent of the vegetation is identified as wetlands species.
- o Set up sampling plots that are representative of the wetland under consideration. The size and locations of these sampling plots will be site specific.
- o Determine the percent coverage of the wetland species within the sampling plot.
- o Use color photographs to document the variety and abundance of the vegetated species.
- o For more information on sampling methods, you may refer to the report of the Federal Interagency Committee for Wetlands Delineation. This document is entitled Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and was published in January, 1989.

GENERAL CONDITIONS (applicable to all permittees)

1. **Duty to Comply** The permittee shall comply at all times with the terms and conditions of this permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The permittee or the permittee's agent shall allow personnel or authorized agents or employees of the Department to enter and examine any property for the purpose of determining compliance with this permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.
4. **Water Emergency** Withdrawal volumes authorized by this permit are subject to restriction in any water emergency declared by the Department pursuant to MGL c 21G ss 15-17, MGL c 150 ss 111, or any other enabling authority.
5. **Transfer of Permits** This permit shall not be transferred in whole or in part unless and until the Department approves such transfer in writing, pursuant to a transfer application on forms provided by the Department requesting such approval and received by the Department at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The permittee shall submit annually, on a form provided by the Department, a certified statement of the withdrawal, such report to be received by the Department by January 31st of each year. Such report must be mailed or hand delivered to:

Department of Environmental Protection
Division of Water Supply
Water Management Program
One Winter Street
Boston, MA 02108
7. **Duty to Maintain Records** The permittee shall be responsible for maintaining monthly withdrawal records.
8. **Metering** All withdrawal points included within the permit shall be metered within one year of the date of issuance of the permit. Meters shall be calibrated annually.

APPEAL RIGHTS AND TIME LIMITS

This permit is a decision of the Department. Any person aggrieved by this decision may request an adjudicatory hearing. Any such request must be made in writing, by certified mail and received by the Department within twenty-one (21) days of the date of receipt of this permit. No request for an appeal of this permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the city or town in which the withdrawal point is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

CONTENTS OF HEARING REQUEST

310 CMR 1.01(6)(b) requires the request to include a clear and concise

statement of the facts which are the grounds for the request and the relief sought. In addition, the request must include a statement of the reasons why the decision of the Department is not consistent with applicable rules and regulations, and for any person appealing this decision who is not the applicant, a clear and concise statement of how that person is aggrieved by the issuance of this permit.

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, Ma. 02211

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of the Department that the fee will create an undue financial hardship. A person, seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts which support the claim of undue hardship.

NO WITHDRAWAL AUTHORIZED HEREIN SHALL EXCEED THE SAFE YIELD OF THE BASIN AS DETERMINED BY THE DEPARTMENT.

NO WITHDRAWAL IN EXCESS OF 100,000 GALLONS PER DAY OVER THE REGISTERED VOLUME (if any) SHALL BE MADE FOLLOWING THE EXPIRATION OF THIS PERMIT, UNLESS BEFORE THAT DATE THE DEPARTMENT HAS RECEIVED A RENEWAL PERMIT APPLICATION PURSUANT TO 310 CMR 36.00.

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

Don P. Johnson
Town Manager

July 14, 1994

Mr. Roy C. Smith, Trustee
Acton Technology Park Real Estate Trust
292 Great Road
Acton, MA 01720

Subject: Traffic Light, Post Office Square

Dear Roy:

On Tuesday, July 12, Allard Management Company informed David Abbt that shipment of the poles for the subject traffic control light is expected to occur on August 19. David subsequently reported this information to me and advised that, in his experience, as much as 5-6 weeks worth of work might remain once the poles are received and installed. If this is the case, we are greatly concerned that you will not be able to satisfy the Selectmen's requirement that this traffic control device be completed and approved prior to occupancy of the new daycare facility (Condition 3.1 of Site Plan #3/11/94-344, copy attached).

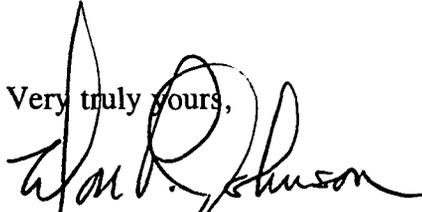
I reported this information to the Board of Selectmen on Tuesday evening, July 12, and the Board reaffirmed its position that occupancy will not be allowed until the traffic light is "... completed, approved and accepted by the Town". The Selectmen have asked me to remind all parties of this restriction in order that we might avoid any last minute confusion or question as to whether the light is a mandatory prerequisite for occupancy of this facility ... it absolutely is.

I have been informed that you spoke with Assistant Town Manager John Murray on Wednesday morning following the Selectmen's meeting and assured him that the light will be completed by August 23. We feel this is an extremely optimistic schedule; however, we are very pleased to receive your reassurance and wish you well. Our only purpose is to remind all parties of the requirement, note the apparent potential for difficulty with respect to timely receipt of the materials in question and encourage any actions that might help avoid a last minute problem.

Along these lines I would also observe that a number of approvals will be necessary from various agencies prior to

occupancy of this facility. I encourage you to make early contact with all agencies involved in the construction, licensure and certification of this facility in order to ascertain their requirements for occupancy. We truly do not want this project to be a last minute problem that turns into a logistical nightmare.

Very truly yours,



Don P. Johnson
Town Manager

cc: C. Allard, Allard Management Company Incorporated
B. Calloway, Serendipity Child Development Center
F. Porter, Liquid Metronics, Inc.
Board of Selectmen
D. Abbt
G. Rhodes

DPJ:83

SERENDIPITY CHILD DEVELOPMENT CENTER, INC.
15 Charter Road
Acton, MA 01720
(508) 263-1446

RATE AND PAYMENT POLICIES

The yearly \$50 registration fee is non-refundable. Parents are expected to pay tuitions for Nursery School, (Sept.-June) by the 7th of each month, and the first two days of the week for Kinderqarten, Day Care, After School Program and Day Camp, ALL IN ADVANCE. Otherwise, the account is considered late and a \$5 late fee will be added to your account. All tuitions are due and payable regardless of holidays, snow days, other emergency closings, or childrens' absences. There will be a late fee of \$5.00 for any child leaving after 6:00PM. After 6:15 PM, the charge will be \$1.00 per minute per child. There is a \$10 service charge for all returned checks. If more than two checks are returned, cash is required for the duration of the session. A two week notice, with tuition payment, is required for all termination of schedules.

Enrollment places will be held, at the Director's discretion, without payment, for notified extended illness or emergency. Serendipity grants up to three weeks of each child's schedule for vacation time, with a two week prior notification. This vacation credit may be used for short term illness or family emergency when requested. There is NO vacation time granted for Nursery School or Day Camp clients, because extra sessions are incorporated into the schedule due to 5 week months.

HOLIDAY SCHEDULE

Serendipity will be open year round, Monday through Friday, with the exception of the following holidays:
(Serendipity does not close for a weeks vacation anytime during the year.)

Independence Day	New Year's Day
Labor Day	Martin Luther King Jr. Day
Columbus Day	President's Day
Veteran's Day	Patriot's Day
Thanksgiving Weekend	Memorial Day
Christmas Weekend	

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 15, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Concord Road Bridge Replacement

We have been trying for quite some time to negotiate a satisfactory agreement with Mrs. Sawyer to drain the impoundment of Ice House Pond and allow the unimpeded replacement of the Concord Road Bridge and dredging of the pond. Our preference has been to do this as a package and complete both projects over a period of approximately 15-18 months, with a single draining of the pond.

Unfortunately, Mrs. Sawyer seeks to gain more from these negotiations than we can reasonably afford. As with most negotiations, there are a number of elements involved; however, I wanted to let you know where this one broke down.

Our primary objective at this time is to replace the bridge. We are in no rush to do the pond. We had previously explained to Mrs. Sawyer that we had construction alternatives that would allow replacement of the bridge without draining the pond. The primary alternative involves the use of coffer dams and is quite doable even though it is more cumbersome and expensive than draining the pond. This alternative would extend the construction time by about 1 week (the road would be closed during this additional time) and add approximately \$5,000 to \$6,000 to the cost.

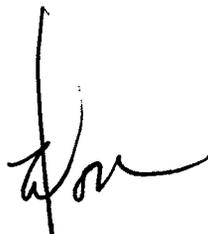
Apparently Mrs. Sawyer felt that we could only do the bridge if the pond was drained and she negotiated from that standpoint. I have offered her \$3,000 (there are aspects of this approach that do not warrant an offer equal to the cost of the coffer dam approach) to open the dam and drain the pond. Her last indication was that she felt the coffer dam cost was closer to

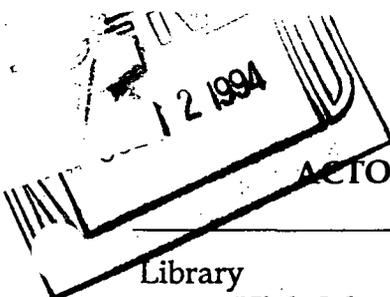
\$30,000 and she offered to open the dam for \$15,000. I have declined her generosity and indicated that we will begin the project the first of August, using coffer dams.

There are other aspects to the negotiations that I will be happy to share with the Board but, for the moment, I needed to get this base information in your hands. My concern is that a letter will show up in the newspaper (as has happened in the past) alleging that if we would only negotiate with her she could save the Town a great deal of expense. That is simply not the case.

... film at eleven ...

cc: David Abbt
Dean Charter
Dick Howe

A handwritten signature in black ink, appearing to be 'D. Abbt', written in a cursive style.



cc: BOS

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

June 2, 1994

Members Present: Stephen Aronson, Pamela Harting-Barrat, Jean Butler, Linda Kroll, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens and press

The meeting was called to order at 7:00 p.m. by Dr. Zimmerman, Superintendent.

At 7:01 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:47 p.m.

ELECTION OF OFFICERS

Dr. Zimmerman opened the floor for nominations for next year's School Committee officers. It was moved, seconded and unanimously

VOTED: To appoint Stephen Aronson chairperson of the Acton-Boxborough Regional School Committee, 1994-95.

It was moved, seconded and unanimously

VOTED: To appoint Mary Anne Vogel vice-chairperson of the Acton-Boxborough Regional School Committee, 1994-95.

It was moved, seconded and unanimously

VOTED: To appoint Sarah Lawton secretary pro tempore of the Acton-Boxborough Regional School Committee, 1994-95.

PRESENTATION OF CERTIFICATES

The Superintendent and School Committee members presented certificates of recognition to eight high school students receiving National Merit Scholarships, and to the members of the Academic Decathlon Team, which placed fourth in the nation.

Congratulation to all of them!

The Superintendent and School Committee members thanked the five high school student representatives (Whitney Barrat, Jill Berglind, Jen Johnson, Andy Popelka and Jennifer Wu) for their service on the school committee this year.

MINUTES

The minutes of May 5, 1994 were approved as presented.

WARRANTS

Warrant #94-045 in the amount of \$116,106.46, warrant #94-046 in the amount of \$127,434.12, warrant #94-047 in the amount of -\$839.65, warrant #94-048 in the amount of \$503,644.53 and payroll warrants totaling \$811,897.24 were signed by the chairperson and circulated to other members of the committee.

The chairperson highlighted the items to be discussed during the meeting.

PUBLIC PARTICIPATION

Herman Kabakoff invited the School Committee to attend *Project Graduation*, all night, June 3, in the high school commons. On behalf of the School Committee, Steve thanked Mr. Kabakoff and his hard-working committee.

OLD BUSINESS

1. Custodial Contract, 1993-96

It was moved, seconded and unanimously

VOTED: To approve the AFSCME #1703 Custodial Union contract, 1993-96.

2. On behalf of the committee, Steve thanked Mac Reid, who will be assuming the Junior High principalship in July, for his service to the school communities as Director of Personnel during the last 10 years. His level-headedness and extraordinarily professional demeanor in areas that require herculean efforts have been appreciated. Due in large part to Mac's efforts, the relationships with the bargaining units have been excellent. The committee wished him the best in his new position.

3. Leaves of Absence Policy - Second Reading

It was moved, seconded and unanimously

VOTED: To approve the Leaves of Absence policy (dated 5/27/94)

4. Distribution of Materials Policy - Final Reading

It was moved, seconded and unanimously

VOTED: To approve the Distribution of Materials policy (dated 6/2/94)

5. Policy for Providing Funds to the Schools - Second Reading

Dr. Zimmerman read the proposed policy.

- Don Wheeler asked at what point School Committee approval is only perfunctory.
- Mary Anne Vogel suggested that there are lots more than two mechanisms by which contributions could be made.
- Don and Lees commented that the word "direct" is the distinguishing word. Lees noted that ABSAF is following this policy now.
- Don asked what is the purpose of the policy - what are we trying to deliver? - direct gifts approved over \$500, and a mechanism by which the Superintendent gets involved to direct the use of funds.
- Mary Anne suggested taking out the words "and enhances" from the parenthetical sentence at the end.
- Mary Lynn Parenteau, parent, asked if every booster club would have to get permission for each car wash they have. Mary Anne thought it might be unduly cumbersome.
- Dr. Zimmerman said the intent of the recommendation was that all gifts/ fundraisers would receive prior approval to prevent discrepancies between schools.
- Katherine Garcia, parent, agreed that we all want the best programs for the kids; needs should be determined so the PTOs can be more effective - should be a prior step to determine how to deal with the shortfall so there is no waste.
- Steve said that the School Committees and Superintendent are responsible for looking at the big picture and planning ahead. Dr. Zimmerman said the only way to do

this is to have fundraising groups submit plans. Booster groups (regional) are doing the same thing PTOs (local) are doing. A good policy should work for both situations.

- Jean recollected that Dr. Zimmerman had asked all the booster groups to submit projected budgets - they could provide general needs - the Superintendent could compare needs. Not all groups responded to this request.

- Steve suggested that a second sentence dealing with non-personnel needs be added to the policy's fourth paragraph.

- Marti Varney, parent, felt that booster groups need to know what is covered by the budget. Dr. Zimmerman said that salaries, health and safety issues should be covered by the appropriated budget.

- Peggy Beresford, representing two booster groups, said they have definite budgets, they would like input regarding the needs, they want the administration to select the personnel, and they would like to see more evaluation of the personnel and budget.

- Mrs. Garcia said if we can see a clear picture of what the school can fund, then boosters can fund other things. There is a great need to exchange information and to evaluate the quality of the coaches.

- Don pointed out that activity fees can't be deducted from your taxes (like ABSAF contributions).

- Linda said this policy deals with the direct gift issue; we need to consider indirect gifts.

- Jean said that some booster groups have tax-free numbers.

- Mrs. Varney asked whose responsibility it is to establish the budget? The preliminary budget is submitted by the Director of Athletics, it is discussed with the High School principal and presented to the Superintendent for review. Then it is presented to the School Committee. Steve Donovan said copies are available in his office, the athletic office and he would be glad to give Mrs. Varney a copy.

- Catherine Brannen, parent, commented how little we spend per pupil in our schools, and how innovative the administration and school committee are, and the unreal level of parent support. Her fear is one of perception, the alienation factor. It is crucial to make clear our intent; gift-giving should be encouraged.

- Mrs. Garcia said, on the other hand, poor planning/management discourages people from gift-giving/fundraising.

- Linda said the committee is endeavoring to develop a policy that melds with what parents want and give with what the schools think is needed.

- Mary Anne asked if the School Committee cares how fundraising is done, or just the projected use of funds. Micki felt the policy should address what to do with funds raised.

- Linda said that the School Committee/ Administration needs to have a clear expectation of what we will provide for every activity.

- Lees felt we shouldn't have a policy we have to revise each year. We cannot realistically make absolute statements about what we can provide. Generous parents have to feel that the policy encourages and appreciates gift-giving. She agrees with Micki that the School Committee should function at the acceptance (of funds) level.

- Don suggested that the policy state that booster groups must have the money in hand before personnel is hired.

• Based on this discussion, Dr. Zimmerman will bring back to the Committee a short policy statement and a procedures statement as soon as possible so that the fundraising groups will have guidelines and can get started.

6. Activities Fee Proposal

Dr. Zimmerman presented four models and two proposals. We need to raise approximately \$104,000.

• Linda asked if marching band would be required. Band is a course, like art; you get a grade. If you do not require marching band, then it would be all right to charge a fee.

• Phyllis Meade, parent, thought marching band membership would definitely fall if it were not required.

• Jean clarified that the Color Guard is included in the marching band.

• Linda reported a call from a parent, who preferred to donate to Friends of Music because it is tax-deductible vs. paying an activities fee.

• Micki said maybe we need to cut the number of sports offered and consider offering them through Community Ed.

• Lees felt our basic responsibility is to provide academic excellence. Parents don't want us to cut athletics. If it becomes a burden, they will tell us.

• Steve noted that there are no support groups taking care of the academic shortfall. We need to force-feed the academic program; if we increase the activity fee we are going down the wrong path.

• Don noted that a good piece of the budget is funded by school choice; we are attractive to out-of-town students because of our extracurricular program. We must be careful not to lose choice students and Acton students.

• Pam added that we stand to lose many more choice children when we cut academics (art, music, phys. ed.)

• Mary Anne felt that band parents want to pay only for their activity; it is not fair to charge band more, so that athletic fee can be less.

• Mike Guzzo said that it was generally known that the fees would be doubled next year, due to the ABSAF donation being cut roughly in half

• Mr. Kabakoff asked if pay-as-you-go had been evaluated; Dr. Zimmerman said that it had - one drawback: the means of collection would be very expensive. Parents with children playing expensive sports pay more - this is an attempt to equalize fees to support the total program.

• Mrs. Garcia observed that the further we get away from equal fees, the further we get away from public education.

It was moved, seconded and

VOTED: To establish an athletic fee of \$90/student/sport (*family maximum of \$360*) for the 1994-95 school year, and to establish a band fee of \$50/student (*family maximum of \$200*) for the 1994-95 school year.
(Vote: 5-3)

7. Early Retirement Incentive Update

• Mac Reid presented the new figures from the State; participation will cost us more than originally thought. After analyzing the numbers, he said we can spread the costs over four and a half years with no cost to the community, and then would realize a savings. The only risk is that the State could change the rules and the share we would pay could be slightly higher. The Selectmen will meet Tuesday night to vote on

participation for the town. After discussion, the committee decided abide by their previous vote (3/31/94) to participate in the program.

NEW BUSINESS

1. TEC Bids

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the bid for the "School & Office Supplies through the TEC Bid " for use in the Acton-Boxborough Regional School District be awarded to the following companies: Art Supplies Wholesale, Charrette, Delocar, Fay Paper Products, General Binding Corp., Gestetner Corp., H.L. Hammet Co., Lindenmeyr Munroe, MacIsaac Office Products, Matrix Data, Ness, Northeast Audio-Visual, Rourke Eno, SLS Arts, Inc., Standard Stationery, Tree House and Henry S. Wolkins, Co.

2. Health Equipment Bids

It was moved, seconded and unanimously

VOTED: To accept the gift of \$12,500 from the classes of 1988, 1989, 1990 and 1991, to be used for the Fitness Center at the high school.

It was moved, seconded and

VOTED: To approve the administration's recommendation to award the bids for health/exercise equipment for the Fitness Center at the high school to the following companies: Whitland Corporation, Lawrence, MA; Precision Fitness Equipment, Concord, NH; RPM Associates, Needham, MA; Stairmaster Sports/Medical Products, Newburgh, NY; CYBEX, Owatonna, MN, for a total of \$37,866.80. (Vote: 7 - 1 [Aronson])

This is not funded by the appropriated budget. \$23,831.80 of this total will come from a combination of Senior Class gifts, Health Education Grant, and Education Reform funds. The balance will be financed through a two-year lease purchase paid for equally by the school choice budget and the Community Education Program.

3. Sexual Harassment Policy - First Reading

Dan Leclerc will serve as the ~~Title IX contact person for the schools~~. Micki suggested looking into E-Mail as a means for students to express concerns. The draft, which will be revised for the next meeting.

4. Process for Evaluation of Superintendent

The sub-committee will distribute the form to members soon.

5. SPED Transportation Request for Purchase

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation of the lease/purchase of two (2) 1993 Chevy Carpenter Classmate mid-size wheelchair buses for CASE West Special Education Transportation from New England Transit Sales, Inc, Lexington, MA, for a total purchase price of \$65,447.48.

6. Bid for Trash Removal

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the bid for trash removal, 1994-95, be awarded to Waste Management of Massachusetts, Inc., West Boylston, MA.

7. Acceptance of Gift from Open Door Theater

It was moved, seconded and

VOTED: To accept the gift of the Open Door Theater of \$6,650, to be used for the purchase of new stage curtains in the RJGrey Junior High auditorium. (Vote: 7-1 [abstention, Williams])

FOR YOUR INFORMATION

- School Improvement Plans
 - Steve Donovan and Jack Hughes were present to answer any questions. Micki asked that plagiarism be included in the junior high protocol.
- Dr. Zimmerman referred to the following items:
 - Would welcome more budget process evaluation responses
 - Official last day of school: June 27
 - EDCO Board letter re: funding for public education

WARRANT DISCUSSION: None

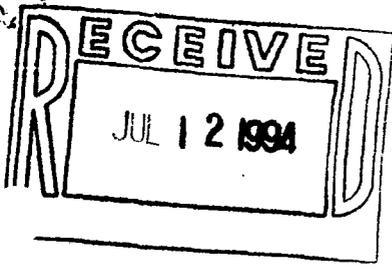
CONCERNS OF THE COMMITTEE

- Jean - Survey from Cohasset re: one-week March vacation; official confirmation that the Dodge Foundation has funded the workshops.
- Steve - Noted the dedication of the Clifford A. Card library.
 - Requested permission to meet with Norm Lake, selectman, to discuss the format and next meeting of the Municipal Forum
- Don - Need to begin to educate public about enrollment growth and its future effect on junior high space. Start now to prepare community (based on Boxborough's experience).

NEXT MEETING - June 16 - 4 p.m. - Workshop, #114
July 7 - 7:00 p.m., JH Library

The meeting was adjourned at 11:50 p.m.

Respectfully submitted,
Sarah T. Lawton, Secretary



cc: BOS

School Committee Workshop
June 16, 1994

Present: Micki Williams, Steve Aronson, Pam Harting-Barrat, Jean Butler, Bill Ryan, Rick Sawyer, Lees Stuntz, Isa Zimmerman

1. The meeting was called to order at 4:10 p.m.
2. It was decided to institute a self-critique process, so the committee can work more effectively and efficiently. Note IX on the agenda.
3. Steve Aronson reviewed the agenda.
4. Dr. Zimmerman orally evaluated progress on the 1993-94 goals.
5. The committees identified the following to continue as goals for the district, K-12.

Priorities:

- Staff evaluation
- Ongoing assessment of operation according to vision, mission, beliefs.
- Curriculum improvement

Other goals:

- Professional Development
- Study impact of growth
 - building and grounds - ADA
 - reconfiguration of grade levels
- Technology
- Review policies and procedures
- Improve interaction with public through productive communication
 - beyond school system
 - within school system
- Linda would like to examine the belief, mission and vision statements in light of practices to see implications and connections and to see them articulated in concrete terms.
- Lees would like to ask School Councils to look at specific belief statements for a year. Staff should check actions against the vision, mission, belief statements constantly.
- Several times this year policies have not been approved because School Committee has not agreed on priorities.
- Workshop meetings are needed before major policy changes

6. Steve asked the Committee to evaluate School Committee goals

Identified were:

- Design a budget process (will increase the understanding and produce greater acceptance of the schools' needs by the community)
- Communication about important issues with the public - educate the community: PTO, Selectmen, Municipal Forum, State
- Self-evaluation (eval. the superintendent's evaluation process)

- MMS
- Professional Development -comfort/understanding/by School Committee regarding ed. reform
 - mission-vision-beliefs should match to operation of School Committee (policy review)
- Micki and Steve will write these up.

7. Mary Anne and Jean reviewed the process and form for evaluating the superintendent.

- The summary should only be a School Committee summary not including the data of the "direct reports."
- There was debate over 2.2, whether or not to include "and on fiscal constraints." The result was that 2.2a,b and c were revised. There was also a discussion about who else should fill out the form - should parents and teachers provide data?

Linda reported that a tool should be developed to access information from the community about the operation of the School Committee.

The Committee agreed to let the principals and central office provide data to the superintendent for use in her self-evaluation, not directly to the School Committee.

The timetable was changed - June moved back to May, June to July, January to February, and tentative dates for this year were established.

8. Jean and Linda shared a report on the DoE colloquium as well as some of the handouts. The School Committee needs to write policy. If School doesn't take leadership in following up on Reform Legislation, the State can take over. The implied threat does not sit well. The School Committee has to develop mechanisms to get information from all constituents to work together and not in isolation.

What makes a School Committee successful? What is the meaning of site-based management?

The School Committee has to grapple with the rate of movement toward site-based management, especially of the elementary schools.

Isa should propose a policy to the School Committee about this.

9. Linda explained why we should consider a 6-12 region from the point of view of people she has spoken to. Only one person (Mary Anne) was not in favor of engaging in further discussions.

10. Isa and Bill reviewed the current choices of transportation. The School Committee advised Bill and Isa not to spend additional money.

11. Mary Anne complained about change in the bus schedules for Boxborough. Dee guaranteed it will be possible at no additional cost and at the same times. We'll look at any adjustments.

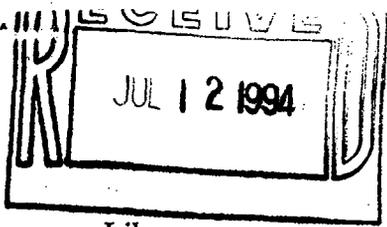
12. Future Workshops

July 28 6-10pm

August 22 6-10pm

13. September School Committee dates are changed to Sept. 1 and Sept. 8.
14. The School Committee acknowledged the people who work in the system who are related, under Reform Legislation.
15. The survey Steve did raised some issues. Does the Committee want the administration to pursue town-school efficiencies? Is this a form of outsourcing?
16. Process check
 - Too many items on agenda
 - Poor time estimation
 - Tend to recycle
 - Everyone was present; no pressure
 - Follow through on advance notification and do workshop before a serious item
 - We meet too long - should put deadline on agenda

The meeting was adjourned at 9:50 p.m.



ACTON SCHOOL COMMITTEE
MINUTES

Library
RJGrey Junior High School

June 9, 1994

Members Present: Micki Williams, Stephen Aronson, Jean Butler, Rick Sawyer,
Lees Stuntz

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens and
press

The meeting was called to order at 7:50 p.m. by Micki Williams, chairperson.

The chairperson welcomed all those present and reviewed the agenda items to be
discussed.

PRESENTATION OF CERTIFICATES

- To Drew Houston, (*Lowell Sun Spelling Bee*), Kate Place (*New England Math League*) and Corey Thatcher (*National Geographic Geography Bee*) - all from the Douglas School
- To members of the Gates School Student Council for their food drive for Community Supper.

MINUTES: The minutes of May 12 and 23, 1994 were approved as amended.

WARRANTS: Warrant #94-020 in the amount of \$18,525.23 and warrant #93-119 in the amount of \$25.00 were signed by the chairperson and circulated to rest of the committee.

EARLY RETIREMENT INCENTIVE (ERI)

Mac Reid reported that the Acton Board of Selectmen voted to support participation in the state's Early Retirement Incentive program.

SCHOOL CHOICE, 1994-95

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that a maximum of 20 new choice students be accepted in the elementary schools for the 1994-95 school year as follows: three fifth grade students and ten sixth grade students will be accepted now, determined by lottery. Enrollment figures will be watched and additional students in those grades (not to exceed a total of 20) will be accepted if feasible.

APPRECIATION: On behalf of the Committee, Micki thanked Mac Reid for his ten years of service on the School Committee as Director of Personnel. The committee has appreciated the conscientious dedication and sense of humor he has brought to the position. They wished him the best in his new position as principal of the RJGrey Junior High School.

EDUCATION REPORT: Dan Leclerc introduced Rosie Goulet and Akiko Sano, who gave a report on the Japanese Language Program at the Douglas School. Rosie, E.S.L. teacher, reported that the program had been made possible by a Critical Language grant. Acton received one of only three grants awarded in the state. This pioneer program will be continued for the next two years. Mrs. Sano, instructor, teaches Japanese language and culture to approximately 32 students, K-6, at Douglas after

school. It has been enthusiastically received by students and parents. The School Committee appreciated their report and commended Rosie Goulet and Mrs. Sano for their innovative and successful program.

TRANSPORTATION PROPOSAL, 1994-95: Steve Desy reviewed the proposed school schedules for next year. The plan is to go from a 3-tier plan to a 4-tier plan, in order to stay within the budget and deal with increased elementary enrollment. Many working parents were concerned that the every-other-year, early-late rotation schedule had been changed without advance notice, and they would have difficulty making child-care arrangements both before and after school. Some parents said their children on the late schedule were too tired to learn well later in the day. Changes in the proposed schedule (i.e., reversing tier 3 and 4) would cost the schools more (\$8-10,000) than what has been budgeted. Other options would require purchasing additional buses (approx. \$52,000 each), which clearly is financially impossible. After discussion, the Committee asked the administration to review various suggested alternatives and bring a report back to the next committee meeting.

OVERRIDE DISCUSSION

Micki said that the decision to cut K-2 music, physical education, and art was a very difficult and no one is happy about having to do it. When cuts have to be made, the School Committee's task is to look at all the schools and make the best, least damaging decisions they can. Referring to how students will be affected, she said it is the parents' attitudes that make the difference in how their children perceive things; if parents are supportive, the children will respond positively. Dr. Zimmerman explained that the decision had not been a 'top-down' decision; faculty, staff, principals and administrators have been given opportunity for input during the budget process. McCarthy-Towne parents and staff members had many concerns about the cuts to their contracted services program, which includes music and art (not physical education). They felt that, since McCarthy-Towne's beginnings, the school has used site-based management to make decisions, and it was not right to force this cut to be taken specifically in this way; that they should be allowed to take the cut in the way they felt would be least harmful at their school. Dr. Zimmerman spoke about alternative ways to offer art, music and physical education to the students: volunteers, artists-in-residence, activities, aides, etc. We are counting on parents and PTOs to provide activities and projects. But business cannot go on as usual. Other parents spoke about the need to stick with the cuts as stated in all the schools for credibility in the community. After lengthy discussion, it was moved and seconded that the Superintendent be allowed to find a way to let McCarthy-Towne School determine how the cuts would be taken in that school. The motion failed to carry. (Vote 2 [Sawyer, Stuntz] - 3) A second motion was made and seconded to allow all schools to make the decision as to how to take the cuts in their own schools. The motion failed to carry (Vote 2 [Sawyer, Stuntz] - 3)

OLD BUSINESS:

1. Confirmation of Regional Action

a) Custodial Contract, 1993-96

It was moved, seconded and unanimously

VOTED: To approve the AFSCME #1703 Custodial Contract union three year contract (1993-96).

b) TEC Bids

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the bid for the "School & Office Supplies through the TEC Bid" for use in the Acton-Boxborough Regional School District be awarded to the following companies: Art Supplies Wholesale, Charrette, Delocar, Fay Paper Products, General Binding Corp, Gestetner Corp, H.L. Hammet Co., Lindenmeyr Munroe, MacIsaac Office Products, Matrix Data, Ness, Northeast Audio-Visual, Rourke Eno, SLS Arts, Inc., Standard Stationery, Tree House and Henry S. Wolkins, Co.

c) Trash Removal Bid

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the bid for trash removal, 1994-95, be awarded to Waste Management of Massachusetts, Inc. West Boylston, MA.

NEW BUSINESS:

1. Sexual Harassment Policy - First Reading

Dr. Zimmerman presented the policy. It will be voted on at the next meeting.

2. Approval of Gift to Douglas School

It was moved, seconded and unanimously

VOTED: To accept the gift of \$1703.00, raised at the Douglas School fair, for the purchase of a laminator.

3. Leaves of Absence Policy - Second Reading

It was moved, seconded and unanimously

VOTED: To approve the Leaves of Absence Policy (dated 5/27/94)

FOR YOUR INFORMATION

- School Improvement Plan drafts were included in the packet. Micki was impressed with the draft quality, and on behalf of the committee, thanked the School Councils for their hard work.
- Dr. Zimmerman announced the appointment of Sandra Wilensky as next year's interim principal/staff leader of Merriam School.
- She also announced the appointment of Louise Allshouse as Elementary Special Education Chairperson, replacing Nancy Kolb.

WARRANT DISCUSSION: No questions

CONCERNS OF THE BOARD

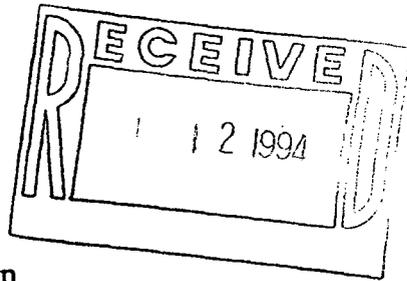
- Jean asked all members to review the draft of the Superintendent's evaluation form and to give the sub-committee immediate feedback.
- Steve reported that he had an excellent meeting with John Rogers, new chairman of the Finance Committee.

NEXT MEETING: June 16 - 4:00 p.m., Room #114, Workshop
July 7 - 7:00 p.m., immediately following regional meeting, Junior High School Library

The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore



cc: BOS

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9636
Fax (508) 264-9630

David Hill, Chairman
ACTON PLANNING BOARD

July 11, 1994

Mr. Norman D. Lake, Chairman
Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Dear Chairman Lake:

The Planning Board hereby requests that the Board of Selectmen recognize Douglas Carnahan and Mary Giorgio for their years of service to the Town of Acton as Planning Board members. As you are aware, both of these former members stepped down from the Board as of June 30th when they elected not to serve another term on the Planning Board.

Although the Planning Board has thanked both individuals for their contributions to the Board over the past several years, the Planning Board would like the Board of Selectmen to extend their appreciation as well. Mr. Carnahan has served on the Planning Board since 1989 and Mrs. Giorgio has been a member since 1987. Both individuals were active members who contributed greatly to the Board; their contributions will be missed.

Thank you for your attention to this request.

Sincerely,

David Hill, Chairman
Acton Planning Board



The Commonwealth of Massachusetts

House of Representatives

State House

Boston, M.A. 02133

PAMELA P. RESOR
14TH MIDDLESEX DISTRICT
5 PROCTOR STREET
ACTON, MA 01720

ELIZABETH MORONEY
LEGISLATIVE ASSISTANT

CC: BOS - FYI

Committee on
Natural Resources
Counties
Local Affairs
ROOM 33, STATE HOUSE
TEL. (617) 725-2080

June 29, 1994

Mary L. Padula, Secretary
Executive Office of Communities and Development
100 Cambridge Street
Room 1804
Boston, MA 02202

Dear Secretary Padula:

I write to lend my support to the Town of Acton in its application for a municipal development grant, in their efforts to devise a development plan for the "Kelly's Corners Project."

The Town of Acton is anxious to expand its commercial tax base, and has picked a promising location for this endeavor. Kelly's Corners is the intersection of Routes 27 and 111 in Acton. Because of its proximity to schools and its central location, it has both a high pedestrian and traffic concentration.

The grant money would be used to supplement the \$10,000 Acton has appropriated from the town's budget to hire a consultant to assist in the planning of the proposed development, which would energize economic development while maintaining the carefully planned character of the town.

I urge you to assist Acton in their development of a comprehensive plan for the Kelly's Corners area, and their overall plan to energize their business climate.

Thank you for your attention in this matter. If I may be of any assistance, I welcome the opportunity.

Sincerely,

PAMELA P. RESOR
State Representative

PPR/ejm

NESWC TONNAGE REPORT

7/12/94

Item 7.(b)

cc: BOS

pg 2 provides year-end
over-shoot by community

NESWC TONNAGE DELIVERY DATA
FY 1994

Month: June
12

COMMUNITY	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
ACTON	937.07	909.37	966.78	920.80	950.81	1,036.93	776.49	559.41	573.90	692.20	826.70	670.48
ANDOVER	1,037.01	1,068.42	1,118.57	1,088.34	1,237.20	1,053.58	880.95	786.98	1,029.93	980.52	1,101.73	1,250.10
ARLINGTON	2,242.62	1,775.02	2,511.60	2,101.38	2,333.90	1,781.39	1,551.94	1,500.71	1,939.62	2,184.84	2,346.27	2,528.29
BEDFORD	348.43	381.28	407.96	377.48	366.41	355.35	294.26	258.60	377.81	641.88	511.60	1,144.29
BELMONT	1,196.51	1,376.79	1,301.99	1,282.95	1,510.20	1,201.63	1,076.98	913.48	1,202.43	1,503.81	1,441.67	1,562.79
BOXBOROUGH	59.99	78.57	71.47	83.45	88.71	68.36	82.49	79.02	93.56	91.06	101.61	129.34
BURLINGTON	792.39	1,030.87	971.53	755.88	737.06	1,292.69	712.36	510.73	898.27	1,382.85	1,473.15	1,001.89
CARLISLE	177.54	166.64	169.98	163.32	170.40	155.31	141.07	101.77	172.18	179.25	170.99	197.01
DRACUT	792.26	865.58	873.96	915.93	859.55	877.49	705.39	632.35	792.02	932.63	936.66	1,017.59
HAMILTON	276.01	275.69	271.74	260.06	354.60	258.17	219.94	175.85	241.23	253.95	291.33	248.29
LEXINGTON	822.83	892.47	963.09	853.44	888.27	847.54	691.81	620.57	786.18	1,591.56	1,328.68	1,090.52
LINCOLN	173.09	193.05	199.90	188.29	198.23	177.66	152.44	135.39	166.73	197.42	189.52	187.11
MANCHESTER	190.61	218.56	187.82	213.53	214.00	169.58	150.74	128.59	166.00	245.24	200.95	214.31
N. ANDOVER	598.52	638.58	705.42	642.93	673.44	681.00	629.06	513.45	612.82	647.25	697.78	774.90
N. READING	457.05	378.16	483.18	324.38	668.80	338.64	286.24	309.90	451.56	534.64	424.68	721.45
PEABODY	1,600.16	1,755.06	1,719.68	1,710.75	1,589.62	1,563.29	1,316.26	1,153.94	1,539.46	1,770.84	2,009.95	1,997.07
TEWKSBURY	881.94	936.83	962.35	980.00	1,034.15	867.00	733.05	656.85	832.09	988.39	1,080.43	1,075.75
WATERTOWN	1,334.28	1,454.78	1,541.00	1,318.20	1,388.00	1,316.91	1,083.41	1,029.53	1,366.84	1,509.26	1,600.34	1,705.12
WENHAM	88.63	120.07	93.09	138.28	114.98	91.14	97.31	79.07	92.00	122.41	270.33	108.49
WESTFORD	557.76	626.31	683.77	634.14	640.22	681.18	530.61	487.72	577.26	621.04	632.61	721.56
W. NEWBURY	144.21	151.46	149.30	153.89	166.47	146.57	142.32	119.70	129.18	156.63	155.98	164.13
WILMINGTON	713.09	655.45	715.96	692.15	720.13	727.88	594.78	579.44	1,013.50	958.39	885.03	832.49
WINCHESTER	1,096.57	1,105.63	1,116.68	1,164.33	1,169.56	961.31	860.83	691.38	951.95	1,176.90	1,186.57	1,151.21
TOTAL	16,518.57	17,054.64	18,186.82	16,963.90	18,074.71	16,650.60	13,710.73	12,024.43	16,006.52	19,362.96	19,864.56	20,494.18

NESWC TONNAGE REPORT

7/12/94

NESWC TONNAGE DELIVERY DATA FY 94			↓	AVG.		AVG	↓	ANNUAL	
	ACTUAL MONTH JUNE	THIS MONTH'S % of AVG	ACTUAL TOTAL YTD	% of TOTAL GAT DELIVERED YTD	% of TOTAL GAT OWED YTD	YTD TONS OWED	AVG. YTD OVER (UNDER) TONS	AVERAGE MONTHLY TONNAGE	GAT
ACTON	670.48	81.99%	9,820.94	100.08%	100.00%	9,813.00	7.94	817.75	9,813.00
ANDOVER	1,250.10	118.02%	12,633.33	99.39%	100.00%	12,711.00	(77.67)	1,059.25	12,711.00
ARLINGTON	2,528.29	122.03%	24,797.58	99.74%	100.00%	24,862.00	(64.42)	2,071.83	24,862.00
BEDFORD	1,144.29	233.21%	5,465.35	92.82%	100.00%	5,888.00	(422.65)	490.67	5,888.00
BELMONT	1,562.79	118.03%	15,571.23	98.00%	100.00%	15,889.00	(317.77)	1,324.08	15,889.00
BOXBOROUGH	129.34	115.65%	1,027.63	76.57%	100.00%	1,342.00	(314.37)	111.83	1,342.00
BURLINGTON	1,001.89	104.46%	11,559.67	100.44%	100.00%	11,509.00	50.67	959.08	11,509.00
CARLISLE	197.01	118.38%	1,965.46	98.42%	100.00%	1,997.00	(31.54)	166.42	1,997.00
DRACUT	1,017.59	103.85%	10,201.41	86.76%	100.00%	11,758.00	(1,556.59)	979.83	11,758.00
HAMILTON	248.29	94.14%	3,126.86	98.79%	100.00%	3,165.00	(38.14)	263.75	3,165.00
LEXINGTON	1,090.52	111.15%	11,376.96	96.64%	100.00%	11,773.00	(396.04)	981.08	11,773.00
LINCOLN	187.11	91.27%	2,158.83	87.76%	100.00%	2,460.00	(301.17)	205.00	2,460.00
MANCHESTER	214.31	94.90%	2,299.93	84.87%	100.00%	2,710.00	(410.07)	225.83	2,710.00
NORTH ANDOVER	774.90	108.15%	7,815.15	90.89%	100.00%	8,598.00	(782.85)	716.50	8,598.00
NORTH READING	721.45	159.73%	5,378.68	99.24%	100.00%	5,420.00	(41.32)	451.67	5,420.00
PEABODY	1,997.07	119.26%	19,726.08	98.16%	100.00%	20,095.00	(368.92)	1,674.58	20,095.00
TEWKSBURY	1,075.75	115.58%	11,028.83	98.75%	100.00%	11,169.00	(140.17)	930.75	11,169.00
WATERTOWN	1,705.12	121.90%	16,647.67	99.18%	100.00%	16,785.00	(137.33)	1,398.75	16,785.00
WENHAM	108.49	87.08%	1,415.80	94.70%	100.00%	1,495.00	(79.20)	124.58	1,495.00
WESTFORD	721.56	129.25%	7,394.18	110.38%	100.00%	6,699.00	695.18	558.25	6,699.00
WEST NEWBURY	164.13	121.43%	1,779.84	109.73%	100.00%	1,622.00	157.84	135.17	1,622.00
WILMINGTON	832.49	109.06%	9,088.29	99.22%	100.00%	9,160.00	(71.71)	763.33	9,160.00
WINCHESTER	1,151.21	108.05%	12,632.92	98.81%	100.00%	12,785.00	(152.08)	1,065.42	12,785.00
TOTAL	20,494.18	117.27%	204,912.62	97.71%	100.00%	209,705.00	(4,792.38)	17,475.42	209,705.00

8.33%
differentia
= 1 month's GAT

NESWC TONNAGE REPORT

7/12/94

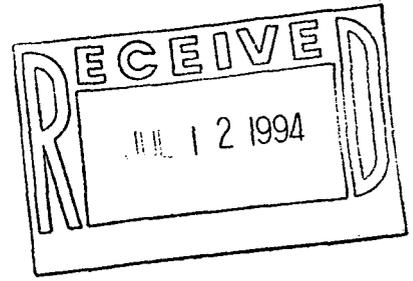
TOTAL PLANT TONNAGE FOR FY94

MONTH	COMMUNITY TONNAGE	PRIVATE HAULER TONNAGE	TOTAL MONTHLY TONNAGE	TOTAL TONNAGE TO DATE
JULY	16,518.57	16,831.17	33,349.74	33,349.74
AUGUST	17,054.64	15,605.36	32,660.00	66,009.74
SEPTEMBER	18,186.82	19,274.78	37,461.60	103,471.34
OCTOBER	16,963.90	20,374.31	37,338.21	140,809.55
NOVEMBER	18,074.71	19,436.84	37,511.55	178,321.10
DECEMBER	16,650.60	19,013.19	35,663.79	213,984.89
JANUARY	13,710.73	14,756.05	28,466.78	242,451.67
FEBRUARY	12,024.43	14,095.22	26,119.65	268,571.32
MARCH	16,006.52	19,397.69	35,404.21	303,975.53
APRIL	19,362.96	22,117.89	41,480.85	345,456.38
MAY	19,864.56	21,061.91	40,926.47	386,382.85
JUNE	20,494.18	19,033.13	39,527.31	425,910.16

PRIVATE HAULER REVENUES FY94

MONTH	TONS DELIVERED	MRI COLLECTIONS	AVG REVENUES PER TON
JULY	16,831.17	\$653,026.75	\$38.80
AUGUST	15,605.36	\$735,154.17	\$47.11
SEPTEMBER	19,274.78	\$423,383.64	\$21.97
OCTOBER	20,374.31	\$716,032.77	\$35.14
NOVEMBER	19,436.84	\$646,767.27	\$33.28
DECEMBER	19,013.19	\$723,259.59	\$38.04
JANUARY	14,756.05	\$863,792.46	\$58.54
FEBRUARY	14,095.22	\$644,680.29	\$45.74
MARCH	19,397.69	\$626,120.73	\$32.28
APRIL	22,117.89	\$880,730.75	\$39.82
MAY	21,061.91	\$769,252.03	\$36.52
JUNE	19,033.13		
TOTAL YTD	220,997.54	\$7,682,200.45	\$34.76

cc: BOS



DATE: 07 JULY 1994.
TO: CHIEF ROBINSON.
FROM: PTLM C. PREHL
SUBJECT: WINDSOR AVE. RADAR ASSIGNMENT.

RADAR WAS RUN ON WINDSOR AVE. ON THE FOLLOWING DATES WITH THE FOLLOWING RESULTS. RADAR WAS SET UP IN THE DRIVEWAY OF WINDSOR GREEN AND SPEEDS WERE OBTAINED FROM VEHICLES TRAVELING BOTH DIRECTIONS ON WINDSOR AVE. .

DATE	TIME	RESULTS
6/6	11A-12P	NO VIOLATIONS
6/8	2P-3P	1 CITATION
6/14	5P-6P	1 CITATION
6/17	9A-10:30	NO VIOLATIONS
6/21	5P-6:30	2 CITATION

CITATIONS WERE ISSUED FOR VEHICLES TRAVELING 14 M.P.H. PLUS OVER THE POSTED SPEED LIMIT. THE AVERAGE SPEED OF THE VEHICLES TRAVELING ON THE ROADWAY WAS FOUND TO BE ON AN AVERAGE BETWEEN 25-35 M.P.H.

RESPECTFULLY SUBMITTED ,
Christopher N. Prehl
CHRISTOPHER N. PREHL
ACTON POLICE DEPARTMENT
TRAFFIC SECTION.

cc: BOS -

THIS IS PROVIDED AS PART OF OUR RESPONSE / INFORMATION BASED ON A QUESTION FROM A MEMBER OF THE BOARD.

Don

TOWN OF ACTON ENGINEERING DEPARTMENT

SITE CODE : 000000

PAGE: 2

Location : POLE 17 OPP. #81 WINDSOR AVE.

FILE: S-WIND81

Counter # : 5000-2

Operator : D. RING

DATE: 6/22/94

bEviN	TOTAL COUNTED	SPEED RANGES (MPH)											AVERAGE (MPH)		
		<16	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65		66-70	>70
12:00 AM	2	0	0	1	1	0	0	0	0	0	0	0	0	0	25
1:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:00	1	0	0	0	1	0	0	0	0	0	0	0	0	0	28
3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00	4	0	1	1	0	2	0	0	0	0	0	0	0	0	26
5:00	6	1	1	3	0	0	0	1	0	0	0	0	0	0	23
6:00	14	0	1	11	2	0	0	0	0	0	0	0	0	0	23
7:00	42	2	5	12	15	6	2	0	0	0	0	0	0	0	25
8:00	46	5	5	20	12	3	1	0	0	0	0	0	0	0	23
9:00	42	2	3	19	12	6	0	0	0	0	0	0	0	0	25
10:00	32	1	4	12	8	4	3	0	0	0	0	0	0	0	25
11:00	35	0	8	16	9	2	0	0	0	0	0	0	0	0	23
12:00 PM	41	1	8	15	11	6	0	0	0	0	0	0	0	0	24
1:00	53	4	5	20	18	4	2	0	0	0	0	0	0	0	24
2:00	42	8	4	17	12	1	0	0	0	0	0	0	0	0	22
3:00	37	3	9	14	8	2	1	0	0	0	0	0	0	0	23
4:00	57	3	5	21	20	8	0	0	0	0	0	0	0	0	25
5:00	63	1	9	21	24	7	1	0	0	0	0	0	0	0	25
6:00	53	1	8	25	11	8	0	0	0	0	0	0	0	0	24
7:00	45	3	8	15	12	7	0	0	0	0	0	0	0	0	24
8:00	30	0	5	11	5	7	2	0	0	0	0	0	0	0	26
9:00	16	0	4	6	5	1	0	0	0	0	0	0	0	0	23
0	11	0	2	7	2	0	0	0	0	0	0	0	0	0	23
0	4	0	0	0	2	2	0	0	0	0	0	0	0	0	30
DAY TOTAL	676	35	95	267	190	76	12	1	0	0	0	0	0	0	24

TOWN OF ACTON ENGINEERING DEPARTMENT

SITE CODE : 000000

PAGE: 3

Location : POLE 17 OPP. #81 WINDSOR AVE.

FILE: S-WIND81

Counter # : 5000-2

Operator : D. RING

DATE: 6/23/94

HOUR	TOTAL COUNTED	SPEED RANGES (MPH)											AVERAGE (MPH)		
		<16	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65		66-70	>70
12:00 AM	2	0	0	1	0	1	0	0	0	0	0	0	0	0	28
1:00	2	0	0	2	0	0	0	0	0	0	0	0	0	0	23
2:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00	3	0	2	0	0	1	0	0	0	0	0	0	0	0	23
5:00	5	0	1	0	2	2	0	0	0	0	0	0	0	0	28
6:00	14	1	3	7	2	1	0	0	0	0	0	0	0	0	22
7:00	37	1	3	17	10	4	2	0	0	0	0	0	0	0	25
8:00	48	5	4	15	18	6	0	0	0	0	0	0	0	0	24
9:00	35	1	10	12	9	3	0	0	0	0	0	0	0	0	23
10:00	29	4	2	14	8	1	0	0	0	0	0	0	0	0	23
11:00	37	4	3	11	13	5	1	0	0	0	0	0	0	0	25
12:00 PM	26	1	4	6	8	4	2	1	0	0	0	0	0	0	26
1:00	28	2	5	5	10	5	1	0	0	0	0	0	0	0	25
2:00	36	4	5	13	9	3	1	1	0	0	0	0	0	0	24
3:00	47	3	7	20	12	4	1	0	0	0	0	0	0	0	24
4:00	50	0	7	17	19	5	2	0	0	0	0	0	0	0	25
5:00	67	1	9	23	23	9	2	0	0	0	0	0	0	0	25
6:00	63	5	6	20	20	11	1	0	0	0	0	0	0	0	25
7:00	50	2	6	25	13	3	1	0	0	0	0	0	0	0	24
8:00	35	3	9	12	7	2	2	0	0	0	0	0	0	0	23
9:00	23	0	7	8	4	4	0	0	0	0	0	0	0	0	24
0	4	0	0	2	0	1	0	1	0	0	0	0	0	0	30
0	3	0	1	2	0	0	0	0	0	0	0	0	0	0	21
DAY TOTAL	644	37	94	232	187	75	16	3	0	0	0	0	0	0	24

TOWN OF ACTON ENGINEERING DEPARTMENT

SITE CODE : 000000
 Location : POLE 17 OPP. #81 WINDSOR AVE.
 Counter # : 5000-2
 Operator : D. RING

PAGE: 4
 FILE: S-WIND81

DATE: 6/24/94

	TOTAL COUNTED	SPEED RANGES (MPH)												AVERAGE (MPH)	
		<16	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70		>70
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00	5	0	1	3	1	0	0	0	0	0	0	0	0	0	23
2:00	1	0	0	0	1	0	0	0	0	0	0	0	0	0	28
3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00	3	1	0	1	0	1	0	0	0	0	0	0	0	0	23
6:00	19	0	5	5	6	2	1	0	0	0	0	0	0	0	25
7:00	40	0	3	20	15	2	0	0	0	0	0	0	0	0	25
8:00	58	7	3	28	14	6	0	0	0	0	0	0	0	0	23
9:00	32	3	7	8	11	3	0	0	0	0	0	0	0	0	23
10:00	28	1	5	17	4	1	0	0	0	0	0	0	0	0	22
11:00	38	1	9	9	16	2	0	0	1	0	0	0	0	0	24
12:00 PM	46	1	11	17	9	6	2	0	0	0	0	0	0	0	24
1:00	35	3	8	11	9	4	0	0	0	0	0	0	0	0	23
2:00	36	5	8	10	10	3	0	0	0	0	0	0	0	0	22
3:00	46	4	16	8	11	6	1	0	0	0	0	0	0	0	23
4:00	43	1	5	20	10	6	1	0	0	0	0	0	0	0	25
5:00	72	3	4	29	28	8	0	0	0	0	0	0	0	0	25
6:00	62	6	5	18	21	8	1	1	2	0	0	0	0	0	25
7:00	38	1	6	16	10	4	1	0	0	0	0	0	0	0	24
8:00	24	1	3	12	6	1	0	1	0	0	0	0	0	0	24
9:00	11	1	2	4	3	1	0	0	0	0	0	0	0	0	23
0	15	0	6	8	0	0	1	0	0	0	0	0	0	0	22
	2	0	0	0	1	1	0	0	0	0	0	0	0	0	30
DAY TOTAL	654	39	107	244	186	65	8	2	3	0	0	0	0	0	24

TOWN OF ACTON ENGINEERING DEPARTMENT

SITE CODE : 000000

Location : POLE 17 OPP. #81 WINDSOR AVE.

Counter # : 5000-2

Operator : D. RING

PAGE: 5

FILE: S-WIND81

DATE: 6/25/94

B	TOTAL COUNTED	SPEED RANGES (MPH)											AVERAGE (MPH)		
		<16	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65		66-70	>70
12:00 AM	4	0	1	1	1	1	0	0	0	0	0	0	0	0	25
1:00	3	0	2	0	1	0	0	0	0	0	0	0	0	0	21
2:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	23
5:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	23
6:00	12	0	2	4	3	3	0	0	0	0	0	0	0	0	25
7:00	18	0	3	4	9	2	0	0	0	0	0	0	0	0	25
8:00	27	0	4	9	8	6	0	0	0	0	0	0	0	0	25
9:00	44	4	9	20	9	2	0	0	0	0	0	0	0	0	22
10:00	33	3	5	15	8	2	0	0	0	0	0	0	0	0	23
11:00	45	4	9	19	6	7	0	0	0	0	0	0	0	0	23
12:00 PM	38	4	9	13	8	2	2	0	0	0	0	0	0	0	23
1:00	43	2	5	20	15	1	0	0	0	0	0	0	0	0	23
2:00	36	1	4	17	10	4	0	0	0	0	0	0	0	0	24
3:00	27	3	7	9	2	4	2	0	0	0	0	0	0	0	23
4:00	39	1	1	18	13	5	1	0	0	0	0	0	0	0	25
5:00	36	3	5	11	11	5	1	0	0	0	0	0	0	0	24
6:00	30	1	5	11	8	5	0	0	0	0	0	0	0	0	24
7:00	27	1	3	6	9	3	3	1	1	0	0	0	0	0	28
8:00	20	2	4	7	3	4	0	0	0	0	0	0	0	0	23
9:00	12	0	4	3	1	1	3	0	0	0	0	0	0	0	26
0	11	1	2	3	3	1	0	0	1	0	0	0	0	0	25
	10	1	0	3	4	2	0	0	0	0	0	0	0	0	26
DAY TOTAL	517	31	84	195	132	60	12	1	2	0	0	0	0	0	24

TOWN OF ACTON ENGINEERING DEPARTMENT

SITE CODE : 000000
 Location : FOLE 17 OPP. #81 WINDSOR AVE.
 Counter # : 5000-2
 Operator : D. RING

PAGE: 6
 FILE: S-WIND81

DATE: 6/26/94

B	TOTAL	SPEED RANGES (MPH)												AVERAGE	
	COUNTED	<16	16-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	66-70	>70	(MPH)
12:00 AM	2	0	0	0	2	0	0	0	0	0	0	0	0	0	28
1:00	1	0	1	0	0	0	0	0	0	0	0	0	0	0	18
2:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	33
5:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:00	5	0	1	3	0	1	0	0	0	0	0	0	0	0	24
7:00	13	0	0	5	6	2	0	0	0	0	0	0	0	0	26
8:00	12	1	0	6	3	1	1	0	0	0	0	0	0	0	25
9:00	41	1	4	19	13	4	0	0	0	0	0	0	0	0	24
10:00	21	1	4	7	5	4	0	0	0	0	0	0	0	0	24
11:00	27	3	4	6	11	3	0	0	0	0	0	0	0	0	24
12:00 PM	23	1	6	6	9	1	0	0	0	0	0	0	0	0	23
1:00	19	2	1	5	7	4	0	0	0	0	0	0	0	0	25
2:00	11	1	3	3	4	0	0	0	0	0	0	0	0	0	22
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4:00	28	1	6	7	6	7	1	0	0	0	0	0	0	0	25
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6:00	20	1	4	8	6	1	0	0	0	0	0	0	0	0	23
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9:00	16	0	0	7	6	1	1	0	0	0	1	0	0	0	28
0	7	0	1	2	2	2	0	0	0	0	0	0	0	0	26
	4	0	0	2	1	1	0	0	0	0	0	0	0	0	26
DAY TOTAL	310	17	43	113	91	39	5	1	0	0	1	0	0	0	24

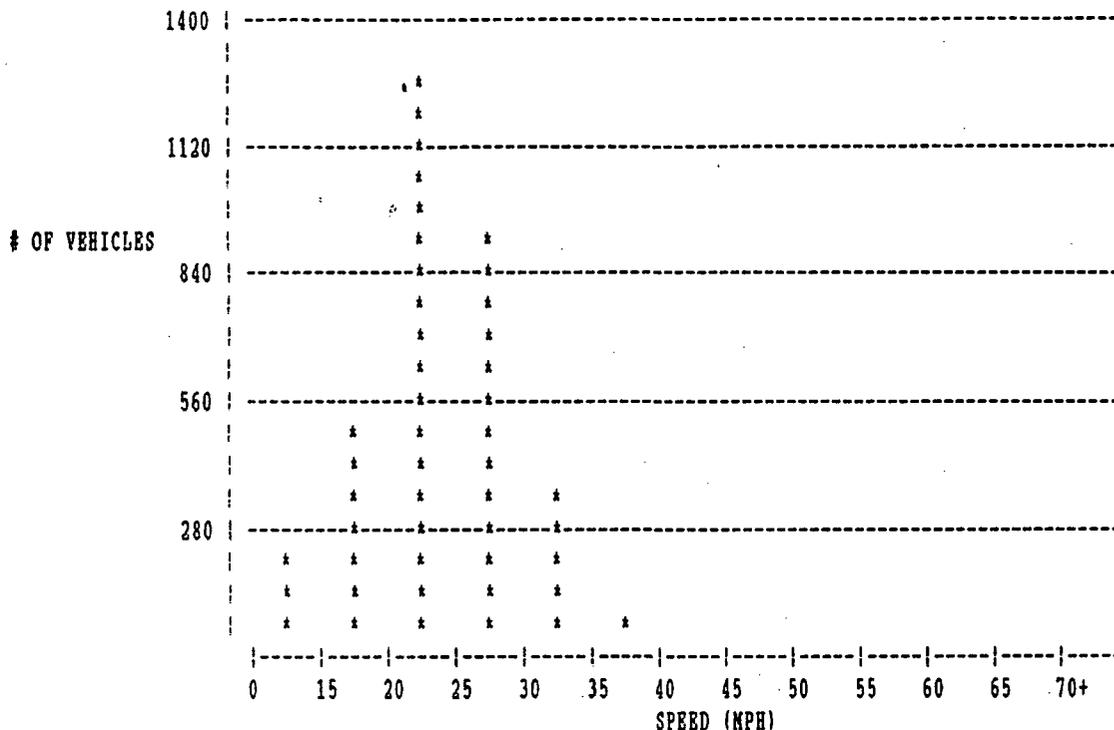
SITE CODE : 000000
 Location : POLE 17 OPP. #81 WINDSOR AVE.
 Counter # : 5000-2
 Operator : D. RING

PAGE: 1
 FILE: S-WIND81
 DATE: 6/21/94

PLOT OF SPEED DATA

FROM: 6/21/94 10:00 AM

TO: 6/27/94 8:00 AM



SPEED DATA STATISTICS

Average speed of all vehicles - 24 MPH
 Median speed (50th) - 23 MPH
 85th Percentile Speed - 28 MPH
 15th Percentile Speed - 18 MPH
 Number of vehicles > 55 MPH - 1
 Per Cent vehicles > 55 MPH - 0 %
 Pace Speed (10 MPH) - 21 - 30
 Per Cent vehicles in pace - 65 %

SITE CODE : 000000

Location : POLE 17 OPP. #81 WINDSOR AVE.

Counter # : 5000-2

Operator : D. RING

PAGE: 1

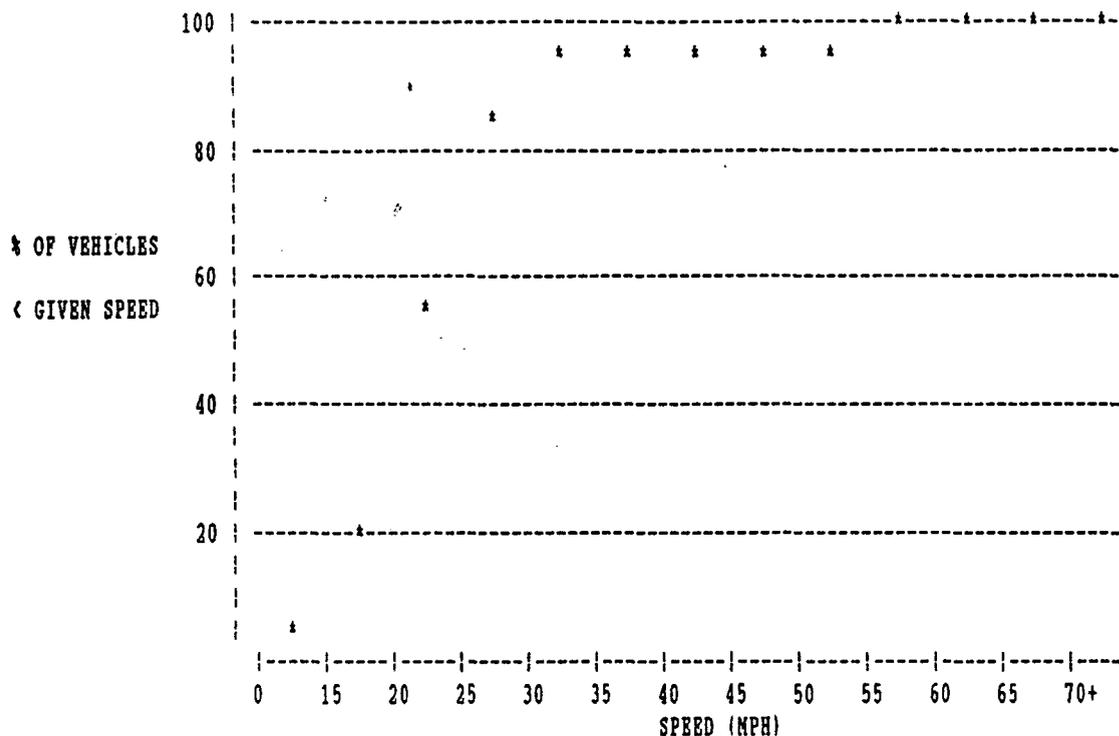
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 Per Cent vehicles > 55 MPH - 0 %
 Pace Speed (10 MPH) - 21 - 30
 Per Cent vehicles in pace - 65 %



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

DECISION
(94-7)

Common Drive Special Permit

PERKINS LANE
(Distinctive Acton Homes, Inc.)

July 11, 1994

RECEIVED & FILED

DATE July 12, 1994
Catherine Belbin
TOWN CLERK, ACTON

DECISION of the Acton Planning Board (hereinafter the Board) on the petition of Distinctive Acton Homes Inc. (hereinafter the Applicant) for property located at 113 Arlington Street in Acton, MA owned by the Applicant. The property is shown on the 1994 Acton Town Atlas Map E-2, Parcel 197 (hereinafter the Site).

This DECISION is in response to an application for a Common Drive Special Permit by Distinctive Acton Homes Inc. dated May 26, 1994 and received by the Acton Planning Department on May 27, 1994 pursuant to Section 3.8.1.5 of the Acton Zoning Bylaw (hereinafter the Bylaw) as in effect in January 19, 1994, and the Common Drive Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the Plan to the Board at a duly advertised public hearing on July 11, 1994 in the Acton Town Hall. Board members David Hill, William Shupert, Joshua Chernin, Richard Croswell, James Lee and John Pavan were present throughout the proceedings. The Applicant was represented by James Fenton, assisted by Joseph March of Stamski and McNary, Inc. The record of the proceeding and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Planning Department.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- EXHIBIT 1 A plan entitled "Perkins Lane Subdivision, Acton, Massachusetts", dated April 25, 1994, prepared by Stamski and McNary, Inc. of Acton, MA, consisting of 5 sheet. Said plan shows the proposed Common Drive.
- EXHIBIT 2 Supplementary Documentation required by the Rules consisting of the following:
- a) A properly executed application form for a Common Drive Special Permit.
 - b) A certified abutters list.
 - c) A list of other permits required.
 - d) A copy of the deed to the land and a proposed subdivision plan (see Exhibit 1).
 - e) A letter authorizing the Town to enter onto the land for the purpose of project completion, should the developer fail to complete the project in accordance with the approved plan.
 - f) A maintenance and access agreement (see Perkins Lane Subdivision Approval).
 - g) A draft legal advertisement.
 - h) A written statement concerning the proposed Common Drive.
- EXHIBIT 3 Reviews by Town staff and other boards and committees: Acton Engineering Department, dated 6/7/94; Acton Building Commissioner; Acton Health Department, dated 5/31/94; Acton Water District, dated 6/15/94; Acton Planning Department, dated 7/8/94.
- EXHIBIT 4 All information and records associated with the application and approval of the Perkins Lane Definitive Subdivision.
- EXHIBIT 5 Certified mail return receipts for notices sent to parties in interest.

EXHIBITS 1 and 2 are referred to herein as the Plan.

1 FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 1.1 The proposed common drive is located within the Perkins Lane subdivision, approved by the Board on June 6, 1994 as a residential compound pursuant to Section 10 of the Subdivision Rules. The common drive is a segment of the roadway, proposed to be located outside of the street layout, and instead within described easements on the subdivision lots.
- 1.2 Perkins Lane subdivision is subject to the requirements of the Bylaw in effect on January 19, 1994, the date when the application for approval of a preliminary plan was filed with the Acton Town Clerk.
- 1.3 The Plan and the proposed use are consistent with the Master Plan, in harmony with the purpose and intent of the Bylaw and appropriate for the site in question. They comply with all applicable requirements of the Bylaw and will not be detrimental or injurious to the neighborhood in which it is to take place.

2 BOARD ACTION

Therefore, the Board votes to GRANT the Common Drive Special Permit, subject to and with the benefit of the following conditions and limitations.

3 CONDITIONS

The following conditions of this special permit shall be strictly adhered to. Failure to adhere to these conditions shall render this special permits null and void without force or effect:

- 3.1 The Common Drive shall remain a private way.
- 3.2 Prior to issuance of a Building Permit for the new homes on lots 1, 2, and 3, this Decision and the common drive access and maintenance agreement dated July 6, 1994, shall be recorded at the Middlesex South District Registry of Deeds.
- 3.3 All construction shall be conducted in accordance with the terms of this special permit and with the improvements shown on the approved subdivision plan, bearing the Board's signature dated July 7, 1994.

4 LIMITATIONS

- 4.1 This Decision applies only to the requested special permit and the Site indicated in the application. Other agreements, approvals, or permits required by the Bylaw, or other governmental boards, agencies, or bodies having jurisdiction, shall not be assumed or implied by this decision.
- 4.2 The foregoing restrictions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw.
- 4.3 This Special Permits shall expire within two years from the filing of this Decision with Town Clerk if a substantial use thereof has not commenced sooner, except for good cause. A request to extend said time limit must be made in writing to the Board at least 30 days prior to said expiration date, and the Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to the Special Permits.
- 4.4 The Board hereby reserves its right and power to modify or amend the terms and conditions of this Special Permit with or without a public hearing upon the application of the owner, lessee or mortgagee of the premises or upon its own motion.

5 APPEALS

Appeals, if any, shall be made pursuant to M.G.L., Ch.40A, S.17 and shall be filed within 20 days after the date of filing this Decision with the Town Clerk.

Signed for the Acton Planning Board:

Roland Bartl

Roland Bartl
AICP, Town Planner

July 12, 1994
Date

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Catherine Belbin, Town Clerk

Date

Copies sent to:

Applicant - Certified Mail#
Health Director
Municipal Properties
Conservation Administrator
Fire Chief
Acton Water District

Building Commissioner
Engineering Administrator
Town Clerk
Town Manager
Historical Commission

rspp94*11



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

DECISION
94-6

Marshall Crossing Preliminary PCRC/Subdivision

July 11, 1994

RECEIVED & FILED

DATE July 12, 1994
Catherine Bulbin
TOWN CLERK, ACTON

DECISION of the Planning Board (hereinafter the Board) on the application of Bowen Estate Realty Trust c/o Ronald Peabody, Trustee (hereinafter the Applicant) of 411 Massachusetts Ave., Acton, MA. The subject property is located on the east side of Carlisle Road approximately 140' south of the intersection with North Street. The property is owned by Bowen Estate Realty Trust and Gladys Pannell of 570 West Street, Carlisle, Massachusetts. The 42.28 +/- acre site of the proposed subdivision is shown on the 1994 Acton Town Alas Map on plate C-6 as parcels 9 and 9-1 and plate B-6, parcel 20.

This DECISION is in response to an application for approval of a Preliminary Subdivision Plan entitled "Marshall Crossing, A Planned Conservation Residential Community, Preliminary Subdivision Plan, Acton, Mass." dated June 3, 1994 and received by the Acton Planning Department on June 7, 1994, 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 Applicant presented the subdivision proposal to the Board at an advertised public meeting on June 27, 1994 held at 8:30 PM in Room 126 of the Acton Town Hall. Mr. Ronald Peabody of Bowen Estate Realty Trust was assisted in his presentation by Mr. Bruce Stamski of Stamski & McNary, Inc. Attorney Stephen Graham also assisted the applicant in his presentation. Board members William Shupert III, Vice-Chairman; John Pavan, Clerk; Gregory Niemyski; and Mary Giorgio were present. Associate Board members Richard Crosswell and Joshua Chernin also attended the meeting. 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 in the Planning Department.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 A Preliminary Subdivision Plan entitled "Marshall Crossing, A Planned Conservation Residential Community, Preliminary Subdivision Plan, Acton, Mass." dated June 3, 1994 and drawn by Stamski & McNary, Inc., 80 Harris Street, Acton, MA 01720...

EXHIBIT 2 Supplementary items and documentation required by the rules consisting of the following:

- A properly executed Application for Approval of Preliminary Plan, Form PP, dated June 6, 1994;
- Filing Fee in the Amount of \$1,250.00;
- A completed Development Impact Report, Form DIR;
- A locus map at a scale 1"=200'; and
- A letter from Stamski & McNary, Inc., dated 6/3/94.

EXHIBIT 3 Interdepartmental communication submitted to the Board by the following:
Acton Board of Health, dated 6/22/94;
Acton Tree Warden & Municipal Properties Dir., dated 6/15/94;
Acton Engineering Department, dated 6/22/94;
Acton Water District, dated 6/15/94;
Acton Building Commissioner, dated 6/8/94;
Acton Historical Commission, dated 6/8/94;
Acton Fire Chief, dated 6/23/94; and
Acton Planning Department, dated 6/22/94.

EXHIBITS 1 and 2 are referred to herein as the Plan.

1 FINDINGS AND CONCLUSIONS

Based upon its review of the Exhibits and the record of the proceedings the Board finds and concludes that:

- 1.1 The proposed subdivision is located within the Residence 10-8 (R-10/8) Zoning District and is contained primarily within Zone 4 of the Groundwater Protection District. A small section of frontage along Carlisle Road is located in Zone 2 of the Groundwater Protection District.
- 1.2 The proposed use is an allowed use in the R-10/8 District. The proposed lots comply with the area, frontage and dimensional requirements of the Acton Zoning Bylaw.
- 1.3 The proposed Common Land may not meet the requirements of the Zoning Bylaw because Common Land Parcel E may not be contiguous to Common Land Parcel D and therefore may not be a contiguous tract of land.
- 1.4 The Plan shows a total site area of 42.8 acres. Of this total, 26.1 acres will be preserved as Common Land and 12.9 acres will be divided into 16 exclusive use areas (E.U.A.). Common Land Parcel A will contain the sewage disposal leaching area for the development.
- 1.5 The site of the proposed subdivision is described as 42.3 acres of forested land with 1.8 acres of wetland; 3 acres of roads, buildings and other impervious surfaces. The Applicant states 76% of the site is well-drained and that 98% of the site has slopes between 0-10%.
- 1.6 The Plan shows a subdivision roadway of approximately 1350 +/- feet featuring a 50 foot right of way and a 22' foot wide paved travelled way.
- 1.7 A Common Driveway is proposed to serve 4 E.U.A, not 4 lots; therefore, the Board's review of the Common Driveway during the approval process is sufficient.
- 1.8 The proposed subdivision surrounds a parcel of land identified as parcel 8 on plate C-6 of the 1994 Town of Acton Atlas which is owned by the Town of Acton.
- 1.9 In the Development Impact Report, the Applicant states that there are no historically significant features; however, several rock formations have recently been located that may be of historical significance.
- 1.10 The Plan proposes that access be provided to a lot located in Carlisle which is not part of the proposed subdivision/PCRC.
- 1.11 The Definitive Plan may be subject to Chapter J of the Bylaws of the Town of Acton which identifies Carlisle Road as a Scenic Road.
- 1.12 The Plan shows a wooded buffer along Carlisle Road of approximately 140' in width.
- 1.13 The Applicant has not proposed the final disposition of the Common Land parcels. Common Land Parcels D and E may be of interest to the Town depending on how the adjacent parcels of land are developed.
- 1.14 The Acton Water District states that public water is not available on Carlisle Road as the current system ends at a hydrant on North Street.
- 1.15 The Fire Chief has expressed concern about the adequacy of fire flow, the distance between fire hydrants and the lack of a fire alarm.
- 1.16 The size of the cul-de-sac does not appear to conform to the standards in the Rules.
- 1.17 The Plan appears to contemplate projection of the subdivision roadway from the cul-de-sac to the adjacent parcel of Town owned land over Common Land Parcel C.
- 1.18 The Plan shows North Street incorrectly labelled as "North Road".
- 1.19 The Health Director advises that the proposed leaching areas appear suitable for disposal. The Health Director states that the proposed revisions to Title V, State Sanitary Code, call for the use of recirculating sand filters for systems greater than 2000 gallons per day.

- 1.20 The Applicant has offered to provide affordable housing units in one of his developments within Acton.

BOARD ACTION

Therefore, subject to and with the benefit of the following plan modifications and conditions, the Board voted to APPROVE the Preliminary Subdivision at its meeting of June 27, 1994. Unless stated or implied otherwise, modifications to the Plan shall be made and conditions shall be fulfilled by the time a definitive plan application is filed with the Board.

2. CONDITIONS and PLAN MODIFICATIONS

- 2.1 The definitive subdivision plan shall comply with the Acton Zoning Bylaw and the Rules except as otherwise specifically stated herein.
- 2.2 The Applicant shall provide a written legal opinion to support the argument that the proposed Common Land with parcel E meets the requirements of the Zoning Bylaw, even though Common Land Parcel E touches Common Land Parcel D only at one point. This configuration would normally not be considered to meet minimum lot requirements. Why then should it be sufficient to meet minimum common land requirements? If the Applicant cannot provide such legal opinion, the layout and design should be modified to ensure compliance with the requirements of the Zoning Bylaw.
- 2.3 The definitive plan shall show a subdivision road layout featuring a 24' pavement width to the intersection of the westerly cul-de-sac. The road layout shall be reduced to 40' and the pavement width shall be reduced to 20' from the intersection to the terminus.
- 2.4 The southern-most cul-de-sac shall be relocated to the boundary of the Town-owned parcel of land (parcel 8, Plate C-6 of the 1994 Town of Acton Atlas) to provide adequate frontage for the town-owned parcel. Alternatively, the Applicant shall deed the parcel identified as Common Land Parcel C to the Town for general municipal purposes.
- 2.5 In place of the "common drive within easement", the definitive plan shall show a road layout which features a full service road with a 24' wide pavement area within a 50' layout. The cul-de-sac at the end of this full service road (westerly cul-de-sac) shall feature a 50' wide street projection to provide future access to the adjacent undeveloped land of MSM Trust. The road projection shall not be constructed unless it will serve as a secondary access to a main access from Carlisle Road to said MSM parcel.
- 2.6 The Rules require construction of sidewalks along the subdivision roadway and the frontage on Carlisle Road. The Applicant shall provide a sidewalk along the frontage extending from the boundary of Common Land Parcel A with the MSM Trust parcel to North Street. The Board will consider a waiver to allow the sidewalk required along the balance of the frontage and the subdivision roadway from the intersection with the westerly cul-de-sac to the end (approximately total of 900 linear feet) to be relocated elsewhere in Acton, as determined by the Board.
- 2.7 The Applicant shall provide evidence, satisfactory to the Board and the Acton Historical Commission, which indicates whether or not the numerous rock formations recently located on the site are historically significant. If evidence shows the rock formations to be of historical significance, the Definitive Plan shall be designed to ensure preservation of the rock formations.
- 2.8 The Definitive Plan shall be designed so that no access is provided to the parcel located in Carlisle which is not part of the proposed subdivision/PCRC.
- 2.9 The Definitive Plan shall provide an undisturbed vegetated buffer of no less than 100' in width along Carlisle Road in Common Land Parcel A.
- 2.10 The Applicant shall provide a proposal for the final disposition of the Common Land parcels. Common Land Parcels D and E may be of interest to the Town.
- 2.11 The Board accepts the Applicant's offer to submit a proposal for the provision of affordable housing within one or more of his developments in Acton.
- 2.12 The Applicant shall design the water supply system in accordance with the requirements of the Acton

Water District.

- 2.13 The Applicant shall address the Fire Chief's concerns about the adequacy of fire flow, the distance between fire hydrants and the lack of a fire alarm. Fire protection shall be provided in accordance with the requirements of the Acton Fire Chief.
- 2.14 The Definitive Plan shall show North Street correctly labelled.
- 2.15 The Health Director advises that the proposed leaching areas appear suitable for disposal. The Health Director states that the proposed revisions to Title V, State Sanitary Code, call for the use of recirculating sand filters for systems greater than 2000 gallons per day.
- 2.16 The design and location of the required subdivision improvements shall not adversely impact the adjacent wetlands.

Signed on behalf of the Acton Planning Board.

Roland Bartl
Roland Bartl, AICP
Town Planner

July 12, 1994
Date

Copies furnished:

Petitioner - certified mail #
Engineering Administrator
Conservation Administrator

Building Commissioner
Municipal Properties
Town Manager

Board of Health
Town Clerk
Fire Chief

dlib*63

cc: BOS

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

COPY FOR YOUR INFORMATION

DATE: 7/13/94

TO: Nancy Whitcomb

FROM: Christine Joyce

(Handwritten initials)

SUBJECT: Additional Appointments Made by BOS on 7/12/94

The Board made several additional appointments at their meeting on July 12th. Below please find a listing so that you can revise you file.

Nicholas Miller - Full Member of the Board of Appeals
6/30/97 expiration date

Peter Berry - Voting Associate Member of Board of Appeals
6/30/97 expiration date

Cindy Patton - Full Member of the Board of Health
6/30/97 expiration date

Don Herskosvitz - Acton's Representative to Lowell Regional
Transportation Authority
6/30/95 Expiration

They made all appointments as listed on your memo of June 24th with the additions noted above including the requested Sunset Waivers. The MAPC Appointment is held until the Board reviews additional materials from MAPC and will notify you when they make their appointment.

As follow-up, I have asked Walter George for another copy of paperwork for the person that was interested in Board of Health that we cannot track down, as we have an opening for an Associate Member. I also asked for the VCC info on Andrew Durham who has been serving the Conservation Commission as an Associate, see attached memo as background.

cc: ~~Town Manager~~

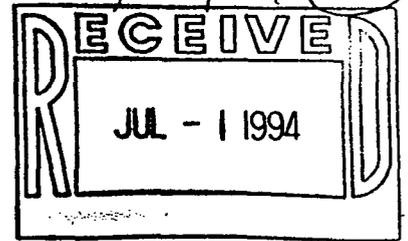
CC: BOS -

CHRIS, PLS. SCHED.
FOR 7/12 ... SEL. BUSINESS.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

7/12/94 (9)



DATE : 24 June 1994
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : Reappointments

Walter E. George

Part I

The VCC has voted to recommend the following reappointments based on feedback from the Boards and Commissions involved:

Dore
moved to vote
2nd
Jancy
all

A/BAC	CLEMENT, Jacqueline	Member	2 yr term	6/30/96
BOAP	<i>Peter Berry</i> CLARK, Janet	<i>Assoc-voting</i> Assoc-voting	<i>3 yr term</i> 3 yr term	6/30/97
	WOOD, Duncan	Member	3 yr term	6/30/97
BOH	<i>Nick Miller</i> VAILLANCOURT, R. Peter	Member	3 yr term	6/30/97
COA	BEDDOE, Margaret	Member	1 yr term	6/30/95
	CONN, Angelene	Member	1 yr term	6/30/95
	DONOVAN, Warren	Member	1 yr term	6/30/95
	ERLANGER, Peggy	Member	1 yr term	6/30/95
	KENNEDY, Juliana	Member	1 yr term	6/30/95
	KREA, Constance	Member	1 yr term	6/30/95
	PARKER, James	Member	1 yr term	6/30/95
	TRAFTON, Roy	Member	1 yr term	6/30/95
ACC	BODNER, Morene	Member	3 yr term	6/30/97
	HILL, Bill	Member	3 yr term	6/30/97
AHS	BEYER, Victoria	Assoc	1 yr term	6/30/95
	HARRIS, Jr., David	Assoc	1 yr term	6/30/95
	RHODES, Robert	Member	3 yr term	6/30/97
AHDC	DALLMUS, Christopher	Member	3 yr term	6/30/97
	FORBES, Anne	Member	3 yr term	6/30/97
MAPC	PETERMAN, Thomas	Alt	3 yr term	6/30/97
PLB	<i>GILBERT, Donald</i> LEE, James	Member	3 yr term	6/30/97
		Member	5 yr term	6/30/99
VCC	COMSTOCK, Elizabeth	Member	3 yr term	6/30/97
	HUSBANDS, Charles	Member	3 yr term	6/30/97

Part II

The following Boards and Commissions request waiver of the Sunset ByLaw and recommend reappointment of the following:

Dore
moved to approve
Billy
2nd

CEC	BAILEY, Edward	Member	3 yr term	6/30/97
REC	STAMSKI, Bruce	Member	3 yr term	6/30/97
SARC	ELDRIDGE, Betsy	Member	3 yr term	6/30/97
	WHALEY, Sandra	Member	3 yr term	6/30/97

Part III

The A/B Arts Council has recommended the reappointment of Gail ERWIN, however, we find that she has moved to Maynard and is a registered voter there. Therefore, the VCC cannot recommend this request.

INTERDEPARTMENTAL COMMUNICATION

Conservation Administrator

DATE: 7/8/94

TO: Christine Joyce 

FROM: Tom Tidman, Conservation Administrator

SUBJECT: Conservation Commission Appointment

With respect to our conversation this morning concerning Andrew Durham; and his being moved from Associate Commissioner to Full Commissioner, I ask that you forward this request to the Board of Selectmen for their consideration.

The Conservation Commission asks that at the Selectmen's earliest convenience that Andrew Durham be interviewed by the Board and be appointed as a Full Member of the Conservation Commission.

Mr. Durham since interviewing with VCC has been faithfully attending all commission meetings and workshops for over one year, and as an Organic Chemist should provide the Commission much additional expertise. Thank you for your time.

NOTE TO BOS:

Mr. Durham was interviewed by VCC and apparently began to attend Commission meetings with the impression he had been formally appointed as an associate. Walter George of the VCC will be submitting Mr. Durham's formal paperwork for interview before the Board at his earliest convenience so that this appointment can be reviewed and acted upon by the Board.

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

Don P. Johnson
Town Manager

July 13, 1994

**COPY FOR YOUR
INFORMATION**

Mr. Robert Kennedy
Administrator
Lowell Regional Transit Authority
Charles Gallagher Terminal
145 Thorndike Street
Lowell, MA 01852

RE: LRTA Representative (Acton)

Dear Mr. Kennedy:

The Acton Board of Selectmen on July 12, 1994 unanimously voted to designate Mr. Sheldon D. Herskovitz as Acton's Representative to the Lowell Regional Transit Authority, effective July 1, 1994, term to expire June 30, 1995.

If you need additional information, please do not hesitate to call me.

Very truly yours,



Christine M. Joyce
Town Manager's Office

cc: Mr. Herskovitz
88 Hammond Street
Town Manager

cc: BOS

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

Don P. Johnson
Town Manager

**COPY FOR YOUR
INFORMATION**

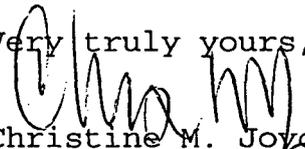
July 13, 1994

Anne Forbes
Acton Historic District Commission
472 Main Street
Acton, MA 01720

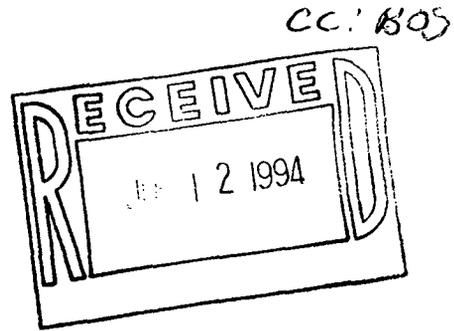
Dear Anne:

The Board of Selectmen voted to approve your request of June 21, 1994 for the Designation of the current sign "EXCHANGE HALL" as a Landmark Sign under Sec. 7.5.8 of the Acton Zoning Bylaw.

Please continue to work with the Building Commissioner's Office to ensure compliance as plans for the restoration of the sign proceed.

Very truly yours,

Christine M. Joyce
Town Manager's Office

cc: Garry Rhodes
Glenn Berger
Acton Historic Commission



ACTON BOARD OF HEALTH
MINUTES
JUNE 13, 1994
ROOM 126

MEMBERS PRESENT:

WILLIAM MCINNIS (CHAIRMAN)
PETER VAILLANCOURT
MARK CONOBY
JONATHAN BOSWORTH

STAFF PRESENT: DOUG HALLEY - HEALTH DIRECTOR
HEATHER MEYER - SECRETARY

OTHERS: LISA WOLF - LEAGUE OF WOMEN VOTERS
BOB SUNDBERG
BRUCE STAMSKI, STAMSKI & MCNARY

The Meeting opened at 7:35 p.m.

MINUTES:

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to accept the minutes of May 23, 1994 following corrections.

KELLY'S CORNER PLAN:

Mr. Halley informed the Board that the Town of Acton Planning Board is seeking support from the Board of Health regarding state funding for the Kelly's Corner Plan. They have requested that the Board write a short letter in support of the state funding for the Plan.

On a motion made by Mr. Bosworth, seconded by Mr. Conoby, the Board unanimously voted to submit the following two paragraphs, written by Doug Halley, in support of state funding for the Kelly's Corner Plan:

The Board of Health, on June 13, 1994 unanimously voted to support the Planning Board's application to the Municipal Incentive Grants Program. The Board of Health recognizes that this section of town is highly desirable for future development. The Board has also identified this area of town to be a section which should be sewered as soon as possible.

The Kelly's Corner Plan could be a valuable tool by which the town could plan and encourage future development, while addressing the need for sewers and identifying funding resources for their implementation. The Board of Health recommends and requests that the Executive Office of Communities and Development give this grant application high priority.

KELLY'S KORNER KITCHEN - REQUEST FOR INCREASE IN SEATING:

Bob Sundberg was present to request that the Board of Health grant his request for an increase in seating at Kelly's Korner Kitchen, 257 Main St., Acton. The Health Department has reviewed the water records provided by Mr. Sundberg for the Acton Bowladrome & Kelly's Korner Kitchen.

r. Halley pointed out that although water use decreased from April 1992 to October 1993, during the last six months it has reached the levels previously seen from April 1990 to April 1992. He informed the Board that on February 24, 1992 the Board of Health determined that with flows similar to the present flows the adjacent Pizza Express could have 24 seats.

Unless one of the uses are decreased, or actual water flows are lower than expected, the Health Department does not recommend expansion of Kelly's Korner Kitchen.

Mr. Sundberg pointed out that he does not think that the Pizza Express is using all of the seating that they have been allowed. He suggested that he would speak with them about possibly using the seats that they are not using in their facility for the seating expansion at Kelly's Korner.

The Board agreed with this under the condition that he obtain a letter from both parties with regard to the seating transfer. Mr. Sundberg also agreed to have someone come into the facility to give him some ideas on how to conserve on water.

Mr. Halley informed the Board that Mr. Sundberg has presented to the Health Department a plan for tobacco control at the Bowladrome. Mr. Halley informed the Board that he has installed three smoke eaters and designated three tables for smoking. Mr. Sundberg has established some parameters regarding smoking: No smoking when kids leagues are bowling; Most of the smoking is at night when leagues are in; All ash trays are removed from bowling area. He has also stated that no complaints about smoking have been reported. After discussing the various steps that could be taken to comply with the Tobacco Bylaw, Mr. Sundberg proposed the following agreement.

There will be no smoking in the Bowladrome before 6 p.m. Sunday through Friday. On Saturdays, there will be no smoking at all. He will post signs at the counter and around the Bowladrome regarding this rule.

The Board of Health found this to be reasonable solution. This agreement will require a variance from the Tobacco Bylaw. Mr. Halley will write up the official variance request and present it to the Board at the next meeting.

LAN REGULATIONS:

Bruce Stamski, of Stamski and McNary was present to discuss with the Board of Health the Plan Review Procedure for Sewage Disposal Systems. Mr. Stamski has submitted a letter to the Board addressing his concerns of, plans being submitted to the Health Department without getting the stamps of a Registered Professional Engineer or Registered Sanitarian.

Submitted along with the letter was an excerpt from Title VI regarding Plan Review and Submittal. Mr. Stamski proposed a two step process which he would like to see the Board of Health adopt in the future.

Step One: The Health Department staff check to see if the plans have been endorsed by Registered professional. If the endorsement/stamp is not on the plans, the plan would be returned with no technical review and have no technical review take place until such time as the plan is submitted with the proper endorsement.

Step Two: The Health Department review the plan for technical compliance and address their concerns/comments to the professional who has designed the plan and/or reviewed and approved the plan.

Mr. Stamski feels that by adopting this two step process, the Health Department could save a lot of time communicating back and forth with the Engineer/Installer. This would also save the homeowner valuable time. He stated that he would like to see this as a new plan review regulation.

Mr. Halley enclosed with the letter from Stamski & McNary a few copies of some plan reviews that the Health Department has done in the recent past. There were five (5) reviews for Installers and seven 7 reviews for Engineers. These letters show no significant difference in the number of comments made by the Health Department nor therefore the number of time spent in reviewing replacement of septic systems as compared to proposed new septic systems. The Health Department would recommend not to create a review policy. The Department feels that due to the nature of replacement systems and the need for home owners to construct them quickly, the department would not want to have a policy which potentially could slow down the process. The Board decided that they would like to hear more comments from Disposal Works Installers and Engineers on the topic of plan review and submittal. The Board would like to conduct a public meeting on this topic in the near future.

EWAGE EJECTOR PUMP REQUEST - 3 FOSTER ROAD:

Mr. Halley informed the Board that the Health Department has received a request from Dore and Vanetta Hunter, 3 Foster Road, Acton regarding the installation of a sewage ejector pump at the above-referenced address. They would like to place a bathroom in their basement but cannot do that without an ejector pump.

Mr. Halley went on to state that in the past the Board has been concerned about the installation of ejector pumps because they have a tendency to disturb solids so that they are suspended within the liquid. When the suspended solids reach the septic tank, they may not have a detention time sufficient to settle out the solids.

The Hunters had a new septic system installed in October of 1993. At that time a 1500 gallon septic tank was installed, which has two internal settling compartments. In addition the Hunters have a removable plate filter after the tank and prior to the leaching system, which is accessible for routine cleaning. The Health Department has taken into account these factors which will protect the leaching stem.

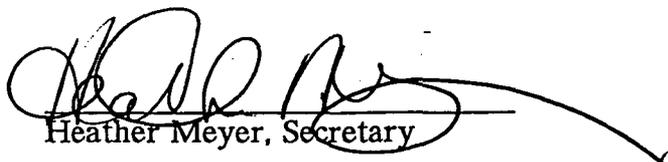
The Health Department recommends approval of this request for a Sewage Ejector Pump at 3 Foster Road.

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to grant the request for a Sewage Ejector Pump at 3 Foster Road with the following conditions:

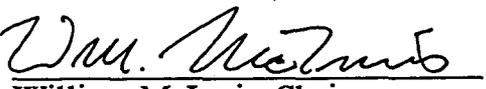
1. The filter shall be checked every six months.
2. The Septic Tank shall be pumped on an annual basis and a report shall be submitted to the Board of Health by the licensed pumper regarding the condition of the septic tank.
3. The Board of Health shall be notified immediately of any problems that occur with the Sewage Ejector Pump.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,

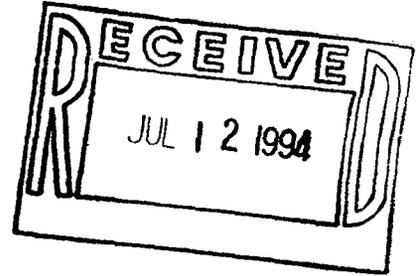


Handwritten signature of Heather Meyer, Secretary, with a horizontal line underneath.



Handwritten signature of William McInnis, Chairman, with a horizontal line underneath.

William McInnis, Chairman
Acton Board of Health



BOARD OF ASSESSORS

MINUTES

JUNE 27, 1994

1. The Board agreed to abate property at 36 Duggan Road by \$23,800.00.
2. The Board agreed to abate Royal Discount Book Store property value down to \$1,376.00.
3. Great Road Sunoco's property tax bill was abated by \$262.30 as agreed by the Board.
4. Miscellaneous person property bills were abated by the Board - see attached.
5. The Board reviewed an abatement application and supporting data on property at 291 Main Street and denied any abatement.
6. The following properties filed abatement applications and reviewed by the Board and no action was taken: Digital, AET Inc., MAC Inc. and Liquid Metronics, Inc..
7. The Board reviewed an abatement application on property at 15 Musket Drive and was denied any abatement.
8. The Board reviewed an abatement application on property at 27 Stoneymeade Way and was denied any abatements.

Attendance: James Kotanchik
Donald Rhude
David Brown
Brian McMullen

201305

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee (SAVPC)

Minutes for Meeting of:

May 24, 1994

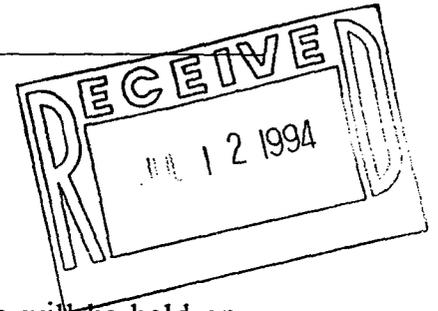
Members in attendance: Betsy Eldridge, Bob Pion, Trey Shupert.

Also present: Roland Bartl (Town Planner).

Minutes of May 10, 1994 were accepted.

Announcements:

The next meeting will be on the June 21. If needed another meeting will be held on June 28.



Roland reported that amendments have been proposed to current Transportation Improvement Program (TIP) that would siphon huge amounts of bridge funds into the Boston Central Artery project. This could result in yet another postponement of the Route 27 bridge replacement, which is currently scheduled for 1995.

Draft Plan Status:

The committee reviewed Action Plan introduction prepared by Trey Shupert, and the Historic Resources part prepared by Sandra Whaley. Comments and changes were suggested. Roland prepared the Demographic Characteristics part. Following discussion, the committee decided to include this part in the draft plan.

Concentrated Development Center (CDC) - South Acton:

Roland explained that the Town had nominated South Acton Village as a CDC under MetroPlan 2000, the regional plan of the Metropolitan Area Planning Council. Under MetroPlan 2000, qualifying CDCs would be given priority to receive public infrastructure funding. One measure for qualification as a small CDC is a minimum build-out potential of FAR 0.50. Roland pointed out that the committee in the draft plan proposes a maximum build out of only 0.40, and he suggested that the committee look at the pros and cons of raising the maximum FAR to 0.50. While no final decision was made, the sense of the committee was that zoning should be driven primarily by what seems right and appropriate for a certain area, not by an attempt to fit into a certain category established by others.

Next meeting will be on June 21, 1994.

Minutes approved: June 21, 1994.

cc: Town Clerk, Planning Board, Board of Selectmen ✓

rsavpc*1

RECEIVED & FILED

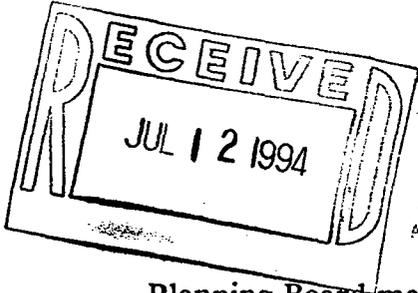
DATE July 11, 1994

Barbara Brown
for TOWN CLERK, ACTON



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



ACTON PLANNING BOARD

Minutes of Meeting

May 23, 1994

RECEIVED & FILED

DATE July 12, 1994

Catherine Bellini
TOWN CLERK, ACTON

Planning Board members in attendance were: David Hill, Chairman; William Shupert, Vice Chairman; John Pavan, Clerk; Gregory Niemyski; James Lee; Mary Giorgio and Associate Members Richard Crosswell and Joshua Chernin. Planning Board member Douglas Carnahan was not in attendance. Town Planner Roland Bartl and Assistant Planner Donna Jacobs also attended.

I Consent Agenda

Mr. Shupert moved that the Board vote to approve the minutes of 5/9/94 with corrections noted this evening. His motion was seconded by Mr. Niemyski and passed by unanimous vote.

II Village Planning Report

West Acton Village Planning Committee - Mr. Shupert reported on the final meeting of the West Acton Village Planning Committee held on May 17, 1994. The WAVPC voted to submit their final report to the Planning Board which includes the following recommendations:

- a) dissolving the WAVPC;
- b) distribution of Action Recommendations to appropriate boards, departments and committees for implementation; and
- c) formation of a West Acton Village citizen's advocacy group (not a town appointed committee) to work towards implementation of those recommendations which should be done by the private sector.

The WAVPC also discussed two issues that have arisen since the adoption of the amendments to the Zoning Bylaw. The first issue is parking in the Village Residential District. Mrs. Jacobs discussed with the WAVPC the possible need for an amendment to the parking section of the bylaw to regulate parking areas for businesses in the Village Residential District. The WAVPC agreed to recommend to the Planning Board that an amendment be written to allow the businesses in the Village Residential District to be exempted from the town-wide parking design regulations based on the conclusion that these businesses function in the same manner as home occupations which do not have to comply with parking design requirements.

The second issue, accessory apartments in detached buildings, arose due to the

deletion of footnote (3) from the "single family dwelling with one apartment" principal use in the WAV District and the lack of the footnote in the VR district. This results in accessory apartments not being allowed in existing detached buildings in either district because they were only allowed subject to special permit. The group decided to recommend that the requirements stay as they are for now.

Mr. Hill thanked Mr. Shupert and the members of the WAVPC for their work over the past 2.5 years and congratulated them on their success at the 1994 Annual Town Meeting. It was agreed that a letter of thanks will be sent from the Planning Board to the individual committee members.

Mr. Shupert moved that the Planning Board vote to dissolve the West Acton Village Planning Committee and to send a memo to the Board of Selectmen asking them to distribute the Action Recommendations to the appropriate boards, departments and committees for implementation. His motion was seconded by Mr. Niemyski and approved by unanimous vote of the Board.

The South Acton Village Planning Committee is having difficulty completing the outstanding sections of the draft Village Plan. Mr. Bartl reported that he wrote directly to the members that owe these sections asking them to be submitted immediately so the draft plan can be distributed in July.

III Modification of the Kelley's Corner CDC

Mr. Bartl discussed the staff's proposal to expand the area of the Kelley's Corner CDC to include the parcels along Route 2 east to and including the Auto Auction and west along Route 2 to include the school complex and Haartz. Board members discussed the proposal and agreed that the expansion is in order. Mr. Niemyski moved that the Board vote to recommend to the Selectmen the expansion of the Kelley's Corner CDC. His motion was seconded by Mr. Shupert and passed by unanimous vote.

IV Public Hearing, Perkins Lane Definitive Subdivision

Mr. Hill opened the hearing at 8:00 PM. Mr. Bruce Stamski and Mr. Richard Harrington of Stamski & McNary, Inc, consultant to the applicant, and Mr. James Fenton of Distinctive Acton Homes were in attendance. Mr. Stamski presented the proposed subdivision plan for the Board and members of the audience.

Mr. Stamski stated that all of the issues raised in the Preliminary Plan decision have been addressed in the subsequent definitive plan. He also discussed the issues raised by the staff in their review of the application and indicated that all of these concerns will be addressed. Mr. Stamski discussed the requested waivers and submitted a letter requesting additional waivers. He explained to the Board the need for the waiver of the 2' separation from groundwater for the holding ponds. He also discussed the potential need for a common drive special permit, but stated that this need shouldn't affect the subdivision approval process.

Mr. Shupert moved to close the public hearing. His motion was seconded by Mr. Niemyski and passed by unanimous vote of the Board.

V Appointment, Acton Community Housing Corporation

Members of the ACHC met with the Planning Board to discuss potential opportunities for the provision of affordable housing in two new residential developments. Board members discussed the options available under the Acton Zoning Bylaw and agreed to continue working towards the Board's goal of creating affordable housing units. Mr. Bartl indicated that the Board would be looking into possible amendments to Section 4.4 of the Zoning Bylaw to encourage affordable housing in residential developments. Consideration was given to contract with the developer to modify or repair houses off site for affordable housing.

The ACHC also advised that they may be seeking a home rule petition to create a housing entity similar to LexHab in Lexington which would allow them to be a town agency and have direct access to Town gift funds.

VI Appointment, Ron Peabody, Conceptual Plan

Mr. Peabody met with the Board to discuss the "Bellows Farm/Arbors" PCRC. Mr. Peabody would like to obtain the permits necessary to complete the PCRC as a 125 unit single family PCRC. Under the current special permit for Phase 1 there are 24 condo units built and 36 more units to be constructed. Mr. Peabody will be working on Phases 2, 3 & 4 which have a maximum buildout of 177 units. Mr. Peabody stated that he intends to construct 1900-2300 sq. ft. houses in the \$275-325,000 price range and also stated that he is willing to provide some affordable units within the development.

Mr. Bartl said that Town Counsel has advised that the PCRC can be done as a single family development instead of a condominium development as originally proposed. Mr. Bartl would like to see the revised plan maintain the same sense of open space. Mr. Niemyski stated that the traffic issue must be addressed, especially if there is no secondary access available. Board members also discussed the need to show all features of the development on the plans, the possibility of a soccer field, the plans for septic disposal and the need for diversity in housing types.

VII New View Neighborhood, Site Visit Meeting of 5/14, 1994

Mr. Hill reported that all 6 members who attended the first session of the public hearing also attended the site visit. Mr. Pavan submitted draft minutes of the site visit for distribution to the Board in their next package.

Mr. Bartl advised that he has spoken with the consultant for New View and the group will withdraw the present application and resubmit for a new hearing process to begin after 7/1/94 to accommodate the change in membership of the Board as well as the design changes in the development.

The meeting adjourned at 10:00 PM.

Respectfully submitted,

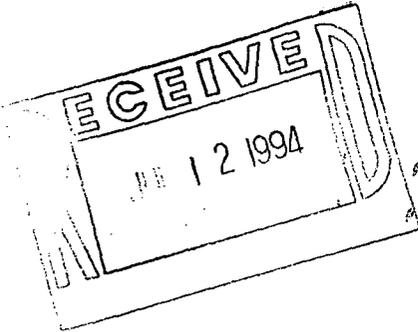

John Pavan, Clerk

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PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



ACTON PLANNING BOARD

Minutes of Meeting

May 9, 1994

RECEIVED & FILED

DATE July 12, 1994

Catherine Belbin
TOWN CLERK, ACTON

Planning Board members in attendance were: David Hill, Chairman; William Shupert, Vice Chairman; Gregory Niemyski; James Lee; and Associate Members Richard Crosswell and Joshua Chernin. Planning Board members John Pavan, Douglas Carnahan and Mary Giorgio were not in attendance. Town Planner Roland Bartl and Assistant Planner Donna Jacobs also attended.

I Consent Agenda

Mr. Niemyski moved that the Board vote to approve the consent agenda (A. Minutes of 4/25/94 meeting and B. Amendment to Appendix A of the Subdivision Rules and all Special Permit Rules adding a form authorizing publication of legal notice of public hearing). His motion was seconded by Mr. Shupert and passed by unanimous vote.

II Village Planning Report

Mr. Shupert reported that the West Acton Village Planning Committee will hold its final meeting on May 17, 1994.

The South Acton Village Planning Committee will be meeting on May 10th and is most likely changing its meeting nights to the first and third Tuesday beginning in June. The SAVPC has identified sewers, growth and aesthetics as the three main issues facing South Acton. The Committee will be meeting through the end of June then will break for July & August. In September the Committee will begin a regular meeting schedule that will hold, with the exception of the months of December and January, until Annual Town Meeting. The committee is working towards the goal of producing the draft of the South Acton Village Plan for public comment in July and August.

Mr. Hill inquired about the progress of forming the Kelley's Corner Committee. Mr. Bartl reported that the Town may not be able to use the money appropriated at Annual Town Meeting to leverage additional funds (grants); the answer should be forthcoming shortly. Mr. Shupert said that the committee should be started now. Board members agreed that the committee should be formed in the immediate future to capture the interest created by Town Meeting and the proposed alterations to the shopping center. Mr. Bartl reported that he is waiting for a response from the Board of Selectmen on how the committee will be organized. Mr. Hill asked staff to check with the Town Manager on the

appointment of the Kelley's Corner Committee.

III Modification of the Hearthstone Farm PCRC Special Permit

Mr. Niemyski moved that the Board vote to issue the decision as drafted by staff and to authorize the Town Planner to sign on behalf of the Board. Mr. Lee seconded the motion. Board members discussed the proposed modification to eliminate item number 1.21 of the Findings and Conclusions and eliminate item number 3.23 of the Plan Modifications. Board members determined the following: 1) the two items relate to the PCRC Special Permit granted; 2) the modification is consistent with the purpose and intent of the Rules and the Zoning Bylaw as amended by Annual Town Meeting; and 3) the requested modification is minor in nature and does not require a public hearing. The motion passed by unanimous vote.

IV Public Hearing, Scenic Road Bylaw & Public Shade Tree Removal
Newtown Road

Mr. Hill opened the hearing at 8:00 PM. Mr. John Judd of LandTech Consultants, Mr. Martin Gratz of the Acton Citizen, Mr. Dean Charter, Tree Warden, Mr. Mark White of Kavanagh Homes, and Mr. Newcomb were present for the hearing. Mr. John Judd of LandTech Consultants presented the proposed plan to construct the intersection of McKinley Drive and Newtown Road, to modify the profile of Newtown Road from approximately STA 33 to STA 36+80 and to construct a sidewalk along Newtown Road to meet the existing sidewalk.

Mr. Hill asked how many public shade trees would be removed. Mr. Charter replied that 12 trees have been posted and will be removed; the largest tree is a 24" diameter red maple and most are in the 6-8" diameter category. Mr. Charter reported that he had received no public comment from either the posting of the trees or the legal notice in the Beacon. Mr. Hill asked if any trees would be replaced. Mr. Charter replied that there is no room for replacement of the trees, but the project had been carefully designed to preserve as many trees as possible.

Board members inquired whether the Acton Highway Department would be doing the construction work. Mr. Judd replied that the Highway Dept. will be doing the road work with materials and equipment supplied by the developer, but that the construction of the sidewalk had not been determined yet. Mr. Judd advised the Board that there is likely to be ledge under the road in the area where the profile is to be modified and that this may require reconstruction of the stone wall. Mr. Crowell asked whether the stone wall could be turned in at the ends. Mr. Judd replied that it could be done.

Mr. Bartl inquired whether the developer has spoken to the abutter at 81 Newtown Road. Mr. Judd informed the Board that he telephoned the abutter to advise him of the date, time and location of the public hearing. Mr. Bartl asked about the stone retaining wall across the street. Mr. Judd said that he has discussed the wall with Mr. Abbt, Acton Engineering Administrator, and they agreed that the work shouldn't interfere with the stone retaining wall.

Mr. Bartl inquired whether snow plowing of the sidewalk would be possible given the meandering nature of the walk. Mr. Charter said that there is sufficient room around the large tree and that there is also room around the utility pole, so plowing should not be a problem. He added that Mr. Richard Howe, Highway

Superintendent agreed that plowing of the sidewalk should not be a problem.

Mr. Judd asked the Board for a recommendation of the Planning Board to the Board of Selectmen for approval of the project. Mr. Bartl advised the applicant that they should make an appointment with the Board of Selectmen and should have the plans complete and agreement on who will perform the work prior to the meeting with the Selectmen.

Mr. Niemyski moved that the Board vote to approve the proposed construction project and issue the draft decision with the following additional requirements: 1) the stone walls on either side of Newtown Road shall be reconstructed in kind if damaged by the construction project; and 2) the stone wall adjacent to the subdivision entrance shall include a radius turning it into the subdivision. Mr. Niemyski included authorization for Mr. Bartl to sign the decision on behalf of the Board. His motion was seconded by Mr. Lee and passed by unanimous vote.

V Lunn and Sweeney Corporation, Mill Corner, Requests for Setback Variations

Mr. Kevin Sweeney of Lunn & Sweeney Corp. and Mr. Harry Donahue of Acton Survey & Engineering met with the Board to discuss the possible need to approval of variations due to decks, chimneys and bulkheads that were not shown on the approved plan.

Mr. Sweeney informed that Board that his letter was incorrect because the decks under discussion were shown on the approved plan, but that he is still seeking clarification on the chimneys and bulkheads. Mr. Donahue displayed sheets 7 and 8 of the approved PCRC plan colored to show that the decks were shown on the plan approved. Mr. Donahue explained that the PCRC is unique in its use of "residential building" and that the definition of "building" in the Acton Zoning Bylaw does not apply to decks. Mr. Donahue stated that he believes that chimneys and bulkheads are also not subject to setback limitations because they are not included in the definition of buildings by virtue of the fact that they don't provide shelter.

Mr. Chernin asked what the purpose of the separation requirement was in the PCRC section of the Bylaw; aesthetics, safety, or density control. Mr. Bartl said that the 20' separation was for aesthetics and reminded the Board that the 20' separation is just a guideline, not a requirement, and that it was included to provide separation of bulk if the 4 units in one building option were selected. Mr. Bartl stated that he has spoken with the Fire Chief and that the Chief has no problems reducing the separation to less than 20' for the chimneys, decks or bulkheads.

Mr. Crosswell asked how many foundations remain to be constructed. Mr. Sweeney replied that all but three have been constructed. Mr. Crosswell stated that buyers should be made aware of the fact that the decks cannot be enclosed at a later date.

Mr. Lee asked what was to prevent the decks from joining to a deck on another house. Mr. Donahue responded that the units are confined within exclusive use areas (EUA's) and that decks cannot be located other than shown on the approved plan without the Planning Board's permission.

Mr. Lee moved that the Board vote to confirm that the decks are permitted as

shown on the approved plan or a subsequently amended plan. His motion was seconded by Mr. Niemyski and passed by unanimous vote.

Mr. Niemyski moved that the Board vote to issue a modification to the PCRC special permit which states that the Board recognizes that the location of chimneys and bulkheads were not shown on the record plan as being approved; but that they are approved for units shown on the record plan or on a subsequently approved amended plan. His motion was seconded by Mr. Shupert and passed by unanimous vote.

Mr. Niemyski moved that the Board vote to approve the location of units, decks, chimneys and bulkheads for EUA's 24, 25, and 34 as shown on plan entitled "Plan of Unit 32", dated March 31, 1994. Mr. Shupert seconded the motion which passed by unanimous vote.

VI Tom DiPersio, Residential Compound on High Street

Mr. Frank Dentino, owner of the property and Mr. Tom DiPersio met with the Board to discuss a potential residential compound on High Street. Mr. Dentino would like to create one building lot out of the 2.6 acre parcel. Mr. Bartl advised the Board that the preferred process would be to propose a subdivision because variances are not generally granted when there is another administrative process that could accomplish the objective.

Mr. Bartl advised the Board that the Residential Compound option under the Subdivision Rules gives the Board the ability to waive any or all requirements of Sections 7 and 8 of the Rules. Board members agreed that the property owner should apply for a Residential Compound. Members agreed that the plan should show sufficient frontage and area, room for an SU-30 vehicle to turnaround, no portion of the road layout in the wetlands, and that the road should be constructed to common driveway standards. Mr. Bartl advised Mr. DiPersio to look at any limitations that might be imposed as the parcel is in zone 2 or 3 of the Groundwater Protection District and to show that there will not be any increased runoff onto High Street.

VII Comments for Rep. Resor on Pending Legislation

Mr. Lee said that Mr. Pavan's draft letter on the proposed Massachusetts Planning and Development Act contained several good points. Mr. Hill agreed. Mr. Chernin asked what the economic impact of the legislation would be. Mr. Bartl replied that there would be benefits and burdens. Mr. Lee said that there is a need to look at issues and problems from a regional perspective. Mr. Lee referred to the groundwater study being performed by MAPC for the SuAsCo River basin communities as one example where regional cooperation is necessary.

Mr. Niemyski suggested that the final paragraph be amended to include the following: "While we generally support its concept, the Board does not support the bill in its present form. The Board welcomes the opportunity to review and comment on subsequent versions of the Massachusetts Planning and Development Act."

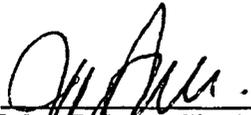
Mr. Lee moved that the Board send the letter as amended pending Mr. Pavan's concurrence with the changes. Mr. Niemyski seconded the motion which passed by unanimous vote.

Other Business

New View Neighborhood Development - Mr. Bartl informed the Board that he has spoken with Mr. Quinn, architect for the developer, and that they will be submitting a new concept plan for staff review. Board members discussed how much revision could be accommodated in the original filing before a new filing would be required. Members also discussed the difficulties of the timing with a change in the membership of the Board. Mr. Bartl will update the Board as soon as the new plan is filed.

The meeting adjourned at 9:30 PM.

Respectfully submitted,



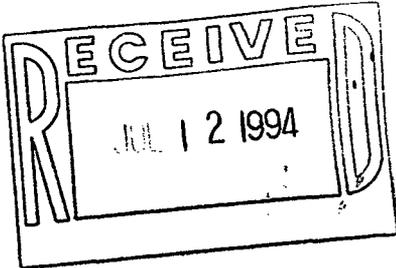
John Pavan, Clerk

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PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



ACTON PLANNING BOARD

Minutes of Meeting

June 6, 1994

RECEIVED & FILED

DATE July 12, 1994

Catherine Belkine
TOWN CLERK, ACTON

Planning Board members in attendance were: David Hill, Chairman; John Pavan, Clerk; Gregory Niemyski; Douglas Carnahan; James Lee; Mary Giorgio and Associate Members Richard Crosswell and Joshua Chernin. Planning Board member William Shupert was not in attendance. Town Planner Roland Bartl also attended.

I Consent Agenda

A. Minutes of the 5/23/94 Board meeting

Mr. Niemyski moved that the Board vote to approve the minutes of 5/23/94 with corrections noted this evening. His motion was seconded by Mr. Lee and passed by unanimous vote.

B. McGovern Estates Bond Calculation

Mr. Niemyski moved that the Board vote to establish a \$53,000 performance bond for McGovern Estates as recommended by staff. His motion was seconded by Mr. Pavan and passed by unanimous vote.

II Village Planning Report

The South Acton Village Planning Committee

Town Planner Roland Bartl reported that attendance remains a problem, but a couple of the missing sections of the draft plan had been completed and a couple more are expected shortly. The Committee will move forward with its intention to release the draft plan for public review and comment in July.

Mr. Carnahan questioned how the process will continue from this point. Mr. Bartl explained that the draft plan will be distributed to all departments, boards and committees. In addition, a notice will be published announcing that the plan is available at the two libraries and Town Hall. In the Fall, the SAVPC will hold a couple of public forums to receive further comment.

West Acton Village Plan

Mr. Bartl reported that the Action Recommendations have been forwarded to the Board of Selectmen. The Selectmen will address this request at their meeting of June 7, 1994. Assistant Planner Donna Jacobs will attend that meeting.

III Public Hearing, New View Neighborhood

Mr. Hill reconvened the public hearing. Representing the New View Neighborhood Development, Mr. Robert Engler submitted a letter asking that the Board allow withdrawal of the present application so that the application can be refiled in late June to accommodate the change in membership of the Board. The applicant would like to have the hearing scheduled for July 25. Mr. Bartl said that the July 25th date would be possible, provided the complete application is filed with the Planning Department at least 35 days prior to July 25, as required by the Zoning Bylaw.

Mr. Niemyski moved that the Board vote to allow the withdrawal without prejudice. Mr. Lee seconded the motion which passed by unanimous vote without further discussion. Mr. Niemyski moved that the Board vote to close the public hearing. His motion was seconded by Mrs. Giorgio and passed by unanimous vote.

IV Public Hearing, Sign Special Permit for Purity

Mr. Hill opened the public hearing by reading the notice as published in the Beacon. Mr. Owen Teagan, consultant for Purity, spoke to the Board about Purity's request to revise the sign at the Powder Mill Road location. The store is setback approximately 300' from roadway and they have 180' of storefront. There is no freestanding sign at this location. The new sign will conform to the area requirement, but does not conform to the height limitation due to the new logo adopted by Purity. The existing sign is 120 sq. ft. and the new sign will be 96 sq. ft., but it does exceed the height limitation.

Members discussed possible alternatives to the proposed sign with the applicant. Mr. Lee noted that the Board can only grant an increase in height from 3' to 4.5'; any increase beyond the 4.5' would require a variance from the Board of Appeals.

Board members voted to issue a decision approving the sign proposed but limiting the height to 4 feet 6"; in all other respects the sign shall comply with the Zoning Bylaw.

V Vote, Perkins Lane Subdivision

Mr. Hill and the Board reviewed the draft decision and agreed to minor modifications. Mrs. Giorgio moved that the Board vote to approve the Perkins Lane subdivision as modified. Mr. Niemyski seconded the motion which passed with 4 members voting in favor and 2 members abstaining from vote.

VI MIG Grant Application for Kelley's Corner, Kelley's Corner CDC Committee Search, Kelley's Corner Planning Area

Board members reviewed the correspondence from staff regarding the proposed MIG application. Mr. Niemyski moved that the Board sign the drafted letter of support for the application and that the Board recommend that the Board of Selectmen file a MIG application for a strategic planning grant from EOCD. His motion was seconded and passed by unanimous vote.

Other Business

Maple Creek Farm - A question has been raised by abutters to the residential development regarding the use of the field as a sand and gravel pit during construction of the development. Town Counsel has advised Mr. Bartl by telephone today that he

believes that such a use is not consistent with the zoning bylaw. Town Counsel will further address this issue by letter this week. Board members discussed how the field should be restored and requested that the restoration work be included in the bond calculation being prepared for the subdivision.

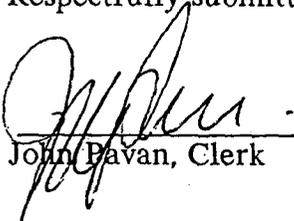
Selectmen's Public Hearings - Mr. Pavan suggested that the Board should consider attending the Board of Selectmen's public hearings on site plan approvals and special permits. Board members agreed that an item will be added to the Planning Board agenda advising of upcoming public hearings before the Board of Selectmen.

Appointment of New Members

Mr. Hill inquired whether the two vacancies occurring on the Planning Board will be filled on July 1, 1994. Mr. Bartl responded that he was waiting for letters from Mr. Carnahan and Mrs. Giorgio indicating that they did not want to be reappointed to the Board. He has received both letters as of this evening and will forward them to the Board of Selectmen with the Planning Board's recommendation that Associate Members Mr. Chernin and Mr. Crosswell be appointed as full members effective 7/1/94.

The meeting adjourned at 9:00 PM.

Respectfully submitted,



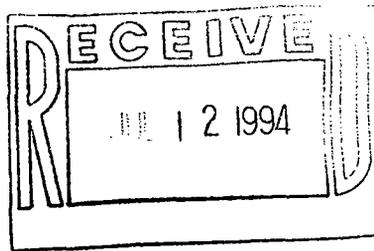
John Pavan, Clerk

dw11.245

cc: BOS

CDM

*environmental engineers, scientists,
planners, & management consultants*



CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142-1403
617 252-8000

July 7, 1994

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Subject: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Acton, Massachusetts, Camp Dresser and McKee Inc. (CDM) hereby submits the letter requested by Mr. LeBlanc of MDEP, regarding the proposed off-gas treatment system for the soils treatment and curing remedial processes. The soils treatment includes a shredder, pug mill solidification/stabilization, and thermal desorption units. The thermal desorption unit was recently added to the treatment process to remove additional volatile organic contaminants. As agreed to by the Government Parties and Grace, submittal of this letter replaces the Revised Best Available Control Technology (BACT) Analysis report submittal.

In order to mitigate airborne contaminants during the remedial process which will be emitted from (1) Treatment Units and (2) Curing Pile Structure, the following air-control technologies are proposed:

- Thermal Oxidation for daily operation; and
- Vapor Phase Carbon for the curing structure during non-processing hours.

A thermal oxidation unit is proposed for operation during material processing to treat off-gas from both the treatment and curing operations. The thermal oxidizer unit will be operating at all times the soil treatment units are processing material. Typically the thermal oxidation unit will be operating 8 to 10 hours a day, 5 days a week unless schedule requirements dictate otherwise. All types of volatile organic compounds found to be present at the Grace site during sampling programs can be destroyed by this technology within fractions of a second at typical operating temperatures. The unit is sized in order to achieve a residence time in the combustion chamber which allows destruction of the contaminants at the design air flow rate of 4,800 cubic feet per minute (cfm). Supplemental fuel is supplied by propane or natural gas to maintain the required temperature. Of the available, proven off-gas treatment technologies, thermal oxidation provides the best contaminant removal efficiency.

Ms. Lynne Jennings/Mr. Edmond Benoit
July 7, 1994
Page 2

In addition, a vapor phase carbon unit is proposed in order to treat an estimated 400 cfm off-gas from the curing pile structure when the thermal oxidizer unit is not operating. It is estimated that relatively low levels of contaminants will be emitted by the curing piles. This is based on the low curing emission rates computed from a pilot study conducted by CDM and VFL in 1993, and the fact that curing will be preceded by a thermal desorption step designed to remove volatiles. Carbon is best suited to removal of contaminants from this low concentration level off-gas stream.

In conclusion, the combination of these off-gas treatment technologies will provide for the lowest achievable emission rate. A Revised BACT Report utilizing a "top-down" analysis approach, would identify this treatment system as the top control alternative providing the highest level of emission control. The proposed system of Thermal Oxidation and Vapor Phase Carbon is consistent with the Grace, Acton Site ROD for control of off-gas emissions. As both the Government Parties and Grace have agreed to this proposed system, VFL is proceeding with the system design and will provide details in a Revised Site Work Plan.

Very truly yours,

CAMP DRESSER & MCKEE INC.



Bruce R. Conklin, P.E.
Vice President

BRC:paa
Enc.

798-142-SS-BACT

Distribution: Lynne Jennings (4) Edmond Benoit (3)

cc: D. Halley, Acton (3)	C. Tuttle, DEP Boston (2)
R. Sullivan, GZA (1)	J. DeStefano, GZA (1)
L. Ingram, Grace (1)	S. Anderson (1)
J. Swallow, Pine & Swallow (1)	H. Fox, Sierra Club (1)
M. Moore, Concord Board of Health(1)	C. Myette, Wehran-MDEP (1)
W. Cheeseman, FHE (1)	D. Johnson, Acton (1)
R. Eisengrein, ACES Tag. Mgr. (1)	T. Stoneman, Canonie (1)
M. Jones, Grace (1)	W. Pencola, ENSEARCH Env. Corp (2)
M. Stoler, Grace (1)	R. Jones, VFL (1)
J. Okun, O'Reily & Talbot, Inc. (1)	

cc: BOS



MASSACHUSETTS 01720

ACTON HISTORICAL COMMISSION

Regular Monthly Meeting
June 8, 1994
Acton Town Hall

Meeting opened at 8:10 P. M. with the following members present:
Anita Dodson, Robert Rhodes, Virginia Milbery and associate
member David Harris.

On Saturday, June 4, members viewed barn at Liberty Tree House.
Owner wants to demolish building and build a new one.

Mrs. Fleetman of 70 Maple Street, called Mrs. Dodson regarding
installation of air conditioner in front window of her home.

Edmund Tighe called Mrs. Dodson regarding interest in houses
at 13 Summer Street and 29 Windsor Avenue.

Discussed recent newspaper articles regarding the Wetherbee
house at 103 Great Road.

Reviewed the following plans:

Perkins Lane - should remain a private way.

Marshall Crossing - east side of Carlisle Road.

MacGregor Lane (off Piper Road) - developer, Distinctive Homes.

Meeting adjourned at 9:20 P. M.

Virginia Milbery

Virginia Milbery, Secretary

cc: Town Clerk
Town Manager
Memorial Library

Suburban Manor Rehabilitation
Nursing Center Invites You to An

Live Music
**Old Fashioned
New England
Clam Bake**
Games for Kids

Tuesday, August 2nd at 6:00 p.m.

Menu

Clam Chowder
Steamers
Hamburgers

Potato Salad
Cole Slaw
Corn on the Cob

Iced tea - Lemonade - Ice Cream

Please RSVP to Receptionist by
Friday, July 22.

Rain date August 3rd.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: July 14, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Power Pole corner of Hosmer and Route 2

The power pole in question is the last issue to be completed as part of the reconstruction of the intersection. New England Telephone is the last utility located on the pole. Jim Araujo of NET informed me that the Concord Auto Auction has payed all fees associated with the removal of the lines. NET has ordered the new lines and expects delivery of the in the next three weeks. They hope to install them shortly thereafter.

cc: BOS -

IN RESPONSE TO DORE'S QUESTION ON 7/12.

Don

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: JULY 12, 1994

TO: DON P. JOHNSON, TOWN MANAGER

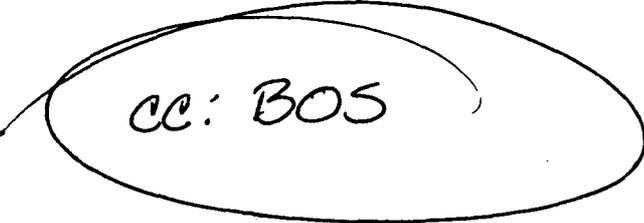
FROM: RICHARD HOWE, HIGHWAY SUPERINTENDENT 

SUBJECT: YEAR END MONIES

Don, I received a letter from a taxpayer that appreciates the fact that his road was paved. This road would not have been paved until fiscal year 1996, with the program that we had put together in relation to the paving budget for the Highway. I thought that the Selectmen would like to see what happens to year end spending money when it is given to a Department. The Highway Department very much appreciated the year end money given to us, to help us with our paving program.

I thank you for your generous gift.

RH:el
129


cc: BOS

508-263-6767
508-369-0880
FAX 369-3323
TOWING 369-9441

International Collision Center

"A World Class Collision Facility"

21 KEEFE ROAD
ACTON, MA 01720
OFF ROUTE 2A
ACTON-CONCORD LINE

July 1, 1994

Dick Howe
Superintendent
Town of Acton
Highway Department
Acton, MA 01720

Dick:

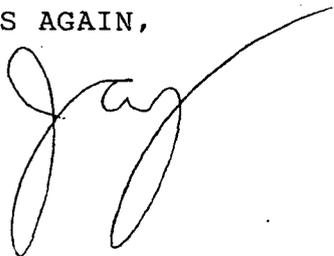
I would like to Thank the Town of Acton, but especially the Highway Department, for the recent paving of Keefe Road. I thought that being on a short dead-end street, our concern about the condition of Keefe Road would not be heard. I was wrong, Thanks for a great job.

Jay Dolan
International Collision Center

PS:
The complete Highway Department deserves a Thanks for trying to salvage Keefe Road over the years. Thanks to the guys that endlessly were patching holes, sweeping sand and rocks off the road and doing such a good job over the years plowing snow.

THANKS AGAIN,

JAY



Patricia F. Sawyer
127 Concord Rd.
Acton, MA. 01720

August 5, 1993

July 6, 1994

The Town Manager
Board of Selectman
Board of Health
Conservation Commission

Please accept this letter as a formal complaint and a request for investigation and action.

On July 12, 1993, Ice House Pond started releasing the noxious gases that were present in our correspondence in 1990.

I have had to shut my house up so there is no air quality. The gases are coating the back of my home with the same black coating that was present in my 1990's photo's of the house. If this substance is on my home, than it is in my body.

This situation is creating dangerous health problems, intolerable living conditions and obviously property value impact.

Please advise your course of action.

Sincerely,

Patricia F. Sawyer

Patricia F. Sawyer

Copy: Attorney C. Kadison - 93

Copy - Mr. Lou Levine - 94

cc: BOS
D. ABBOT
D. HOWE
D. CHARTER

7/12

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

Don P. Johnson
Town Manager

July 8, 1994

Mr. John S. Woolam
53 Alcott Street
Acton, MA 01720

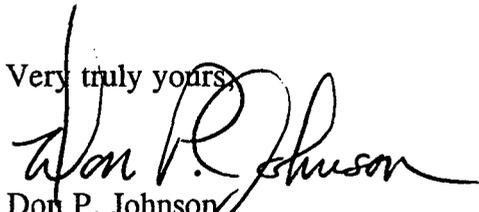
Dear Mr. Woolam:

Some time ago you phoned me about work you observed being performed by Municipal personnel on property at 74 Alcott Street. I promised that I would investigate your concern for the propriety of this action and report my findings.

I have reviewed the work orders of the Highway Department and determined that the subject property was indeed on their list for repair of winter snow plow damage. The Highway Superintendent, Dick Howe, has confirmed that a work crew was assigned to repair plow damage at this location on the morning of June 1 and the repairs included loaming, raking and seeding of the damaged areas.

I appreciate your concern and I assure you that the activities were entirely appropriate and consistent with Town policy. I also appreciate being afforded the opportunity to explain our actions. If you have further concerns, please feel free to call.

Very truly yours,


Don P. Johnson
Town Manager

cc: Dick Howe
Board of Selectmen ✓

DPJ:79



The Commonwealth of Massachusetts

Joint Labor - Management Committee

for Municipal Police and Fire

One Ashburton Place

Room 610

Boston, Massachusetts 02108

JOHN T. DUNLOP
CHAIRMAN

03. BOS

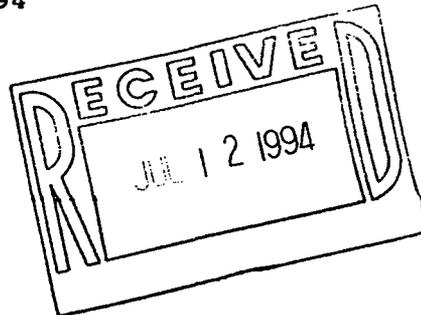
COL. BARR, FIRE

(617) 727-9690
FAX: (617) 727-5786

July 11, 1994

✓ 7/13

Garrett E. Mahoney, National Rep.
International Brotherhood of
Police Officers
159 Burgin Parkway
Quincy, MA 02169



Henry Stewart, Esq.
Palmer and Dodge
1 Beacon Street
Boston, MA 02108

RE: Local 334, International Brotherhood of Police Officers
and the Town of Acton JLMC-94-44P

To the Parties:

At its meeting on July 6, 1994, the Joint Labor-Management Committee voted to exercise formal jurisdiction in the dispute between Local 334, International Brotherhood of Police Officers and the Town of Acton.

In accordance with the Joint Labor-Management Committee's Adopted Rules, this letter shall constitute formal notification of the Exercise of Jurisdiction as required under the law.

If you have any questions, please contact the Committee.

Very truly yours,

James P. Costello
Senior Staff Representative/
Labor

15

- c. J.T. Dunlop
- M.A. Horowitz
- R. Turgeon
- R. McGrath
- R. Halpin
- E. Rielly
- B. Nadeau
- D. Johnson
- J. Murray
- C. Brown
- S. Polzin

Donald P. Hawkes
Senior Staff Representative/
Management

CC: BOS

MASS

HIGHWAY

William F. Weld
Governor

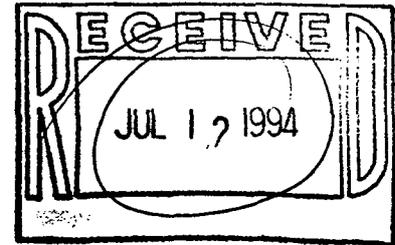
Argeo Paul Cellucci
Lieutenant Governor

James J. Kerasiotes
Secretary

Laurinda T. Bedingfield
Commissioner

CC: D. ABBE
R. BARTL
WATER DIST.

July 5, 1994



Mr. Norman Lake, Chairman
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

**SUBJECT: Town of Acton - Resurfacing of State Highway Route 111
(Massachusetts Avenue) between the Acton/Boxborough town
line (mile marker 4.707) and Route 2 (mile marker 2.37),
a distance of approximately 2.337 miles**

Dear Mr. Lake:

We are pleased to inform you that the Department will be undertaking the above-referenced project on State Highway located within your municipality.

The District is responsible for the design of this project. The project is expected to be advertised in November of 1994. You should be aware that Massachusetts Highway Department policy restricting highway surface openings prohibits permitting such work for a period of "at least five years" after a new surface is laid, except in cases of extreme emergency. Justification of an open cut rests with the applicant, and would require the approval of the District 3 Highway Director.

If you have any further questions, please do not hesitate to contact Mr. Willis Regan, District Projects Development Engineer at (508) 754-7204.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Peter J. Donohue".

Peter J. Donohue,
District Highway Director

KBF/kbf:act111

cc: Honorable State Senator Robert A. Durand
Honorable State Representative Pamela P. Resor
Richard Howe, Highway Superintendent, Town of Acton
E. Bates, Dep. Dir., MAPC (Metropolitan Area Planning Commission)
W. Regan, M.O. File

EXTRA CONSENT 7/12/94

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 12, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Fireworks Donation

We are in receipt of the attached donation for fireworks from the Acton Lions Club. It is being submitted for Board acceptance as a gift for the stated purpose, to be utilized by the Public Ceremonies and Celebrations Committee.

By copy of this memo to Roy Wetherby, I am asking that he hold the check until the board has accepted the gift and then place it in the proper gift account.

cc: Roy Wetherby

ACTON LIONS CLUB, INC.
P.O. BOX 2391
ACTON, MA 01720

EXPLANATION	AMOUNT
Town	
Fireworks	
Fund	
	1000

1283

53-7122-2113

CHECK AMOUNT

\$1000.⁰⁰/₁₀₀

INT One Thousand ⁰⁰/₁₀₀ DOLLARS,

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/14	Acton Town Celebration Comm.	donation	1283

MIDDLESEX SAVINGS BANK
NATICK, MA 01760

⑈001283⑈ ⑆211371227⑆ 223027071⑈

CC: BOS - EXTRA INFO. 7/12/94 ITEM # 9

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 12, 1994

TO: Norm Lake, Chairman, Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Board of Appeals Membership

Following our conversation, I have confirmed that the Board of Appeals does, in fact, need a third (3rd) full member at this time. Apparently Malcolm Burdine was sunsetted on June 30 and the Board of Appeals, in their report to the VCC, assumed that this would be automatically handled. Consequently, I do not believe that the VCC has been advised of this need for a third full member. (We have been unable to reach the VCC to confirm this theory.)

Staff has spoken with Nick Miller (currently an Alternate/Associate) to ascertain his possible interest in a full appointment, should the Selectmen be so inclined. Mr. Miller has indicated his interest and willingness to serve if appointed.

cc: Board of Appeals
VCC
Building Commissioner





Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston



July 8, 1994

F. Dore Hunter, Chairman
Board of Selectmen
Town Hall
Acton, MA 01720

Dear Mr. Hunter:

Our records indicate that the term of Donald Gilberti, as your representative to the MAPC, expired on June 13, 1994. To assure continuous participation, we request that you take action to appoint your representative as soon as possible.

Membership in your regional council is a legal requirement, but for most communities it is a unique opportunity to work with the other communities to find appropriate responses to shared local, subregional and regional problems and challenges. Participation as an Officer, or as an Executive or Policy Committee member can greatly enhance your representative's value to the community and to the Council.

Your Council member will have the opportunity to review and comment on projects involving federal assistance, state capital expenditures, as well as environmental, water, solid waste, sewage disposal and transportation issues which may affect your community.

We receive valuable participation from Mr. Gilberti, Acton's representative and look forward to hearing from you soon.

Sincerely,

David C. Soule
Executive Director

DCS/lab

cc: Donald Gilberti

CC: BOS - EXTRA INFO. 7/12/94

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/12/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner *D Jacobs*

SUBJECT: UPDATE
TRANSPORTATION IMPROVEMENT PROGRAM FY'95-97 (TIP)
Critical Funding Issues

Several meetings have occurred since my memo of 7/8/94. MAPC has briefed MMA in preparation of MMA's monthly "governance" meeting with the administration which was held this afternoon. MMA was prepared to inform Lt. Governor Cellucci of the serious problem and will advise the Lt. Governor that MMA is taking no position at this time, but will be back in touch with the Governor's office on this issue in the near future.

MAPC will meet with the state transportation agencies late this week. We will present the state agencies with a complete list of all projects submitted by communities which are not in the proposed TIP. We have decided to include all projects, even those not "ready to go" to illustrate the substantial number of projects that will be coming into queue for funding in the next year.

Unfortunately, much is still up in the air at this time. The MAPC Officers are scheduled to meet again tomorrow, but I will be here at our staff meeting. However, I expect decisions will be made in advance of the MAPC Executive Committee meeting on 7/20. If possible, could you please advise me whether the Board of Selectmen are willing to provide support of MAPC's efforts to overturn the federal policy which would allow diversion of STP monies to the CA/T.

dw11.273

CC: BOS - EXTRA INFO. 7/12/94

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 7/12/94

TO: Don P. Johnson, Town Manager
FROM: Christine *Chm*
SUBJECT: West Acton Railroad Track Repair

Chief Robinson called today to advise the Manager's Office that the train tracks in West Acton will be under repair and the traffic rerouted from Friday evening at 11:00 until they finish sometime on Sunday. There will be two detail officers assigned to handle the traffic while they are working on the tracks.

JULY 22, 1994

File

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

JULY 26, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:35 CONSERVATION COMMISSION INTERVIEW - ANDREW DURHAM - Enclosed please find Mr. Durham's Citizen Resource Sheet and Information forwarded from VCC for Board review.
- 2. 8:15 PAPA GINO'S - Liquor license violation review.

III. SELECTMEN'S BUSINESS

- 3. 61A Choate Offer - Enclosed please find staff comment regarding Ms. Choate's preliminary notification of her intent to remove land held by her from 61A status for Board discussion.
- 4. Kelley's Corner - The Planning Board seeks to have the Board of Selectmen represented on this Planning Committee

IV. CONSENT AGENDA

- 5. ACCEPT MINUTES - Enclosed Please find the Minutes from June 21st for Board approval.
- 6. ANTIQUE SHOW - Enclosed please find a request from the Acton from the Service League of the Acton Congregational Church for their Annual Antique Show to be held on October 14 and 15 for Board action.
- 7. ACCEPT GIFT - Enclosed please find a request from the Friends of the Acton Arboretum to accept a one hundred foot section of boardwalk at the Arboretum for Board action.
- 8. FEE WAIVER - Enclosed please find a request for Fee Waiver from the School Street Sidewalk Committee for Board action.

9. TAG GRANT APPLICATION - Please see enclosed correspondence from Anderson & Kreiger regarding ACE'S Tag Grant Application.
- ACTON HOUSING AUTHORITY - Enclosed please find copies of the Housing Authority's renewal and cost amendment for Board review. Originals will be available Tuesday night for signature.

V. TOWN MANAGER'S REPORT

11. DRAFT TIP - The Town Manager will discuss the enclosed information with the Board and seek direction.

VI. EXECUTIVE SESSION

12. There will be a need for an Executive Session. Please see enclosed materials.

MEETINGS

ADDITIONAL INFORMATION

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

FUTURE AGENDAS

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

August 16 - Shell Oil Site Plan
August 30

844 acs

TOWN OF ACTON VOLUNTEER APPLICATION

7/26/94

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

1

(Please print or type)

Date: 4-19-93

Mrs / Durham Andrew M
Last Name First Name Middle Initial
49c Parker St 263-2718 355-6824
Street Address Home Phone Business Phone

No longer works here

No machine

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) Conservation Commission
2)
3)

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

No

Do you have any time restrictions? work days

How long have you lived in Acton? 1 yr in Massachusetts? 20

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) Environmental Chemist, Standard Methods Inc

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No

Education or special training BA Environmental, Population, Organismic Biology (University of Colorado, Boulder)

Please list below any additional information or comments which may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc. :

I have experience in the forestry, wildlife, bird banding and environmental sciences through various internships and work related duties which may prove to be valuable for the Conservation Commission.

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES, AND COMMISSIONS

- | | |
|-----------------------------------|--|
| Acton-Boxborough Arts Council | Historical Commission |
| Aging, Council on | Historic District Commission |
| Appeals, Board of | Metropolitan Advisory Planning Council |
| Assessors, Board of | Minuteman Home Care |
| Cable Advisory Committee | Minuteman Vocational School Representative |
| Cemetery Commissioners | Planning Board |
| Commission on Disability | Prison Advisory Committee |
| Conservation Commission | Public Ceremonies & Celebrations Committee |
| Fair Housing Committee | Recreation Commission |
| Finance Committee | South Acton Revitalization Committee |
| Fort Devens Reuse Task Force | Town Report Committee |
| Hanscom Field Advisory Commission | Volunteer Coordinating Committee |
| Health, Board of | |

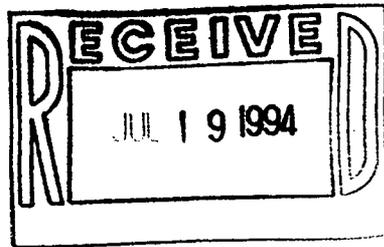
Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee (you can find out who the current members are by calling the Town Manager's office at Town Hall, 264-9612). The space below is for the use of the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC INTERVIEW	APPOINTING BODY : BOS / TMgr / TMod
Applicant called: date/by <u>May 12, 1993</u> <u>will call</u>	Interview date _____
Scheduled date /-time <u>pos 5-17</u>	Appointed : Date _____
VCC RECOMMENDATION: Date <u>6-14-93</u>	To: _____ Board _____ Term _____
Board(s) <u>AAC</u> Member / Alt / <u>Assoc</u> <u>8/30/93</u>	NOTIFICATION OF APPOINTMENT
_____ Member / Alt / Assoc	Date received by VCC _____
_____ Member / Alt / Assoc	Notification by the VCC _____
Date VCC recommendation sent to <u>BOS</u> / TMgr / TMod <u>6/17/93</u>	Date committee notified _____
<input type="checkbox"/> No openings at this time >>>>----->	Date applicant notified _____

cc: Bas

7/26/94

2



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

Don P. Johnson
Town Manager

July 14, 1994

Finnegan and Stanzler, P.C.
20 Beacon Street
Boston, MA 02108

Attention: Mr. James J. Finnegan

Subject: Papa Gino's, Acton

Dear Mr. Finnegan:

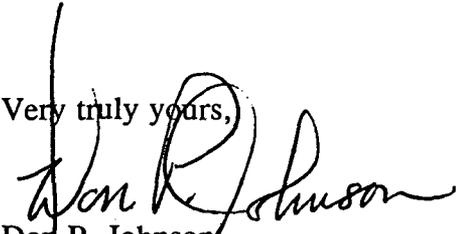
The Acton Board of Selectmen recently requested that Papa Gino's appear before the Board to explain a liquor license violation and, in effect, show cause as to why the Selectmen should not suspend or revoke the license. The appointment was scheduled for 8:15 PM on July 12. Papa Gino's failed to appear.

The violation in question related to the service of a minor at the Papa Gino's restaurant in Acton on April 29, 1994. The Selectmen consider this to be a serious violation of the responsibilities of a Liquor License holder and will allow the holder one last opportunity to comment to the Board before determining what action is appropriate under the circumstances. Accordingly, a hearing has been scheduled for 7:45 PM on July 26, 1994 in Room 204 of the Acton Town Hall. The Selectmen have directed that the License Holder be present at that time to explain what happened, how it happened, why it happened and what actions have been taken to prevent this from happening again. After hearing from the License Holder the Board will determine any appropriate action, up to and including suspension or revocation of the license.

This will be the last opportunity for Papa Gino's to address the Board before their decision. I am writing you, as the attorney who submitted the original application on behalf of Papa Gino's, to solicit your assistance in encouraging your client to attend this meeting. The Town does not have a specific person named as the responsible License Holder on this license so I trust that you will communicate with the appropriate individual(s). By copy of this letter to the Manager of the Acton Papa Gino's restaurant I am advising that this hearing has been scheduled and requesting similar assistance in securing attendance by the appropriate person from Papa Gino's.

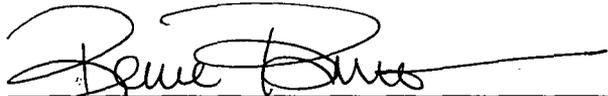
The importance of attendance at this hearing cannot be overstated. The Selectmen have indicated an intent to summarily suspend the license indefinitely if Papa Gino's fails to appear for this hearing.

Very truly yours,


Don P. Johnson
Town Manager

Hand-delivered to Papa Gino's, 82 Powder Mill Road, Acton, MA, by Police Officer on July 15, 1994.

Received:


Manager Renee Brunelle

cc: Board of Selectmen

DPI:90

Served in hand by Sgt. Bruce A. Madigan
Acton PD.

07-15-94
17:45 hrs.

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson
FROM: Lt. McNiff
SUBJ: Furnishing alcohol to a minor

DATE: April 29, 1994

5/17/94
CHRIS - DID WE
PICK UP THESE
ADDL VIOLATIONS
AND WRITE THEM IN
TOO?
NM

On this date I again met Ms Kristin Dineen, dob 11/7/73 to complete checking on possible liquor licence violations relating to selling or furnishing alcohol to minors.

Beginning at 12:45 hrs we checked Pizza Hut, Beef 'n Ale, Atlantic Seafood Grill, The Candelwood, and Papa Gino's. Of the six establishments MS Dineen was served wine at the Atlantic Seafood Grill and at Papa Gino's.

At the Atlantic Seafood Grill I identified myself to Mr. Hamid Alipzadeh, the manager who told me that the bartender/waiter that served Ms Dineen the wine was Scott Wedge. Mr. Wedge stated that he did not ask Ms. Dineen for her ID as he thought she was over 21. The policy of the restaurant is to card anyone that looks to young to be served. I told Mr. Alizpadeh that I would be submitting this report and that he would be hearing from the licencing authority of the Town.

6/21
8:36

At Papa Gino's I identified myself to the manager Renne Brunelle who brought her supervisor, Donna Braun into the conversation. I was informed that Ms. Dineen was served wine by David Lozier, an assistant manager. I spoke to Lozier rel why he did not card Ms Dineen and he told me that he thought she was old enough. Restaurant policy is to card everyone but because it was at the busy dinner hour he did not do same.

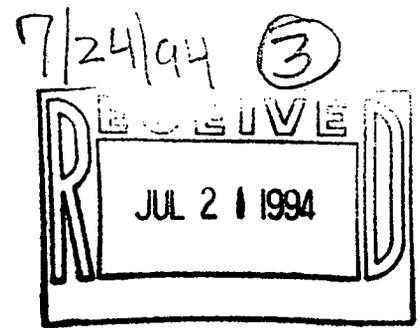
7/12
8:15

I received information from Lt. Widmayer that Don Johnson has scheduled a hearing on May 17 with the establishments that sold alcohol to Ms Dineen would be brought before the BOS. I was also informed that Mr. Johnson would like a picture of Ms Dineen and with

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

her permission, I have attached the same hereto.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION



July 21, 1994

TO: Don P. Johnson, Town Manager

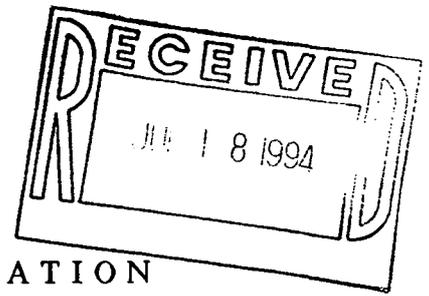
FROM: Dean A. Charter, Municipal Properties Director *(DAC)*

SUBJECT: Choate land offer

I am in receipt of your IDC of July 7, 1994 regarding the above noted land offer. The parcel in question abuts the Town Forest, but only at a point, and therefore would not be suitable for use as another access point for the existing Town Forest, and that would be the only justification that I could think of for the Town to purchase the offered parcel. I feel that the Town should not exercise its option.

DAC/429

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION



DATE: 7/15/94

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: CHAPTER 61A, Choate Offer

D. Abbt

The Engineering Department has reviewed the material you sent concerning the Choate land (Map D-3, Parcel 5) being removed from Chapter 61A. We find that on the locus plan the land shown as Map D-3, Parcel 12 is Town-owned conservation land. However, this piece of land abuts the Choate land only at a single point. Other than this, we don't see any reason the Town would be interested in purchasing this property.

.95*18



INTERDEPARTMENTAL COMMUNICATION ■■■■■■

Acton Board of Health • Telephone 508-264-9634 • Fax 508-264-9635

July 13, 1994

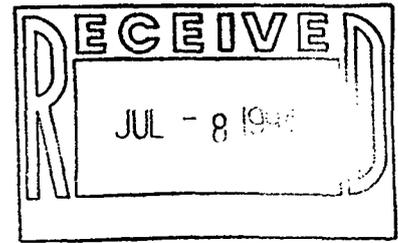
TO: Don Johnson, Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Chapter 61A, Choate Offer

The Health Department has reviewed the materials submitted regarding the potential Town acquisition of property owned by Isabella Choate and located on Newtown Road. There are no immediate health goals that would be furthered or met by the Town's acquisition of this property. Neither the soils on site nor the location of the property would be conducive for a small to medium scale treatment facility.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION



DATE: July 8, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Chapter 61A, Choate Offer

I have no comments.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/22/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner *D. Jacobs*

SUBJECT: CHOATE LAND, Ch. 61A

At its meeting of July 11, 1994, the Planning Board reviewed Belle Choate's letter regarding her intent to remove a portion of her parcel on Newtown Road from Ch. 61A. Board members discussed the location of the parcel and the fact that it is not likely to be a priority acquisition as it abuts the conservation land only at one point; however, the Board agreed to make no recommendation on the offer at this time because the letter is merely advance notice of a future action.

dw11*12

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 7, 1994

TO: Tom Tidman, Conservation Administrator
Brian McMullen, Assistant Assessor
Dean Charter, Municipal Properties Director
David Abbt, Engineering Administrator
Roland Bartl, Planning Director
Doug Halley, Health Director
Garry Rhodes, Building Commissioner

7/8/94

FROM: Don P. Johnson, Town Manager

SUBJECT: Chapter 61A, Choate Offer

Attached you will find a copy of correspondence in the subject regard. Please submit your comments or recommendations for inclusion in the Board of Selectmen's packet when they consider this matter. (I would like to place this on the Selectmen's agenda for July 26 so I would appreciate any comments by Thursday, July 21.)

I am not sure how the Board may wish to handle this matter in the absence of a bona fide offer but they may be willing to give Belle an "informal" indication. My recommendation will be that the Board take no formal action until a firm offer is received and the Board has had an opportunity to at least consider it.



cc: Board of Selectmen ✓

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

Don P. Johnson
Town Manager

July 7, 1994

Isabella V. Choate
225 Newtown Road
Acton, MA 01720

Dear Miss ~~Choate~~: *BELLE*

I am in receipt of your letter dated July 6, 1994, regarding the planned removal of a portion of your land from the provisions of Chapter 61A. I will be placing a copy of this correspondence in the Selectmen's mail this weekend and scheduling this subject for their consideration after all appropriate reports have been received from Town Departments.

In the meantime, you should be aware that the Selectmen do not consider an "asking price" to be a bona fide offer or Purchase and Sales agreement as stipulated under the statute. The Selectmen may be willing to give you an early indication of their interests but you should be aware that they may prefer to wait for the bona fide offer. In either case, the Board does not consider the clock to have started on the 120 day notification period until after the full offer has been presented. Upon receipt of this information the Board will determine whether the Town has an interest in matching the offer.

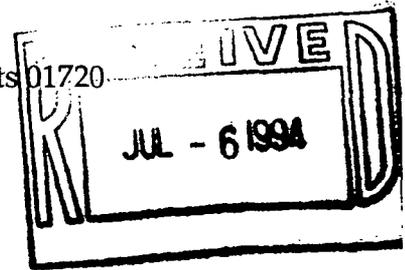
Very truly yours,


Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:71

225 Newtown Road
Acton, Massachusetts 01720
July 6, 1994



Don P. Johnson
Town Manager
Town of Acton
472 Main Street
Acton, Massachusetts 01720

Dear Don:

Enclosed is a copy of my letter to the Board of Selectmen notifying them, as required under M.G.L. ch 61, s 14, of my intent to convert to residential use a portion of parcel D3-5, currently taxed under Chapter 61A. The required notices have also been sent to the Board of Assessors, Planning Board and Conservation Commission, by certified mail.

Over the past few months I have been working towards the approval of these lots. This has to be done to settle mother's estate. I had originally intended to wait until I had a signed purchase and sale to notify the Town. I felt that it would be better to notify them now rather than in mid-August, particularly with summer meeting schedules and vacations. (It is my intention to sell one lot before the end of the year.)

Most of the departments concerned are already aware of my plans either "officially" or "unofficially".

If there are any questions about this I would be more than happy to discuss them. There are no lawyers or real estate agents in this one, just me.

Yours truly,

(Miss) Isabella V. Choate

enc: 2

225 Newtown Road
Acton, Massachusetts 01720
July 6, 1994

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

To the honorable Board of Selectmen:

This is notice as required under M.G.L. ch 61,s 14, of my intent to convert to residential use a portion of parcel D3-5, currently taxed under Chapter 61A. It is my intent to withdraw the two proposed lots as shown on the enclosed preliminary plan (B-1 and B-2) from under Ch 61A when I file this October.

I am currently in the process of negotiating with a developer to purchase one lot this year and the other next year. The asking price is \$150,000 per lot, with seller financing, and includes all testing, septic design, design of a common drive, and allowance for the cost of the drive built to seller's specifications. The lots will be sold subject to: a drainage easement along the existing ditch and pond area, design review of the houses, and restrictions as to removal of trees and vegetation along Newtown Road. There is no purchase and sale at this time.

Before I proceed with the final design and approval of the lots I would like to know if the Town has any interest in exercising its option under Chapter 61A.

It is necessary to sell these lots to settle my mother's estate. I fully understand that you have 120 days to consider this, however I hope that you will act as expeditiously as possible on this matter so that I may proceed.

If there are any questions as to the specifics or if you wish staff to walk the property please do not hesitate to contact me.

Yours truly,

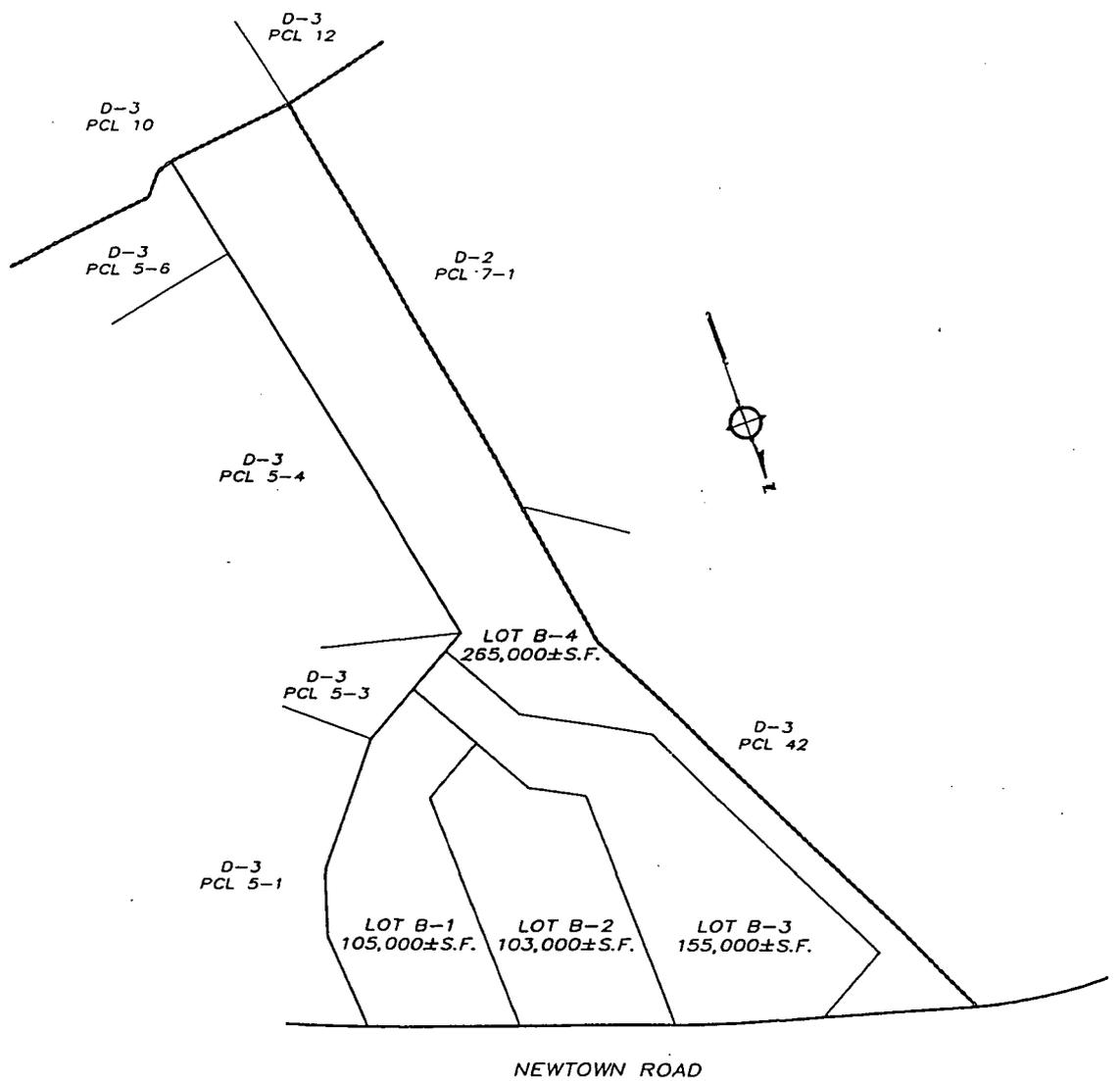


(Miss) Isabella V. Choate

enc: 1

cc: Don P. Johnson, Town Manager ✓
Board of Assessors, Town of Acton
Conservation Commission, Town of Acton
Planning Board, Town of Acton

certified mail # P 185 014 082



LOCUS:
208-226 NEWTOWN ROAD
ATLAS MAP D-3, PARCEL 5

cc: 1003

Selectmen's Business

7/24/94

4

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: July 18, 1994

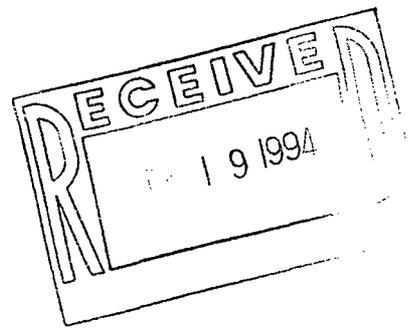
FROM: Roland Bartl, AICP, Town Planner R. B.

SUBJECT: Kelley's Corner Plan

The Planning Board is now forming the Kelley's Corner Planning Committee. The Planning Board feels that this planning effort may have significant impacts on the entire Town. For this reason the Planning Board has asked me to write on their behalf a note to the Board of Selectmen encouraging the Selectmen to be represented on the committee. Please forward this suggestion to the Board of Selectmen.

We have scheduled the first meeting of the Kelley's Corner Planning Committee to be held on August 24, 1994, 7:30, Town Hall.

rkc*8



7/26/94
⑤

**SELECTMEN'S MEETING
JUNE 21, 1994**

The Board of Selectmen held its regular meeting on Tuesday, June 21, 1994 at 7:30 P.M. Present were Norman Lake, F. Dore' Hunter, William Mullin, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson, and Assistant Town Manager John Murray.
{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

CONSENT CALENDAR

F. DORE' HUNTER - Moved to approve Consent Calendar item #11 with the condition that the Town Manager's office ask for a letter of support from Senator Bob Durand and Representative Pam Resor. UNANIMOUS VOTE.

F. DORE' HUNTER - Moved to accept the Consent Calendar as printed
- NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

PRISON ADVISORY COMMITTEE APPOINTMENT - NANCY TAVERNIER - Move to appoint Thomas Ballantyne to a term to expire 6/30/97. WILLIAM MULLIN - cond. UNANIMOUS VOTE.

PLANNING BOARD APPOINTMENT - NANCY TAVERNIER - Move to appoint Joshua Chernin and Richard Crosswell from Associate Members to Full members with a five (5) year term.
F. DORE' HUNTER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

Don discussed the memos that were included in the Board's extra information packets. The selectmen advised Don to send a letter to the School regarding early retirement. Dore' drafted a written agreement to hold municipal budget harmless in regards to early retirement to send with Don's letter.

Don stated that staff has narrowed their search for a new computer system down to three companies. The three companies are Munis, Access and Pentamation. Don also stated that staff would be travelling to Augusta, Maine tomorrow to see a Pentamation system that the City of Augusta is currently utilizing. If staff is impressed with the computer system then a trip to Virginia where Pentamation's home base is will be necessary. Pentamation

has offered the Town \$1000.00 to help defray travel expenses.
DORE' HUNTER - Move to accept gift of \$1000.00 with the
understanding that no preference will be given to this company
because of the gift. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

CROSSROADS LIQUOR VIOLATION HEARING

Jay Manning, owner and manager of the Crossroad's spoke to the Board about the incident and explained the background of the sale to the minor. He stated that the bartender that served Ms. Dineen has been with him for seven (7) years and is presently a trusted employee. He apologized for the infraction and stated that all staff has recently gone through training to prevent this type of infraction from happening again. Mr. Manning also stated that employees are checking identification at the door on their busier nights and bartenders are also required to check identification. Mr. Manning stated that he recognizes the responsibility of holding a liquor license, realizes its consequences and will take all precautions necessary to see that this won't happen again.

DORE' HUNTER - Moved to instruct the Town Manager to issue a letter to Crossroad's expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER - COND. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #4/15/94-345 251 ARLINGTON STREET SAVOURY LANE

The applicants, Rick and Paula Gordon, are proposing to construct a one and one-half story building with a basement to be used as a 32 seat restaurant with a small area designated for retail sales. Department heads have reviewed this proposal and have submitted comments to the Board of Selectmen. Abutters have received notification regarding this proposed construction and were present to voice their concerns. Tom Sheehan, 306 Arlington Street, stated that there are already six restaurants in the West Acton Village area and he doesn't want to see a seventh. Walter Pizzano stated that there is presently a traffic congestion problem in this area and by allowing this construction would only add to the problem. He also stated that customers would tend to park on the street, thereby creating more traffic hazards. Stanley Veasie stated that he has lived adjacent to the proposed restaurant for 55 years and would like to see a tall fence between his house and the proposed construction. His house is located only 11 feet from the proposed building. Eric Liquest, president of the W. Acton Village Condo's, stated that the tenants/owners are concerned with any parking lot lights,

removal of the ash tree, fencing, customers parking on their sidewalk, and cars cutting through their back parking lot. Phil Modine, 301 Central Street, stated he was concerned with lighting and would like to see a fence installed. The Selectmen stated that these concerns would be taken under advisement after the public hearing is closed.

WILLIAM MULLIN - Move to take site plan special permit #4/15/94 - 345 under advisement. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ATLANTIC SEA GRILL LIQUOR VIOLATION HEARING

The manager of the Atlantic Sea Grill was present before the Board to discuss this liquor license infraction. The Board of Selectmen stated that they wish to speak with the license holder/owner and that this hearing would be rescheduled for a later date. Mr. Hunter stated his displeasure that the owner chose not to be present for tonight's hearing.

The Board directed the Town Manager's office to send a letter to Atlantic Sea Grill with a new hearing date and to reiterate the importance of the owner's presence.

DAVID BROWN COMMITTEE INTERVIEW BOARD OF ASSESSORS

The Board thanked Mr. Brown for applying and stated to him that it was the Board's policy to interview potential members.

Each Board member questioned Mr. Brown, covering his work and personal background. Mr. Brown was asked if he would have any conflict of interest between his present job and the Board of Assessors. Mr. Brown stated that it wouldn't be likely, however, if it were to occur he would excuse himself from the vote.

WILLIAM MULLIN - Move to appoint David Brown for a three (3) year term as a full member of the Board of Assessors to expire 6/30/97. DORE HUNTER - Second. UNANIMOUS VOTE.

The Board reminded Mr. Brown to be sworn in by the Town Clerk prior to attending a meeting as an official member.

TOWN MANAGERS CONCERNS (con't)

Mr. Johnson discussed the parking problems for the Library and Town Hall. Mr. Johnson stated that the problems arose after construction of the playground and stated that the playground could be the contributing factor. There is additional parking behind the Fire Station, however, crossing Main Street then becomes an issue.

Nancy stated that she would like to see the Regional School Committee minutes. Don stated that he would include them in the next packet.

Don updated the Board regarding the railroad bridge repair. Jon is concerned that the funding will be taken away from Acton and used for the Central Artery Tunnel. Don has received two conflicting letters regarding this issue.

EXECUTIVE SESSION

The Board voted to go into Executive Session for the purpose of negotiations.

Roll Call was taken all ayes.

The Board adjourned at 9:45 P.M.

Clerk

Date

Sheryl Ball
Recording Secty.
jw11-(524)

EXECUTIVE SESSION
JUNE 21, 1994

Don updated the Selectmen regarding negotiations with Maynard. Mike Gianotis suggested to Don that Acton draw up a letter asking Maynard what their status is regarding sewers for Acton.

Don briefly discussed NESWC with the Board. John stated that he had been to a NESWC meeting this afternoon and spoke with the executive director. John and the executive director could not reach an agreement as to the amount that NESWC says the Town owes them.

COLLECTIVE BARGAINING

Don updated the Board regarding Union collective bargaining. The Fire Department has signed an agreement. Highway is presently in negotiation meetings. Police stated that they would like to meet June 29, 1994 and are aware that an agreement needs to be reached by the 30th.

The Board adjourned at 10:15 P.M.

Clerk

Date

Sheryl Ball
Recording Secty.
cmjW11-(524)



TOWN OF ACTON MASSACHUSETTS

7/26/94 - (6) FOR TOWN USE ONLY

1994

License or Permit Application

7-7 1994

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 Antiques Show - 31st annual event

Name of Organization/Applicant: Service League of Acton Congregational Church
Location of Event: Acton Center - Acton Congregational Church
Name of Owner of Premises: Trustees 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.):

23.00 donation at door - independent antique dealer booths
Purpose to raise money for church projects (Mission work such as Community Supper, Community School in Maynard, Habitat for Humanity), addition scholarship for ABHS 1995 Senior. Parking in church lot, a back of fire station - church provided parking attendants will monitor parking

Day and Date of Event: Oct 14 and Oct 15 Hours of Event: 10-8 + 10-4 respectively

DESCRIPTION OF APPLICANT

Name of person making application: Sandra Latvala
Occupation: Antique show co-chairman
Residential Address: 16 Woodridge Lane, Westford, MA 01886
Business Address: -
Telephone: Home 508-692-5634 Business: -

Date of naturalization, if not born in U.S.: born in U.S. Have you ever been arrested for any law violation?: No

Male or Female: Date of birth: Place of birth: State briefly:

Father's name: Mother's maiden name: References: (Names and addresses)

- 1. Susan Allen, 10 Babson Dr. Acton - 263-6195
2. Cynthia Smith, 9 Patriot's Rd Acton - 263-8446
3. Cindy Citens, 8 Coolidge Dr. Acton - 263-3216

Height: Weight: Complexion: Remarks:

Eyes: Signature of Applicant: Sandra Latvala



License or Permit Application

JUL 17 1991
COPY FOR YOUR
INFORMATION

COPY FOR YOUR
INFORMATION

July 14 1991

1991

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 Shop

Name of Organization/Applicant: Acton Cent. Congregational Church

Location of Event: AC Church - Concord Road

Name of Owner of Premises: AC Church Trustees

DESCRIPTION OF EVENT (i.e.; fee or donation to be charged?, name of operators of event?, purpose of event?, parking availability?, etc.):

28th annual antique show - \$3 donation charged - individual antique dealers selling their goods at separate booths - purpose is for a fundraiser for church - parking will be trafficed by church personnel, behind church, fire station, library, various driveways as offered to us

Day and Date of Event: October 18, 1991 Hours of Event: 10-2 and 10-4 Respectively

DESCRIPTION OF APPLICANT

Name of person making application: Ms Schillhammer

Occupation: mom - interior decorator - antique show chair

Residential Address: 21 Mark Vincent Dr

Business Address: Westford, MA 01886

Telephone: Home: 692-9035 Business: same

Date of naturalization, if not born in U.S.: _____ Have you ever been arrested for any law violation? no

Male or Female: Female If so, when _____ where _____

Date of birth: 6-29-54 State briefly: _____

Place of birth: Montpelier, Vt.

Father's name: John C. Lincoln

Mother's maiden name: Bethany Thayer

Height: 5 ft. 7 in.

Weight: _____

Complexion: great

Hair: red

Eyes: blue

- References: (Names and addresses)
1. Glynda Smith Acton
 2. Susie Allen Acton
 3. Sandy Given's Acton

Remarks: _____

Signature of Applicant: Ms Schillhammer

Do Not Write Below This Line

TOWN OF ACTON, MASSACHUSETTS

August 27, 1991

At the Board of Selectmen meeting held on _____ the Board voted:

To approve the application with the conditions outlined in Don Johnson's Memo dated 9/14/90 to the Board of Selectmen conditional on items 1-6. (copy attached) Item 5 revised to Friday, October 18.

Date: 8/20/91
CC: Police Chief
Fire Chief

Board of Selectmen
by: [Signature] for BOS

COPY FOR YOUR
INFORMATION

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

9/18/90 - (19)

DATE: 9/14/90



TO: Board of Selectmen

FROM: Don P. Johnson

SUBJECT: Congregational Church Antique Show

In accordance with the earlier direction of the Board, the Police Chief and I met with Ms. Allen and Mr. Sheatsley of the Acton Congregational Church. The meeting was productive and both parties were satisfied with the final agreement.

Parking is the biggest problem created by the church's annual antique sale. Pedestrian and vehicular traffic constitute lesser problems. The church does not have sufficient on-site facilities to handle this function and vehicles overflow to municipal facilities and side streets.

The church entered into contractual agreements for this show nearly 12 months in advance so we are limited in making significant changes (relocate the sale, shuttle buses, etc.) for this year. They have agreed, however, to investigate alternatives for next year.

The agreement we reached is as follows:

- 1) The Police Chief will not recommend a Police Detail for this year's show, at this time.
- 2) The Police Chief and I recommend conditional approval of the Antique Show Permit for this year.
- 3) The permit shall include a condition that if parking or pedestrian/vehicular traffic create a significant hazard or nuisance in the opinion of the Police Chief, he shall assign a detail and the church will reimburse the Town for that cost.
- 4) The church will post no parking signs on side streets in accordance with the direction of the Police Chief.
- 5) The Town will post the Town Hall parking lot to prohibit Antique Show parking on Friday, October 19.
- 6) The church will explore options for relocation of this function next year and/or arrange for suitable off-site parking with shuttle buses.

In accordance with the above, I recommend approval of the permit at this time.

8/27/91

11

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: August 21, 1991

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Center Congregational Church, Antique Show

The attached report from the Police Chief says, in essence, that the conditions imposed by the Board last year seemed to work suitably. Our recommendation is that the Board approve the request with the same conditions as last year.



DPJ:101

7/26/94

7



July 22, 1994

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

Dear Board Members,

The Friends of the Acton Arboretum hereby request that the Board accept the gift of a one hundred foot section of boardwalk which is under construction at the Arboretum.

Funding for this project came from a grant that we received from the Wharton Fund. The structural members of the boardwalk is 4" by 6" cedar which was donated to us by Deck House.

The concrete foundations and vertical support structure was constructed by MCI Concord inmates. The decking and sub-structure was built by Chris Stockman, a professional carpenter, and his Liberty Street neighbor, John Bressler.

We hope to have the boardwalk, and the trail leading to it, completed this fall. The remainder of the "Wharton Trail" should be completed next year. The planting of the wildflower collection associated with this trail has been started and will continue for years.

Thank you for your consideration.

Very truly yours,

Harry Donahue
Friends of the Acton Arboretum

cc BOS
next meeting
consent

7/26/94

⑧

Jean D. Sifleet

5 Sandy Drive
Acton, MA. 01720

July 14, 1994

Members of the Board of Selectmen &
Don Johnson, Town Manager
Town of Acton
472 Main Street
Acton, Ma. 01720

Re: Request for Waiver of \$30 fee for
Temporary Food Permit for sale of Coffee & Donuts
for School Street Sidewalk Fundraising

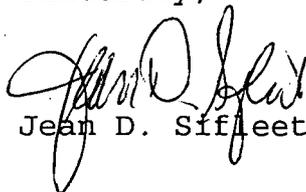
Dear Members of the Board & Mr. Johnson:

As part of the fundraising effort for the School Street Sidewalk Fund, I am trying to organize the sale of coffee/refreshments and donuts at the School Street soccer fields during soccer season. The coffee & donuts will be prepared by Dunkin Donuts.

I have been advised that a Temporary Food Permit is required. This permit costs \$30. I am requesting that this fee be waived because the activity is in support of a Town project and the proceeds will be a contribution to the Town.

Thank you for your consideration and for your continuing support of the School Street Sidewalk project.

Sincerely,


Jean D. Sifleet

ANDERSON & KREIGER

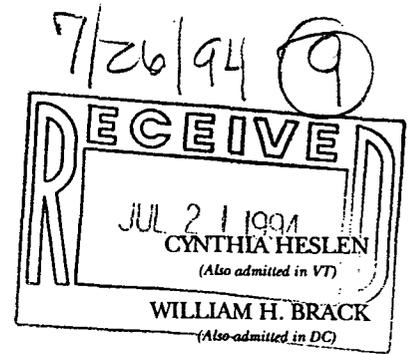
Attorneys at Law

STEPHEN D. ANDERSON
(Also admitted in CT)

ARTHUR P. KREIGER
(Also admitted in NY)

GEORGE A. HALL, JR.

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
Fax: (617) 252-6899



July 19, 1994

Mr. Douglas Halley
Conservation Administrator
Town of Acton
14 Forest Road
Acton, MA 01720

Re: DEP Tag Grant

Dear Doug:

CC: D. HALLEY

NOTE TO BOS -
WE MAY NEED A VOTE OF THE
BOARD TO JOIN ACES IN SEEKING
THIS GRANT. I HAVE PLACED THIS
ON CONSENT, ASSUMING YOU WILL
AGREE TO JOIN IN THE REQUEST.

During a break at the July 18, 1994 meeting on the air monitoring plan, Mr. Tuttle of DEP mentioned to Bob Eisengrein and myself that there is an August 1, 1994 deadline for supplying DEP with additional information in support of a Tag grant. I understand that ACES applied for a \$6,000 Tag grant, and that Acton did not apply for one. Mr. Tuttle suggested that you and Bob work together to include Acton in the ACES application. He indicated that both completeness of the application and number of community participants were important factors in determining which applications would be approved. He thus strongly "tipped his hat" that the ACES application needed to be supplemented, and that the Town should be joined with it to request a full \$10,000 grant. He noted that DEP had received approximately 25 grant applications, and that DEP intended to award up to ten grants of \$10,000 each. He was clearly in support of ACES and the Town being one of the award recipients. I strongly encourage you to work with Bob upon your return to provide DEP with supplemental information and to join in ACES' application in advance of the August 1, 1994 deadline.

Sincerely,

Cynthia Heslen <BAS>
Cynthia Heslen

CH/bas

cc: Don Johnson, Town Manager

ACT/GR/L/halley.007

7/26/94
10

ACTON HOUSING AUTHORITY

Windsor Avenue
P.O.Box 681
ACTON, MA 01720
(508) 263-5339
TDD #-1-800-545-1833 EXT.120

July 14, 1994

Norman Lake
Chairman
Acton Selectmen
Acton Town Hall
Acton, MA 01720

Dear Norm: *Norm*

Enclosed please find the Acton Housing Authority's renewal and cost amendment for our Section 8 Existing (HUD) Certificate Program which is in need of your signature. As you will note HUD has taken the Selectmen's suggestion and recopied the contract. I will have the four original contracts with Christine the night the selectmen meet (7/26/94). Please have original signatures on each of the contracts.

Thank you in advance for your attention to this request.

Sincerely,



Naomi E. McManus
Executive Director



U.S. Department of Housing and Urban Development
Office of Assistant General Counsel for New England
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Massachusetts 02222-1092

(617) 565-5126 FAX: 565-7337

JUN 28 1994

Naomi McManus, Executive Director
Acton Housing Authority
P.O. Box 681
Acton, Massachusetts 01720

Dear Ms. McManus:

SUBJECT: Section 8 Existing Annual Contribution Contract
Contract No.: B-1223E
Project No.: MA06-E057-022-REN (Renewal)
Project No.: MA06-E057-906 (Cost Amendment)

Enclosed is the above identified contract. These documents should be processed promptly by your Authority in accordance with the attached instructions, and returned to this office as soon as possible.

If you have any questions regarding this matter, please do not hesitate to contact Hersh Goldman at (617) 565-6970.

Sincerely,

Patricia P. Allen
Associate Field Counsel
for New England

By:


Hersh N. Goldman
Legal Technician

Enclosure

U.S. Department of Housing and Urban Development
Section 8 Existing

Consolidated Annual Contributions Contract
Part I
for
Housing Certificate Program

1.1 DEFINITIONS

A. ACC

As used in Part I of this CACC, "ACC" means the Annual Contributions Contract for each project.

As used in Part II of this CACC, "ACC" means the CACC.

B. BUDGET AUTHORITY. The maximum aggregate amount which may be paid by HUD for each project in the program over the duration of the CACC. Budget Authority is reserved by HUD from amounts authorized and appropriated by the Congress. (Exhibit II lists budget authority for projects funded with amounts appropriated in Federal Fiscal Year 1988 and later years).

C. CACC. Consolidated Annual Contributions Contract.

D. CONTRACT AUTHORITY. The amount of contract authority for each project is listed in Exhibit I or Exhibit II of this CACC Part I (subject to reduction in accordance with section 1.4.D and section 2.3 of this CACC).

E. COST AMENDMENT. An amendment to the CACC which provides additional contract or budget authority to cover increased program expenditures to maintain the program at the number of units originally approved by HUD.

F. FISCAL YEAR. The PHA Fiscal Year.

G. HUD. U.S. Department of Housing and Urban Development.

H. MAXIMUM ANNUAL CONTRIBUTION COMMITMENT. See Section 1.4.C.1.b of this CACC.

I. PHA. Public Housing Agency.

J. PROGRAM. The PHA's Housing Certificate Program under the CACC.

k. PROGRAM RECEIPTS. Amounts paid by HUD to the PHA for the Housing Certificate Program, and any other amounts received by the PHA in connection with the program.

- L. PROGRAM EXPENDITURES. Amounts which may be charged against program receipts in accordance with the CACC and HUD requirements.
- M. PROJECT. A funding increment for the program. (The project may be for additional units or for a cost amendment)

1.2 HOUSING CERTIFICATE PROGRAM

A. PROJECTS IN PROGRAM:

- 1. LIST OF PROJECTS. The projects in the program are listed in Exhibit I and Exhibit II of this CACC Part I.
- 2. EXHIBIT I. Exhibit I lists projects funded with amounts appropriated before Federal Fiscal Year 1988.
- 3. EXHIBIT II Exhibit II lists projects funded with amounts appropriated in Federal Fiscal Year 1988 and later years.

B. NUMBER OF UNITS (by number of bedrooms)

To the maximum extent feasible, the PHA shall enter into contracts for housing assistance payments for units under the program in accordance with the unit distribution stated in this section. No substantial deviation, as determined by HUD, from this unit distribution is allowed without prior HUD approval.

NUMBER OF BEDROOMS

0
1
2
3
4

NUMBER OF UNITS

20
49
20

B. PHA FISCAL YEAR:

- 1. The first fiscal year for the program shall begin on 6-23-81. (Enter the effective date for the first project listed in Exhibit I of Part I of the CACC. If this date is not entered before the CACC is signed by the PHA, the date may be entered subsequently by HUD, upon written notice by HUD to the PHA.) The first Fiscal Year for the Program shall end on the last day of the PHA Fiscal Year which ends not less than 12 months or more than 23 months after this date.
- 2. Thereafter, the fiscal year for the program shall be the 12 month period ending December 31 of each calendar year. (Enter the day and month used as the Fiscal Year ending date for other section 8 assistance administered by the PHA under an Annual Contributions Contract with HUD).

1.3 TERM

- A. EXHIBIT I PROJECTS. For all Projects listed in Exhibit I, the term of the CACC shall end on _____
(Insert last date of CACC term for all Exhibit I projects. If this date is not entered before the CACC is signed by the PHA, the date may be entered subsequently by HUD, upon written notice by HUD to the PHA).
- B. EXHIBIT II PROJECTS. For each project listed in Exhibit II.
1. Exhibit II states the first date and last date of the ACC term for the project.
 2. The first date of the ACC term for the project shall be the first day of the month when HUD signs the CACC which adds the project to the program, or another date as determined by HUD.
 3. If the first or last date of the ACC term for the project is not entered before the CACC is signed by the PHA the date may be entered subsequently by HUD, upon written notice by HUD to the PHA.
 4. HUD may revise Exhibit II at any time, upon written notice by HUD to the PHA (a) to add a cost amendment project or (b) to remove a project for which the ACC term has expired.

1.4 ANNUAL CONTRIBUTIONS.

- A. PAYMENT HUD shall pay the PHA annual contributions for the program in accordance with HUD regulations and requirements.
- B. AMOUNT AND PURPOSE OF HUD PAYMENTS
1. The annual contribution for the program shall be the amount approved by HUD for each Fiscal Year to cover:
 - a. The amount of housing assistance payments by the PHA.
 - b. The amount of PHA fees for program administration.
 2. The amount of the HUD annual contribution may be reduced, as determined by HUD, by the amount of program receipts (such as interest income) other than the HUD annual contribution.

C. MAXIMUM PAYMENTS FOR PROGRAM.

1. ANNUAL LIMIT ON PAYMENTS FOR PROGRAM.

a. Except for payments from the CACC reserve account as provided in section 1.4.E of this CACC, the HUD annual contribution for the program under section 1.4.B during the Fiscal Year shall not be more than the Maximum Annual Contribution Commitment for the program.

b. The Maximum Annual Contribution Commitment for the Program for each PHA Fiscal Year shall be equal to the sum of the contract authority amounts reserved by HUD for the projects in the program. The amount of contract authority reserved for each project in the program, is stated in Exhibit I and II of this CACC Part I (subject to reduction in accordance with section 1.4.D and section 2.3 of this CACC). If the first fiscal year for the program is more than 12 months the Maximum Annual Contribution Commitment for the program for the first fiscal year may be adjusted in an amount as determined by HUD by the addition of the prorate amount applicable to the period in excess of 12 months.

2. LIMIT ON TOTAL PAYMENTS FOR PROGRAM.

The sum of HUD payments under section 1.4.B for the program over the duration of the CACC (including any payments from the CACC reserve account as provided in section 1.4.E) shall not be more than the sum of the budget authority amounts reserved by HUD for the projects in the program from amounts authorized and appropriated by the congress.

D. REDUCTION OF AMOUNT PAYABLE. HUD may reduce the amount payable by HUD for any project or for the program and may reduce the amount of the contract authority or budget authority for any project, by giving the PHA written notice of reduction in accordance with 2.3 of this CACC. The notice by HUD may include a revision of Exhibit I or II to state the reduction in the amount of contract authority or budget authority for a project.

E. CACC RESERVE ACCOUNT. A CACC reserve account shall be established and maintained by HUD in an amount as determined by HUD consistent with its responsibilities under section 8(c)(6) of the U.S. Housing Act of 1937. The CACC reserve account may be used by HUD for payment of any portion of the payment approved by HUD under section 1.4.B for the fiscal year.

F. SEPARATE ACC. HUD's commitment to make payments for each project listed in Exhibit II shall constitute a separate ACC.

1.5 CACC

A1. The CACC consists of this CACC Part I (including Exhibits I and II) and the form ACC Part II prescribed by HUD for the Housing Certificate Program and Housing Voucher Program, designated as form HUD 52520 E, and dated June 1985. These documents constitute the whole CACC for the program.

A2. The PHA shall submit to the Boston Housing Opportunity Clearing Center (also known as Metrolist) (hereinafter, Metrolist) information concerning the PHA's application and selection policies and waiting list procedures, including a copy of the application form(s). All changes, amendments, deletions, or any other alteration of this information shall be submitted to Metrolist within 5 days of its effective date. Metrolist is operated by the Boston Fair Housing Commission and was established pursuant to Section 11.B of the Decree entered in N.A.A.C.P., Boston Chapter v. Kemp, Civil Action No. 78-850-S (D. Mass). The PHA shall also submit to Metrolist, at least two weeks in advance, notification of the reopening of any previously closed waiting list. In addition, the PHA shall encourage the owners and managers of HUD-assisted housing to participate fully in available programs designed to facilitate access to suburban housing opportunities for low-income minority households now living in the City. Such programs include, without limitation, Section 8 Rental subsidies and the listing of housing opportunities at Metrolist. If so directed by HUD, the PHA shall require such participation by including such terms in HAP contracts, except that HUD will not direct that such terms be added to HAP contracts for Section 8 Certificates and vouchers. The PHA shall meet all requirements imposed by the Secretary in implementation of the provisions of this paragraph. Records documenting such compliance shall be kept in accordance with the requirements of the Secretary or his agents.

B. This CACC supersedes any previous Annual Contributions Contract for the projects or program. Matters relating to operation of the projects or Program under a previous annual contributions contract shall be governed by this CACC.

SIGNATURES:

PUBLIC HOUSING AGENCY

Acton Housing Authority

(name of PHA)

BY: _____ DATE SIGNED: _____
(signature)

(print or type name and official title of signatory)

UNITED STATE OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

BY: _____ DATE SIGNED: _____

(print or type name and official title of signatory)

(SEAL)
ATTEST:

TOWN/CITY: Acton

BY: _____

TITLE: _____

DATE: _____

(SEAL)
ATTEST:

Executive Office of Communities
and Development

BY: _____

TITLE: _____

DATE: _____

EXHIBIT I

Projects Accumulated Before Federal Fiscal Year 1986

PROJECT NUMBER	ACC LIST NUMBER	CONTRACT AUTHORITY	PROJECT ACC EFFECTIVE DATE
MA06-E057-007	B-31-300	44,544.00	06/23/81
MA06-E057-003	B-32-439	22,050.00	01/06/83
MA06-E057-009	B-83-511	45,708.00	01/06/84
MA06-E057-011	B-36-342	42,240.00	MAY 29 1987

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Data supplied

Exhibit I: Page 1 of 3 pages

EXHIBIT II (Ongoing)

Projects Authorized in Federal Fiscal Year 1988 and Later Years

Legend: CA = Contract Authority, BA = Budget Authority.

PROJECT NUMBER	CA	BA	FIRST DATE OF TERM	LAST DATE OF TERM	UNIT DISTRI-BUTION
MA06-E057-011	\$ 29,193.	\$45,965.	10/1/89	9/30/94	2BR 6 3BR 3
MA06-E057-012	(\$ 29,193.)	(\$45,965.)	10/1/89	9/30/94	-----
MA06-E057-901	\$124,181.	\$248,360.	9/1/89	12/31/90	-----
MA06-E057-901	(\$124,181.)	(\$248,360.)			-----
MA06-E057-001	\$68,544.00	\$892,836.00	1-28-76	1-27-91	1BR 6 2BR 6 3BR 3 15
MA06-E057-001	(\$68,544.00)	(\$892,836.00)	1-28-76	1-27-91	-----
MA06-E057-902	\$124,181.00	\$124,181.00	10/1/91	12/31/91	-----
MA06-E057-902	(\$124,181.00)	(\$124,181.00)			-----
MA06-E057-903	\$150,000.00	\$150,000.00	10/1/91	12/31/91	-----
MA06-E057-903	(\$150,000.00)	(\$150,000.00)			-----
MA06-E057-003	\$68,556.00	\$945,060.00	5-22-78	5-21-93	1BR 5 2BR 8 3BR 2
MA06-E057-003	(\$68,556.00)	(\$945,060.00)	5-22-78	5-21-93	-----
MA06-E057-904	\$30,000.00	\$30,000.00	3/1/93	12/31/93	-----
MA06-E057-004	\$37,500.00	\$559,188.00	7-12-79	7-11-94	1BR 4 2BR 4 3BR 2
MA06-E057-004	(\$37,500.00)	(\$559,188.00)	7-12-79	7-11-94	-----
MA06-E057-905	\$93,700.00	\$93,700.00	5-1-94	12-31-94	-----
MA06-E057-021	\$109,200.00	\$546,000.00			2BR 5 3BR 5
MA06-E057-906	\$275,000.00	\$275,000.00			10

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed _____

EXHIBIT II - RENEWALS - 86 x 0194

Projects Accounted In Federal Fiscal Year 1966 and Later Years

Abbreviations CA = Contract authority. EA = Budget authority.

<u>PROJECT NUMBER</u>	<u>CA</u>	<u>EA</u>	<u>FIRST DATE OF TERM</u>	<u>LAST DATE OF TERM</u>	<u>UNIT DISTRI-BUTION</u>
<u>Renewals - 86 x 0194</u>					
MA06-E057-016-REN	\$150,162.00	\$750,810.00	1-01-91	12-31-95	1BR 6 2BR 6 <u>3BR 3</u> 15
MA06-E057-020-REN	\$133,803.00	\$669,015.00	5-1-93	4-30-98	1BR 5 2BR 8 <u>3BR 2</u> 15
MA06-E057-022-REN	\$179,700.00	\$718,800.00	7-1-94	6-30-98	1BR 4 2BR 10 <u>3BR 5</u> 19

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed _____



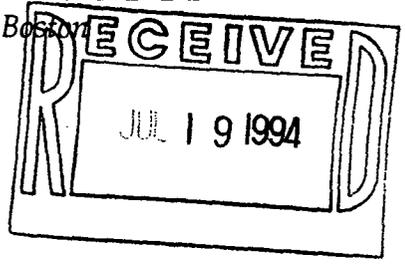
Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

7/26/94

11



July 12, 1994

Dear TIP Contact:

*Not enclosed
have asked for
the enclosure. J 7/24/94*

Enclosed is the Draft Transportation Improvement Program (TIP) of the Boston Metropolitan Planning Organization for fiscal years 1995, 1996 and 1997. It is the responsibility of the Metropolitan Area Planning Council (MAPC) to distribute the Draft TIP for public comment on behalf of the Boston Metropolitan Planning Organization. The Metropolitan Planning Organization, which is responsible for approving the TIP, is made up of six agencies: The Executive Office of Transportation and Construction, Massachusetts Highway Department, Massachusetts Bay Transportation Authority, Massachusetts Port Authority, Metropolitan Area Planning Council and the Massachusetts Bay Transportation Authority Advisory Board.

This Draft TIP is being distributed as a result of a 4-2 vote by the Sub-Signatory Committee of the Metropolitan Planning Organization. The MAPC and the MBTA Advisory Board both opposed its release, primarily due to concerns regarding the funding of the Central Artery/Tunnel project.

We ask that you review the enclosed document and provide any comments you may have to the Metropolitan Area Planning Council. The MAPC will forward these comments to the other members of the Metropolitan Planning Organization. Thank you for assistance in this public review process.

If you have any questions regarding the Draft TIP, please contact Christopher C. Skelly at this office. Comments on the Draft TIP must be received by August 11, 1994.

Sincerely,

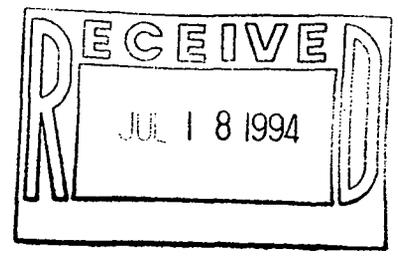
David C. Soule
Executive Director

cc: Chief Elected Officials
Subregional Representatives
Community MAPC Representatives (Letter Only)

Edmund P. Tarallo, *President* William G. Constable, *Vice-President* Donna M. Jacobs, *Secretary* Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

TWP CONTACT LIST		CONTACT LIST				
NO	Municipality	First Name	Last Name	Phone No	Title	Subregion
1	Acton	Dave	Abbt	(508) 264-9628	Town Engineer	MAGIC
2	Arlington	Alan	McClennen	646-1000	Planning Director	IC
3	Ashland	Silvio	Baruzzi	881-4697	Public Works Director	MW
4	Bedford	Richard	Warrington	275-7605	Public Works Director	NSPC
5	Bellingham	Dennis	Fralne	(508) 966-0990	Town Administrator	SWAP
6	Belmont	Mel	Klecknar	484-2351	Town Administrator	IC
7	BEVERLY	Tina	Cassidy	(508)921-6032	Planning Director	NSTF
8	Bolton	Harold	Brown	(508)779-6402	Public Works Director	MAGIC
9	BOSTON	Andy	McClurg	635-3086	Boston Transp Dept	IC
10	Boxborough	Judy	Jacobs	(508) 263-1116	Executive Administrator	MAGIC
11	Braintree	Christopher	McCabe	848-1870	Executive Secretary	IC
12	Brookline	Jack	Harris	730-2139	Director of Transportation	IC
13	Burlington	David	Owen	270-1635	Town Administrator	NSPC
14	CAMBRIDGE	Dick	Easler	498-9034	Community Development	IC
15	Canton	Joseph	Campo	821-5023	Public Works Director	TRIC
16	Carlisle	Gary	Davis	(508) 369-6156	Public Works Director	MAGIC
17	CHELSEA	John	DePriest	889-8233	Project Manager	IC
18	Cohasset	Martha	Gjesteby	383-1614	Selectperson	SSC
19	Concord	Al	Lima	(508) 371-6260	Planning Director	MAGIC
20	Danvers	Wayne	Marquis	(508)777-0001	Town Manager	NSTF
21	Dedham	Pat	Profeta	326-6099	MAPC Representative	TRIC
22	Dover	James	McKenna	(508)785-2269	Executive Assistant	TRIC
23	Duxbury	?	?	1-934-6586	?	SSC
24	Essex	Bruce	Julian	(508)768-6262	Public Works Director	NSTF
25	EVERETT	Kevin	Flynn	394-2215	Budget Director	IC
26	Foxborough	Bob	Federico	(508)543-1228	Public Works Director	TRIC
27	Framingham	Arthur	Noonan	1-620-4852	Planning Director	MW
28	Franklin	Wolfgang	Bauer	(508)520-4949	Town Administrator	SWAP
29	GLOUCESTER	Jay	Grande	(508)281-9781	Planning Director	NSTF
30	Hamilton	Robert	Brooks	926-3300	MAPC Representative	NSTF
31	Hanover	Thomas	Doucette	826-3189	Public Works Super	SSC
32	Hingham	Edna S.	English	741-1400	MAPC Representative	SSC
33	Holbrook	John	Culhane	767-0784	MAPC Representative	IC
34	Holliston	Paul	Lebeau	(508) 429-2944	Executive Secretary	SWAP
35	Hopkinton	Robert	Bartlett	(508) 435-3862	Public Works Director	SWAP
36	Hudson	Paul	Blazar	(508) 562-9963	Executive Assistant	MAGIC
37	Hull	Phill	Lemnios	925-2000	Town Manager	SSC
38	Ipswich	George	Howe	(508) 356-6609	Town Manager	NSTF
39	Lexington	Frank	Fields	861-2729	Town Engineer	NSPC
40	Lincoln	William	Constable	542-3164	MAPC Representative	MAGIC
41	Littleton	Mark	Haddad	(508)952-2311	Executive Secretary	MAGIC
42	LYNN	Steve	Smith	598-4000		IC
43	Lynnfield	Allen	Caproni	1-334-3143	Public Works Director	NSPC
44	MALDEN	Edmund P.	Tarallo	397-7020	Planning Director	IC
45	Manchester	Vincent R.	Terrill	(508)526-8781	MAPC Representative	NSTF
46	Marblehead	Rebecca	Curran	631-1529	Town Planner	NSTF
47	MARLBOROUGH	Ronald	LaFreniere	(508)624-6913	City Engineer	MW
48	Marshfield	William	Burke	(508)834-5575	Public Works Director	SSC
49	Maynard	Walter	Sokolowski	(508)897-1017	Public Works Director	MAGIC
50	Medfield	Kenneth	Feeney	(508) 359-8505	Public Works Director	TRIC
51	MEDFORD	Richard	Lee	396-5500		IC
	Medford - cc:	Lauren	Popp	393-2480	Planning Director	IC
52	Medway	Ruth	Allen	(508)533-3200	Administrative Assistant	SWAP
53	MELROSE	James	Richards	665-0065	?	IC
54	Middleton	Ira	Singer	(508) 774-3344	Town Administrator	NSTF
55	Milford	Martha	White	(508)634-2317	Town Planner	SWAP
56	Millis	Charles	Aspinwall	1-376-2634	Town Administrator	SWAP
57	Milton	Paul	Kanter	698-0100	Planning Director	TRIC
58	Nahant	Robert	Stevens	581-0018	?	IC
59	Natick	Charles	Sisitsky	1-651-7260	Public Works Director	MW
60	Needham	Carl F.	Valenti	455-7512	Town Administrator	TRIC
61	NEWTON	Elaine	Gentile	552-7175	?	IC
62	Norfolk	Remo R.	Vito	1-528-1408	Hwy Superintendent	TRIC
63	North Reading	Stephen	Casazza	(508) 664-6060	Town Engineer	NSPC
64	Norwell	Annette	Sexton	659-8000	Executive Secretary	SSC
65	Norwood	Bernie	Cooper	762-1240	?	TRIC
66	PEABODY	Judy	Otto	(508)532-3000x	Asst. Dir. for Planning	NSTF
67	Pembroke	Bob	Hazlett	1-293-3844	Executive Secretary	SSC
68	QUINCY	John	Gillon	376-1948	Traffic Engineer	IC
69	Randolph	David	Zecchini	961-0940	Acting DPW Super	IC
70	Reading	William	Robertson	942-9083	Town Engineer	NSPC
71	REVERE	Frank	Stringi	284-3600	Planning Director	IC
72	Rockland	Andrew	McDonald	871-1874	Board of Selectmen	SSC
73	Rockport	Nichola	Barletta	546-6786	?	NSTF
74	SALEM	William	Luster	(508)745-9595x	Planning Director	NSTF
75	Saugus	Joe	Attubato		Public Works Director	IC
76	Scituate	Joseph	Norton	545-6700	?	SSC
77	Sharon	Benjamin	Puritz	1-784-6909	Executive Secretary	TRIC
78	Sherborn	Mike	Pakstis	(508) 651-7878	Public Works Director	SWAP
79	SOMERVILLE	James	Bretta	625-6600	Comm Dev Director	IC
80	Southborough	Janice	Conlin	1-485-0710	Administrative Assistant	MW
81	Stoneham	Cosmo	Ciccaretto	438-3320	Board of Selectpersons	NSPC
82	Stoughton	Phillip	Farrington	1-341-1300	Town Manager	TRIC
83	Stow	Donna	Jacobs	(508)562-6725	?	MAGIC
84	Sudbury	Richard	Thompson	1-443-8891	Executive Secretary	MW
85	Swampscott	Richard	Besson	581-6055	?	NSTF
86	Topshfield	David	Bond	1-887-5042	Public Works Director	NSTF
87	Wakefield	Donald	Onusseit	246-6300	DPW Director	NSPC
88	Walpole	James	Merriam	1-668-5400	?	TRIC
89	WALTHAM	Jeff E.	Tyma	893-4040x3002	?	IC
90	Watertown	Gerald S.	Mee	972-6420	Public Works Super	IC
91	Wayland	David	Berry	727-5550x219	Planning Director	MW
92	Wellesley	R. Arnold	Wakelin	431-1019x214	Finance Director	MW
93	Wenham	Peter	Burnham	1-468-5530	?	NSTF
94	Weston	Ward	Carter	893-7320	Town Administrator	MW
95	Westwood	Michael	Jallett	326-6450	Executive Secretary	TRIC
96	Weymouth	Frank	Lagrotteria	335-2000	Public Works Director	SSC
97	Wilmington	Lynn	Duncan	(508)658-8238	Planning Director	NSPC
98	Winchester	John H.	Ciarica	721-7120	?	NSPC
99	Winthrop	Ray	Rice	846-1852	Tech Asst/Civil Eng	IC
100	WOBURN	John	Cashell	933-7539	Planning Director	NSPC
101	Wrentham	Jay	Fink		DPW	SWAP



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/15/94

TO: Don P. Johnson, Town Manager

FROM: David F. Abbt, Engineering Administrator

A handwritten signature in cursive script, appearing to read "D. Abbt", written in black ink.

SUBJECT: TRANSPORTATION IMPROVEMENT PROGRAM, 1995-1997
Circulation Draft

The T.I.P. for 1995-1997 was received at this office on July 14, 1994. The deadline for comments is August 11, 1994. Enclosed is the community index of projects for Acton. How do you want to proceed?

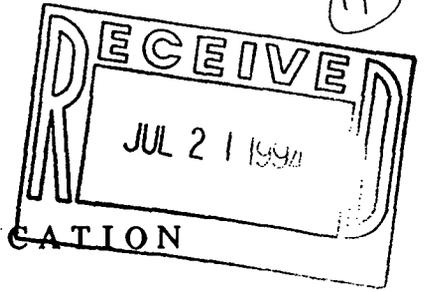
cc: Donna Jacobs, Assistant Planner
Richard Howe, Highway Superintendent

.95*20

APPEN D
 FY 1995-1997 TRANSPORTATI IMPROVEMENT PROGRAM
 COMMUNITY INDEX

	Project Name	Project #	Fiscal Year	Amount Programmed	Page #
ACTON					
Bridge Program (Off-System)	WETHERBEE ST., ACTON	600081	1995	\$350,000	4-2
Non-Federal Aid Program	RTE. 111, ACTON -BOXBOROUGH	600683	1995	\$600,000	4-9
Non-Federal Aid Program	RTE. 2, ACTON	096902	1997	\$500,000	6-7
Surface Transportation (Enhancement)	CONCORD RD. SIDEWALKS, ACTON	Pending	1997	\$210,000	6-17
Surface Transportation (Enhancement)	SCHOOL ST & LAWSBROOK RD, ACTON	Pending	1997	\$210,000	6-17
Surface Transportation Program (Boston MPO Earmark)	ROUTE 2A, ACTON	Pending	1997	\$550,000	6-9
Surface Transportation Program (Boston MPO Earmark)	ROUTE 62, ACTON	Pending	1997	\$48,000	6-9
Surface Transportation Program (Boston MPO Earmark)	RTE. 27, ACTON, 03	104749	1996	\$2,500,000	5-11
Surface Transportation Program (Enhancement)	CENTRAL ST., ACTON	Pending	1996	\$300,000	5-17
Surface Transportation Program (Enhancement)	HIGH ST., ACTON	Pending	1996	\$270,000	5-17
Surface Transportation Program (Enhancement)	RTE. 27, ACTON	Pending	1996	\$630,000	5-17
Surface Transportation Program (Enhancement)	RTE. 2A, ACTON	Pending	1996	\$630,000	5-17
Surface Transportation Program (Enhancement)	S. ACTON TRAIN STATION	Pending	1996	\$25,000	5-17
Surface Transportation Program (Safety)	ROUTE 27, ACTON	Pending	1997	\$450,000	6-18
ARLINGTON					
Non-Federal Aid Program	DRAKE VILLAGE BRIDGE	Pending	1996	\$350,000	5-8
Surface Transportation Program (Boston MPO Earmark)	RTE . 2 ARLINGTON	600462	1997	\$2,000,000	6-9
ASHLAND					
Bridge Program (Off-System)	FOUNTAIN STREET, ASHLAND	026703	1995	\$600,000	4-2
Surface Transportation Program (Boston MPO Earmark)	HIGH ST., ASHLAND	160060	1997	\$1,200,000	6-9
Surface Transportation Program (Enhancement)	R. MARCHETTI RD., ASHLAND	Pending	1996	\$50,000	5-17
Surface Transportation Program (Enhancement)	SUMMER ST., ASHLAND	Pending	1996	\$50,000	5-18

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION



DATE: 7/21/94

TO: Don P. Johnson, Town Manager
FROM: Donna Jacobs, Assistant Planner *D. Jacobs*
SUBJECT: UPDATE - ROUTE 27 BRIDGE FUNDING

Good news! David Soule, Executive Director of MAPC telephoned this morning to inform me that Daniel Beagan, head of EOTC's Bureau of Transportation Planning & Development (BTP&D) has firmly committed to keeping the Route 27 Bridge at the FY'95 slot in the FY'95-97 TIP rather than moving it out to FY'96. In addition, he confirmed that Mike Swanson, head of EOTC under Secretary James Kersiotis, has earmarked funds for the design and construction of the bridge. This is the result of several meetings which have occurred since my last correspondence to you on 7/12/94.

EOTC was very displeased with the press coverage of the Route 27 bridge as I'm sure you could tell from all of the rebuttal statements issued in several publications. However, the spotlight on the Acton's bridge has caused EOTC to realize that it can no longer act unilaterally. Both MAPC and MMA will be closely watching the development of the final TIP through the flurry of meetings which will occur between now and the deadline for submission of the TIP to the EPA, mid-August. We hope to identify a mechanism that will firmly tie the monies from the bond bill to projects on the TIP. Ideally, both federal and non-federal funded projects will be listed in the TIP.

At our Executive Committee Meeting on 7/20/94, we decided to postpone our vote on the TIP to August so that we can benefit from the comments submitted by the communities in response to the distribution of the draft TIP. I spoke at length about the unique opportunity that MAPC and its member communities have in causing the development of a credible TIP for the first time since its inception. MassPort reiterated my concerns that the issue of credibility be at the forefront of any discussions on the process of developing and funding the TIP.

Acton has received a copy of the draft TIP for review and comment. Comments are due at MAPC by 8/11/94. If you need my assistance with this project, please let me know.

dw11*6



897-1001

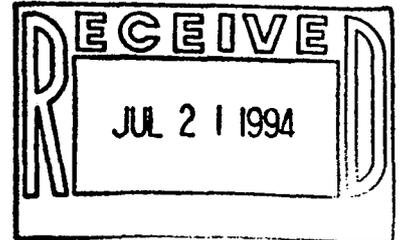
OFFICE OF THE

BOARD OF SELECTMEN

TOWN BUILDING

MAYNARD, MASSACHUSETTS 01754

CC: BOS



July 19, 1994

Mr. David Soule, Executive Director
MAPC
60 Temple Place
Boston, MA 02111

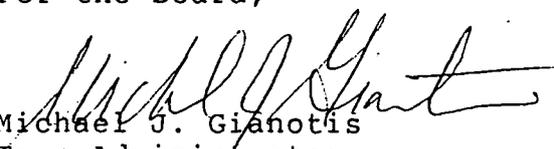
Dear Mr. Soule,

At last evening's Board of Selectmen's meeting, the Selectmen voted unanimously to vehemently object to the Draft TIP for Fiscal years 1995, 1996, and 1997. The reason for this is the diversion of funds to the Central Artery/Third Harbor Tunnel from worthwhile projects throughout the region, most importantly to Maynard, the Route 27 South Acton Bridge reconstruction. This project has continually been pushed back year after year. The need for reconstruction of this bridge is immediate. The economic vitality of the Acton, Concord, Maynard region depends upon this important access.

Additionally, Maynard continues to expend much needed taxpayers dollars in mutual aid fire protection to South Acton due to the weight limits on the bridge. The cost in money, but more importantly the potential cost in human life due to this situation cannot be tolerated. The Maynard Board of Selectmen are most upset at the continuation of this diversion and delay. The Board applauds MAPC and the MBTA Advisory Board for their vote in opposition to the Draft TIP for this reason.

Sincerely,

For the Board,


Michael J. Gianotis
Town Administrator

cc: Senator Durand
State Representative Evans
Town of Acton
MAGIC
Mass Highway

7/26/94 (12)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 22, 1994

***** CONFIDENTIAL *****

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Auto Auction

Garry Rhodes and Roland Bartl have been approached by representatives of the Auto Auction seeking indications of the Town's interest in a retail use they would like to pursue on their property. The proposal is for a 250,000 square foot shopping center. The package they propose would include the following elements:

1. The Auto Auction would assist the Town financially in our study of the expanded Kelley's Corner Study (including the land which encompasses their property).
2. They would provide a grade separated overpass at Route 2, probably at Piper Road, that would include access to Route 2. Apparently the location of the interchange is not of major concern to them. They originally suggested Hosmer Street, we suggested Piper Road.
3. They will need to construct a sewerage treatment plant for such a facility and they would be willing to construct it large enough to handle Kelley's Corner.

As the Board is aware, such a project would require a zoning change and there are some

significant pros and cons to be considered before we get to that point. Some issues to consider would include:

1. Should the Town hold out for uses that would be consistent with current zoning?
2. Would a large new shopping center cause major problems for existing small retail businesses?
3. If there was a significant negative impact on existing businesses would we find a major devaluation of existing properties that might offset any tax advantages of the new facility?
4. Is the possibility of realizing a grade separated interchange and sewers for Kelley's Corner sufficiently advantageous to offset other negatives?

Due to the sensitive nature of these negotiations at this time, I would like to discuss this with you in Executive Session on July 26 and receive your preliminary direction. The Auto Auction has even offered to meet with the Board and would apparently be willing to do so in public session after we have progressed a little further ... if we do progress.

cc: Garry Rhodes
Roland Bartl

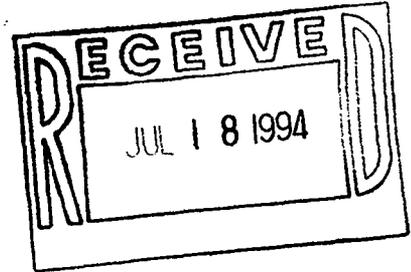
A handwritten signature in black ink, appearing to be 'Garry Rhodes', located to the right of the cc list.

cc: BOS

~~Town Mgr. Concern~~

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION



DATE: July 18, 1994

TO: Board of Selectmen
Don Johnson
Marcella Sultan

FROM: Cathy Belbin, Town Clerk *Cathy Belbin*

SUBJECT: Motor Voter Law

The governor has on July 10, 1994 signed into law Chapter 60 of 1994. This is the State budget. Section 205 of this chapter now makes certain provisions of the motor voter law (chapter 475 of 1993) effective on July 1, 1994.

This now repeals Chapter 51, Sections 27, 28, 29, 29A, 29B, and 30, no more special registration sessions are required before primaries and elections. Also effective immediately, there is no longer a need to have Saturday registrations before primaries and elections (section 31) and petitioned out of office sessions are now abolished (section 42B).

Until January, 1995, we will still have to have special registrations until 10 P.M. on the last day to register to vote for the state primary and the state election. We have scheduled these registrations for Tuesday, August 23rd and Tuesday, October 11th.

The Secretary of State's office has advised that we should make the mail-in forms available throughout the town, therefore they are now available at the Center Library, West Acton Library, Council on Aging, Police Station, Post office, supermarkets, Gould's, and banks in the Acton area. They can be mailed or dropped off at the clerk's office.

Beginning January, 1995, this law will allow citizens of voting age to register to vote at the Registry of Motor Vehicles, human service agencies and other sites designated by state and federal law.

SELECTMEN'S MEETING
JULY 12, 1994

Draft

The Board of Selectmen held its regular meeting on Tuesday, July 12, 1994 at 7:30 P.M. Present were Norman Lake, F. Dore' Hunter, William Mullin, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson, and Assistant Town Manager John Murray.
{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON
Massachusetts Avenue

F. DORE' HUNTER - Move to approve. WILLIAM MULLIN - Second.
UNANIMOUS VOTE.

BOSTON EDISON/NEW ENGLAND TELEPHONE
School Street

F. DORE' HUNTER - Move to approve with correction of misspelling of northeasterly. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

BOSTON GAS
Summer Street

NANCY TAVERNIER - Move to approve. F. DORE' HUNTER - Second.
UNANIMOUS VOTE.

CONSENT CALENDAR

F. DORE' HUNTER - Moved to accept the Consent Calendar with the addition of accepting a check from the Lions Club for \$1000.00, granting a \$100.00 donation from the Varnum Tuttle Fund, and to hold item #12 for discussion. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS
(Con't)

SANFORD MOTOR COMPANY
CLASS II LICENSE

Sanford Motor Co., 317 Central Street, Acton - Scott Sanford has purchased DJS Automotive from David Spellman and would like to apply for

the Class II license. No changes will be made to the site and Mr. Sanford understands that any proposals to change anything on site in the future will need to go before the Building Commissioner. Dore' and Nancy both spoke about problems with the existing site. Dore' stated he had heard that employees are popping clutches and squealing tires on pavement, and Nancy has noticed a collection of junk cars on site. Mr. Sanford assured the Board that there would be all new employees and that the junk cars would be removed. DORE' HUNTER - Move to grant Class II license to Sanford Motor Co. for the premises located at 317 Central Street. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**CONSENT AGENDA
(Con't)**

Item #12 - SAVOURY LANE - SITE PLAN SPECIAL PERMIT - Bill wanted to discuss the possibility of amending Sections 1.9 and 2.3 of the Site Plan Special Permit Decision. Section 2.3 deals with the length of the proposed fence. Dore' suggested the proposed rewording. Section 1.9 needed a clarification word inserted. F. DORE' HUNTER - Move to approve Site Plan Special Permit #4/15/94-345 with the proposed amendments. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**PUBLIC HEARINGS AND APPOINTMENTS
(Con't)**

**CINDY PATTON
BOARD OF HEALTH INTERVIEW**

Ms. Patton was present before the Board for the purpose of interviewing for an opening with the Board of Health. Each Board member asked Ms. Patton questions regarding mosquito spaying, tobacco issues, and septic systems. WILLIAM MULLIN - Move to appoint Cindy Patton as a full member for a three year term to the Board of Health. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

**PAPA GINO'S
LIQUOR VIOLATION HEARING**

Papa Gino's license holder or representative failed to appear before the Board as scheduled for tonight's meeting. F. DORE' HUNTER - Move to suspend Papa Gino's license until such a time that an appeal is made by Papa Gino's. WILLIAM MULLIN - Second. Discussion of the vote led to the conclusion that a policeman should hand deliver a second warning that if they do not appear at a second scheduled meeting that the Board will vote to suspend their license. F. DORE' HUNTER - Move to direct the Town Manager to send a second letter to the license holder of Papa Gino's and failure to show for the hearing will result in suspension of their license for an indefinite period of time. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

LANDMARK SIGN DESIGNATION - The Historic District Commission has asked the Board for approval to designate the "Exchange Hall" sign as a landmark sign. NANCY TAVERNIER - Move to approve request to designate sign as a landmark sign. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

1994 - 1995 COMMITTEE REAPPOINTMENTS - The Board reviewed the list provided by the Volunteer Coordinating Committee for reappointments to various Boards. F. DORE' HUNTER - Move to approve list provided by the VCC with amendments as noted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

DONALD HERSCOVITZ - NANCY TAVERNIER - Move to reappoint as representative to Lowell Regional Transit Authority for a three year term. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS (Con't)

ATLANTIC SEA GRILL LIQUOR VIOLATION HEARING

Mr. Ali Zosherafatain, owner of Atlantic Sea Grill was present at the Board's request to review a liquor license infraction. Mr. Zosherafatain stated that he is usually present during the lunch and dinner hours as an extra person who watches the whole restaurant. This particular day he was running late from fish purchasing and was not present to witness the incident. Mr. Zosherafatain stated that he held a meeting with all waitstaff the same night as the incident and that he instructed waitstaff to card everyone. The Board asked Mr. Zosherafatain if he presently sends employees to Alcohol training seminars. He stated he had not due to quick turnover of employees. The Board voiced their disapproval and instructed Mr. Zosherafatain to sign employees up. The Board also asked Mr. Zosherafatain if he had a written liquor policy for employees to view. He stated he had not. F. DORE' HUNTER - Move to take no action regarding this liquor license infraction and that Atlantic Seafood Grill provide the Board with a written liquor policy and that all employees attend a TIPS related seminar or similar program which must be achieved prior to the end of the license period. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

Don discussed the transportation improvement program with the Board. F. DORE' HUNTER - Move to join protest for the State taking away the funds for the South Acton bridge. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Don also discussed the progress of the traffic light at Post Office Square. He stated that it didn't look like it was going to be installed by the deadline.

The Board adjourned at 9:15 P.M.

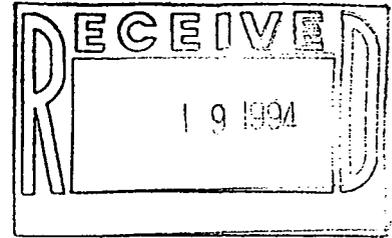
Clerk

Date

Sheryl Ball
Recording Secty.
cmjW11-(536)

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108



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

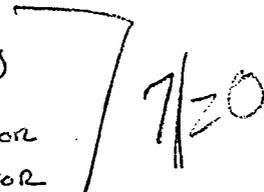
*Please
Process*

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

July 14, 1994

CC: Summary pages (1st + 2nd)

*BOS
Planning
Bldg
Assessor
collector*

A large handwritten bracket on the right side of the list, spanning from "Assessor" to "collector". To the right of the bracket, the date "7/20" is written.

Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through June.

If you have any questions, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Acheson H. Callaghan".

Acheson H. Callaghan

AHC/dcb

Enclosure

July 14, 1994

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100

FEDERAL I.D. NUMBER 04-21 70788

Town of Acton
P.O. Box 236
Acton, MA 01720

For professional services through June, 1994, as follows:

General Town Matters

Advice on various land matters, including Charter Road and Heathstone easements;	\$ 1,050.00
Advice on various zoning and subdivision issues, including non-conforming buildings, excavation in subdivision and U.S. Supreme Court decision on regulatory takings;	2,600.00
Research regarding personal property tax collection remedies, and miscellaneous other matters;	400.00

Litigation and Related Matters

Services on tax abatement matters;	875.00
Services in connection with collective bargaining and personnel matters;	4,400.00
Services in <i>Mobil Oil v. Board of Appeals</i> (appeal regarding sign);	450.00
Drafting discovery requests and answers in <i>James v. Acton</i> ; and	1,325.00
Miscellaneous services regarding agreement for traffic light for LMI.	<u>75.00</u>

TOTAL SERVICES \$ 11,175.00

FEES INCURRED BUT NOT POSTED PRIOR
TO THE BILLING DATE WILL APPEAR ON A
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

Disbursements

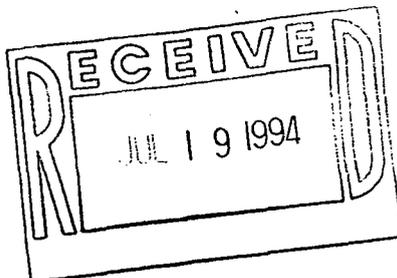
Duplication	\$ 50.20
Express delivery	24.20
Hand delivery	17.00
Official Fees	180.00
Telecopier	59.00
Telephone	26.53
Title and Title Insurance	35.00
Travel & Related Expenses	<u>33.00</u>

TOTAL DISBURSEMENTS \$ 424.93

AMOUNT DUE \$ 11,599.93



environmental engineers, scientists,
planners, & management consultants



CC: BOS
Full Report in RF
CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142-1403
617 252-8000

July 15, 1994

Ms. Lynne Jennings
Remedial Project Manager
J.F.K. Federal Building
Boston, MA 02203-2211

Dear Ms. Jennings,

Per your request, CDM has responded to Mr. Eisengrein's letter of April 7, 1994 and acknowledged his concern for simplicity and clear language in the development of CDM's 1994 Boiler Lagoon Risk Assessment document. In this letter, we have addressed each of his concerns by providing what we hope is a clear and direct answer to his questions. Mr. Eisengrein posed five questions on the first page of his letter:

1. What is risk assessment?
2. Why is an analysis being done again?
3. How is risk assessment achieved?
4. Where are the areas of risk?
5. How are cumulative risks achieved?

Mr. Eisengrein has also initiated answers to these questions to further our understanding of his knowledge and position on the subject.

1. What is Risk Assessment?

Risk assessment is the process by which site environmental data and site characteristics are evaluated to determine if contaminants present at a site may affect on-site or off-site human and ecological populations as a result of direct or indirect contact with the contaminated media. A risk assessment attempts to answer the following questions:

- A. Does contamination exist at a site which may affect people and the environment nearby?
- B. How likely is it that people may come in contact with these contaminants?, and
- C. What type of health effect(s) (non-cancer vs. cancer) may result from exposure to chemicals originating from the site?

These questions are generally answered following a five-step approach:

1. Identification of contamination,
2. Identification of exposed population (receptors),

Ms. Lynne Jennings
July 15, 1994
Page 2

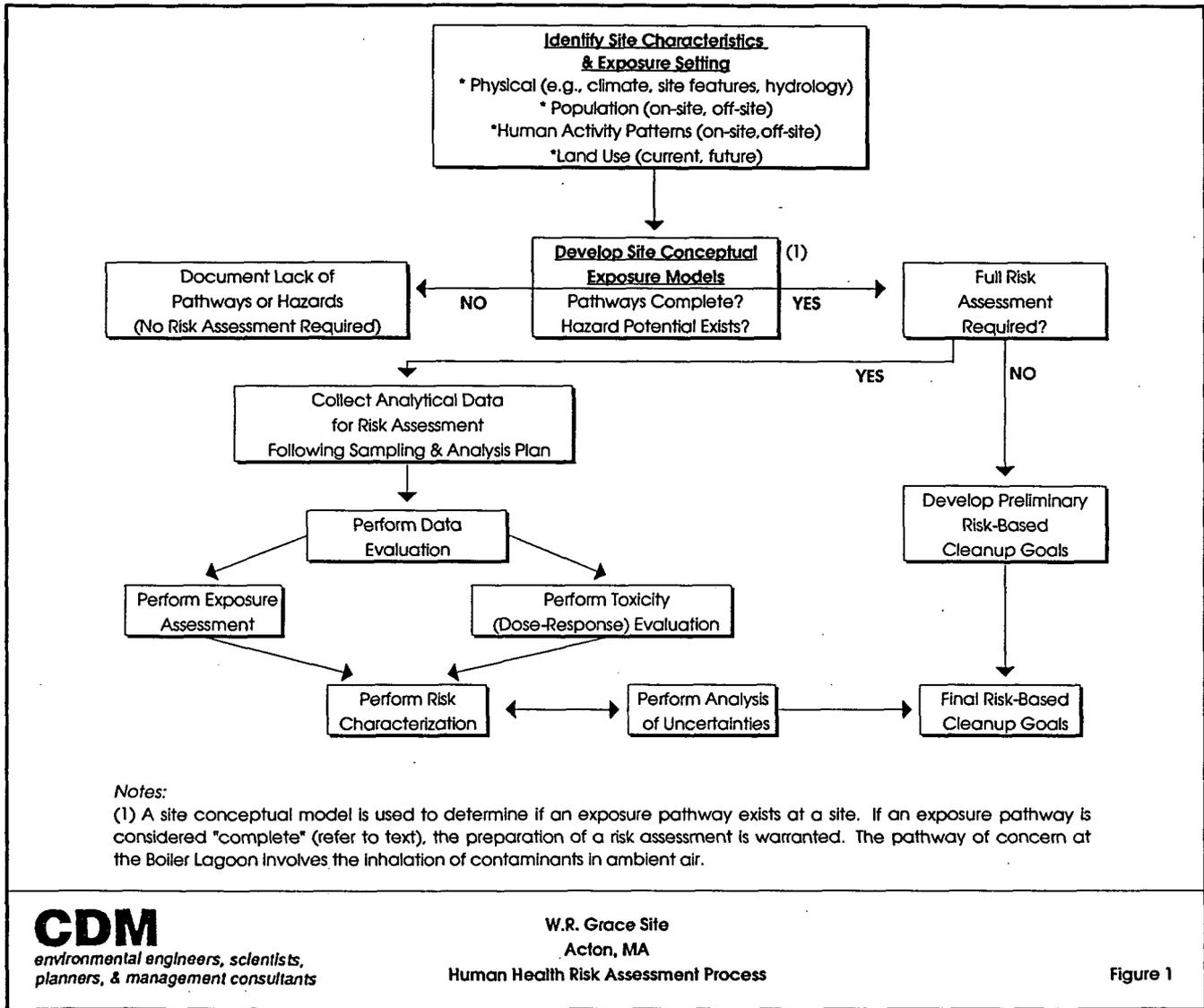
3. Identification of pathways (way of contact),
4. Derivation of chemical-specific doses (intakes) for the identified exposed population; and,
5. Estimation of the magnitude of non-cancer and cancer risk.

Figure 1 is presented to illustrate this process. The process begins with an evaluation of all available site data including population demographics and past and current site practices. This information serves as a basis in the determination of exposure pathways at a site. If a "complete" exposure pathway exists at a site, the preparation of a risk assessment is warranted. The complete pathway of concern for the Boiler Lagoon Risk Assessment at the W.R. Grace site involves the inhalation of contaminants in ambient air (of soil or sludge origin). The groundwater under the lagoon is within the aquifer restoration system capture zone and will be subject to post-closure monitoring and additional future study.

Data Evaluation. In this step the nature and extent of site contamination is identified following a careful evaluation of sampling and analysis results of environmental media at a site (i.e., soil, groundwater, air). Average and maximum concentrations are derived for every chemical detected and these chemicals are initially carried in the risk assessment. Generally, chemicals detected at low frequencies, low concentrations and/or at background concentrations are excluded from further risk evaluation. Only those chemicals frequently detected, known to be toxic at low concentrations, and/or detected at high concentrations are selected as chemicals of concern (COC) and further carried throughout the risk assessment.

Exposure Assessment. All human receptors with the potential for contact with chemicals of concern in the site media are identified in an exposure assessment. At the W.R. Grace site, on-site receptors include plant workers, while off-site receptors include nearby populations (e.g., residents). All environmental media which facilitate exposure to people (e.g., ambient air inhaled at a site) are also identified. Additional exposure information is also evaluated in this step, including: (1) relevant exposure routes (intake mechanisms) such as ingestion, inhalation or dermal contact, and (2) the mechanisms or ways by which chemicals move from the source through the media and finally to the exposed individual. All these elements combined constitute an exposure pathway. It is important to note that all these elements must be present in order to consider an exposure pathway complete for risk assessment. Only complete pathways are carried forward in a risk assessment.

Toxicity Assessment. In this step doses (or chemical intakes) are derived in order to come up with a risk estimate. In quantitative risk assessments, like the one prepared for the W.R. Grace Boiler Lagoon, a chemical-specific dose (intake) was calculated for each chemical of concern evaluated in the occupational and residential scenarios (i.e., associated with the inhalation of contaminants in ambient air only). Simply stated, a dose is defined as the amount of chemical taken in by a receptor. Chemical doses are calculated to assess pathways considered complete (see paragraph above). It is important to note that the calculated chemical dose is dependent upon a number of site-specific assumptions regarding human exposure conditions. The



Ms. Lynne Jennings
July 15, 1994
Page 4

following general dose equation is employed in quantitative human health risk assessments (involving the inhalation of airborne chemicals):

$$\text{Dose (mg/kg/day)} = \frac{\text{CA} * \text{IR} * \text{ET} * \text{EF} * \text{ED}}{\text{BW} * \text{AT}}$$

where:

CA = chemical concentration in air
IR = inhalation rate
ET = exposure time
EF = exposure frequency
ED = exposure duration
BW = receptor's body weight
AT = averaging time of exposure

Once doses are calculated for all chemicals evaluated in the risk assessment, dose-response information (provided by EPA) is compiled for every chemical of concern. Dose-response or toxicity information for non-carcinogenic chemicals takes the form of a reference dose (RfD), or a rough estimate of daily exposure to the human population that is likely to be without deleterious effects over a lifetime. This estimate is expressed in terms of milligrams of chemical/kilograms-body weight/day, or (mg/kg/day). Dose-response information for chemicals considered to be carcinogenic by the EPA is available in the form of a cancer slope factor (CSF), or an upper-bound estimate of the cancer risk as a result of a continuous lifetime exposure to a carcinogen. Both the RfDs and the CSFs are derived either from epidemiological studies involving humans or laboratory studies involving animals. This information can be obtained through EPA's Integrated Risk Information System (IRIS) an on-line database or EPA's Health Effects Assessment Summary Tables (HEAST) document.

Risk Characterization. In order to determine risks to human health, dose-response information (RfD or CSF) is combined with the calculated chemical-specific doses. The approach to risk estimation is presented below:

For non-carcinogens, the respective chemical-specific dose is divided by the chemical-specific RfD to come up with what is known as a Hazard Quotient (HQ) or chemical-specific non-carcinogenic risk. HQs are chemical-specific so that if only 10 chemicals are evaluated in a risk assessment, the risk assessor would calculate 10 HQs. All HQs are then summed (additive non-carcinogenic risk), to come up with a Hazard Index (total non-cancer risk estimate). Risks associated with a Hazard Index of 1 or less than 1 are not considered to be of concern with regards to non-carcinogenic effects to the exposed individuals.

For carcinogenic chemicals, the respective chemical-specific dose is multiplied by the chemical-specific CSF to come up with what is known as a chemical-specific cancer risk. Again, these are chemical specific, so that a chemical-specific cancer risk is calculated for every carcinogenic chemical evaluated. All these chemical-specific cancer risks are then summed (additive cancer risk) to come up with an Excess Lifetime Cancer Risk (ELCR) or total cancer risk estimate. Risks associated with an ELCR of less than or equal to 1×10^{-6} (one-in-a-million) probabili-

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ty are not considered to pose unacceptable cancer risks to the exposed individuals. If the estimated cancer risk exceeds an ELCR of one-in-a-million, the EPA allows the segregation of carcinogens by "target organ" such that all chemicals affecting specific body organs (e.g., stomach, liver) are pulled together and chemical-specific cancer risks are re-summed to determine the magnitude of total cancer risk by target organ.

Uncertainty Analysis. It is important to note that risk assessment is a very uncertain science based on a number of exposure assumptions and scientific information which may not always be representative of conditions at a site. For example, benzene, a common chemical in industrial settings and a component of gasoline, has been well studied. Some more complex compounds or "nutrient-type" metals (often times associated with high background or natural concentrations in the existing environment) have not been extensively evaluated as to their potential for adverse health effects. The use of sparse toxicological data may introduce an unquantifiable degree of uncertainty in the risk assessment.

The strength of a risk assessment heavily relies in the proper accounting of potential uncertainties. A risk assessment is only useful if the generated risk estimates are based on true site exposure conditions. It is important to understand that a risk assessment may not yield reliable risk estimates if there is a high degree of uncertainty associated with the mathematical inputs employed by the assessor.

Summary. The following exposure conditions form the basis of the W.R. Grace Boiler Lagoon risk assessment:

1. Given that adverse health effects documented for benzene are linked to inhalation exposures, air was evaluated as primary environmental and transport media of concern in the risk assessment. Other compounds present (primarily volatile organics) in the lagoon soil and sludge have also been evaluated.
2. Receptors of concern evaluated for the W.R. Grace site included plant workers (on-site) and the nearby public (off-site).
3. Based on the nature of the exposures and the toxicology of the chemicals of concern, three types of exposures (and subsequent risks) are generally evaluated: acute, subchronic, and chronic. Acute exposures are associated with effects imparted by a single dose or a small number of doses administered over time (usually less than 30 days). Subchronic exposures are usually considered as those occurring during any period greater than 30 days but less than 7 years. Chronic exposures are representative of those occurring during a period greater than or equal to 7 years.

The scope of the Boiler Lagoon Risk Assessment focused on the evaluation of risks as a result of short-term or acute exposures only (1 hour and 8 hour exposures).

4. Benzene, a known human carcinogen via the inhalation route of exposure, dominates or "drives" the total cancer risk estimate for acute exposures.

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2. Why is an Analysis Being Done Again?

The analysis was requested due to a change in site contamination conditions particularly at the Boiler Lagoon area. Benzene was identified in considerably higher concentrations (than those previously known on-site) in a sludge-like material not physically characteristic of any previously discovered. Because analytical data form the basis of a risk assessment, a significant change in data would most likely result in a different risk estimate.

3. How is Risk Assessment Achieved?

Risk assessment is achieved if adequate data exists to define the following:

- Nature and Extent of Contamination - This has been identified via the collection and analysis of over forty (40) soil and sludge samples collected at the Boiler Lagoon and analyzed in an off-site laboratory.
- Presence of a Complete Exposure Pathway - Site data and exposure conditions were evaluated to determine if a complete exposure pathway exists, further warranting the completion of a risk assessment. As discussed in the exposure assessment subsection, an air exposure pathway is believed to exist at the W.R. Grace site because all of the following components are present: (1) a source of contamination and a mechanism of release into the environment (soil/sludge; fugitive dust emission and/or volatilization into air), (2) an environmental transport medium (air), (3) receptors in contact with the contaminated medium (workers/public), and (4) a route of exposure at the exposure point (inhalation of chemicals in ambient air).
- Exposure Conditions with which to Calculate Doses and Estimate Risks - CDM has a clear understanding of the site exposure conditions as a result of the observation of current work practices at the W.R. Grace site. This understanding provides the assessor with important information on the duration of exposure and frequency with which the worker, for example, may come in contact with contaminants in the sludge and subsequently in the air. Likewise, the presence of off-site but nearby residents suggests the evaluation of a residential exposure scenario.

An understanding of exposure conditions at a site allows the assessor to use realistic dose calculation inputs to determine risk (see formula presented in the exposure assessment section).

- Health Effects Associated with Exposure to Chemical Concentrations in Ambient Air - In the absence of actual air quality data, mathematical models were employed by CDM to estimate average and maximum concentrations of chemicals in ambient air based on soil and sludge data. Only acceptable mathematical models were employed (including EPA-approved emission and dispersion models) in order to minimize the degree of uncertainty with this risk assessment step.

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The resulting concentrations were compared with literature toxicity data to determine possible health effects associated with these modeled concentrations. This type of analysis also relied on the use of available air standards, regulations and criteria. The exceedance of air standards triggered the completion of a human health risk assessment.

4. Where are the Areas of Risk?

The primary pathway contributing to risk has been identified as the inhalation pathway, where on-site workers (at Construction Products Building) and individuals off-site or at the property line (i.e., nearby public) may come in contact with contaminants volatilized from soil to ambient air, or adhered to fugitive dust.

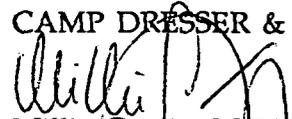
5. How are Cumulative Risks Achieved?

The method for deriving cumulative risks is briefly explained in the risk characterization section. Again, the approach to cumulative risk derivation involves the summation of chemical-specific risks to yield a total risk for each pathway evaluated (e.g., air, groundwater, soil). All pathway-specific risk values are summed to obtain one site risk value, which reflects risks via all routes. This is done separately for non-carcinogens and carcinogens. Because the air pathway is the only complete pathway at the Boiler Lagoon, cumulative non-cancer and cancer risks are only attributable to this pathway.

We trust this letter will serve as an introduction and background document to the overall understanding of risk assessment as a tool in predicting harm to human health and the environment. Please find enclosed a recent article entitled "The ABCs of Risk Assessment" obtained from the January/February/March 1993 edition of the EPA Journal published by the Office of Communication, Education, and Public Affairs. This article is considered to be an effective means of clarifying the role of risk assessment in a more simplistic language.

Very truly yours,

CAMP DRESSER & MCKEE


Millie Garcia, M.P.H.
Environmental Scientist

APPROVED:


Bruce Conklin, P.E.
Vice President

The ABCs of Risk Assessment

Some basic principles can help people understand why controversies occur

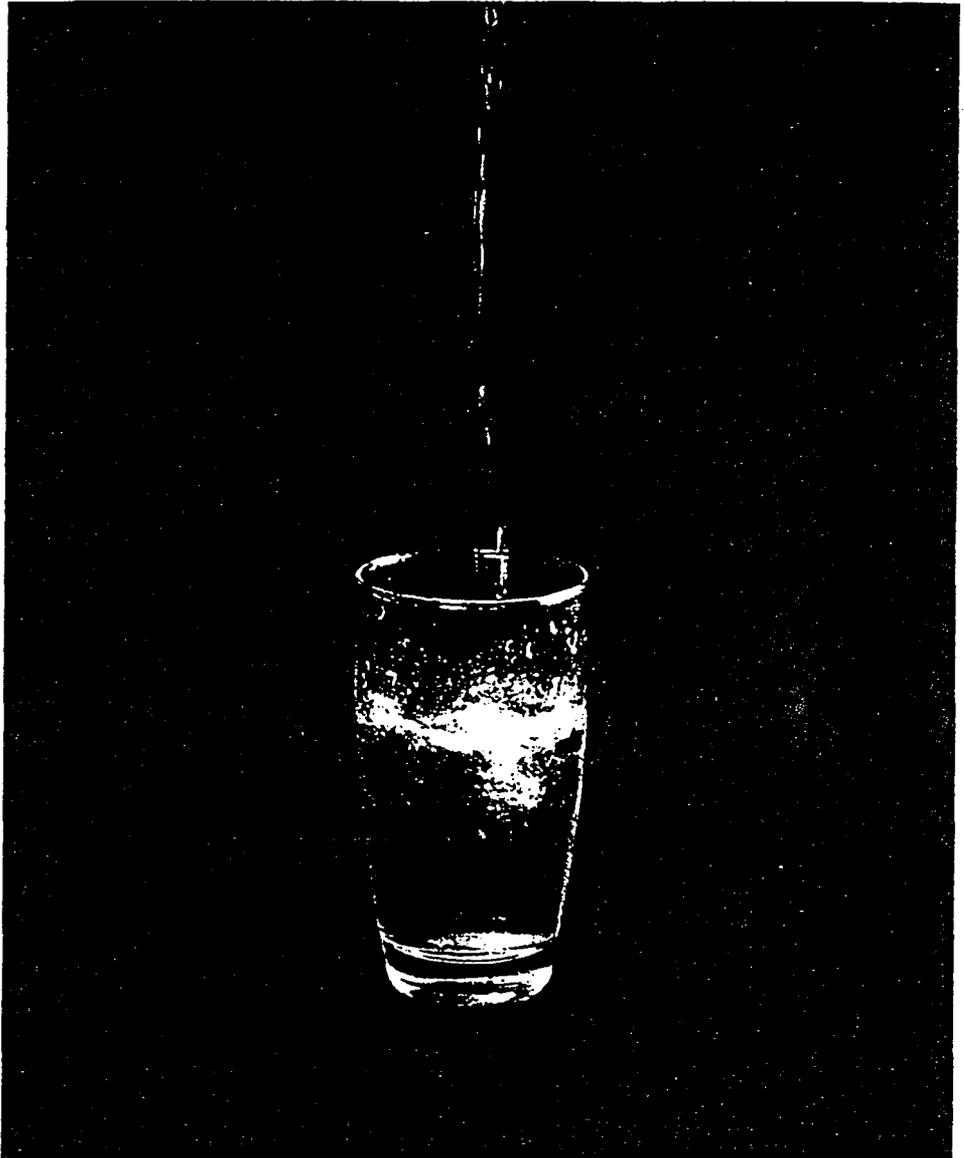
by Dorothy E. Patton

Risk assessment is a cornerstone of environmental decision making. Despite this role as the scientific foundation for most EPA regulatory actions, risk assessment means different things to different people—a point that comes across in subsequent articles in this issue of *EPA Journal*—and is thus a source of misunderstanding and controversy. Some points of controversy involve the interpretation of scientific studies. Others have to do with science policy issues. Still others center on distinctions between risk assessment and risk management.

The scope and nature of risk assessments range widely—from broadly based scientific conclusions about an air pollutant such as lead or arsenic affecting the nation as a whole to site-specific findings concerning these same chemicals in a local water supply. Some assessments are retrospective, focusing on injury after the fact—for example, the kind and extent of risks at a particular Superfund site. Others seek to predict possible future harm to human health or the environment—for example, the risks expected if a newly developed pesticide is approved for use on food crops.

In short, risk assessment takes many different forms, depending on its intended scope and purpose, the available data and resources, and other factors. It involves many different

(Patton is Executive Director of EPA's Risk Assessment Forum.)



Assessing the safety of drinking water is one possible use of risk assessment.

Mike Brisson photo.

disciplines and specialists with different kinds and levels of expertise, representing many different organizations. Moreover, risk assessment approaches differ somewhat in line with differences in environmental laws and related regulatory programs. (See box on

statutory mandates, page 15.)

Even with these differences, some features of the risk assessment process stand out as instructive principles that clarify and demystify the process for expert and novice alike. This article highlights these principles.

Risk Assessment and Risk Management

Risk assessment and risk management are closely related but different processes, with the nature of the risk management decision often influencing the scope and depth of a risk assessment. In simple terms, risk assessment asks, "How risky is this situation?" and risk management then asks, "What shall we do about it?" (For a feature on the interface between risk assessment and risk management, see page 35.)

Also, it is especially important to understand that *risk assessment* and *comparative risk analysis* for ranking environmental problems are not the same. (On distinctions between the two, see box on page 19, and for a more comprehensive discussion of comparative risk analysis, see article

beginning on page 18.)

I use the term "risk assessment," as the National Academy of Sciences (NAS) and EPA risk assessment guidelines have defined it for almost 10 years, to mean the process by which scientific data are analyzed to describe the form, dimension, and characteristics of risk—that is, the likelihood of harm to humans or the environment. Risk management, on the other hand, is the process by which the risk assessment is used with other information to make regulatory decisions.

Contributing Disciplines

What specific kinds of information are used for risk assessment? For risk management?

Environmental risk assessment is a multidisciplinary process. It draws on data, information, and principles from

many scientific disciplines including biology, chemistry, physics, medicine, geology, epidemiology, and statistics, among others. The feature distinguishing risk assessment from the underlying sciences is this: After evaluating individual studies for conformity with standard practices within the discipline, the most relevant information from each of these areas is examined together to describe the risk. This means that individual studies, or even collections of studies from a single discipline, are used to develop risk assessments, but they are not *in themselves* generally regarded as risk assessments, nor can they alone generate risk assessments.

One way to highlight differences between risk assessment and risk management is by looking at differences in the information content of the two

What's In a Number?

Risk values are often stated, in shorthand-fashion, as a number. When the risk concern is cancer, the risk number represents a probability of occurrence of additional cancer cases. For example, such an estimate for Pollutant X might be expressed as 1×10^{-6} , or simply 10^{-6} . This number can also be written as 0.000001, or one in a million—meaning one additional case of cancer projected in a population of one million people exposed to a certain level of Pollutant X over their lifetimes. Similarly, 5×10^{-7} , or 0.0000005, or five in 100 million, indicates a potential risk of five additional cancer cases in a population of 100 million people exposed to a certain level of the pollutant. These numbers signify incremental cases above the background cancer incidence in the general population. American Cancer Society statistics indicate that the background cancer incidence in the general population is one in three over a lifetime.

If the effect associated with Pollutant X is not cancer but another health effect, perhaps neurotoxicity (nerve damage) or birth defects, then numbers are not typically

given as probability of occurrence, but rather as levels of exposure estimated to be without harm. This often takes the form of a reference dose (RfD). A

RfD is typically expressed in terms of milligrams (of pollutant) per kilogram of body weight per day, e.g., 0.004 mg/kg-day. Simply described, a RfD is a

rough estimate of daily exposure to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a lifetime. The uncertainty in a RfD may be one or several orders of magnitude (i.e., multiples of 10).

What's in a number? The important point to remember is that the numbers by themselves don't tell the whole story. For instance, even though the numbers are identical, a cancer risk value of 10^{-6} for the

"average exposed person" (perhaps someone exposed through the food supply) is not the

same thing as a cancer risk of 10^{-6} for a "most exposed individual" (perhaps someone exposed from living or

working in a highly contaminated area). It's important to know the difference. Omitting the qualifier "average" or "most exposed" incompletely describes the risk and would mean a failure in risk communication.

A numerical estimate is only as good as the data it is based on. Just as important as the *quantitative* aspect of risk characterization (the risk numbers), then, are the *qualitative* aspects. How extensive is the data base supporting the risk assessment? Does it include human epidemiological data as well as experimental data? Does the

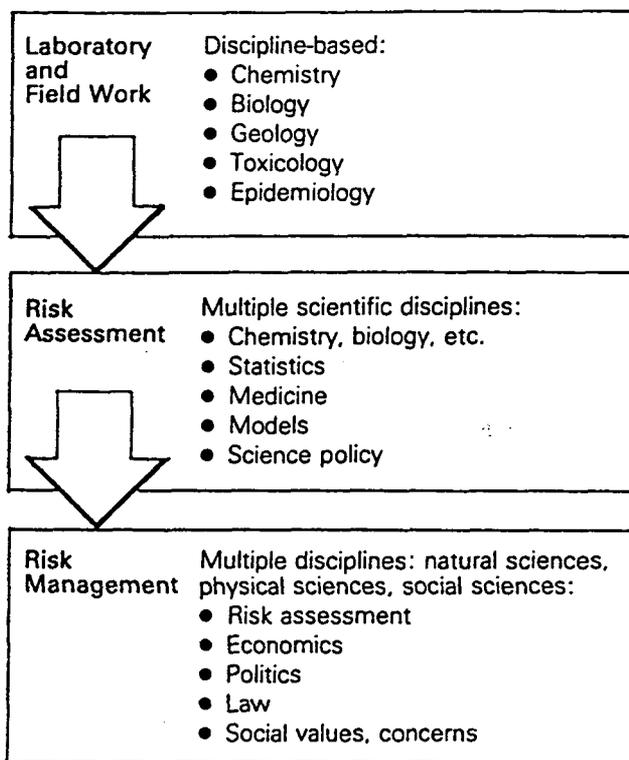
laboratory data base include test data on more than one species? If multiple species were tested, did they all respond similarly to the test substance? What are the "data gaps," the missing pieces of the puzzle? What are the scientific uncertainties? What science policy decisions were made to address these uncertainties? What working assumptions underlie the risk assessment? What is the overall confidence level in the risk assessment? All of these qualitative considerations are essential to deciding what reliance to place on a number and to characterizing a potential risk. —Eds.

1×10^{-6}

10^{-6}

0.000001

Disciplines Contributing to Environmental Decisions



processes. What kinds of information, then, are used for risk management but *not* for risk assessment? In general EPA practice, data on technological feasibility, on costs, and on the economic and social consequences (e.g., employment impacts) of possible regulatory decisions are critically important for risk management, but not for risk assessment. To the extent called for in various statutes, risk managers consider this information *together with* the outcome of the risk assessment when evaluating risk management options and making environmental decisions. (See chart on how disciplines are used, this page.)

The NAS Paradigm

The risk assessment paradigm put forward by NAS in a 1983 publication called *Risk Assessment in the Federal Government: Managing the Process* (or colloquially, the "Red Book," ding to its cover) provides a useful system for organizing risk science information from these many different

sources. Moreover, in the last decade, EPA has used the basic NAS paradigm as a foundation for its published risk assessment guidance and as an organizing system for many individual assessments. The paradigm defines four "fields of analysis" which describe the

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Rarely is there a single
"answer" to an
environmental risk
assessment question.

□

use and flow of scientific information in the risk assessment process. (See process chart, page 13.)

One virtue of this system of analysis is clarity: The paradigm makes the risk assessment process accessible so that scientists, regulators, lawyers, journalists,

educators, and committed laypersons can use the paradigm as a relatively simple frame of reference for understanding where and how the data, scientific principles, and science policies have been used in any risk assessment developed in line with the paradigm. (Even where the paradigm is not explicitly used—e.g., certain climate issues—the same kinds of questions are studied to evaluate potential risk.)

The following discussion walks through the four fields of analysis. Note at the outset that each phase employs different parts of the information base. For example, hazard identification relies primarily on data from the biological and medical sciences. The dose-response analysis then uses these data in combination with statistical and mathematical modeling techniques, so that the second phase of the risk analysis builds on the first.

- *Hazard Identification.* The objective of hazard identification is to determine whether the available scientific data describe a causal relationship between an environmental agent and demonstrated injury to human health or the environment. In humans, the observed injury may include such effects as birth defects, neurologic effects (nerve damage), or cancer. Ecological hazards might result in fish kills, habitat destruction, or other effects on the natural environment.

Information on the agent responsible for the effects may come from laboratory studies in which test animals were deliberately exposed to toxic materials, or from other sources such as chemical measurements in the workplace. In addition, studies on a pollutant's effects on genetic material or metabolism, and comparison of such effects in humans and experimental test systems, may be part of the analysis.

The principal question is whether data from populations in which effects and exposure are known to occur together suggest a potential hazard for other populations under expected conditions of exposure to the agent under study. If a potential hazard is identified, three other analyses become important for the overall risk assessment, as discussed below.

- *Dose-Response Relationships.* The dose-response analysis is designed to establish the quantitative relationship between

exposure (or dose) and response in existing studies in which adverse health or environmental effects have been observed. The dose-response analysis is based mainly on two extrapolations. One extrapolation uses the relatively high exposure levels in most laboratory studies (or, for example, human studies at relatively high workplace levels) to estimate the probable magnitude of the effect in the same population at lower environmental levels where little or no data are available.

The other extrapolation entails looking for the expected level of response in humans, or in animals or plants in nature, based on comparisons of data from laboratory and natural test systems. As explained later, each extrapolation involves numerous scientific uncertainties and assumptions, which in turn involve policy choices.

The number produced in the dose-response analysis—perhaps a cancer risk value or a reference dose (see article on noncancer effects on page 30)—is sometimes regarded as a risk assessment because it describes important information from animal and human studies. Under the NAS paradigm and in most EPA practice, however, risk assessment is complete only when human exposure assessment information is joined with dose-response analysis and all relevant information to characterize the risk.

- *Exposure Analysis.* The exposure analysis moves the assessment from the study of known populations (laboratory or epidemiologic) in which dose (exposure) and response occur together, to the task of identifying and characterizing exposure in other potentially exposed populations. These populations may be as general as the nation as a whole for certain widely distributed materials (e.g., contaminated food), or as limited as certain occupation or user groups (e.g., pesticide applicators). Questions raised in the exposure analysis concern the likely sources of the pollutant (e.g., incinerator discharge, factory effluent, pesticide application), its concentration at the source, its pathways (air, water, food) from the source to target populations, and actual levels impacting target organisms.

Exposure analysis relies on many different kinds of information, some

based on actual measurements and some developed using mathematical models. Measurements of the kind and quantity of a pollutant in various environmental media and, when available, in human, plant, and animal tissues are used to project expected exposure levels in individuals, populations, or both. The

□

Risk assessment asks, "How risky is this situation?" and risk management then asks, "What shall we do about it?"

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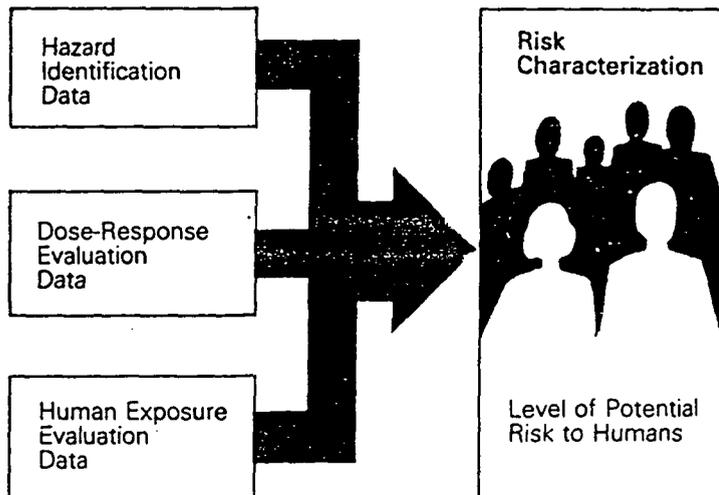
exposure analysis also develops "lifestyle" data to identify and describe populations likely to contact a pollutant. For example, if a chemical that causes birth defects in test animals contaminates tomatoes, the exposure analysis would consider such "lifestyle" information as the number of women of childbearing

age who eat tomatoes, how often they eat this food, and in what quantities. To complete the exposure analysis, the lifestyle information is combined with information on how much chemical, probably measured at very low levels, remains in tomatoes when sold for consumption.

If the estimated exposure for an environmentally exposed population is significantly smaller than the lowest dose producing a response in the study population, the likelihood of injury to exposed humans is smaller; if the estimated exposure is significantly greater than the lowest dose, then the likelihood of injury is greater.

- *Risk Characterization.* Although each of the preceding analyses examines all relevant data and information to describe hazard or dose-response or exposure, under the 1983 paradigm none reaches conclusions about the overall risk. That task is reserved for the final analysis, where important information, data, and conclusions from each of the preceding analyses are examined together to characterize risk—that is, to fully describe the expected risk by examining the exposure predictions for real-world

Risk Assessment Process



**"HOLD THE MEAT—NO, THE CHICKEN—WAIT
—HOLD THE FISH—WHAT HAVE YOU GOT
IN THE WAY OF UNSPRAYED VEGGIES?"**



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conditions in light of the dose-response information from animals, people, and special test systems.

Risk characterization—the product of the risk assessment—is *much more* than a number. (See box on page 15.) While the risk is often stated as a bare number—for example, “a risk of 10^{-6} ” or “one in a million new cancer cases”—the analysis involves substantially more information, thought, and judgment than the numbers express. These factors take us behind the simple structural framework that the NAS paradigm rides into a complex world of scientific uncertainties, assumptions, and policy choices. As discussed below,

revisiting the NAS paradigm with these conceptual principles in mind sheds new light.

Uncertainties and Policy Choices

Scientific uncertainty is a customary and expected factor in all environmental risk assessment. Measurement uncertainty refers to the usual variance that accompanies scientific measurement such as the range (10 ± 1) around a value. Another kind of uncertainty refers to data or information gaps—that is, information needed but unavailable for any particular assessment. Sometimes the data gap exists because specific measurements or studies that would complete an

assessment are missing; sometimes the data gap is broader, referring to a fundamental lack of understanding about a scientific phenomenon.

The 1983 paradigm and EPA risk assessment guidelines stress the importance of identifying uncertainties and presenting them as part of risk characterization.

In ordinary scientific practice, scientific uncertainties describe new data needs and stimulate further research, with questions remaining open until research provides needed information. Like traditional science, environmental risk assessment invariably identifies new data needs and generates recommendations for additional research.

However, “state-of-the-art” limitations on risk methods, resource limitations, and statutory timetables for regulatory decisions often require EPA as well as other participants in the regulatory process (other governmental agencies, industry, environmental groups) to complete risk assessments in the face of data gaps and other scientific uncertainties. As a result, “science policies”—that is, technically reasonable positions assumed in lieu of scientific data—may be developed to address some of these uncertainties. Some familiar policies relate to use (or nonuse) of animal data to predict human risk, models used to quantify or project cancer risk, and the size of uncertainty factors for health effects other than cancer.

Variability, Misunderstanding, and Controversy

Variability is an often overlooked but important feature of the risk assessment process. Reasons for variability in risk assessment should be obvious from the preceding discussion. The need to use data from many different disciplines, characterized by data gaps and uncertainties, is one source of variability. Assumptions and policy choices spanning a spectrum of scientific theses about the nature of incompletely understood biological processes is another. These diverse elements can lead to diverse results, an outcome that leads to misunderstanding and seeds many risk assessment controversies.

Controversy might be less strident if practitioners and observers recognized that varying interpretations of the scientific information may lead to a range of science-based descriptions of risk for

any particular situation. In addition, depending on data selected, scientific assumptions, policy calls and practices, different experts or organizations may describe risk differently. For example, a single data set, applied to different populations with different assumptions, may result in different numerical risk estimates for a single chemical. However, if the risk characterization identifies data and science policy choices, apparently inexplicable inconsistencies may be recognized as responsible, reasonable descriptions of different aspects of the

same problem. The risk characterization process can also aid identification of less responsible, less reasonable descriptions of the problem.

Perhaps this clarifies some of the reasons for misunderstanding and controversy. Rarely is there a single "answer" to an environmental risk assessment question. The risk assessment process has an enormous capacity to expand and contract in line with the available data, science policies, and problems. When risk management information, options, and decisions are examined along with the risk assessment,

opportunities for variability, misunderstanding, and controversy are even greater.

The task is to look behind the process, always keeping in mind the multiple sources of information, the several kinds of scientific analyses, and the related uncertainties and science policy choices that shape each assessment. A related task is to remember that risk assessment and risk management are equally important but different processes, with different objectives, information content, and results. □

Some Statutory Mandates on Risk

EPA is responsible for implementing roughly a dozen major environmental statutes. These laws generally do not prescribe risk assessment methodologies. However, many environmental laws do provide very specific risk management directives, and these directives vary from statute to statute. Moreover, in certain statutes (such as the Clean Air Act) different sections of the law set forth different risk management mandates.

Statutory risk management mandates can be roughly classified into three categories: pure risk; technology-based standards; and reasonableness of risk balanced with benefits.

Pure-Risk Standards

Pure-risk standards (sometimes termed "zero-risk") are mandated or implied by only a few statutory provisions. Two examples in this category:

- The "Delaney clause" of the Federal Food, Drug, and Cosmetic Act prohibits the approval of any food additive that has been found to "induce cancer" in humans or animals. (See articles beginning page 39 on the ongoing controversy concerning the Delaney clause.)
- The provisions of the Clean Air Act pertaining to national ambient air quality standards call for standards for selected pollutants that "protect the public health allowing an adequate margin of

safety"—i.e., that assure protection of public health without regard to technology or cost factors.

Technology-Based Standards

Technology-based environmental standards direct the Agency to focus on the effectiveness and costs of alternative control technologies rather than on how control actions could affect risks. Technology-based controls are considered appropriate to certain kinds of problems, such as industrial water pollution, where the installation of a single control system can reduce risks from a variety of different pollutants.

Consider the several technology-based standards in the Clean Water Act: The Act requires industries to install several levels of technology-based controls for reducing water pollution. These include "best practicable control technology," "best conventional technology," and "best available technology economically achievable" for existing sources. New sources are subject to the "best demonstrated control technology." Total costs, age of equipment and facilities, processes involved, engineering aspects, environmental factors other than water quality, and energy requirements are to be taken into account in assessing technology-based controls.

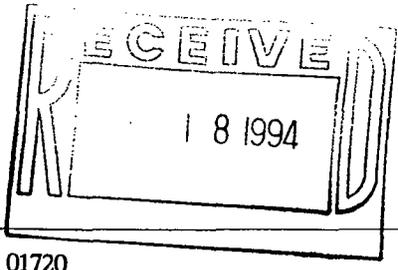
"No Unreasonable Risk"

A number of statutes require a balancing of risks against benefits in making risk management decisions. Two examples in this category:

- The Federal Insecticide, Fungicide, and Rodenticide Act requires EPA to register (license) pesticides which, in addition to other requirements, it finds will not cause "unreasonable adverse effects on the environment." The phrase refers to "any unreasonable risks to man or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide."
- Under the Toxic Substances Control Act, EPA is mandated to take action if it finds that a chemical substance "presents or will present an unreasonable risk of injury to health or the environment." This includes considering the effects of such substance on health and the environment and the magnitude of the exposure of human beings and the environment to such substance; the benefits of such substance for various uses and the availability of substitutes for such uses; and the reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small businesses, technological innovation, the environment, and public health.

—Eds.

cc: BOS



Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals DATE: July 15, 1994
 FROM: Roland Bartl, AICP, Town Planner *R.B.*
 SUBJECT: Hearing #94-13, Mr. LaFoley, Acton Supply Inc.

It remains a bit of a mystery for what signs exactly the variances are requested. But I can comment in general terms:

1. Concerning the request for relieve from 7.2.5, I feel it is necessary to understand that this provision is one of the key tools designed to gradually eliminate non conforming signs. This provisions accomplishes this goal without much pain since new businesses generally mean new signs anyhow. It would be unwise to begin eroding this regulatory device by granting variances, unless there is clearly a hardship case that can withstand the test of the language in Chapter 40A.
2. Concerning both requests for relieve from 7.2.5 and 7.7.7, it would appear that the special permit provisions under 7.12 might more appropriately be employed to see if the requested signs can be allowed. There are hardly any true cases of hardship associated with signs for which a variance could be justified. It is in part for this reason, that the zoning bylaw provides for variations and flexibility through special permits.

xc: Planning Board
Don P. Johnson ✓

ridc.94*48

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals

DATE: July 18, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*

SUBJECT: Hearing #94-15, Arlington St., Charter Rd., Town of Acton

The proposed sidewalk is a Planning Board condition of approval on the new subdivision "Perkins Lane" shown on the sidewalk plan on the opposite side of Arlington Street.

The proposed sidewalk extends the existing sidewalk which leads to Hayward Road. Sidewalks also exist along Arlington Street from Hayward Road into West Acton Village, and via Elm Street to the Douglas and Gates Schools, and along Hayward Road to the regional schools complex. The proposed sidewalk segment is an addition to the existing network. With its completion there will be a continuous sidewalk from Agawam Road to both the school facilities.

Construction of this segment is consistent with the Sidewalk Plan adopted by the Board of Selectmen in the late 1980s and reaffirmed by the Town of Acton 1991 Master Plan.

xc: Planning Board
Don P. Johnson ✓

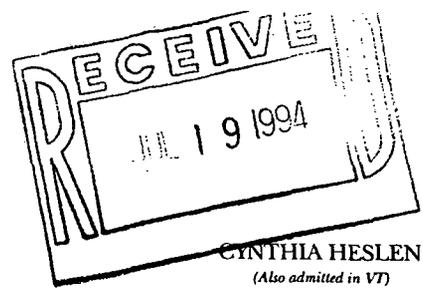
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cc: BOS

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WILLIAM H. BRACK
(Also admitted in DC)

July 15, 1994

Town of Acton
Town Hall
Acton, MA 01720
ATTENTION: Don Johnson

Dear Don:

Anderson & Kreiger recently completed a review of its rate structure and expenses ~~billing schedule with the following results:~~

We have determined that there will be no increase in our hourly rates during calendar year 1994.

Our policy concerning the billing of expenses continues to be actual out-of-pocket cost with no markup. Effective this month, however, there will be a modest increase in per-page photocopy costs. This increase reflects Anderson & Kreiger's increased costs in copier equipment and supplies. The new charge will be \$.10 per page.

Charges for faxes will be simplified. As of July 1, we will no longer charge clients for incoming fax transmissions or for outgoing long-distance fax transmission charges. Outgoing fax transmissions will be charged at the uniform rate of \$.25 per page.

We look forward to continuing to provide professional service of the highest quality. Please do not hesitate to contact our Manager, Jane Peterson, if you have any questions regarding these changes. Thank you.

Sincerely,

ANDERSON & KREIGER

cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: July 18, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*

SUBJECT: Proposal for Land Bank Predevelopment Assistance Funding

On 6/17 Donna Jacobs sent you a proposal to apply for above funding to help us develop preliminary engineering plans for a smaller scale South Acton wastewater collection and treatment facility as investigated in the SEA June 1993 feasibility study. You have since indicated that you would like me to draft a funding proposal. However I have not so good news.

Donna has attended the Land Bank's pre-application seminar and I have spoken with Robert Baker, Director of Development at the Land Bank. Following these informative and frank discussions, I have now concluded that our application would be a wasted effort.

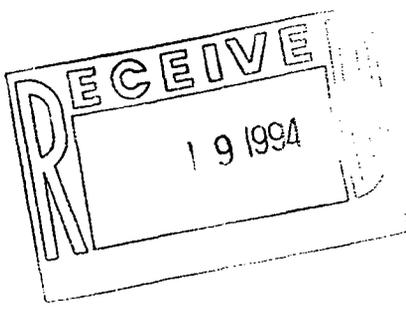
To start with, we cannot meet the most heavily weighted threshold requirement: Acton (as none of the surrounding communities) is neither on the MISER (Mass. Institute of Social & Economic Research, UMass) index of communities in high and medium distress areas, nor is Acton located in an Economic Target Area (ETA) as designated by the State. With this "geographic handicap" our chances are virtually zero. Last year the Land Bank funded one out of every three eligible applications (that met all criteria), and, according to Baker, the situation will be even more competitive this year. Applications, which do not meet the criteria are placed automatically at the bottom of the list.

Mr. Baker suggested to focus our efforts and resources on the CDGB Small Cities Program. I concur and will not write an application.

If you have any questions regarding this matter, please call me before July 25 or speak to Donna thereafter.

ridc.94*51

cc: BOS - FYI



cc: BOS

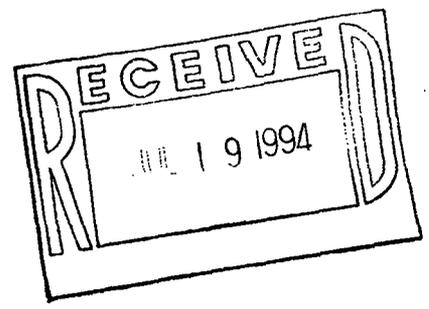
Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 263-9107

FAX (508) 264-0148

COMMISSIONERS MEETING
WATER SUPPLY DISTRICT OF ACTON
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720



JULY 25, 1994

AGENDA:

7:30 P.M. CALL TO ORDER

7:31 P.M. COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING JUNE 27 1994

NEW BUSINESS

WARRANTS & COMMUNICATIONS

LAND GIFT TO DISTRICT

D.E.P. - WATER WITHDRAWAL PERMIT

WATER WORDS NOTICE

RULES AND REGULATIONS UPDATE

GROWTH COMMITTEE - COMMISSIONER PARENTI

FORMERLY GRACE #3 SITE - NOW ASSABET #3 -
SITE INSPECTION

OLD BUSINESS

CONANT MARKER

OFFICE BUILDING

RETIREMENT BILL

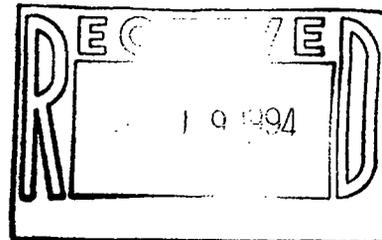
SALE OF LAB EQUIPMENT

BLOCK WATER RATES

RON PEABODY - CARLISLE ROAD

cc: BOS

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720



NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9415

Date of mailing: 7/19/94

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

**Town of Acton
18 Windsor Avenue

{ Replacement of door with
door of different dimensions
and material

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

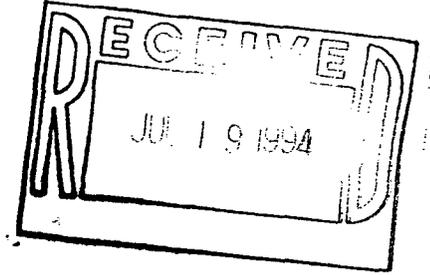
Address

James H. Gato, Sec.
Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9416



Date of mailing: 7/19/94

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Thomas & Heidi Sikina
95 Main Street

Proposed alteration

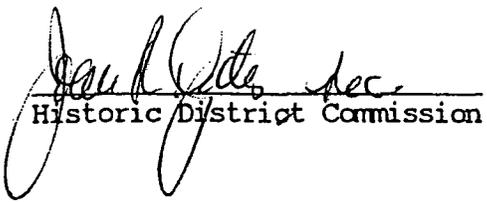
{ Re-roofing, and adding
low-profile ridge vent
full length of gables.

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address



Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9419



Date of mailing: 7/19/94

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Evelyn & Alfred Olschewski
77Nagog Hill Road

Proposed alteration

{ Replacement of steps
and addition of railing
to side porch

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

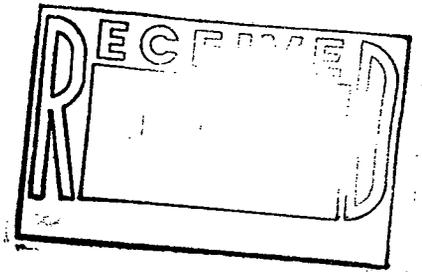
Address



Historic District Commission



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053



SENATOR ROBERT A. DURAND

MIDDLESEX AND WORCESTER
DISTRICT
ROOM 413D
TEL. (617) 722-1120

COMMITTEES:

- NATURAL RESOURCES AND
AGRICULTURE (CHAIRMAN)
- WAYS AND MEANS
- TRANSPORTATION
- STATE ADMINISTRATION

July 15, 1994

Mr. Norm Lake
Board of Selectmen
Acton Town Hall
Main Street
Acton, Ma 01720

Dear Mr. Chairman and Members of the Board,

Enclosed please find a copy of a letter that I sent to Senator Birmingham on the subject of the Transportation Bond Bill.

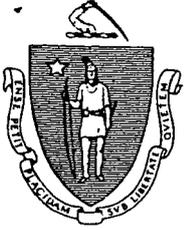
As you know, there have been attempts to divert the monies for long awaited bridge repairs to pay for cost overruns of the Central Artery project. I will continue to fight against this diversion, and work toward full funding for Acton's bridge project.

I am happy to be of assistance. Please do not hesitate to contact me again regarding this or any other matter.

Very truly yours,

ROBERT A. DURAND
State Senate

*Sen Durand's office
called 7/19/94 and
stated that the bridge
would remain on its "current schedule".
I have asked them to confirm actual dates*



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

SENATOR ROBERT A. DURAND
MIDDLESEX AND WORCESTER
DISTRICT
ROOM 413D
TEL. (617) 722-1120

COMMITTEES:
NATURAL RESOURCES AND
AGRICULTURE (CHAIRMAN)
WAYS AND MEANS
TRANSPORTATION
STATE ADMINISTRATION

July 15, 1994

Senator Thomas M. Birmingham
Chairman, Senate Committee on Ways and Means
Room 212, State House
Boston, MA 02133

Dear Senator Birmingham,

I am writing about an urgent matter with regard to the Transportation Bond Bill, currently before the Committee.

It has come to my attention that a substantial amount of federal transportation monies originally slated for bridge projects in Acton, Hudson, and other towns has been diverted to support the Central Artery\Third Harbor Tunnel project. I would like to reiterate my strong support for funding in the bond bill to support two desperately needed bridge projects in Acton and Hudson.

The South Acton bridge on Route 27 in Acton has been in need of repair for at least ten years, requiring a detour of trucks, fire trucks, and buses away from a main thoroughfare. The project was slated to go out to bid this fall, and has been long anticipated by town officials and residents. The cost has been estimated at \$1.2 million.

Hudson was set to receive \$560,000 in federal monies for a bridge on Chapin Street. In fact, the town had already invested \$150,000 of its own money for the design work on this bridge.

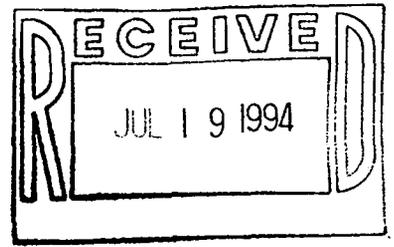
The diversion of money from these projects to the Central Artery project is patently unfair. The Metropolitan Area Planning Council must honor its commitments, and if not, the state must step in with funding from the Transportation Bond Bill.

Thank you for your consideration of this request. Please do not hesitate to contact me again regarding this or any other matter.

Very truly yours,


ROBERT A. DURAND
State Senate

cc: BOS



5 Betsy Ross Circle
Acton, MA 01720

July 18, 1994

Mr. Donald Johnson
Town Manager
472 Main Street
Acton, MA 01720

Dear Mr. Johnson:

I read with interest the banner headline in The Beacon for July 14: "Railroad bridge sidetracked by artery project."

You and other Town officials are so distraught.

Mr. Johnson, you have a blessing in disguise. For you and all those other folks who think the South Acton bridge should be rebuilt the answer is obvious: Don't continue to lament the trouble of pouring funds into maintaining that bridge. Put the money into tearing it down and saving untold millions in the future.

The bridge is an eyesore. It is not natural. It is man-made and always going to be a rickety monstrosity. Get rid of it and a major problem as well.

There is no bridge in West Acton Village and the same number of trains pass that crossing and everyone gets along without too much hassle.

Acton, State and Federal monies from taxpayers to maintain that bridge is money down a rat hole.

There has been so much delay in the repair of that bridge that it should be obvious to all involved that repair of the bridge is NOT the way to go. And eliminate untold problems connected with it. This should be an easy decision.

Respectfully,

A handwritten signature in cursive script that reads "Howard F. Canning".

Howard F. Canning

DON

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/20/94

TO: Tom Tidman, Conservation Administrator

FROM: David F. Abbt, Engineering Administrator

D. Abbt

SUBJECT: Temporary Siltation Basins for the Concord Road
Nashoba Brook Bridge Replacement

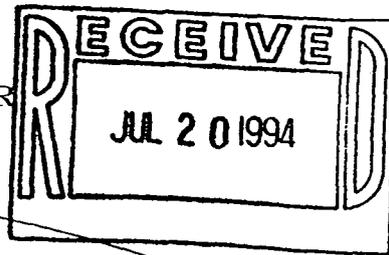
The enclosed "red-line" plan shows proposed temporary diked siltation basins with peastone filter outlets. Our plan is to pump silty water from within the coffer dams into these basins for settling prior to discharge to Nashoba Brook. The culverts will be installed sequentially so that the flow of Nashoba Brook will not be interrupted.

Please call if you have any questions.

cc: BOS - FYI
RE CONCORD RD. BRIDGE

cc: Richard Howe, Highway Superintendent
Don P. Johnson, Town Manager ✓

PATRICIA FONDA SAWYER
127 CONCORD ROAD
ACTON, MASSACHUSETTS 01720



cc: BOS -

ANOTHER STEP IN OUR "NEGOTIATIONS!"

July 20, 1994

A handwritten signature in cursive script that reads "Don". It is written below the date and is partially enclosed by a hand-drawn oval.

Dear Don,

It is imperative that the holding pond which is filled with the Town road silt etc., be cleaned out by the Town no matter if they are building a bridge or not.

Yesterday Tom Tidman, Dennis Ring and Doug Halley's assistant came down here and witnessed hundreds of cray fish dead and dying in the holding pond near the street, in the stream and in the two ponds at my house. All of this feeds into Nashoba Brook. A water sample was taken.

I feel that this "silt" area has finally be come toxic and must be cleaned out.

It has been verbally agreed over the last five years by all own agencies, that when the bridge was built it would be the ONLY time the Town would be able to get equipment in there to do the cleaning AS mentioned in our meeting of last Monday, this is possible.

The work is beginning now so I hope this can be resolved.

Sincerely,

A handwritten signature in cursive script that reads "Pat". It is written below the word "Sincerely,".

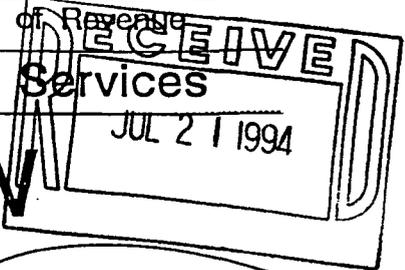


Commissioner
 Mitchell Adams
 Deputy Commissioner
 Leslie A. Kirwan

Massachusetts Department of Revenue

Division of Local Services

BULLETIN



CC: BOS -
 ... AND WE CAN'T
 GET ANY HELP TO
 PUT SEWERS IN...

July 15, 1994

TO: Mayors, City Managers, Selectmen
 Treasurers, Auditors and Accountants
 FROM: *Leslie A. Kirwan*
 Leslie A. Kirwan, Deputy Commissioner
 RE: Sewer Rate Relief Fund

=====

The Commonwealth Sewer Rate Relief Fund was established in 1993 by section 2Z of Chapter 29 of the Mass. General Laws. The two major changes for FY95 are:

- * Distribution of funds to cities, towns and sewer authorities will be based on debt service for debt issued after January 1, 1991 (as opposed to January 1, 1992 in the FY94 program).
- * The appropriation for FY95 is \$40,000,000 (compared to \$30,000,000 in FY94).

The Division of Local Services, in consultation with the Department of Environmental Protection, is assigned responsibility for developing guidelines to certify the eligible indebtedness and to create a process to equitably distribute funds. Distributions will follow receipt of a certification from the board or official responsible for setting sewer rates that the funds distributed will be used to reduce sewer charges. Distributions are to be completed by March 31, 1995.

The attached application will allow us to confirm the amount of eligible indebtedness for each municipality or sewer

(over)

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

Mayors, City Managers, Selectmen
Treasurers, Auditors and Accountants

July 15, 1992 Page 2

authority as soon as possible. We also need to insure that our records correctly reflect the municipalities which comprise each sewer district or authority. We are therefore asking that the Mayor, Manager or Selectmen and the City or Town Treasurer complete the attached APPLICATION FOR FY95 DISTRIBUTION and PRELIMINARY CALCULATION OF ELIGIBLE INDEBTEDNESS and return it by August 12, 1994.

The purpose of the Fund is to mitigate sewer rate increases, and we understand that each city, town or authority will need to know the anticipated distribution from the Fund as quickly as possible to set rates or to formulate rate adjustments.

Administration of this program has again been assigned to Jim Johnson, Assistant Director of Accounts. We look forward to working with you to continue this important program.

COMMONWEALTH SEWER RATE RELIEF FUND
Section 2Z, Chapter 29, M.G.L.
and Section 221, Chapter 60, Acts of 1994)
APPLICATION FOR FY95 DISTRIBUTION
PRELIMINARY CALCULATION OF ELIGIBLE INDEBTEDNESS

City/Town _____, 1994

Please return by August 12, 1994 to:

DIVISION OF LOCAL SERVICES
Att: James R. Johnson, Asst. Director of Accounts
Box 9655
Boston, MA. 02114

or VIA FAX (617) 727-6432

A. RESPONSIBILITY FOR OPERATION

1. Does the municipality operate its own sewer service? YES
 NO

If YES, do you pump to another city or town or an authority?

Please specify: _____

2. Is sewer service provided to all or part of the municipality directly by a district, authority or commission? YES
 NO

If YES, please specify: _____

3. What Board or official is responsible for setting sewer rates?
-

B. RECORD OF CERTAIN SEWER DEBT ISSUES

List permanent debt maturing in more than five years (for example, do not show bond anticipation notes) issued after January 1, 1991, wholly or in substantial part to finance or refinance the costs of planning, design or construction of any water pollution abatement project or part thereof required to meet the provisions of the Federal Clean Water Act, 33 USC, Secs. 1251 et seq., and secs. 26 to 53 inclusive of Ch. 21 M.G.L. or any wastewater collection or transportation project related thereto.

Do not show any issues for projects for which state or federal grants were received, for any issues through the Mass. Water Pollution Abatement Trust unless the total of issues through MWPAT is estimated to exceed \$50,000,000 by June 30, 1995.

<u>Date</u>	<u>Issue Amount*</u>	<u>FY94 Debt Service</u>	<u>Purpose**</u>	<u>Any Grants Expected?</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

* Attach schedule or copy of official statement

** Indicate description of work, not location

C. SUBMITTED BY:

Mayor/Manager/Selectmen

Treasurer

Phone () _____

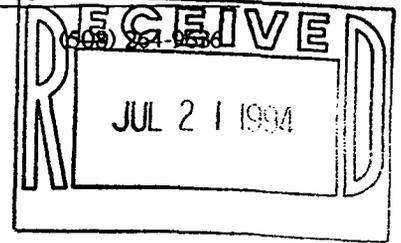
Phone () _____

CC: BOS - FYI

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720



INTERDEPARTMENTAL COMMUNICATION

TO: Planning Board DATE: July 19, 1994
FROM: Roland Bartl, AICP, Town Planner
SUBJECT: New View Development Corporation - Review Revised Plan
I. PCRC Special Permit Application
II. Amendment of Gregory Lane OSD Special Permit

Applicant: New View Neighborhood Development Corporation (New View)
Application Date: June 20, 1994
Project Manager: Stockard & Engler & Brigham (Robert Engler)
Location: 344 Central Street & 3 Gregory Lane (north and west slopes of Mead Hill)
Map & Parcel: E2-239 and F2A-11-1
Number of Units: 24 (11 single detached, 5 duplex, 1 triplex), plus common house (affordable housing option proposed).
Land Area: 17.5 acres
Common Land: 11.23 acres (64.2%)
Road Length: 425± feet
Zoning: R 8/4, Minor Aff. Housing Dist., GPD Zones 2, 3 & 4.

Public Hearing: August 15, 1994
Decision Due Date: October 30, 1994

This is the second application for this project. It is a revision of the previous plans. In the 6/17 application cover letter the applicant explains the reasons for the revisions, and in the 5/24 letter to the Board of Selectmen states the reason for chosen process of its review. The Selectmen have granted the fee waiver. Staff comments, various correspondences, and copies of the application and the plans are attached for your review. Comments by staff, including mine below, and from neighbors and abutters, should be addressed by New View during the hearing.

In my review on the original application I expressed my view that this project proposes an architecture and site layout designed for people's joy and comfort, that designers looked beyond the house as a living unit and sought to create an integrated outdoor and indoor space for living, working and playing. My feelings in this regard remain unchanged.

Following are my observations, comments, and highlights. First I will address the PCRC application. Second I will address the necessary amendment to the Gregory Lane OSD

special permit.

I. PCRC application

1. **Proposed street is private:** The application is for a PCRC special permit. No application has been filed for a subdivision approval which is the prerequisite for a new public way. The application form states in part 5.g) that the proposed street will be private. This appears acceptable as long as New View agrees by covenant to allow a street connection to a future development on the adjacent Mead land. The plan shows a provision for such a connection as part of Parcel 3 (record plan sheet RC 1.1). Since we are facing some slopes in the vicinity of the proposed connection, I recommend to add 10' wide "utility, construction and slope easements" on both sides of the street projection. Otherwise, it appears the proposed roads and ways would be adequate, except that the fire department has a concern with access to certain units. Please refer to their memo in the package.
2. **Condominium, common areas:** As in the previous application, a condominium is proposed, but exclusive use areas are no longer contemplated. The plan separates out two types of commonly owned land (master plan sheet MP 1.1):
 - * Common Land as required under PCRC zoning (parcels 1 A-G);
 - * Condominium Land (parcel 2 containing dwelling units, common house, parking areas and various walks and ways; parcel 3 containing the access road to and including the proposed future street projection to the Mead property).
3. **Dimensional requirements:** In my review on the previous application, I recommended to identify building envelopes for the dwelling units to cover future expansion needs. With the elimination of exclusive use areas, the plan only shows a 30' setback line from all common land boundaries (record plan sheets (RC 1.1 & 1.2). Only Unit 11 is shown partially in the 30' setback which should be corrected. The PCRC zoning also sets forth a standard 15' building setback from streets and ways and a 20' building separation, but the Planning Board can approve plans with somewhat modified dimensions. The setback line as shown on the plan does not take these into account. Although, based on the indicated foot prints, the building separations as shown all meet the standard dimensions, and with few exceptions the setbacks do, too, future modifications and expansions remain undefined. Therefore, I still recommend to show maximum building envelopes, that would set clear limits of expansion for each building and unit. These limits can be generous as long as they stay within the setback and separation requirements set forth in the bylaw or as modified by the Board. It is also my recommendation that all future modifications, additions, decks, porches, etc. within these building envelopes be pre-approved under the PCRC special permit. This would avoid the ridiculous process by which each future expansion, porch or deck would have to come before the Planning Board for approvals of plan amendments. We don't want that. I trust that the condominium association will have bylaws that deal with architectural compatibility and siting and view issues, and that the association will enforce them. The maximum building envelopes should be shown and dimensioned on the record plan sheets.
4. **Common land to remain in private ownership:** A summary of the intended ownership and maintenance arrangements is included in the application (application section 3.5). The summary generally indicates compliance with the bylaw requirements. Recordable documents and covenants as required in the bylaw and rules must be submitted and approved prior to construction.

5. **Traffic Impact Mitigation:** The traffic impact has changed little. Although based on the assumptions of the previous application, the submitted traffic report (application section 3.13) is essentially still valid. I continue to recommend that New View contribute \$50,000 towards a sidewalk along Central Street. In my attached IDC to the Board dated 4/25/94, I explain that the sidewalk should best be located on the east side of Central Street. If the applicant will contribute this amount, the applicant might wish to remove the sidewalk shown on the plan along the west side frontage of Central Street.
6. **Performance Guarantee:** I recommend that the Board require a performance guarantee to secure construction of the proposed street and driveway loop, the common drives, utilities and emergency access way, the grading, loaming, seeding and landscaping associated with those facilities, and the entire erosion and sedimentation control measures.
7. **Affordable Housing Proposal (Application Section 4.0):** The proposal is made in accordance with the Zoning Bylaw, section 9.6.2.3.e). A combination of Bylaw, section 4.4.3.1 options 3 and 4 is proposed. Under option 3 it is proposed to sell one on-site unit to a moderate income household. Under option 4 a cash donation to the Town is proposed. In return for this affordable housing contribution the applicant is seeking an increase from the basic 19 units to 24 units. Please note that the increase from 19 to 24 is really an increase of 26.3%. The Bylaw has a provisions for rounding up fractions so that we only deal with whole units. The 23.75 units which make up the maximum 25% get rounded up to 24 units. Therefore, speaking strictly in unit numbers and density percentages, this works to meet the Bylaw requirements. However, I have several comments:
 - a) The proposed cash payment to the Town under option 4 is \$100,000. The applicant speaks of a recommendation to this effect from the Acton Community Housing Corporation. To date, we have not received any recommendation from the ACHC, but I have been told it is forthcoming. Under option 4 the cash payment shall be "of an amount equal to the cost of developing such dwelling unit as evidenced by a development pro forma". The development pro forma indicates the average per unit development cost to be \$201,790, not \$100,000. The lowest priced market rate units, which are equivalent to the proposed on-site affordable unit, are to be sold at \$165,000. I estimate their pro-rated development cost to be approximately \$158,000. Both the average per unit development cost as well as the pro rated development cost for the smallest units is greater than \$100,000. The argument can be made that the minimum contribution should be somewhat closer to the \$158,000 to meet the bylaw requirement for option 4. Bob Engler, in his July 21 letter makes a reasonable argument why the proposed \$100,000 would still satisfy the Bylaw requirement. I find that this issue is really one to be negotiated between the applicant and the Planning Board, to come up with the appropriate middle ground that allows the project to succeed and maximizes the affordable housing aspect.
 - b) Due to the provisions for rounding up fractions to the next whole integer to determine the number of affordable units as well as the number of total units, the affordable housing contribution could have been higher than proposed by the applicant. Assuming the construction cost of an affordable unit to be \$158,000, the on-site affordable unit sale price to be \$89,500 (local initiative program limit for 2 br. unit), and the proposed cash payment to remain at \$100,000, the proposed affordable housing contribution amounts to \$75,500(=165,000-89,500)

+ \$100,000 = 175,500. If the cash payment is increased in accordance with the Bylaw requirements to \$158,000, the contribution will be \$233,500. The formulas in the Bylaw allow for a variety of other affordable housing scenarios so that the 25% density bonus could lead, for example, to the following:

- Four on site affordable units under option 3:

	market rate sale	affordable sale	contribution
2 2br	\$330,000	\$179,000	\$151,000
2 3br	\$350,000	\$189,000	<u>\$161,000</u>
		total contr.	\$312,000

or

- Two on site affordable units under option 3 plus cash payment for one unit under option 4:

	market rate sale	affordable sale	contribution
1 2br	\$165,000	\$89,500	\$ 75,500
1 3br	\$175,000	\$94,500	\$ 80,500
Cash 1 2br			<u>\$158,000</u>
		total contr.	\$314,000

or

- Three on-site affordable units under a ground lease arrangement with the Town (this option is currently not accepted by EOCD under the local initiative program and therefore would not contribute toward the state set 10% goal. Nevertheless, it might meet a local need):

	market rate sale	affordable sale	contribution
2 2br	\$330,000	\$179,000	\$151,000
1 3br	\$175,000	\$ 94,500	<u>\$ 80,500</u>
		total contr.	\$231,500

Clearly, the applicant has chosen one of the lower cost combination of options, even if the cash payment is adjusted upwards. This is not to criticize the applicant's choice, but merely to point out, once again, that it might be possible to negotiate for a higher affordable housing contribution, in cash or in the form of on-site units. However, we must also remain cognizant of the fact that we do ask for a sidewalk contribution.

- c) According to the project manager Bob Engler, the project is on a shoe string budget, although he didn't say it exactly that way. If there is little room to maneuver, I suggest that we take a look at the contingency funds shown in the pro forma. As a whole, they amount to 5.7% of the total development cost, or \$278,450. The Board may wish to explore with the applicant to see if left over contingency funds could go toward improving the project's affordable housing contribution. Any such agreed upon contingency funds should then be place in escrow with the Town.

d) Of course construction, restrictive agreements and sale of on-site affordable units must comply with the requirements of the Bylaw, Sections 4.4.5 through 4.4.9, and should also comply with any requirement under State's Local Initiative Program (LIP).

8. **Drainage System:** I defer to the Engineering Department to review and comment on the details of the proposed system. In general it appears to meet the intent of the Zoning Bylaw. The more heavily travelled ways feature gas trap catch basins, diversion box and retention ponds. However, in areas of little or no vehicular traffic (drives comparable to residential driveways in standard subdivision lots, and walkways) overland flow and surface swales are proposed without catch basins or retention. This should be sufficient given the low intensity use there. Subject to detailed comments from Engineering I would say that the overall system might well qualify as an alternate method of runoff treatment and renovation, which may be approved by the Board under Bylaw, Section 4.3.6.3. The applicant has suggested that we, the Town, request technical assistance from the U.S. Soil Conservation Service to review the site's proposed drainage system. Following a conversation with Mark MacQueen at the U.S. SCS office, I determined that their involvement would be inappropriate here. However, we might want to consult them concerning the management of the more urban runoff in our village centers. One issue on the drainage system must be resolved:

Judging from the elevation of the adjacent wetlands boundary, the bottom elevations of detention basin B-6 and retention basin B-3 appear to be less than two feet above the maximum groundwater elevation. This would be in violation of Bylaw, Section 4.3.5.3.

The applicant is aware that some of the proposed work will require a special permit from the Board of Appeals and approval from the Conservation Commission.

9. **Refuse:** I have not found any reference in the application or on the plan as how and where refuse will be stored. If common dumpsters are contemplated they should be shown with appropriate screening.
10. **Connection to Gregory Lane:** It appears that both the Fire Department with respect to an emergency access, and the Water District with respect to a water main loop, may be satisfied without any such connections. With a future connection to the Mead property I would also be satisfied from a planning perspective.

II. Gregory Lane Special Permit Amendment

1. **Lot 3 Gregory Lane:** The revisions in the application appear to have eliminated the previous difficulties concerning lot 3 in Gregory Lane. The applicant has submitted a proposed ANR plan, to be signed after all permits have been issued. This ANR plan divides the infamous lot 3 into new lots 3A and 3B. 3A is to be a buildable lot with frontage on Mass. Ave. and is to remain in the Gregory Lane OSD development. It would contain 1.28 acres. With this size the Gregory Lane OSD will retain a tract size of 8 acres as required under zoning. 3B, 2 acres, is to be taken out of the Gregory Lane development and combined with the land for the New View PCRC development.

2. **Decision Amendment:** To allow this to occur, the Planning Board must amend its special permit on the Gregory Lane OSD to allow the reduced tract of land area, from 10± to 8± acres, and the reduction of the lot area of lot 3 to the new smaller area of proposed lot 3A. In addition, the amendment may have to specify that all the Gregory Lane Homeowner Association responsibilities and rights be transferred from lot 3 to lot 3A.
3. **The ANR Plan:** The ANR plan can be signed once the decision of the amendment has been issued and the appeals period has passed without appeal. The ANR plan needs to be revised to add a note that lot 3B by itself does not constitute a buildable lot.

xc: Don P. Johnson ✓
David Abbt
Bob Engler

rspp94*12



INTERDEPARTMENTAL COMMUNICATION ■■■■■

Acton Board of Health • Telephone 508-264-9634 • Fax 508-264-9635

July 12, 1994

TO: Don Johnson, Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Mosquito Control Program

The Board of Health concluded its hearing regarding the Town's Mosquito Control Program on July 11, 1994. A draft policy was promulgated but the Board did not reach agreement on its content. The Board intends to study the issue intensively through the summer and attempt to reach consensus on a policy in September. However, during the hearing the Board heard strong testimony regarding notification of residents living in areas to be sprayed. The Board considered this testimony and felt the concerns expressed were justified. On a motion made by Jonathan Bosworth and seconded by Mark Conoby the Board unanimously approved the following:

"The Board of Health recommends, to the Town Manager, a policy that the Mosquito Control Program should immediately implement an appropriate and reasonable public notice, prior to application of any pesticides, as part of the Town's Mosquito Control Program"

7/22/94

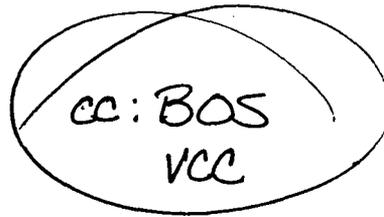
DOUG -

I RESPECT THE RECOMMENDATION OF THE BOH BUT WE NEED SOME FURTHER INPUT. WHAT TYPE OF NOTICE DID THE BOARD HAVE IN MIND?

cc: DEAN CHARTER
BOS

Jonathan Bosworth

29 Main Street
Acton, MA 01720
508/264-0584



July 12, 1994

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

Dear Doug:

I am sure that you can understand my surprise at the turn in the mosquito control issue evident at last Monday night's meeting. We went from a plan to limit the exposure of the townspeople to a known neurotoxin for no demonstrable gain to a plan to "study" the issue for five more months, with the implied result that by then perhaps nothing need be changed.

This is a stance that I find intolerable. I am technically trained, not politically trained. I cannot imagine myself sitting through this period of rehashing the data we already have in excess, the clear summary of which shows that we are exposing the total population of the town to a poison in the hope that it will reduce a minor nuisance temporarily. There was not a shred of evidence anywhere that we are poisoning the town to reduce a health risk.

How can a body called the Board of Health allow such practices to continue? I cannot in good conscience allow myself to be associated with this position.

It is true that the Board of Health only sets policy, the town as a whole must decide at Town Meeting whether , or if, mosquito control should be funded.

Please accept my resignation immediately. Perhaps the Town of Acton can find a new member for the Board of Health who is more willing to risk the health of the town for at best a minor and temporary reduction in the population of adult mosquitoes.

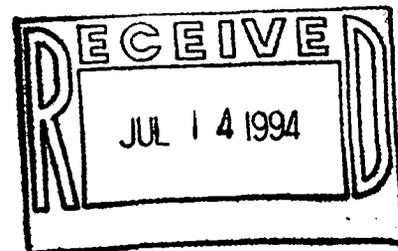
Best regards,

A handwritten signature in cursive script that reads "Jonathan Bosworth".

Jonathan Bosworth

cc: Board Of Selectman, Town Manager

LAW OFFICES OF
CHARLES A. PERKINS, JR.
THE MILL
73 PRINCETON STREET, SUITE 306
NORTH CHELMSFORD, MASSACHUSETTS 01863-1558
TELEPHONE (508) 251-8509
FAX (508) 251-3608



CHARLES A. PERKINS, JR.

JEFFREY M. BROWN

DAVID P. DOW

July 13, 1994

ANITA L. CHMILARSKI
SENIOR PARALEGAL

OF COUNSEL

KEVIN G. MURPHY

SPRINGFIELD, MASSACHUSETTS

VIA HAND DELIVERY

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

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

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

David
Please Advise
JK
7/14/94

SEE RELATED MATERIALS FROM STAFF,
ATTACHED AFTER THIS LETTER.

Re: Davis Road: Release of Bond

Gentlemen:

Please be advised that this office represents the Arbors at Bellows Farm Condominium Association regarding the above entitled matter.

It is our understanding that First Main Street Corporation has petitioned for the release of monies held for a road bond regarding Davis Road.

We formally request that the Town hold all sums on this bond until the portion of Davis Road which currently provides access to the Association is accepted by the Town.

Although my clients appreciate the hard work and cooperation of the parties in this matter, the Association will continue to bear the brunt of all maintenance and snow removal costs until the Town accepts this Road. Further, it is our understanding that acceptance of this Road is required as a condition precedent to the release of these funds.

Mr. Roland Bartl, Town of Acton Town Planner
Town of Acton Planning Board
Town of Acton Board of Selectman
July 13, 1994
Page Two

We trust and hope that you will assist the Association in securing the compliance of the former developers and First Main Street Corporation with all outstanding municipal obligations, including this Road. It will serve no useful purpose to release the funds and leave the members of the Association with no effective remedy (as well as sums) to complete Davis Road.

If it would be useful, we would be more than happy to meet with all interested parties to resolve this matter.

In closing, please add me to the mailing list in this matter.

Thank you in advance for your courtesy and cooperation.

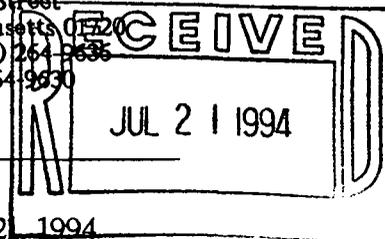
Very truly yours,

Charles A. Perkins, Jr.

CAP/kks

cc: Mr. David Abbt, Engineering Administrator (via hand delivery)
Mr. Richard Maranhas, Green Advisory Services, Inc.
Kevin J. Sullivan, Esquire
Mr. Robert Jack, Trustee (via facsimile)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01201
Telephone (508) 264-2636
Fax (508) 264-2630



Donna Jacobs
Assistant Planner

July 21, 1994

Mr. Richard Maranhas
Green Advisory Services, Inc.
46 Glen Avenue
Newton Center, MA 021159

re: Bellows Farm Subdivision, "The Arbors"
Request for Release of Bond

Dear Rick:

In response to your request for a release of the performance guarantee, I asked the Acton Engineering Department to inspect the work and advise me of any work required by the subdivision approval and the special permit for Phase 1 which remains to be completed. As per our telephone conversation this morning, enclosed please find a copy of the memo from David Abbt, Engineering Administrator, dated July 19, 1994. As you can see from this memo, there is a substantial amount of work that needs to be done prior to release of the bond. Items numbered 8 through 10 address the requirements for the "as built" plan and the legal documents required for acceptance of the road as a Town way.

Regarding the legal documents required for acceptance of the road referenced in item number 9 of the enclosed memo, please be advised that the draft deed should be from one entity to the Town. Therefore, if the rights in Davis Road are held by numerous parties, they should be deeded to one entity who can, in turn, deed them to the Town of Acton.

The Planning Board will consider your request for release of the bond at its meeting of August 1, 1994. Given the amount of work remaining to be completed, staff will recommend against the release of the bond at this time. Furthermore, staff will recommend that the Planning Board hold the entire remainder of the bond, \$106,000, until all outstanding requirements of the subdivision approval and the special permit have been met. If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Donna Jacobs".

Donna Jacobs
Assistant Planner

DPJ/dmj

cc: John Murray, Assistant Town Manager ✓
David F. Abbt, Engineering Administrator
Charles A. Perkins, Jr., Esquire

dw11*283

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 7/19/94

TO: Donna Jacobs, Assistant Planner
FROM: David F. Abbt, Engineering Administrator
SUBJECT: BELLOWS FARM (a.k.a. "The Arbors")
Semi-Final Inspection of Davis Road

D. Abbt

We have completed an inspection of Davis Road and found the following items of work incomplete.

1. Clean all catchbasin sumps and manhole inverts, mortar any loose pipes.
2. There are several problems with the road bounds that will need to be addressed before release of the bond:
 - a. The pair of road bounds at station 33+73.15 have been set in the wrong location and will have to be dug up and reset in their correct locations.
 - b. All road bounds should be set flush with the finish grade. Any bounds that are high (and some are) will need to be lowered or additional loam and seed will need to be added to raise the finish grade. A lawn mower will need to easily pass over the bounds without hitting them.
 - c. There are two railroad spikes marking the bound point at station 21+52.83 right. Both cannot be correct and the incorrect one should be removed.
 - d. The eleven road bounds shown on the approved definitive plan between Great Road (Route 2A) and station 16+79.69 have not been set and will have to be set, certified, and shown on the "as built" plan.
 - e. In the calculations the survey tie to the perimeter monumentation at both ends of the road has not been clearly shown. This will be necessary to demonstrate that the bounds are set in the correct locations relative to the perimeter of the subdivision.
3. The 12" RCP storm drain outlet at station 36+50 left will need to be cleaned of yard waste that has been dumped at this location.
4. The Tree Warden will be submitting a separate report on trees and other landscaping issues.
5. The Conservation Administrator reports no outstanding wetlands related issues.
6. The Report from the Fire Department is enclosed.
7. The report from the Water District is enclosed.
8. The detention basin and outlet should be shown on the as-built plan.

9. The legal description, proposed warrant article for acceptance and the proposed deed to the roadway when the road is accepted as a Town way are requirements that should not be waived. The bond should not be released until First Main Street Corp., Green Advisory Services, or Keystone Associates provides these items.
10. The "as built" plan should be reviewed by the engineer for drafting errors and omissions, for instance, the radius shown as $R=450'$ and $L=946.53$ ft. is actually $R=550$ ft.

.95*14

TOWN OF ACTON

Inter-Departmental Communication

DATE:

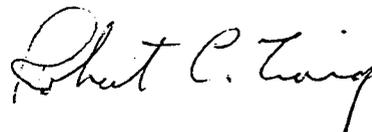
July 18, 1994

TO:
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Fire Chief
Davis Road/Bellows Farm, aka "The Arbors"

Dave:

I have reviewed the above named project, and I would offer the following comments regarding discrepancies:

1. A fire hydrant has been located just past the entrance of Deer Grass Lane. This hydrant must be moved or another hydrant added at approximately station 33+50 which would be the intersection of Davis Road and Davis Road.
2. There was a question as to a fire alarm box pedestal located at the entrance to the septic treatment plant. This pedestal is only a cable junction. However, should the sewerage treatment plant be renovated and upgraded in a future phase, this junction box would be used to connect a master or automatic fire alarm box.



Robert C. Craig
Fire Chief



Water Supply District of Acton

Inter-Departmental Communication

RECEIVED
JUL 19 1994

TO: Engineering Department, David Abbt
FROM: Carl Troupe
DATE: July 15, 1994
SUBJECT: Davis Road/Bellows Farms/The Arbors

ACTON ENGINEERING DEPT.

On July 12, 1994 an inspection of the site was done pertaining to the water system. The system meets with requirements of the District at this time. There was a bond amount of \$5,000.00 being held on the project, until all obligations are complete. The District recommends releasing all bond money currently being held.

Carlton Troupe

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

July 21, 1994

TO: David Abbt, Engineering Administrator
FROM: Dean A. Charter, Municipal Properties Director *(DAC)*
SUBJECT: Landscaping issues at "Arbors", Davis Road

I have inspected the landscaping along Davis Road, and submit the following comments:

Twelve of the White Pines planted to screen the sewer treatment plant have died and been removed (some of the dead tree have been dumped into the detention basin). All twelve trees must be replaced with suitable new trees, of similar size and species. All debris is to be properly disposed of.

One Maple planted across the street from the above mentioned Pines has also died and been removed. This tree must also be replaced.

It should be acknowledged that if the Town accepts this portion of Davis Road the own funded roadside maintenance will consist of an annual mowing of the roadside weeds and tall brush. If a higher degree of maintenance is desired by the Condominium Association, they will have to provide it, in a similar fashion to that provided by most homeowners who maintain their landscaping up to the edge of the pavement. Pesticide applications on the Town road shoulder will have to have prior Town approval.

DAC/361/17

C. C. PLANNING ✓

MINUTES FORM

Please send a copy after each meeting to Town Hall

MINUTES OF _____ Meeting of Cemetery Commissioners _____

Meeting posted: yes, no

Date: June 8, 1994 Time: 7:30p.m. Place: Kennedy Service Building, Woodlawn Cemetery

Members present: E. Bailey, W. E. C. George, B. Conant
also present: D. Charter, D. Lee, N. Howell,

1. Meeting began at 7:30p.m.
2. Youth Soccer Update
Alan Warner was unable to attend the meeting and asked Dean to relay the following information:
Drilling for the well will begin next week
He is still working with Boston Edison Co. to get power across the street. They can only run power lines between their own poles, and it seems they donated one of the poles in question to the Town. Once the irrigation system is going, they will probably slice seed and fertilize the field
3. Minutes of the May 11, 1994 meeting were unanimously accepted as presented
4. Cemetery Rules and Regulations
At the request of the Commissioners and D. Charter, Nancy did some research to confirm the Commissioners' authority to make, modify, improve, add to and modernize the Cemetery Regulations. It was noted that while the Commissioners had this power granted to them by Town Meeting vote, they are required to provide a copy of any changes to the Town Clerk. The Cemetery Commissioners agreed that the Board of Selectmen and the Town Manager should receive a copy of the latest revisions as soon as they are printed.
5. Mr. York's Request
After reviewing this request as presented at the April meeting by Phil Harris of Acton Monument Co. and at the May meeting, by Mr. York himself, it was the unanimous decision of the Commissioners to leave their original vote unchanged and to adhere to the Rules and Regulations
6. Section 14 Update
Stamski and McNary's crew spent a day in May replacing Acton's benchmarks with their own. Dean and Dave are trying to arrange to have the "screenall" in so that we can start screening the loam that has been piled at the sides of the new section. The loader will not be available so we will have to use our backhoe. This will be slower, but can do the job. When the loam is screened, it will be placed within the bounds of the new section so that it will not interfere with construction of the roadway around the section
7. Seasonal Help
The seasonal worker we reported at the last meeting only worked 6 1/2 days. Because other applicants who had been interviewed had found other jobs, Dean and Dave had to interview for the applications received after the original hires. A college student was hired and is working out well



8. New Business

Copies of the memo to Ken Klemmer and the monthly work report were shown and there was a discussion of the vandalism of the veteran flag standards, flags and geraniums

Ken Klemmer, who was to replace Richmond Miller as the person we contact re: Veteran flags and geraniums for Memorial Day, is moving to Florida and will be replaced by Paul Hoff

After the first of the fiscal year, Dave will contact Mr. Hoff re: the number of flags and geraniums ordered and the quality of the last shipment of flags received. He will also discuss the vandalism of these flags and flowers

A list of veterans interred in the Acton cemeteries from Memorial Day 1993 to Memorial Day 1994 was distributed

Mrs. Rawson called the office re: letter Nancy wrote on behalf of the Commissioners

She stated that her husband was Ethel Rawister's only heir

Nancy explained that upon Mr. Rawson's death, she and her children became heirs-in-common, and that in order for her to have control of the lots, her children would have to designate her as the legal representative of the lot.

Nancy also explained that such a designation did not give her the right to deny permission for interment of anyone so entitled by the Massachusetts General Laws

It was determined that we must be sure we have a legible name and address for the lot owner or legal representative on the Interment Order

9. Chairman Ed Bailey, on behalf of the Board of Commissioners, congratulated Dave and the entire crew for the fine job they did preparing the cemeteries for Memorial Day

10. Next meeting - Wednesday, July 13, 1994

11. Meeting adjourned at 8:50 p.m.



Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

July 21, 1994

REGARDING: Release of DRAFT SOUTH ACTON VILLAGE PLAN

To Town of Acton Boards, Committees, and Department Heads:

On behalf of the South Acton Village Planning Committee, I am pleased to announce the completion of the enclosed Draft of the South Acton Village Plan. Please distribute the copies to your members. Following many hours of research and discussions, a well attended public meeting, and an extensive survey, the South Acton Village Planning Committee developed this Draft Plan for discussion purposes. The document is intended to solicit comments - supportive, helpful, constructive and critical.

In the autumn of 1994, the Planning Committee will hold public meetings to further discuss the Draft Plan and receive as much input as possible. Hopefully, the outcome will be a plan that is comprehensive, will address the various concerns and interests, and will find broad support and acceptance.

Please take the time to read the draft, and share your thoughts and comments with the South Acton Village Planning Committee. Your Board, Committee or Department is performing specific duties and tasks which in some way or another touch upon issues raised in this draft document. Your experience gives you a particular insight and vantage point that the Planning Committee might not have. Your input will therefore be very much appreciated.

Please send all comments to the Town of Acton Planning Department by September 1, 1994, so that the Committee may begin its review at its first September meeting shortly thereafter.

Sincerely,



Roland Bartl, AICP
Town Planner

rsavpc*29

**Volunteer Coordinating Committee Minutes
27 June, 1994**

Present: Comstock, George, Husbands, Kadlec, Lane, Whitcomb

Meeting was called to order at 7:30 pm at Acton Town Hall. Minutes of 13 June 1994 meeting were reviewed and approved as written.

Interviews:

Joseph Kittredge: Applied for the position of Associate on the Planning Board. He indicated that he would like to offer his services to the town and feels that his background, as an attorney, would be helpful to the Planning Board. He indicated that he understands the duties of the Planning Board and their involvement in the Town's Master Plan. He is not a real estate attorney and feels that there is no chance of a conflict of interest with Planning Board matters. He is concerned with the Town's development and growth and would like to see an orderly growth pattern. He is happy with the quality of life in Acton and would like to see that quality of life maintained. Mr. Kittredge has a Juris Doctorate degree and a Bachelor of Science degree in Public Administration and Economics. He has lived in Acton for 2 years and in Massachusetts for 30 years.

Lori Danglemyer: Applied for an Associate position on the Conservation Commission. Lori is a recent graduate of St. Lawrence University in New York with a BA degree in environmental economics and a minor in Biology. She is currently working a Rizzo Associates, Inc. in Natick an environmental engineering firm. She has attended several Conservation Commission meetings and understands some of the responsibilities of that group. She has discovered in her workplace that many of her fellow workers participate as members of Conservation Commissions and find it an excellent learning process. She has lived in Acton most of her life (23 years) and in Massachusetts for the same period of time.

Robert C. Rossignol: Expressed an interest in serving on the Municipal Power Committee. Robert worked with Boston Edison for 23+ years. He has a knowledge of rates and operations in the public utilities industry. He indicated that concept of changing power providers should be studied but there are both advantages and disadvantage to implementing such a change. He has lived in Acton for 20 years and understands some of the dynamics of the utilities in the community. He currently works for a real estate development and management company in Braintree, Massachusetts.

Old Business:

The Board of Selectmen made the following appointments on 6/21/94:

Thomas C. Ballantyne	Prison Advisory Committee	3 year term expiring 6/30/97
David E. Brown	Board of Assessors	3 year term expiring 6/30/97
Joshua Chernin	Full Member Planning Board	5 year term expiring 6/30/99
Richard Crosswell	Full Member Planning Board	5 year term expiring 6/30/99

New Business:

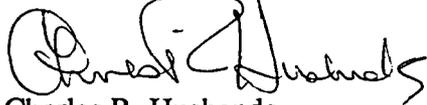
Board Needs: It was decided to advertise for members for the Acton Historical Commission, and additional members for the Acton Town Report Committee.

Recommendations for Candidates:

It was moved and seconded to recommended the elevation of David Harris Jr., and Victoria Beyer from Associate Members to Full Members of the Acton Historical Commission with terms expiring 6/30/97. The motion passed by a unanimous vote.

The meeting was adjourned at 9:11 pm., with the next meeting is scheduled for 18 July, 1994 at Town Hall.

Respectfully Submitted,



Charles R. Husbands

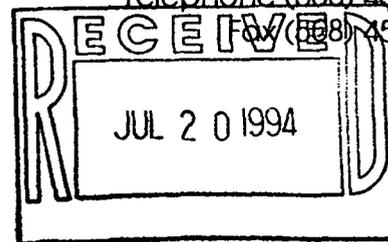
cc: Board of Selectmen, Town Clerk



**Lowell Regional
Transit Authority**

CC: BOS
COA

**CHARLES A. GALLAGHER
TRANSPORTATION TERMINAL**
145 Thorndike Street
Lowell, Massachusetts 01852
Telephone (508) 459-0164
Fax (508) 458-9673



PRESS RELEASE

Robert B. Kennedy, Administrator of the Lowell Regional Transit Authority, today announced that the LRTA Advisory Board will hold a Public Hearing on August 1, 1994 at the Smith Baker Center, 400 Merrimack Street, Lowell, MA.

The purpose of this hearing will be to solicit public input and testimony with regard to the following:

- A. Proposed revisions to the current LRTA Fixed Route and Paratransit service Fare, Pass and Transfer Rate structure.
- B. Proposed revisions to the current LRTA Transit routes and service Schedules.
- C. Proposed revisions to the current Charles A., Gallagher Transportation Terminal Parking Fee Rate Schedule.

Detailed copies of these proposed changes will be made available at the following locations:

1. The Lowell Regional Transit Authority Administration Office Charles A. Gallagher Transportation Terminal, 145 Thorndike Street, 3rd Floor, Lowell, Mass. 01852. (508)459-0164.
2. LRTA Transit Center, Paige Street, Lowell, Mass. (508)458-0086.

Kennedy said that these proposed revisions will allow the Authority to maintain its present level of excellent service while allowing for future expansion of service to better meet the needs of our riders.

Kennedy further stated that the proposed revisions will affect all the communities served by the LRTA. Those communities are Acton, Billerica, Chelmsford, Dracut, Groton, Lowell, Pepperell, Tewksbury, Townsend, Tyngsborough and Westford.

Written testimony will be accepted with regard to any proposed change until September 1, 1994 at which time all comments, testimony and evidence will be presented to the LRTA Advisory Board.



CHARLES A. GALLAGHER
TRANSPORTATION TERMINAL
 145 Thorndike Street
 Lowell, Massachusetts 01852
 Telephone (508) 459-0164
 Fax (508) 458-9673

A. LRTA PROPOSED FARE, PASS, AND TRANSFER RATE STRUCTURE

	<u>LOCAL FARE (W ITHIN COMMUNITIES)</u>	<u>INTERCOMMUNITY FARE (ADJACENT COMMUNITIES)</u>
1. <u>FIXED ROUTE:</u>		
REGULAR FARES-	\$ 0.70	\$ 1.00
SPECIAL FARES -	\$ 0.35	\$ 0.50
DOWNTOWN SHUTTLE -	\$ 0.40 & \$ 0.20 SPECIAL	N/A
TRANSFERS REGULAR	\$ 0.20	\$ 0.20
TRANSFERS SPECIAL	NO CHARGE	NO CHARGE

TOKENS WILL BE PRICED AT \$0.60 EACH AND THE THREE (3) TOKEN PRICE WILL BE SET AT \$1.70.

2. FARE CATEGORIES:

- REGULAR: PERSONS 13 TO 60 YEARS OF AGE
- SPECIAL: SENIOR CITIZENS OVER AGE 60, DISABLED INDIVIDUALS, CHILDREN 6 TO 12 YEARS OF AGE, MEDICARE ELIGIBLE INDIVIDUALS. CHILDREN UNDER 6 RIDE FOR FREE.

**3. FIXED ROUTE
PASS STRUCTURE:**

	<u>PROPOSED MONTHLY PRICE</u>
1. STUDENT PASS (HIGH SCHOOL & COLLEGE)	\$ 15.00
2. "THE PASS" (LOWELL ONLY)	\$ 25.00
3. "SPECIAL PASS"	\$ 20.00
4. PASSPORT (ALL ROUTES)	\$ 30.00
5. SPECIAL PASSPORT	\$ 22.00

4. <u>PARATRANSIT SERVICES-</u>	<u>LOCAL FARE (W ITHIN COMMUNITIES)</u>	<u>INTERCOMMUNITY FARE (ADJACENT COMMUNITIES)</u>	<u>BOSTON MEDICAL TRIPS</u>
FARES:	\$ 0.50	\$ 0.80	\$2.50

B. PROPOSED LRTA ROUTE AND SCHEDULE CHANGES

- 1.* Extension of #04 Edson Cemetery Route to United Parcel Service facility on Brick Kiln Road, Chelmsford, MA.

Effective in August 1993, the LRTA extended the #04 Edson Cemetery Route to accommodate transit commuters working at U.P.S. and residents along Brick Kiln Road. There are two outbound and two inbound trips each weekday. The outbound runs are at 12:30 p.m. and 5:05 p.m., while the inbound runs are at 12:50 p.m. and 5:30 p.m.

- 2a.* LRTA/MBTA Burlington Connection to Boston, MA.

Effective March 1, 1994 the LRTA extended the Billerica bus route to link up with the MBTA's Burlington bus routes #350 and #352 at Cambridge/Chestnut Streets in Burlington. LRTA patrons are now able to board the Billerica bus at both Paige Street and Gallagher Terminal, transfer to MBTA service in Burlington and then take an MBTA bus to the Burlington Mall, Lahey Clinic, Alewife "T" station in Cambridge, MA, or Copley Square or Haymarket Square in Boston. There are ten outbound and ten inbound runs for this service between the hours of 6:25 a.m. and 6:05 p.m. (Full schedule attached.)

- 2b. Saturday Service to Billerica and MBTA Burlington link

In response to numerous requests for Saturday service, the LRTA proposes the following schedule:

<u>Leave Paige Street</u>	<u>Leave Gallagher Term.</u>	<u>Arrive Burlington Cambrdg/Chestnut.</u>	<u>Leave Burlington Cambrdg/Chestnut.</u>
7:50 a.m.	7:55 a.m.	8:25 a.m.	8:30 a.m.
9:50 a.m.	9:55 a.m.	10:25 a.m.	10:30 a.m.
11:50 a.m.	11:55 a.m.	12:25 p.m.	12:30 p.m.
1:50 p.m.	1:55 p.m.	2:25 p.m.	2:30 p.m.
3:50 p.m.	3:55 p.m.	4:25 p.m.	4:30 p.m.

3.* Dracut/Tyngsborough Route Extension to Bridgewood Plaza.

Effective May 1994, the LRTA extended the Dracut/Tyngsborough route to include a stop at the Bridgewood Plaza shopping center on Bridge Street in Dracut, MA. The Dracut/Tyngsborough bus stops at Bridgewood Plaza with the exception of these three runs: the 7:25 a.m., 8:25 a.m. and 9:25 a.m. inbound runs from Tyngsborough. The LRTA is also currently considering as a possible alternative for this route extending the #01 Christian Hill route to Bridgewood Plaza because of time considerations.

4. Proposed Shuttle Service Changes:

Downtown shuttle extension to include service to UMass at Lowell North and South campus areas with 30 minute frequency.

5. Proposed expansion of Pepperell Road Runner Paratransit service:

Service to be expanded to include service to the Harbor Village Shopping Center in Townsend, MA.

*Changes made on a trial basis during FY 1994 - proposed to be incorporated into regular schedule during FY 1995.

C. PROPOSED GALLAGHER TERMINAL PARKING FEES

- | | |
|--------------------------|-----------------------------------|
| 1. DAILY PARKING RATE: | WILL BE \$ 2.50 PER CAR/PER DAY |
| 2. MONTHLY PARKING RATE: | WILL BE \$30.00 PER CAR/PER MONTH |

Lowell Regional Transit Authority

Public Hearing Notice

Monday August 1, 1994

7:00 P.M. Smith Baker Center

Issue: Proposed Revisions to the current LRTA
Fixed Route and Paratransit Service

The Purpose of this hearing is to solicit Public
comments and testimony with regard to the
following:

- A. Proposed revisions to the current LRTA Fixed Route and Paratransit service Fare, Pass and Transfer Rate structure.
- B. Proposed revisions to the current LRTA Transit Routes and service Schedules.
- C. Proposed revisions to the current Charles A. Gallagher Transportation Terminal Parking Fee Rate Schedule.

Detailed copies of these proposed changes will be made available at the following locations:

- 1. The Lowell Regional Transit Authority Administration Office Charles A. Gallagher Transportation Terminal, 145 Thorndike St. 3rd Floor, Lowell, Mass. 01852. (508) 459-0164
- 2. LRTA Transit Center, Paige Street, Lowell, Mass. (508) 458-0086.

Written testimony will be accepted with regard to any proposed change until September 1, 1994 at which time all comments, testimony and evidence will be presented to the LRTA Advisory Board.

Robert B. Kennedy
Administrator

Lowell Regional Transit Authority

BOARD OF ASSESSORS

MINUTES

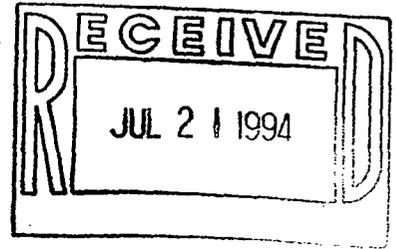
JULY 11, 1994

1. The monthly list of FY 94 abatements - real estate and personal property were signed.
2. The monthly list of FY 93 real estate and personal property abatements were signed.
3. The monthly list of FY 91 personal property abatements was signed.
4. The preliminary commitment and warrants for real estate and personal property taxes was signed.
5. The Board denied an abatement on an excise tax bill assessed to Storer.
6. The Board agreed not to abate any tax on property at 19 and 20 Craig Road.
7. The Board agreed to abate personal property for Management Consulting Services by \$2,000 of assessed valuation.
8. The Board agreed to abate property owned by Davis Condo Corp. in full - parcel D5-22-1.
9. The Board abated property at 105 Strawberry Hill Road by \$12,600 of assessed valuation.
10. The Board had discussions regarding abatements on the following properties. No decisions were made at this time - MAC Inc. (E4-25), AET Corporation (E4-59), Liquid Metronics (E4-59-2 and F4-2) and Digital Equipment Corp. (B4-4, B5-19 and G3-70).

Attendance: James Kotanchik
Donald Rhude
Brian McMullen

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108



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

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

CONFIDENTIAL

July 18, 1994

cc: BOS
!!!!

CONFIDENTIAL

Mr. Garry Rhodes
Building Commissioner
472 Main Street
Acton, MA 01720

Dear Garry:

(Privileged & Confidential)

Although I believe that the legal principles I have set forth in the accompanying letter are clear and mean that the applicant does not have a constructive approval, the situation is confusing and attempts to clarify it, for example by issuing a written decision now, may only confuse it further. I suggest that either you or I contact counsel for Lawsbrook to see if we can reach some accommodation, without the need for litigation. This may be difficult, because the applicant can decide that he will have to incur the cost of litigation in any case, either over its claim of constructive approval or in an appeal from a negative decision by the Board.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Acheson".

Acheson H. Callaghan

AHC/dcb

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

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

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

July 18, 1994

Mr. Garry Rhodes
Building Commissioner
472 Main Street
Acton, MA 01720

Dear Garry:

(Lawsbrook, Inc.)

You have asked me about a letter from the applicant named above to the Town Clerk asserting that its application for an earth removal permit has been constructively granted by the Board's failure to act. The relevant dates are set forth below:

Application filed	February 14
Hearing	March 21
Continued hearing and negative vote	May 2
Letter filed with Town Clerk	July 14

Assuming that the application was for a special permit under the zoning by-law, the Board was required to decide *and* file its decision within ninety days from the date of the public hearing. See *Building Inspector of Attleboro v. Attleboro Landfill, Inc.*, 384 Mass. 109, 112 (1981). The deadline, however, is measured from the *last* day of a continued hearing. *Kenrick v. Board of Appeal of Wakefield*, 27 Mass. App. Ct. 774, 775-776 (1989). Assuming that was May 2, the deadline for action would be July 29, the last working day before the ninetieth day. Under this line of authority, the deadline has not expired and the Board should prepare and file its decision before July 29.

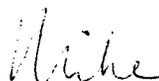
There is some indication from the minutes and the tapes of the hearing, however, that the Board discussed the deadline, when it continued the March 21 hearing, and, the applicant would argue, agreed that a decision would be issued by June 17 (the last working day before June 19, which would be the ninetieth day), despite the continuance. I pass the question

whether the Board could or did so agree,¹ because I do not think such an agreement would change the result.

Under § 9, the applicant must file his notice of constructive grant with the Town Clerk within fourteen days from the expiration of the ninety days. That would be July 3, or perhaps because of the weekend and holiday, July 5. The applicant missed this deadline, and the legal question is what is the consequence of that failure. In *Uglietta v. City Clerk of Somerville*, 32 Mass. App. Ct. 742, 747 (1992), the court said filing the notice was mandatory and that failure to do so nullifies any constructive grant. The court said that in light of its decision, it did not need to address the applicant's argument that the Board had waived its right to challenge the claim of constructive approval by not filing a notice of appeal. I read this to mean that the Board need not file such an appeal, but the purported grant is a nullity and the Town Clerk may and *should* refuse to issue a certificate of constructive approval.

Thus, I conclude that the application should not be deemed to have been constructively approved.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

cc: Don Johnson

¹ I think the better practice would be to memorialize such an agreement in writing just as an agreement to extend the date for decision must be in writing in order to avoid dispute on the subject later.

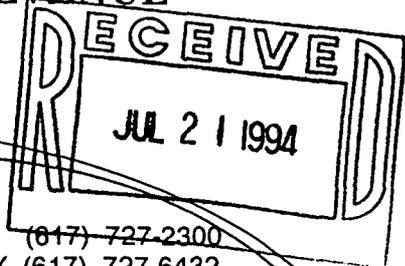


MASSACHUSETTS DEPARTMENT OF REVENUE

DIVISION OF LOCAL SERVICES

P.O. Box 9655

Boston 02114-9655



MITCHELL ADAMS
Commissioner

LESLIE A. KIRWAN
Deputy Commissioner

(617) 727-2300
FAX (617) 727-6432

JOHN M. -
IS IT HAPPENING AGAIN? DID THEY INCREASE OUR
LOTTERY AID BUT FUND IT OUT OF OUR MUN. STABIL. AID?
(SEE 3RD PAGE) DOES THIS ALSO MOVE THE AID INTO
THE ED REFORM GROWTH FACTOR CALCULATION?
Wm July 20, 1994

cc: BOS

TO LOCAL GOVERNMENT AND REGIONAL SCHOOL DISTRICT OFFICIALS:

Following the enactment of the FY95 state budget, Chapter 60 of the Acts of 1994, and pursuant to the provisions of Chapter 58 of the Massachusetts General Laws, the Department of Revenue is notifying you of revised estimated Cherry Sheet receipts and charges for the fiscal year ending June 30, 1995. These revisions amend the FY95 Cherry Sheets issued on May 17, 1994 pursuant to an early legislative resolution on local aid.

Each municipality will find enclosed a schedule of the revisions to its Cherry Sheet and, if applicable, the Cherry Sheet(s) of the regional school district(s) to which it belongs. Each regional school district will find enclosed schedules of revisions to its Cherry Sheet and the municipal Cherry Sheets of all its member communities.

Chapter 60 of the Acts of 1994 requires the revision of the Cherry Sheet of each municipality due to increases in lottery aid. Changes in other programs affect only a limited number of municipalities and regional school districts. In some cases, Chapter 60 does not require any changes to a regional school district's Cherry Sheet.

The following is a list of each program that is being revised and an explanation for the revision.

Chapter 70

With only minor exceptions, the allocations of municipal and regional Chapter 70 funds shown on the FY95 Cherry Sheets (Form C.S. 1-ER, line A1 and Form C.S. 2-ER, line A1, respectively) did not change as a result of the enactment of Chapter 60 of the Acts of 1994. For certain towns that are members of K-12 regional school districts, the revised Cherry Sheet reflects a transfer of Chapter 70 money from the town to the district. In addition, the FY95 budget authorized supplemental Chapter 70 amounts for six towns and three regional districts.

Lottery Aid

The enclosed revisions show an increase in lottery aid (Form C.S. 1-ER, line B1) due to two actions authorized by Chapter 60 of the Acts of 1994. The first is a reclassification of Municipal Stabilization Aid (Form C.S. 1-ER, line B12) as Lottery Aid. The second is an additional \$2.6 million in lottery aid over what was included on the FY95 Cherry Sheets. It should be noted that the increase in lottery aid will in no way affect "a municipality's obligations regarding education financing and shall be eligible for unrestricted use by the municipalities."

School Construction

In a limited number of cases, a municipality's or regional school district's estimated school construction payment (Form C.S 1-ER, line A3 and Form C.S 2-ER, line A3, respectively) may show a change due to events occurring after the May 17, 1994 issuance of the FY95 Cherry Sheets, i.e., project cancellations, new project approvals, or project audits conducted by the Department of Education.

Tuition for State Wards

Chapter 60 of the Acts of 1994 establishes a \$2.48 million appropriation to reimburse municipalities and regional school districts for the cost of providing public elementary and secondary education for children in foster or group care under the jurisdiction of the Massachusetts Department of Social Services. This reimbursement, which was not listed on the FY95 Cherry Sheets issued on May 17, 1994, was last funded as a Cherry Sheet program in FY91. The FY95 Cherry Sheet estimate, which will be listed as a newly created line A4a on Forms C.S. 1-ER and C.S. 2-ER, is based on enrollment data submitted to the Department of Education for FY93. Actual payments in FY95 will be based on FY94 enrollment data reported to DOE this fall.

This program will be classified as a reimbursement on the Cherry Sheet which means that the funds are to be treated as a general municipal revenue. It should be noted, however, that upon local acceptance by a city or town of MGL Chapter 71, sec. 71F, these funds are to be deposited with the municipal treasurer and may be spent by the school committee without further appropriation for expenses incurred in providing education for foster care children.

Mosquito Control

Municipalities that are members of mosquito control districts will see a change in their mosquito control assessments (Form C.S. 1-EC, line B5) due to one or more of the following factors: a change in the number of municipal members of a district between the May 17, 1994 issuance of the FY95 Cherry Sheets and June 30, 1994; a change in the Legislature's appropriation to a district as reflected in Chapter 60; or, the adoption of a new provision in Chapter 60 that requires that - where formerly only some districts were assessed - now all mosquito control districts are to be assessed their proportional share of the costs of the State Reclamation Board, the agency that oversees activities of all districts.

If you would like a revised version of your Cherry Sheet showing all programs and recalculated subtotals or, if you have any questions regarding these revisions, you may write or call the Division of Local Services' Municipal Data Management and Technical Assistance Bureau at P.O. Box 9655, Boston, Massachusetts 02114-9655, (617) 727-2300, Ext. 450.

Very truly yours,



Mitchell Adams
Commissioner

enclosures

Commonwealth of Massachusetts Department of Revenue

FY95 Cherry Sheet Revision

ACTON

Form C.S. 1-ER: Estimated Receipts

Line	Description	Current FY95 Estimate	Revised FY95 Estimate	Change
B1	Lottery	644,162	730,955	86,793
B12	Municipal Stabilization Aid	81,496		-81,496
	Sub-Total, All General Government	982,473	987,770	5,297
C	Total Estimated Receipts FY95	2,009,206	2,014,503	5,297

Form C.S. 1-EC: Estimated Charges

There are no revisions to your current FY95 estimated charges resulting from the enactment of the FY95 state budget (Chapter 60 of the Acts of 1994). Please note, that for some municipalities, current estimated charges are based on the charges shown on the FY95 Cherry Sheet issued on May 17, 1994, as modified by a June 14, 1994 amendment to RMV-Non Renewal Surcharges (line B9, Column 2).

Commonwealth of Massachusetts Department of Revenue

FY95 Cherry Sheet Revision

ACTON BOXBOROUGH

Form C.S. 2-ER: Estimated Receipts

Line	Description	Current FY95 Estimate	Revised FY95 Estimate	Change
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There are no revisions to your Cherry Sheet issued on May 17, 1994 resulting from the enactment of the FY95 state budget (Chapter 60 of the Acts of 1994).

Commonwealth of Massachusetts Department of Revenue

FY95 Cherry Sheet Revision

MINUTEMAN

Form C.S. 2-ER: Estimated Receipts

Line	Description	Current FY95 Estimate	Revised FY95 Estimate	Change
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There are no revisions to your Cherry Sheet issued on May 17, 1994 resulting from the enactment of the FY95 state budget (Chapter 60 of the Acts of 1994).



EXTRA INFO.
7/26/94

#9

INTERDEPARTMENTAL COMMUNICATION ■■■■■

Acton Board of Health • Telephone 508-264-9634 • Fax 508-264-9635

July 26, 1994

TO: Don Johnson, Town Manager
FROM: Doug Halley, Health Director
SUBJECT: D. E. P. Tag Grant

I have received a letter from Cynthia Heslen, of Anderson & Krieger, regarding a TAG Grant application submitted by ACES. As suggested by Cynthia, I approached Bob Eisengrein suggesting that we join in the grant application, with the town doing the paperwork. Mr. Eisengrein indicated he was not interested in changing ACES current proposal. Amendments to the TAG Grant application must be made by August 1.



EXTRA INFO.
7/26/94 #11

Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

July 26, 1994

Don P. Johnson
Town Manager
Town Hall, 472 Main Street
Acton, MA 01729

Michael J. Gianotis
Town Administrator
Town Hall, 195 Main Street
Maynard, MA 01754

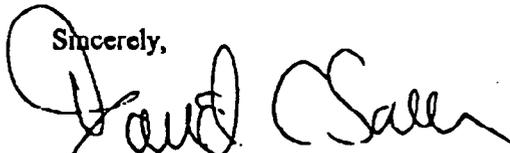
Dear Messrs. Johnson and Gianotis:

I appreciate your expression of concern about the Route 27 bridge. As you know, the draft Transportation Improvement Program in circulation proposes two changes. The first is a shift in funding category from the federal aid bridge program to the federal aid Surface Transportation Program. This is necessitated by federal and state recommendations to finance the Central Artery/Third Harbor Tunnel. The proposed change will make no material difference in the project. Unless we hear from you to the contrary, we will assume that this change is acceptable to you.

The second proposed change was to ~~move the project from fiscal year '95 to fiscal year '96. This, we understand, represents a serious public safety concern for both Acton and Maynard. The bridge reconstruction is vital to the routing of police, fire and emergency medical services. After registering these concerns with state transportation officials, I am pleased to advise you that the final Transportation Improvement Program will show the bridge as a FY'95 project.~~ With respect to moving the project to completion, MAPC regularly recommends that the appropriate community official contact and work with the state to avoid potential delays.

I appreciate your concerns and hope to continue to work with you and with federal and state officials to move critical projects forward. I look forward to working with you in the future. If you have any question, please do not hesitate to call.

Sincerely,



David C. Soule
Executive Director

DCS/lab

cc: Donald Gilherti, MAPC Rep., Acton
Michael Lalli, MAPC Rep., Maynard
Dan Beagan, EOTC
Senator Robert A. Durand
Representative Pamela P. Resor
Representative Nancy Evans
Dick Downey, Chairman, MAGIC

(adm/dpjmjgl)

FND

EXTRA INFO. - EXEC. SESSION
7/26/94

H12

July 26, 1994

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

RE: 127 Concord Road, Acton

Gentlepersons:

By this letter I confirm the agreement which we have reached relative to the Town's temporary right to drop the water level at the dam at my property in connection with the replacement by the Town of the two culverts in front of my property under Concord Road.

1. The Town will pay me by August 1, 1994, \$4,000.00.
2. The Town will indemnify me in full and hold me completely harmless from any and all losses, damages, liabilities, costs and expenses of every name, nature and description, which I, or my property, in any way incur or suffer on account of or in connection with the actions of the Town, its servants, agents or subcontractors, on account of or in connection with replacement of the two culverts under Concord Road, or any of the work required to be performed by the Town hereunder.
3. The Town shall, at its sole expense, remove all the silt which has accumulated in the upper holding basin on the northerly side of my house.
4. The Town, at its sole expense, will repair, and if necessary, replace the valve at the dam so that same is in good and proper working order.
5. The Town, at its sole expense, will reenforce the foundation of my house across from the opening of the dam's valve so that the foundation will not be further effected or undermined by the dam's outflow.
6. The work to be performed by the Town as set forth in paragraphs 3, 4 and 5 above, shall be fully completed by September 1, 1994, including loaming and seeding and/or otherwise returning to substantially their original condition any areas of my property disturbed in connection with any of the aforesaid work.

Board of Selectmen
Town of Acton
July 26, 1994

7. The temporary right to drop the water level at the dam at my property is granted pursuant to the terms of this letter shall terminate October 1, 1994, or immediately upon any breach by the Town of any of its obligations hereunder, whichever occurs first. Provided, however, the Town shall be obligated to comply with the provisions and obligations of paragraphs 1 through 6, after termination as aforesaid.

Would you kindly sign where indicated below, indicating the Board of Selectmen's agreement with the foregoing terms and conditions.

Very truly yours,

Patricia Fonda Sawyer
Patricia Fonda Sawyer

BOARD OF SELECTMEN

By: _____

Hereunto duly authorized

s:\letter\johnson.wp

EXTRA INFO: 7/26/95
RE INQUIRY FROM WAYNE FRIEDRICHS.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: July 26, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: West Acton Mobil Sound Problem

You expressed concern about the noise levels at the West Acton Mobil. I have been working with Hydro Environmental Technologies to resolve this problem. They have installed sound abatement measures and I inspected them today. Unless I receive additional complaints I will consider the problem resolved.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

File
copy

DATE: 7/27/94

TO: Town Clerk, Municipal Properties
FROM: Christine Joyce, Town Manager's Office
SUBJECT: Selectmen's Schedule Through December

The Board will meet on the following Tuesday evenings unless you receive further notification.

- August 16 and 30
- September 13 and 27
- October 11 and 25
- November 8 and 22
- December 6 and 20

BOS

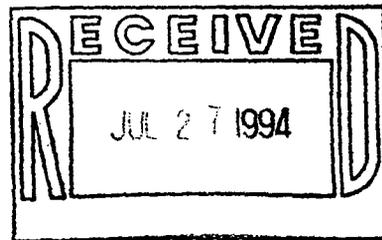
7-27-94

BOS —

File

Please note that the LRTA has proposed a unified fare schedule for paratransit services. The only change in Acton, if the new structure is accepted, would be an increase in Local Fare from the present \$.40 to \$.50

Don Haslovitz



Lowell Regional Transit Authority

Public Hearing Notice

Monday August 1, 1994

7:00 P.M. Smith Baker Center

Issue: Proposed Revisions to the current LRTA
Fixed Route and Paratransit Service

The Purpose of this hearing is to solicit Public
comments and testimony with regard to the
following:

- A. Proposed revisions to the current LRTA Fixed Route and Paratransit service Fare, Pass and Transfer Rate structure.
- B. Proposed revisions to the current LRTA Transit Routes and service Schedules.
- C. Proposed revisions to the current Charles A. Gallagher Transportation Terminal Parking Fee Rate Schedule.

Detailed copies of these proposed changes will be made available at the following locations:

1. The Lowell Regional Transit Authority Administration Office Charles A. Gallagher Transportation Terminal, 145 Thorndike St. 3rd Floor, Lowell, Mass. 01852. (508) 459-0164
2. LRTA Transit Center, Paige Street, Lowell, Mass. (508) 458-0086.

Written testimony will be accepted with regard to any proposed change until September 1, 1994 at which time all comments, testimony and evidence will be presented to the LRTA Advisory Board.

Robert B. Kennedy
Administrator

Lowell Regional Transit Authority



CHARLES A. GALLAGHER
TRANSPORTATION TERMINAL
145 Thorndike Street
Lowell, Massachusetts 01852
Telephone (508) 459-0164
Fax (508) 458-9673

PRESS RELEASE

Robert B. Kennedy, Administrator of the Lowell Regional Transit Authority, today announced that the LRTA Advisory Board will hold a Public Hearing on August 1, 1994 at the Smith Baker Center, 400 Merrimack Street, Lowell, MA.

The purpose of this hearing will be to solicit public input and testimony with regard to the following:

- A. Proposed revisions to the current LRTA Fixed Route and Paratransit service Fare, Pass and Transfer Rate structure.
- B. Proposed revisions to the current LRTA Transit routes and service Schedules.
- C. Proposed revisions to the current Charles A., Gallagher Transportation Terminal Parking Fee Rate Schedule.

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1. The Lowell Regional Transit Authority Administration Office Charles A. Gallagher Transportation Terminal, 145 Thorndike Street, 3rd Floor, Lowell, Mass. 01852. (508)459-0164.
2. LRTA Transit Center, Paige Street, Lowell, Mass. (508)458-0086.

Kennedy said that these proposed revisions will allow the Authority to maintain its present level of excellent service while allowing for future expansion of service to better meet the needs of our riders.

Kennedy further stated that the proposed revisions will affect all the communities served by the LRTA. Those communities are Acton, Billerica, Chelmsford, Dracut, Groton, Lowell, Pepperell, Tewksbury, Townsend, Tyngsborough and Westford.

Written testimony will be accepted with regard to any proposed change until September 1, 1994 at which time all comments, testimony and evidence will be presented to the LRTA Advisory Board.



CHARLES A. GALLAGHER
TRANSPORTATION TERMINAL
 145 Thorndike Street
 Lowell, Massachusetts 01852
 Telephone (508) 459-0164
 Fax (508) 458-9673

A. LRTA PROPOSED FARE, PASS, AND TRANSFER RATE STRUCTURE

	<u>LOCAL FARE (W ITHIN COMMUNITIES)</u>	<u>INTERCOMMUNITY FARE (ADJACENT COMMUNITIES)</u>
1. <u>FIXED ROUTE:</u>		
REGULAR FARES-	\$ 0.70	\$ 1.00
SPECIAL FARES -	\$ 0.35	\$ 0.50
DOWNTOWN SHUTTLE -	\$ 0.40 & \$ 0.20 SPECIAL	N/A
TRANSFERS REGULAR	\$ 0.20	\$ 0.20
TRANSFERS SPECIAL	NO CHARGE	NO CHARGE

TOKENS WILL BE PRICED AT \$0.60 EACH AND THE THREE (3) TOKEN PRICE WILL BE SET AT \$1.70.

2. FARE CATEGORIES:

- REGULAR: PERSONS 13 TO 60 YEARS OF AGE
- SPECIAL: SENIOR CITIZENS OVER AGE 60, DISABLED INDIVIDUALS, CHILDREN 6 TO 12 YEARS OF AGE, MEDICARE ELIGIBLE INDIVIDUALS. CHILDREN UNDER 6 RIDE FOR FREE.

**3. FIXED ROUTE
PASS STRUCTURE:**

	<u>PROPOSED MONTHLY PRICE</u>
1. STUDENT PASS (HIGH SCHOOL & COLLEGE)	\$ 15.00
2. "THE PASS" (LOWELL ONLY)	\$ 25.00
3. "SPECIAL PASS"	\$ 20.00
4. PASSPORT (ALL ROUTES)	\$ 30.00
5. SPECIAL PASSPORT	\$ 22.00

**4. PARATRANSIT
SERVICES-**

	<u>LOCAL FARE (W ITHIN COMMUNITIES)</u>	<u>INTERCOMMUNITY FARE (ADJACENT COMMUNITIES)</u>	<u>BOSTON MEDICAL TRIPS</u>
FARES:	\$ 0.50	\$ 0.80	\$2.50

B. PROPOSED LRTA ROUTE AND SCHEDULE CHANGES

- 1.* Extension of #04 Edson Cemetery Route to United Parcel Service facility on Brick Kiln Road, Chelmsford, MA.

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- 2a.* LRTA/MBTA Burlington Connection to Boston, MA.

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- 2b. Saturday Service to Billerica and MBTA Burlington link

In response to numerous requests for Saturday service, the LRTA proposes the following schedule:

<u>Leave Paige Street</u>	<u>Leave Gallagher Term.</u>	<u>Arrive Burlington Cambrdg/Chestnut.</u>	<u>Leave Burlington Cambrdg/Chestnut.</u>
7:50 a.m.	7:55 a.m.	8:25 a.m.	8:30 a.m.
9:50 a.m.	9:55 a.m.	10:25 a.m.	10:30 a.m.
11:50 a.m.	11:55 a.m.	12:25 p.m.	12:30 p.m.
1:50 p.m.	1:55 p.m.	2:25 p.m.	2:30 p.m.
3:50 p.m.	3:55 p.m.	4:25 p.m.	4:30 p.m.

3.* Dracut/Tyngsborough Route Extension to Bridgewood Plaza.

Effective May 1994, the LRTA extended the Dracut/Tyngsborough route to include a stop at the Bridgewood Plaza shopping center on Bridge Street in Dracut, MA. The Dracut/Tyngsborough bus stops at Bridgewood Plaza with the exception of these three runs: the 7:25 a.m., 8:25 a.m. and 9:25 a.m. inbound runs from Tyngsborough. The LRTA is also currently considering as a possible alternative for this route extending the #01 Christian Hill route to Bridgewood Plaza because of time considerations.

4. Proposed Shuttle Service Changes:

Downtown shuttle extension to include service to UMass at Lowell North and South campus areas with 30 minute frequency.

5. Proposed expansion of Pepperell Road Runner Paratransit service:

Service to be expanded to include service to the Harbor Village Shopping Center in Townsend, MA.

*Changes made on a trial basis during FY 1994 - proposed to be incorporated into regular schedule during FY 1995.

C. PROPOSED GALLAGHER TERMINAL PARKING FEES

- | | |
|--------------------------|-----------------------------------|
| 1. DAILY PARKING RATE: | WILL BE \$ 2.50 PER CAR/PER DAY |
| 2. MONTHLY PARKING RATE: | WILL BE \$30.00 PER CAR/PER MONTH |

LOWELL REGIONAL TRANSIT AUTHORITY

ADVISORY BOARD MINUTES

June 16, 1994

The meeting was called to order by Chairman Kenneth Stevens at 7:00 p.m. at the Lowell Regional Transit Authority Offices, 145 Thorndike Street, Lowell, MA. Mr. Charles Coppola of Tewksbury, Mr. Joseph Czarnionka of Pepperell, Mr. Arthur Doyle of Billerica, Mr. Thomas Hartnett of Groton, Mr. Donald Herskovitz of Acton, Ms. Beth Kalhauser of Tyngsborough, Mr. William Kavanagh of Westford, and Mr. Timothy Lorden were present. Mr. Peter Lawlor of Chelmsford arrived at 7:14 p.m. . (Weighted vote present = 26.12 constituting a quorum.)

MINUTES:

Chairman Stevens presented the Minutes of May 19, 1994 Advisory Board Meeting for acceptance.

Mr. COPPOLA MOVED THAT THE MINUTES BE ACCEPTED AS PRESENTED, SECONDED BY MR. KAVANAGH, VOTE: 9 IN FAVOR, ONE ABSTAINED.

ADMINISTRATOR'S REPORT:

Administrator Kennedy explained that the Administrator's Report was mainly in the budget message. However, there is one other piece of good news from EOTC on an additional grant of \$90,000 to acquire two new 18-20 paratransit vehicles. These two additional vehicles will bring our total of new paratransit vehicles acquired to nine.

MOTION MADE BY MR. DOYLE TO ACCEPT THE ADMINISTRATOR'S REPORT, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

Deputy Administrator's Monthly Financial Status Report:

MR. COPPOLA MOTIONED TO ACCEPT THE DEPUTY ADMINISTRATOR'S MONTHLY FINANCIAL STATUS REPORT, SECONDED BY MR. HERSKOVITZ, VOTED UNANIMOUSLY.

Administrator's Assistant Report:

MR. COPPOLA MOTIONED TO ACCEPT THE ADMINISTRATOR'S ASSISTANT REPORT, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

REPORTS OF SUB-COMMITTEES:

In the absence of Mr. Lawlor, Mr. Stevens reported that the Budget Sub Committee spent a good deal of time reviewing the proposed budget. He noted that the proposed FY'95 budget is up 2.2% over last year, which is a modest increase. He then asked the Administrator to give a brief report.

Administrator Kennedy gave the following report:

As you are aware, this week completes my first year as your Administrator and also my first budget.

At this time I would like to thank our staff and our contractors for their efforts this past year in meeting our goals and objectives while still operating within the budget. In fact, it appears that we will end this year with approximately \$48,000 under the budget.

That is particularly good news in light of the accomplishments we have achieved during this past year.

In looking forward to FY'95, our proposed budget reflects a 2.2% increase over the FY'94 approved budget. This modest increase will still allow us to continue the momentum we have achieved this past year and it incorporates many new initiatives.

Lastly, I want to thank the Board for their commitment to the LRTA and for their support and guidance to me personally.

Mr. Kavanagh and Ms. Kalhauser expressed their approval of the budget stating that it is an excellent budget.

MR. KAVANAGH MOTIONED TO ACCEPT THE BUDGET, SECONDED BY MR. LORDEN, VOTED UNANIMOUSLY.

ROUTES & FARES:

Mr. Kavanagh passed out copies of the Sub Committee's proposal of routes and fares and informed the Board that the Sub Committee recommended that the Advisory Board approve the timetable. He explained that if this increase is adopted, it could generate an increase of approximately \$55,000 per year.

MOTION MADE BY MR. DOYLE, SECONDED BY MR. HARTNETT TO PROCEED WITH THE SCHEDULE AND PUBLISH THE PROPOSED RATES AND REPORT BACK TO THE BOARD AT THE SEPTEMBER 15, 1994 MEETING.

Chairman Stevens then skipped from Reports of Sub Committees to Old Business and introduced Ms. Beverly Woods, Assistant Director, NMCOG, who reported on the Amendment to Highway Functional Classification.

Ms. Woods explained that there had been an error made on the original map. The classification of Dunstable Road in Westford is inconsistent with the section of Westford Road in Tyngsborough. All we are doing is changing the color on the map to correct the error. It does not change the roadways eligibility for funding at all.

MR. KAVANAGH MOTIONED TO ADOPT THE PROPOSED AMENDMENT TO HIGHWAY FUNCTIONAL CLASSIFICATION THAT WAS SUBMITTED AT THE LAST MEETING, SECONDED BY MR. COPPOLA, VOTED UNANIMOUSLY.

UNIFIED WORK PROGRAM: Ms. Woods commented briefly on the Unified Work Program and stated that it has been reviewed by the State and Feds and it has been left unchanged. The only request they made is that we take out public participation efforts and create a separate work task called public participation.

MOTION MADE BY MR. COPPOLA TO ACCEPT THE UNIFIED WORK PROGRAM, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

Referring back to Reports of Sub Committees, Chairman Stevens asked Mr. Coppola, Chairman of the Personnel Sub Committee, to give a brief report.

Mr. Coppola distributed copies of the Code of Conduct and stated that the Personnel Sub Committee unanimously voted at their May 19, 1994 meeting to recommend adoption of the attached Code of Conduct.

MS. KALHAUSER MOTIONED TO ACCEPT THE CODE OF CONDUCT AND HAVE IT SIGNED BY THE CHAIRMAN OF THE LRTA ADVISORY BOARD, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

Mr. Coppola then stated that the Personnel Sub Committee voted unanimously at their May 19, 1994 and June 6, 1994 meeting to recommend changes to the Personnel Guidelines. (Copy atchd.)

MOTION MADE BY MR. DOYLE, SECONDED BY MR. CZARNIONKA TO ACCEPT THE AMENDMENTS TO THE PERSONNEL GUIDELINES, VOTED UNANIMOUSLY.

AT THIS POINT MR. COPPOLA MOTIONED TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF CONTRACT NEGOTIATIONS, SECONDED BY MR. DOYLE. ON A ROLL CALL VOTE, IT WAS VOTED UNANIMOUSLY THAT THE ADVISORY BOARD GO INTO EXECUTIVE SESSION FOR THE EXPRESS PURPOSE AS STATED.

Mr. Peter Lawlor then excused himself from the meeting.

A record of this Executive Session is retained in the files of our LRТА office.

At 8:05 p.m. the regular meeting resumed.

COMMUNICATIONS:

MR. COPPOLA MOTIONED TO ACCEPT THE THREE COMMUNICATIONS AND PLACE ON FILE, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

CURRENT BUSINESS: Election of Officers

MR. DOYLE MOTIONED TO KEEP THE LRТА ADVISORY BOARD OFFICERS AS THEY CURRENTLY ARE UNLESS SOMEONE ELSE WISHES TO RUN FOR OFFICE, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

NEW BUSINESS:

Mr. Czarnionka asked the Administrator if he would write a letter to the Chairman of the Board of Selectmen asking if they would be interested in extending services in Pepperell. Mr. Kavanagh of Westford and Mr. Hartnett of Groton also expressed their interest in this matter.. Mr. Kennedy replied that he would be happy to do this.

OLD BUSINESS:

MOTIONS: None

WARRANT:

MOTION MADE BY MS. KALHAUSER TO APPROVE THE WARRANT IN THE AMOUNT OF \$350,237.43 WITH A SUPPLEMENT AMOUNT OF \$16,828.77 (Gallagher Terminal) FOR A TOTAL OF \$367,066.20, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

ADJOURNMENT:

ON A MOTION MADE BY MR. DOYLE, SECONDED BY MR. KAVANAGH, THE MEETING ADJOURNED AT 8:16 p.m.

I, William Kavanagh, duly elected and acting as Clerk of the Lowell Regional Transit Authority, do hereby certify that the foregoing minutes are a true and accurate record of the meeting of the Lowell Regional Transit Authority Advisory Board held on June 16, 1994.

Date

William Kavanagh

cc: BOS



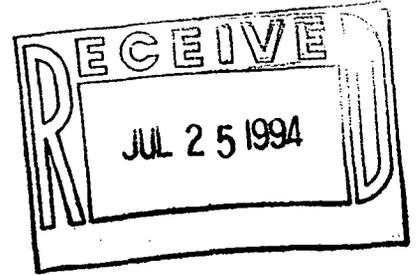
Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

July 22, 1994

ACTION ALERT



TO: Chief Elected Officials
FR: David C. Soule, Executive Director
RE: Transportation Bond Bill: H-5039
Capital Outlay Bill (Chapter 90): S-1740

DCS

The Transportation Bond Bill filed by Governor Weld was passed by the House early last month, and is currently being reviewed by Senate Ways and Means (SW&M) before it is released to the Senate floor for debate.

The \$6 billion bill is intended to develop and improve the state's highways, bridges, airports, mass transit operations, bike paths, and other important projects. The importance of these projects is emphasized by the severity of last winter's weather, which left many roads in extremely battered condition. EOTC Deputy Secretary Michael Swanson recently told *The Boston Globe* that many contracts for road and highway projects have either "gone out to bid", or have been awarded needing only a "notice to proceed" when the bill becomes law. The bill is still subject to Senate floor amendments and most-likely conference committee negotiations.

A most critical element of the Transportation Bond Bill was filed separately in May as a part of a capital outlay bill (S-1740). This element contains a total of \$300,000,000 in Chapter 90 funding to local communities over a two-year period... funding desperately needed for local road improvements. This bill was recently resolved by the conference committee and will shortly be on the calendar for final debate before it is reviewed by the governor.

Please contact Senator Birmingham to urge swift passage of the Transportation Bond Bill from SW&M, and ask your senator to assure timely floor and conference committee action. Please also contact your senator and representative to encourage expedited floor debate of the capital outlay bill. Please offer your support by calling or writing your legislators *today*.

cc: MAPC Community Representatives

Edmund P. Tarallo, *President* William G. Constable, *Vice-President* Donna M. Jacobs, *Secretary* Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

July 21, 1994

Dear Chief Elected Official:

The Draft Transportation Improvement Program (TIP) for FY 1995, 1996 and 1997 was recently sent to you and your Community TIP Contact for review and comment. (For a list of Community TIP Contacts, see Attachment 1) The TIP is a 3 year program of highway and transit projects in the Boston metropolitan region. All transportation projects receiving federal funds must be listed on the TIP in order to receive construction funding.

It is the responsibility of the MAPC to distribute the Draft TIP for public review on behalf of the Boston Metropolitan Planning Organization. The Metropolitan Planning Organization is made up of the Executive Office of Transportation and Construction, Massachusetts Highway Department, Massachusetts Bay Transportation Authority, Massachusetts Port Authority, Metropolitan Area Planning Council and the Massachusetts Bay Transportation Authority Advisory Board.

The MAPC voted against the July distribution of the Draft TIP because a number of locally proposed projects were left out and because there was concern that the \$177 million proposal to use Surface Transportation Program funds for the Central Artery/Tunnel project might jeopardize local projects.

However, state officials are aware of MAPC's concerns and have assured the MAPC that no local projects will suffer because of the Central Artery/Tunnel project. As a result, 118 projects which were left out of the Draft TIP because more information was needed and 29 projects that were submitted after the deadline will be considered for programming into the TIP. This totals \$90.1 million in additional projects. Furthermore, the state has agreed to the inclusion of projects that are part of a pavement management program. This will be further incentive for cities and towns to begin a pavement management program. **To be sure that your projects are included, we need to hear from you in writing as soon as possible.**

We ask that you review the Draft TIP with your TIP Contact and provide any comments to the Metropolitan Area Planning Council. The MAPC will forward these comments to the other members of the Metropolitan Planning Organization. MAPC will make every effort to assist you in placing your projects on the TIP and seeing that your transportation projects are completed.

Thank you for your assistance in this public review process.

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

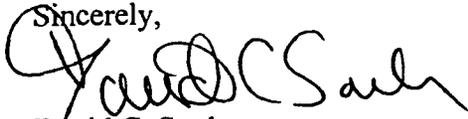
Donna M. Jacobs, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

If you have any questions regarding the Draft TIP, please contact Christopher C. Skelly at this office. Comments on the Draft TIP must be received by **August 11, 1994**.

Sincerely,

A handwritten signature in cursive script, appearing to read "David C. Soule". The signature is written in dark ink and is positioned above the printed name.

David C. Soule
Executive Director

cc: Community TIP Contact
Community MAPC Representative

TRP CONTACT LIST						
NO	Municipality	First Name	Last Name	Phone No	Title	Subregion
1	Acton	Dave	Abbt	(508) 264-9628	Town Engineer	MAGIC
2	Arlington	Alan	McClennen	646-1000	Planning Director	IC
3	Ashland	Silvio	Baruzzi	881-4697	Public Works Director	MW
4	Bedford	Richard	Warrington	275-7605	Public Works Director	NSPC
5	Bellingham	Dennis	Fraine	(508) 966-0990	Town Administrator	SWAP
6	Belmont	Mel	Kleckner	484-2351	Town Administrator	IC
7	BEVERLY	Tina	Cassidy	(508)921-6032	Planning Director	NSTF
8	Bolton	Harold	Brown	(508)779-6402	Public Works Director	MAGIC
9	BOSTON	Andy	McClurg	635-3086	Boston Transp Dept	IC
10	Boxborough	Judy	Jacobs	(508) 263-1116	Executive Administrator	MAGIC
11	Braintree	Christopher	McCabe	848-1870	Executive Secretary	IC
12	Brookline	Jack	Harris	730-2139	Director of Transportation	IC
13	Burlington	David	Owen	270-1635	Town Administrator	NSPC
14	CAMBRIDGE	Dick	Easier	498-9034	Community Development	IC
15	Canton	Joseph	Campo	821-5023	Public Works Director	TRIC
16	Carlisle	Gary	Davis	(508) 369-6156	Public Works Director	MAGIC
17	CHELSEA	John	DePriest	889-8233	Project Manager	IC
18	Cohasset	Martha	Gjesteby	383-1614	Selectperson	SSC
19	Concord	Al	Lima	(508) 371-6260	Planning Director	MAGIC
20	Danvers	Wayne	Marquis	(508)777-0001	Town Manager	NSTF
21	Dedham	Pat	Profeta	326-6099	MAPC Representative	TRIC
22	Dover	James	McKenna	(508)785-2269	Executive Assistant	TRIC
23	Duxbury	Tom	Broadrick	1-934-6586	Planning Director	SSC
24	Essex	Bruce	Julian	(508)768-6262	Public Works Director	NSTF
25	EVERETT	Kevin	Flynn	394-2215	Budget Director	IC
26	Foxborough	Bob	Federico	(508)543-1228	Public Works Director	TRIC
27	Framingham	Arthur	Noonan	1-620-4852	Planning Director	MW
28	Franklin	Wolfgang	Bauer	(508)520-4949	Town Administrator	SWAP
29	GLOUCESTER	Jay	Grande	(508)281-9781	Planning Director	NSTF
30	Hamilton	Robert	Brooks	926-3300	MAPC Representative	NSTF
31	Hanover	Thomas	Doucette	826-3189	Public Works Super	SSC
32	Hingham	Edna S.	English	741-1400	MAPC Representative	SSC
33	Holbrook	John	Culhane	767-0784	MAPC Representative	IC
34	Holliston	Paul	Lebeau	(508) 429-2944	Executive Secretary	SWAP
35	Hopkinton	Robert	Bartlett	(508) 435-3862	Public Works Director	SWAP
36	Hudson	Paul	Blazar	(508) 562-9963	Executive Assistant	MAGIC
37	Hull	Phill	Lemnios	925-2000	Town Manager	SSC
38	Ipswich	George	Howe	(508) 356-6609	Town Manager	NSTF
39	Lexington	Frank	Fields	861-2729	Town Engineer	NSPC
40	Lincoln	William	Constable	542-3164	MAPC Representative	MAGIC
41	Littleton	Mark	Haddad	(508)952-2311	Executive Secretary	MAGIC
42	LYNN	Steve	Smith	598-4000		IC
43	Lynnfield	Allen	Caproni	1-334-3143	Public Works Director	NSPC
44	MALDEN	Edmund P.	Tarallo	397-7020	Planning Director	IC
45	Manchester	Vincent R.	Terrill	(508)526-8781	MAPC Representative	NSTF
46	Marblehead	Rebecca	Curran	631-1529	Town Planner	NSTF
47	MARLBOROUGH	Ronald	LaFreniere	(508)624-6913	City Engineer	MW
48	Marshfield	William	Burke	(508)834-5575	Public Works Director	SSC
49	Maynard	Walter	Sokolowski	(508)897-1017	Public Works Director	MAGIC
50	Medfield	Kenneth	Feeney	(508) 359-8505	Public Works Director	TRIC
51	MEDFORD	Richard	Lee	396-5500		IC
	Medford - cc:	Lauren	Popp	393-2480	Planning Director	IC
52	Medway	Ruth	Allen	(508)533-3200	Administrative Assistant	SWAP
53	MELROSE	James	Richards	665-0065	?	IC
54	Middleton	Ira	Singer	(508) 774-3344	Town Administrator	NSTF
55	Milford	Martha	White	(508)634-2317	Town Planner	SWAP
56	Millis	Charles	Aspinwall	1-376-2634	Town Administrator	SWAP
57	Milton	Paul	Kanter	698-0100	Planning Director	TRIC
58	Nahant	Robert	Steves	581-0018	?	IC
59	Natick	Charles	Sisitsky	1-651-7260	Public Works Director	MW
60	Needham	Carl F.	Valenti	455-7512	Town Administrator	TRIC
61	NEWTON	Elaine	Gentile	552-7175	?	IC
62	Norfolk	Remo R.	Vito	1-528-1408	Hwy Superintendent	TRIC
63	North Reading	Stephen	Casazza	(508) 664-6060	Town Engineer	NSPC
64	Norwell	Annette	Sexton	659-8000	Executive Secretary	SSC
65	Norwood	Bernie	Cooper	762-1240	Assistant General Manager	TRIC
66	PEABODY	Judy	Otto	(508)532-3000x	Asst. Dir. for Planning	NSTF
67	Pembroke	Bob	Hazlett	1-293-3844	Executive Secretary	SSC
68	QUINCY	John	Gillon	376-1948	Traffic Engineer	IC
69	Randolph	David	Zecchini	961-0940	Acting DPW Super	IC
70	Reading	William	Robertson	942-9083	Town Engineer	NSPC
71	REVERE	Frank	Stringi	284-3600	Planning Director	IC
72	Rockland	Andrew	McDonald	871-1874	Board of Selectmen	SSC
73	Rockport	Nichola	Barletta	546-6786	?	NSTF
74	SALEM	William	Luster	(508)745-9595x	Planning Director	NSTF
75	Saugus	Joe	Attubato		Public Works Director	IC
76	Scituate	Joseph	Norton	545-6700	?	SSC
77	Sharon	Benjamin	Puritz	1-784-6909	Executive Secretary	TRIC
78	Sherborn	Mike	Pakstis	(508) 651-7878	Public Works Director	SWAP
79	SOMERVILLE	James	Bretta	625-6600	Comm Dev Director	IC
80	Southborough	Janice	Conlin	1-485-0710	Administrative Assistant	MW
81	Stoneham	Cosmo	Ciccarotto	438-3320	Board of Selectpersons	NSPC
82	Stoughton	Phillip	Farrington	1-341-1300	Town Manager	TRIC
83	Stow	Donna	Jacobs	(508)562-6725	?	MAGIC
84	Sudbury	Richard	Thompson	1-443-8891	Executive Secretary	MW
85	Swampscott	Richard	Besson	581-6055	?	NSTF
86	Topsfield	David	Bond	1-887-5042	Public Works Director	NSTF
87	Wakefield	Donald	Onusseit	246-6300	DPW Director	NSPC
88	Walpole	James	Merriam	1-668-5400	Town Administrator	TRIC
89	WALTHAM	Jeff E.	Tyma	893-4040x3002	?	IC
90	Watertown	Gerald S.	Mee	972-6420	Public Works Super	IC
91	Wayland	David	Berry	727-5550x219	Planning Director	MW
92	Wellesley	R. Arnold	Wakelin	431-1019x214	Finance Director	MW
93	Wenham	Peter	Burnham	1-468-5530	?	NSTF
94	Weston	Ward	Carter	893-7320	Town Administrator	MW
95	Westwood	Michael	Jaillett	326-6450	Executive Secretary	TRIC
96	Weymouth	Frank	Lagrotteria	335-2000	Public Works Director	SSC
97	Wilmington	Lynn	Duncan	(508)658-8238	Planning Director	NSPC
98	Winchester	John H.	Carcia	721-7120	?	NSPC
99	Winthrop	Ray	Rice	846-1852	Tech Asst/Civil Eng	IC
100	WOBURN	John	Cashell	933-7539	Planning Director	NSPC
101	Wrentham	Jay	Fink		DPW	SWAP

CC: 1003 - 572

John Hancock Mutual Life Insurance Fined for Illegal Gratuities to State Legislators

State Ethics Commission
P **LETIN**

July 1994
Volume XVI, number 2

On March 22, 1994, the Ethics Commission fined John Hancock Mutual Life Insurance Company ("Hancock") \$110,000 for illegally entertaining Massachusetts legislators during a six-year period.

\$900,000 to resolve a federal investigation into the company's lobbying activities.

According to the Disposition Agreement, on approximately 300 occasions, lobbyists in Hancock's Government Relations Department illegally provided food, drinks, greens fees or other entertainment to various legislators in order to cultivate personal relationships with -- and thereby gain access to -- those legislators. "Hancock's lobbyists believed that they used this access effectively" as part of their efforts to influence legislation of interest to Hancock, the Disposition Agreement says.

In a Disposition Agreement signed by Hancock and the Ethics Commission, the company admitted violating Section 3 of the Massachusetts conflict of interest law by providing more than \$30,000 in illegal gratuities to state legislators between August 1, 1987 and May 30, 1993. Section 3 of Massachusetts General Laws Chapter 268A prohibits the giving of gifts worth more than \$50 to a public employee "for or because of any official act performed or to be performed by such an employee." The Disposition Agreement did not name the legislators who received illegal gratuities, citing laws regarding the confidentiality of ongoing Ethics Commission investigations.

According to the Disposition Agreement, various Hancock lobbyists, particularly Sawyer, created personal relationships with state legislators so that Hancock's position on various bills "could be effectively communicated." In an employee evaluation quoted by the Disposition Agreement, Sawyer is described as having "established many strong relationships with public officials -- particularly in the Massachusetts legislature where he is a most effective representative of John Hancock's interests."

As a condition of the Disposition Agreement, Hancock will also be required to file semi-annual reports with the Secretary of State and the Ethics Commission, listing *all* expenditures made by or on behalf of the company, involving any Massachusetts public official or employee. Current state law requires companies to file semi-annual disclosures with the Secretary of State, listing all lobbying expenditures of \$50 or more. Lobbyists are required to file similar reports listing all expenditures of \$35 or more in a single day. However, payments for entertainment, social events and other instances where specific legislation was not discussed have been excluded from the reporting requirements under legal interpretations issued by the Secretary of State. The terms of the Disposition Agreement eliminate any such exemptions for Hancock.

The Disposition Agreement quotes internal Hancock documents, prepared by Sawyer, that partially attribute the enactment and defeat of various bills to the efforts of Hancock lobbyists. Each year between 1985 and 1993, the Government Relations Department's internal reports identified, on average, about 125 bills filed with the Massachusetts legislature which were deemed to be of interest to Hancock. During this same period, an average of 10 bills of interest to Hancock were enacted into law each year. The Disposition Agreement also cited evidence that Hancock employees had knowingly violated the conflict law.

The Ethics Commission's investigation was conducted in cooperation with Massachusetts Attorney General Scott Harshbarger, who concurred with the terms of the Disposition Agreement as an appropriate resolution to the charges against Hancock. Hancock also entered into a civil settlement with the United States Attorney's Office, agreeing to pay

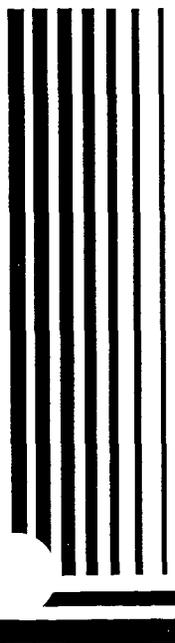
The Ethics Commission considered mitigating factors when imposing the fine. According to the Disposition Agreement, Hancock "cooperated with the Commission throughout this investigation. Moreover, it has taken prompt, aggressive, and thorough steps to correct its

(continued on page 2)

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STATE
ETHICS
COMMISSION



MASSACHUSETTS

unlawful practices," including reassigning personnel, adopting new written procedures for entertainment expenses, and instituting special training for Government Relations employees.

Hancock is the ninth company to be cited by the Ethics Commission for illegally providing drinks, meals or other entertainment to public officials or employees. "The Commission

expects that, through the combination of this Disposition Agreement and the federal settlement, we will get the word out once and for all that wining and dining public officials violates the law in Massachusetts," said Ethics Commission Executive Director Andrew B. Crane.

Hancock, a Massachusetts corporation, is the nation's sixth-largest life insurer, with over 10,000 employees nationwide.

Present and Former Legislators Fined for Accepting Gratuities from Lobbyists

On May 12, 1994, the State Ethics Commission fined ten present and former Massachusetts legislators for violating the state's conflict of interest law by accepting gratuities from Massachusetts lobbyists.

According to separate Disposition Agreements, the present and former state legislators violated §3(b) and §23(b)(3) of the conflict law when they accepted meals, golf, boat excursions, tickets to theater and sporting events, and other gifts from insurance lobbyists. Section 3(b) of the Massachusetts conflict of interest law, General Laws Chapter 268A, prohibits public employees, including state legislators, from accepting anything worth more than \$50 which is given to them "for or because of any official act ... performed or to be performed" by such employees. Section 23(b)(3) of the conflict law prohibits public employees from acting in a manner which would cause a reasonable person to conclude that anyone can improperly influence or unduly enjoy their favor in the performance of their official duties.

The action was part of an ongoing Ethics Commission investigation into lobbying activities in Massachusetts. "The fines and Disposition Agreements announced (on May 12) resolves our investigation *only* as it relates to these legislators," said Ethics Commission Executive Director Andrew B. Crane. Crane added that the ten legislators had all cooperated with the Commission's investigation.

The Disposition Agreements all state that the Commission is aware of no evidence that the

gratuities were provided with the intent to influence any specific act by the legislators, or that the legislators took any official action in return for the gratuities.

- Former Rep. **Suzanne M. Bump** (D-Braintree) was fined \$600 for accepting gratuities from Hancock lobbyist F. William Sawyer. According to a Disposition Agreement, Rep. Bump admitted she violated §3(b) of the conflict law in March 1992 by accepting dinner and theater tickets for herself and her husband worth \$195.82. Rep. Bump served in the state legislature, and on the Commerce and Labor Committee, from 1985 to 1993; she served as Chair of the Commerce and Labor Committee during the 1991 - 1992 legislative session.

- Rep. **William F. Cass** (D-Wakefield) was fined \$550 for accepting gratuities in 1993. According to a Disposition Agreement, Rep. Cass admitted he violated §3(b) of the conflict law by accepting \$184 worth of golf from Sawyer during a conference for insurance legislators at Plantation Resort at Amelia Island, Florida in March 1993. Rep. Cass has served in the state legislature, and on the Health Care and the Personnel Administration Committees, since 1991; he served as Vice Chairman of the Health Care Committee in 1993. He also served on the Joint Committee on Insurance for six months in 1992.

- Rep. **John F. Cox** (D-Lowell) was fined \$1,750 for accepting gratuities from Sawyer, Medical Malpractice

(continued on page 3)

Legislators (continued from page 2)

Joint Underwriting Association of Massachusetts lobbyist George Traylor, and Life Insurance Association of Massachusetts lobbyist William Carroll. According to a Disposition Agreement, Rep. Cox admitted he violated §23(b)(3) of the conflict law by accepting meals for himself and his wife totalling \$125 from insurance lobbyists during a trip to Las Palmas del Mar Resort in Puerto Rico in December 1992; and by accepting dinner for himself and his wife and golf totalling \$334 during a trip to Plantation Resort at Amelia Island, Florida in March 1993. Rep. Cox also admitted he violated §3(b) of the conflict law by accepting a fishing boat excursion for himself and his wife worth \$128 from Traylor in December 1992. Rep. Cox has served in the state legislature since January 1983. He was a member of the Joint Committee on Insurance from 1983 - 1990, a member of the Committee on Banks and Banking from 1982 - 1990, and served as House Chair of the Committee on Bills in the Third Reading from 1990 - 1993.

- Former Rep. **Frank A. Emilio** (D-Haverhill) was fined \$4,200 for accepting gratuities from Sawyer, Carroll, Massachusetts Life Insurance Company ("Mass. Mutual") lobbyist Edward Dever, New England Mutual Life Insurance Company lobbyist Alvaro Sousa, Paul Revere Insurance Company lobbyist John Spillane and American Insurance Association lobbyist James T. Harrington. According to a Disposition Agreement, Rep. Emilio admitted he violated §3(b) of the conflict law by accepting \$96.98 worth of golf and dinner from Sawyer during a conference in Burlington, Vermont in August, 1988; by accepting a dinner for himself and his wife worth \$181.41 from Sawyer at a conference in Atlanta, Georgia in November 1988; by accepting drinks, meals and Red Sox tickets totalling \$283.68 from Sawyer in 1989 and 1990; by accepting Epcot Center tickets, meals and golf worth \$241.12 from Sawyer, and meals worth \$117 from Carroll, during a November 1990 conference at Disney World; and by accepting a \$404.25 set of golf clubs from Sawyer, Dever, Carroll, Spillane, Harrington and Sousa during a private testimonial dinner given by the lobbyists in January 1991 to commemorate Rep. Emilio's departure from the state legislature. Rep.

Emilio served in the state legislature, and on the Joint Committee on Insurance, from 1981 to 1991.

- Rep. **Kevin D. Honan** (D-Allston) was fined \$1,050 for accepting gratuities from Sawyer, Carroll and Hancock lobbyist Ralph Scott. According to a Disposition Agreement, Rep. Honan admitted he violated §3(b) of the conflict law by accepting a Boston Celtics skybox ticket worth \$70 from Scott in 1991; and by accepting golf totalling \$130 from Sawyer during a trip to Amelia Island, Florida in March 1993. Rep. Honan also admitted he violated §23(b)(3) of the conflict law by accepting a dinner for himself and a guest worth \$150 from Carroll during the trip to Amelia Island. Honan has served in the legislature since 1987, and has served as Vice Chairman of both the Government Regulations Committee and the Health Care Committee.

- Former Rep. **Robert Howarth** (R-Springfield) was fined \$2,850 for accepting gratuities from Sawyer. According to a Disposition Agreement, Rep. Howarth admitted he violated §3(b) of the conflict law by accepting a hotel room worth \$131.64 in November 1988; by accepting meals and golf during an annual "Cape Cod weekend" each year between 1988 and 1991 (gratuities totalling \$110.03 in 1988, \$221.93 in 1989, \$203.10 in 1990 and \$181.73 in 1991); and by accepting dinner for himself and his wife worth \$107.75 in January 1991. Rep. Howarth served in the state legislature from 1981 until 1993; during that time, he served on various committees, including the Insurance Committee and the Health Care Committee.

- Rep. **Francis G. Mara** (D-Brockton) was fined \$1,700 for accepting gratuities from Sawyer, Traylor and Carroll. According to a Disposition Agreement, Rep. Mara admitted he violated §3(b) of the conflict law by accepting drinks and theater tickets for himself and his wife worth \$171 from Sawyer in September 1992; and by accepting a fishing boat excursion for himself and his wife worth \$128 from Traylor during a trip to Las Palmas del Mar, Puerto Rico in December 1992. Rep. Mara also admitted he violated §23(b)(3) of the conflict law by accepting dinners for himself and his wife worth \$125 from Sawyer during the December 1992 trip; and by accepting dinners for himself

(continued on page 4)

and his wife worth \$150 from Carroll during a conference for insurance legislators at Amelia Island, Florida in March 1993. Rep. Mara has served in the state legislature since 1982. He has served on the Joint Committee on Insurance since 1983, and has served as that Committee's House Chairman since 1991.

- Former Rep. **Peter B. Morin** (R-Barnstable) was fined \$700 for accepting gratuities from Sawyer. According to a Disposition Agreement, Rep. Morin admitted he violated §3(b) of the conflict law by accepting dinner and drinks for himself and his wife totalling \$81.79 in July 1988; and by accepting dinner and drinks totalling \$150.91 in July 1990. Rep. Morin served in the state legislature from 1985 to 1991; during that time, he served on various committees, including the Committee on Commerce and Labor and the Committee on Banks and Banking.

- **Rep. Kevin Poirier** (R-N. Attleborough) was fined \$2,250 for accepting gratuities from Sawyer. According to a Disposition Agreement, Rep. Poirier admitted he violated §3(b) of the conflict law by accepting dinners for himself and his wife during an annual Cape Cod dinner each year between 1988 and 1991 (gratuities totalling \$81.79 in 1988, \$174.19 in 1989, \$150.91 in 1990 and \$125.54 in 1991); and by accepting meals for himself and his

family totalling \$230 during a conference for insurance legislators at Disney World, Florida in November 1990. Rep. Poirier has served in the state legislature since 1977. He has served on the House Ways and Means Committee since 1991. He also served as the Assistant Minority Leader from 1987 to 1990.

- **Rep. Thomas P. Walsh** (D-Peabody) was fined \$2,500 for accepting gratuities from Sawyer, Scott, Carroll and Massachusetts Medical Society lobbyist Andrew Hunt. According to a Disposition Agreement, Rep. Walsh admitted he violated §3(b) by accepting dinner and Bruins tickets worth more than \$128 from Scott in 1989; by accepting dinner and Celtics tickets for himself and his wife worth more than \$141 from Sawyer in January 1990; by accepting concert tickets worth \$68 from Sawyer in 1991; by accepting theater tickets worth \$92 from Sawyer in December 1992; by accepting meals and golf totalling \$184 from Sawyer during a conference for insurance legislators at Amelia Island, Florida in March 1993; and by accepting golf totalling \$80 from Hunt during the Amelia Island conference. Rep. Walsh also admitted he violated §23(b)(3) by accepting dinner for himself and his wife worth \$150 from Carroll during the Amelia Island conference in March 1993. Rep. Walsh has served in the state legislature since 1987. He has served as Vice Chairman of the Joint Committee on Insurance since 1992.

Rep. Charles Mann Cited for Involvement in Bank Dispute

On March 1, 1994, the State Ethics Commission fined Rep. Charles W. Mann (R-Hanson) \$500 for his involvement in a certification dispute between then-Banking Commissioner Michael C. Hanson and the ousted board of directors of Bridgewater Credit Union, while he was in litigation against the credit union and while he and a business partner had a credit union mortgage loan which was delinquent.

Acting on behalf of the ousted directors, Mann contacted various state officials to seek a review of Hanson's October 1991 certification that the Bridgewater Credit Union was in "unsound condition". This certification

effectively removed the sitting board of directors. At the time of the dispute, Mann had defaulted on two real estate loans from Bridgewater Credit Union. If the ousted directors had been reinstated through a reversal of Hanson's certification, they would have been responsible for making litigation and loan workout decisions regarding Mann's loans.

Mann admitted in a Disposition Agreement that he violated the conflict of interest law by participating as a public official in matters which could affect his own financial interests and the financial interests of his business partner, John Peck, who is a former Director of the Bridgewater Credit Union.

(continued on page 5)

According to the Disposition Agreement, the Ethics Commission found no evidence during its investigation that the ousted directors promised Mann favorable treatment in return for his actions in challenging the certification decision; nor did the Commission find evidence that Mann threatened the Banking Division with political consequences if the decision was not reversed.

However, G.L. c. 268A §6 bars governmental officials from acting in matters affecting their own financial interests, or the financial interests of their business partners. Among

other activities, this section prohibits any involvement in the appointment or selection of personnel who will subsequently make decisions affecting such financial interests. Mann's challenge to the certification decision was tantamount to an attempt to restore the ousted directors to their former positions. The credit union's directors would then make decisions regarding the pending litigation and loan workout attempts, in which Mann and Peck both had financial interests. Therefore, Mann's activities constituted a violation of §6 of the Massachusetts conflict of interest law.

Rep. Mann has served on the legislature's Joint Committee on Banks and Banking since 1991.

Brockton Company and Former Pembroke Highway Surveyor fined for Private Driveway Paving Deal

On May 17, 1994, the Ethics Commission fined former Pembroke Highway Surveyor Arthur Hermenau and Tilcon Massachusetts, Inc. ("Tilcon") \$1,000 each for violating the conflict of interest law in 1987 when Tilcon paved Hermenau's private driveway and charged him a discounted "town rate" for the work.

In separate Disposition Agreements, Tilcon and Hermenau admitted that, at Hermenau's request, the company paved his driveway in July and November 1987. Tilcon charged Hermenau a total of \$3,775.56 for the work, approximately \$500 less than Hermenau would have been charged by a residential paving contractor at the then-customary market rate for such work. At the time of the paving, Tilcon was a vendor to the Pembroke Highway Department, subject to Hermenau's official authority to award town paving contracts and oversee vendors' performance.

Tilcon's primary business is commercial paving, including municipal paving contracts, and only rarely does it pave residential driveways. "Hermenau's access to Tilcon's paving services was itself a benefit to Hermenau," according to the Agreements. "Tilcon was able to do the work at a higher standard of quality than a small local driveway contractor would have been able to achieve."

According to the Agreements, Tilcon agreed to pave Hermenau's driveway and charged him the discounted "town rate" in part because of his official position as the Pembroke Highway surveyor. At the time, Hermenau was the only private customer in Pembroke who was charged the "town rate" for paving and his driveway was the only residential driveway Tilcon paved as an independent project, according to the Agreements.

Section 3(a) of the Massachusetts conflict of interest law prohibits anyone from giving anything of substantial value to a municipal employee for or because of that employee's official duties. In its Disposition Agreement, Tilcon admitted it violated §3(a) by paving Hermenau's driveway and charging him the discounted "town rate".

Section 3(b) of the conflict law prohibits public employees from accepting anything of substantial value for or because of their official duties. In his Disposition Agreement, Hermenau admitted he violated §3(b) by approaching Tilcon employees to request that the company perform the work, and receiving Tilcon's paving services, and by paying the discounted "town rate" for the paving. In addition to the \$1,000 fine, Hermenau must also forfeit to the Commonwealth the \$500 difference between the "town rate" charged by Tilcon and the then-customary market rate for paving.

Royalston Fire Chief fined for Acting with the Appearance of Bias

On April 5, 1994, the Ethics Commission fined Royalston Fire Chief Wayne Newton \$250 for violating the "appearances" provisions of the Conflict of Interest Law by awarding a town contract to a town Selectman who annually votes on Newton's reappointment as Fire Chief, and with whom he had an ongoing business relationship.

Newton awarded the \$1,700 contract to Selectman John Kirkman in April 1992. Kirkman had previously been employed by Newton, and Newton currently subcontracts carpentry work to Kirkman. Newton awarded the contract, to board up a condemned property, to Kirkman despite the fact that Kirkman's bid did not meet the bid specifications. Newton then allowed Kirkman to charge materials on the Fire Department account; he also allowed Kirkman to borrow equipment personally owned by Newton.

After inquiries by the town's Board of Health, Kirkman's bill was reduced to \$1,450, reflecting the difference in price between the original specifications and the materials actually used.

Section 23 of G.L. c. 268A, the Massachusetts Conflict of Interest Law, prohibits public officials from acting in a manner which would cause a reasonable person to conclude that anyone could enjoy his favor in the performance of his official duties. Newton admitted in a Disposition Agreement that he violated section 23 by awarding Kirkman the contract despite his use of materials that were below the bid specifications, by allowing him to charge materials to the Fire Department account, and by allowing Kirkman to use his (Newton's) personal equipment to perform the work.

Summaries of Recent Ethics Commission Advisory Opinions

EC-COI-94-1 - A staff member of the State Board of Retirement ("Board") may seek election to the Board and may continue to hold his full-time staff position if he is elected to the Board. If he is elected, he will not need a §7(e) exemption, as the Board's enabling statute requires that the elected member be a current or retirement member of the state retirement system. Thus, he would serve on the Board by virtue of his state position, which is analogous to an *ex officio* post. Additionally, the enabling statute requires that the Board member be an active participant in the retirement system, and contemplates that he will participate in particular matters that affect all retirement system participants, including himself. Therefore, §6 will not prohibit such participation.

EC-COI-94-2 - Section 3 does not apply to items of substantial value which are given to a public employee as the result of an official act

of the Commonwealth or a political subdivision thereof. However, §23(b)(2) will prohibit public employees from using such passes for non-job-related travel, where that usage exceeds \$50 in a calendar year.

EC-COI-94-4 - A court officer can also serve as a constable. Under §4(a), she may receive compensation as a constable from non-state parties, even where the state is a party to the particular matter, as such compensation is "provided by law." However, she must obtain a §7(b) exemption to provide constable services on behalf of a state agency, and an exemption to §20 to provide paid constable services on behalf of a municipal agency. She may not act as a constable for the Trial Court, as court officers are employees of the entire Trial Court, rather than the department to which they have been assigned pursuant to the Court Reform Act. Finally, §23 imposes restrictions on solicitation for her constable business.

Section 6 Disclosures

Section 6 of the conflict of interest law prohibits state employees from participating in matters affecting their own financial interests, the financial interests of immediate family members, or the financial interests of a business organization for which they serve as officer, director, trustee, partner or employee, or with which they are negotiating for prospective employment. Whenever any state employee would otherwise be required to participate in such a matter, the employee must notify his or her appointing official of the potential conflict of interest, and must also file a written disclosure with the State Ethic Commission.

Section 6A of the conflict law requires any elected official who is required to take an action that would substantially affect his own financial interest to file a written disclosure of the potential conflict with the State Ethics Commission.

Following is a list of those elected officials and state employees who have filed §6 and §6A disclosures with the State Ethics Commission between January 1 and May 31, 1994. Disclosures filed before January 1, 1994 are listed in previous editions of *The Bulletin*. These disclosures are public records and are available for viewing during normal working hours at the Commission's offices (Room 619, One Ashburton Place, Boston).

January 1994

- 6 **Daniel W. Halston**
Assistant Attorney General
Office of the Attorney General
- 10 **Thomas H. Ford**
Assistant Director for Refugee Programs
Office for Refugees and Immigrants
- 13 **Lucinda A. Woods**
Supervisor/Property and Casualty Policy Review
Division of Insurance
- 13 **Mark A. Baker**
Investment Officer
Treasury Department
- 13 **Marc A. Slotnick**
Assistant Secretary
Exec. Office of Communities and Development
- 20 **Neil L. Ringler**
Trustee
Cape Cod Community College
- 26 **Robert B. McPhail**
Chief, Appeal and Review Bureau
Department of Revenue

- 31 **Dean Spencer**
Senior Deputy General Counsel
Department of Environmental Protection

February 1994

- 3 **Michael J. Connolly**
Secretary of State
- 4 **Alan R. Morse, Jr.**
Commissioner of Banks
- 7 **Edwin T. Wyman, Jr.**
Impartial Examiner
Department of Industrial Accidents
- 11 **William Rodriguez**
Budget Analyst
Senate Ways and Means Committee
- 15 **John H. Garretson**
Chairman, Board of Agriculture
Department of Food and Agriculture
- 16 **Bernard Katz**
Senior Mental Health Consultant
Department of Correction
- 17 **Judith Fabricant**
Richard Goldstein
Office of the Attorney General

March 1994

- 1 **Robert L. Mabardy**
Chief of Staff
Massachusetts Bay Transportation Authority
- 7 **Susan A. Goodwin**
Vice Chancellor for Administration and Finance
University of Massachusetts/Lowell
- 9 **Barry O. Fuller, Sr.**
General Manager
Woods Hole, Martha's Vineyard and
Nantucket Steamship Authority
- 10 **John W. Garretson**
Chairman, Board of Agriculture
Department of Food and Agriculture
- 15 **Virginia Hoefling**
Office of the Attorney General
- 18 **Margaret Long Randle**
Commissioner
Rate Setting Commission

(listing continued on page 8)

March 1994 Disclosures (continued from page 7)

- 21 Rep. Emanuel Serra
Massachusetts House of Representatives
- 25 LaDonna Hatton
Assistant Attorney General
Office of the Attorney General
- 25 Diane M. Speers
Marketing and Service Planning Manager
Woods Hole, Martha's Vineyard and
Nantucket Steamship Authority
- 28 Andrew O. Kaplan
Hearing Officer
Department of Public Utilities

April 1994

- 1 Kevin McNeely
Office of the Attorney General
- 6 Howard Brick
Assistant Attorney General
Office of the Attorney General
- 7 Armen Zildjian
Student Council Member
Higher Education Coordinating Council
- 8 Doron F. Ezickson
Executive Director
Massachusetts Office of International Trade
and Investment
- 20 Suzanne C. D. Weeks
Auditor
Office of Campaign and Political Finance
- 26 Neil L. Ringer
Trustee
Cape Cod Community College
- 27 Will Brownsberger
Office of the Attorney General

State Ethics Commission

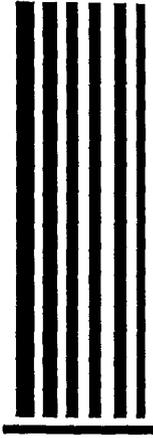
Room 619
One Ashburton Place
Boston, MA 02108

May 1994

- 2 Sayif M. Sanyika
Community Services Officer
Demonstration Programs
Mass. Housing Finance Authority
- 13 Lois Bruinooge
Coastal Zone Management
- 16 Lynn Margulis
Professor of Biology
University of Massachusetts/Amherst
- 16 Burton H. Harris
Executive Director
Mass. Industrial Finance Authority
- 17 Douglas H. Wilkins
Office of the Attorney General
- 18 Steven S. Guveyan
Gregory O'Brien
Thomas Porter
Edward A. Rachins
Parker Wellington, Jr.
Underground Storage Tank
Petroleum Product Cleanup
Fund Administrative Review Board
- 19 Bruce M. Bullen
Commission
Division of Medical Assistance
- 20 Kathleen Alexander
Trustee
Berkshire Community College
- 23 Scott Harshbarger
Attorney General
- 31 Donald H. Clauson
Acting Parking Lot Manager
Woods Hole, Martha's Vineyard and
Nantucket Steamship Authority

**STATE
ETHICS**

COMMISSION



MASSACHUSETTS

State Ethics Commission
One Ashburton Place
Room 619
Boston, MA 02108
(617) 727-0060

**Commission Members
1994**

George D. Brow
Constance J. Dot
Nonnie S. Burnes
Herbert P. Gleason
Paul F. McDonough, Jr.

Andrew B. Crane
Executive Director

Liz Lattimore
Editor

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Acton MA 01720

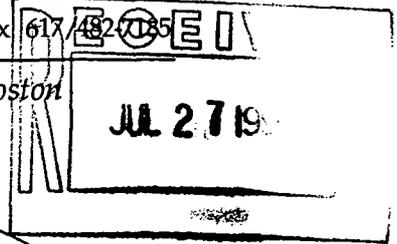




Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/452-7135

Serving 101 cities and towns in metropolitan Boston



July 26, 1994

Don P. Johnson
Town Manager
Town Hall, 472 Main Street
Acton, MA 01729

Michael J. Gianotis
Town Administrator
Town Hall, 195 Main Street
Maynard, MA 01754

cc: BOS
D. ABBT
D. JACOBS

[Handwritten signature]

Dear Messrs. Johnson and Gianotis:

I appreciate your expression of concern about the Route 27 bridge. As you know, the draft Transportation Improvement Program in circulation proposes two changes. The first is a shift in funding category from the federal aid bridge program to the federal aid Surface Transportation Program. This is necessitated by federal and state recommendations to finance the Central Artery/Third Harbor Tunnel. The proposed change will make no material difference in the project. Unless we hear from you to the contrary, we will assume that this change is acceptable to you.

The second proposed change was to move the project from fiscal year '95 to fiscal year '96. This, we understand, represents a serious public safety concern for both Acton and Maynard. The bridge reconstruction is vital to the routing of police, fire and emergency medical services. After registering these concerns with state transportation officials, I am pleased to advise you that the final Transportation Improvement Program will show the bridge as a FY'95 project. With respect to moving the project to completion, MAPC regularly recommends that the appropriate community official contact and work with the state to avoid potential delays.

Edmund P. Tarallo, *President* William G. Constable, *Vice-President* Donna M. Jacobs, *Secretary* Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

I appreciate your concerns and hope to continue to work with you and with federal and state officials to move critical projects forward. I look forward to working with you in the future. If you have any question, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Soule". The signature is written in a cursive style with a large initial "D" and "S".

David C. Soule
Executive Director

DCS/lab

cc: Donald Gilberti, MAPC Rep., Acton
Michael Lalli, MAPC Rep., Maynard
Dan Beagan, EOTC
Senator Robert A. Durand
Representative Pamela P. Resor
Representative Nancy Evans
Dick Downey, Chairman, MAGIC

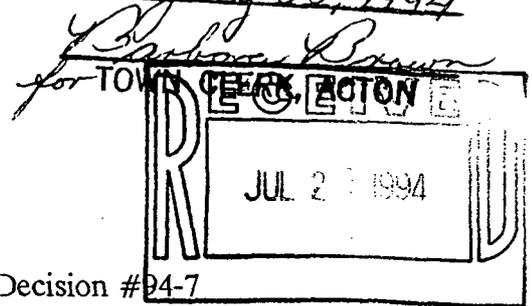
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MASSACHUSETTS
BOARD OF APPEALS

Selectman
RECEIVED & FILED

DATE *July 25, 1994*



Decision #04-7

DECISION ON THE PETITION OF BRADLEY BOTKIN & RENEE ROBINS, 90
MAIN STREET

A public hearing of the Board of Appeals was held in the Town Hall on Monday, May 2, 1994 at 8:30 p.m., on the petition by Bradley Botkin and Renee Robins, 90 Main Street, Acton, for a PETITION FOR A SPECIAL PERMIT from the requirements of Section 5.2.4 of the Zoning Bylaw, to allow the construction of a small addition closer to the lot line than current setback requirements allow, but not as close as the existing structure at 90 Main Street, Map H3B/Parcel 5.

Board members present were Malcolm Burdine, Chairman; Duncan Wood, Clerk; and Stephen Crockett, Member; and Valerie Sippelle, Secretary. Also present were Garry Rhodes, Building Commissioner; Renee Robins and Brad Botkin, Petitioners.

Mr. Burdine opened the hearing, explained the hearing procedure, read the petition, and noted the file contents.

The Board of Appeals, after considering the material submitted with the petition, together with the information developed at the public hearing, finds that:

- (1) The requested petition for a Special Permit is consistent with the Town of Acton Master Plan.
- (2) The front of the house is already within the front yard setback. The Petitioners are proposing to add to the front of their house and need a Special Permit to do so.
- (3) With the addition the Petitioner's house will be at least thirteen feet from the side setback which is ten feet.
- (4) The neighbors and abutters have expressed their support of this Petition.
- (5) It would be difficult to build onto the rear of the house as it would be more expensive and require much more work to be done inside the house. If the building were to be done in the back, substantial renovation to the kitchen and bathroom would be required.
- (6) There is a slope at the back of the house which would make the addition more difficult to construct as well as more expensive.

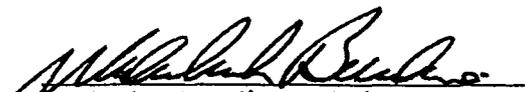
Based upon the findings, the Board of Appeals concludes that:

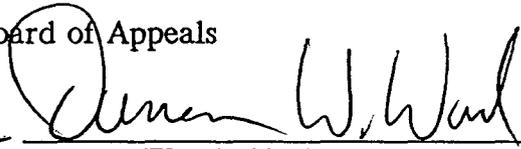
- (1) Granting the requested Special Permit would be in compliance with the Town of Acton Master Plan.
- (2) The request is in harmony with the intent and purpose of the Bylaw, and is appropriate for the site.
- (3) That owing to circumstances relating to the soil conditions, shape, or topography of the LOT or STRUCTURES in question and especially affecting such LOT or STRUCTURES but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner; and
- (4) That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. In deciding whether the requested Special Permit nullifies or substantially derogates from the intent or purpose of this Bylaw, the Board of Appeals shall consider whether the granting of such Special Permit is consistent with the Master Plan.

Based upon the above conclusions, the Board of Appeals voted unanimously to GRANT the requested Special Permit.

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.

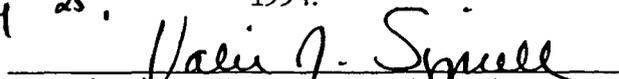
Town of Acton Board of Appeals


Malcolm Burdine, Chairman


Duncan Wood, Clerk


Stephen Crockett, Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 25, 1994.


Valerie Sippelle, Board of Appeals
Secretary

JOHN - IT'S EASY TO ID OUR PAVEMENT NEEDS WHEN WE ARE SO FAR BEHIND; HOWEVER, AS WE CATCH UP WE MAY NEED MORE SOPHISTICATION. SHOULD WE TAKE ANOTHER LOOK AT THE PVMT MGMT PROGRAM NOW OR WAIT FOR THE INFRASTRUCTURE MODULE ON OUR NEW COMPUTER SYSTEM SOFTWARE?

cc: BOS

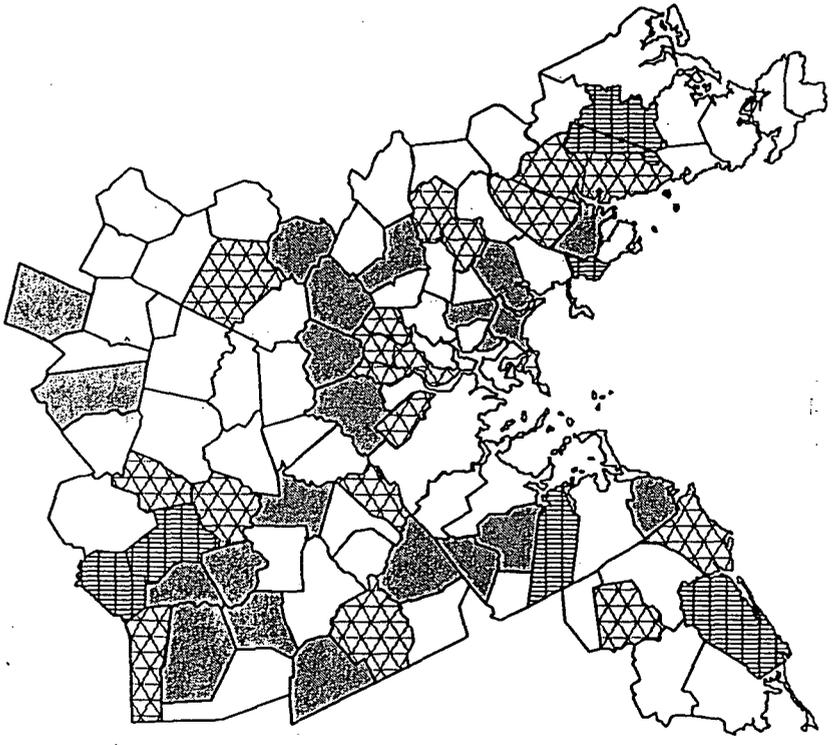
MAPC NEWS

A Monthly Publication of the Metropolitan Area Planning Council

August 1994

Working Together for a Smoother Future

MAPC can assist communities in managing pavement. Our pavement management program provides municipal employees with the training necessary to collect data and evaluate road conditions. MAPC also provides data input services, condition and financial analyses, maps, and presentation services to local groups, all at *no charge* to the community. To learn more about the benefits of participation, contact Timothy Wagner at MAPC.



MAPC Pavement Management Program

August 1994

- | | | | |
|---|-------------------------|---|--------------------|
|  | Participating with MAPC |  | Using other system |
|  | Advanced Participant |  | Currently inactive |

MAPC Works to Assure Local Projects Will be Funded

By a 4 to 2 vote, the SubSignatory Committee of the MPO (Metropolitan Planning Organization) approved for distribution, the Draft 1995-97 TIP (Transportation Improvement Program) at their July 7th meeting. The document was subsequently distributed to the communities for review and comment by August 11th. MAPC and the MBTA Advisory Board, the two agencies representing local interests on the MPO, opposed the distribution of the document because a number of key funding questions needed to be answered. Since that time, MAPC has been working with state officials to assure that local highway and transit projects receive the money they need for projects to go forward. Please call Chris Skelly if you have any questions about individual projects.

Community Alert

The deadline for review and comment on MAPC's long-term population projections by community is August 31st. The projections are important because they are used to assess needs for major infrastructure projects such as highways, transit lines and water and sewer systems. Contact: Douglas Carnahan

Public Documents at Your Fingertips

MAPC and the MMA (Mass. Municipal Association) have collaborated to bring an exciting new service to communities. LocalNet, a computer bulletin board designed to provide electronic mail and other information services is available free of charge to MAPC and MMA member communities. With MMA as the lead agency, and MAPC as a co-sponsor, LocalNet users can access:

- information on educational reform conferences and other municipal issues;
- text of proposed legislation, local and state fiscal and demographic data, information on changes to state education aid regulations;
- a calendar of upcoming events, classified ads, and on-line access to articles from the MMA's Beacon and the Advocate publications;
- a "member exchange" area for questions and answers on specific problems (e.g., zoning regulations, model charters, referenda, etc).

If you're interested in exploring LocalNet or want connection instructions, call Will Donovan at the MMA (617) 426-7272.

MAPC NEWS

MAPC News is published monthly by the Metropolitan Area Planning Council for the citizens of greater Boston. Subscription is free. News submissions are subject to editing and should be sent to the Public Information Officer, MAPC, 60 Temple Place, Boston, MA 02111; (617) 451-2770; fax (617) 482-7185.

President: Edmund P. Tarallo
Vice President: William G. Constable
Secretary: Donna Jacobs
Treasurer: Richard A. Easler
Director: David C. Soule
Editor: Donna J. Howard
Designer: Susan P. Pawlowski

Public Participation

Federal transportation regulations require each Metropolitan Planning Organization (MPO) to establish a proactive public participation process that provides complete information; timely public notice; full access to key decisions; and early and continuing public involvement in the development of Transportation Plans, Unified Planning Work Programs, and Transportation Improvement Programs and major amendments.

In June, the Boston MPO established its public participation program that provides a 35-day period for the public to review and comment on these documents. MPO action will be taken on a draft only basis after each of its member agencies has reviewed all public comments. In addition, the process specifies that a formal public meeting be held annually, during the winter months, to review the planning assumptions of the Transportation Plan and to review the TIP development process.

For more information, contact Craig Leiner or David Mohler of the Central Transportation Planning Staff, State Transportation Building, Ten Park Plaza, Suite 2150 Boston, MA 02110-3968; or call (617) 973-7100; TDD (617) 973-7089.

Expand Your Horizons

MAPC's agreement with the Mass Alliance for Economic Development (MAED) to provide a consolidated network of referrals for new business development is presenting an important opportunity for the MAPC subregions.

Now, subregions interested in expanding economic development opportunities can enter a voluntary agreement with MAPC and MAED to implement a cooperative economic development strategy that promotes local commercial and industrial sites to businesses considering expansion, relocation or building a new business in the region.

The referral network allows developers to gather site specific information such as environmental limitations, zoning and permit uses, infrastructure availability, assessed valuation property taxes, ownership information, and more. For communities, the initiative provides expanded marketing opportunities. The Inner Core Subregion has already signed on to the network and as MAPC's Executive Director presents the program to each of the subregions, more are expected to take advantage of this new opportunity.

Contact: David Soule

Opportunities in Education

To attract, enhance and retain the nation's best and brightest, the Eisenhower Transportation Fellowship Program, awards annually \$2,000,000 to students pursuing graduate degrees in transportation related fields. The six grant categories range from research and postdoctoral fellowships to grants to students of Historically Black Colleges and Hispanic Serving Institutions. For more information contact Ilene Payne at (703) 285-2785.

New Members

MAPC welcomes gubernatorial appointee, Thorn Mead; Geoff Slater of the MBTA and Carol Gladstone of Chelsea to the Council membership.

Contact: Lois Baxter

Harbor Visions

Community activists, design professionals, planners, government officials and members of the business community will convene September 23 - 25 at UMass Boston for a three day design charrette on the Boston Harbor. Save the Harbor/Save the Bay and Boston Society of Architects have collaborated to launch the Harbor Visions project, designed to bring a multidisciplinary community together to develop a strategic plan for the future of the harbor. For more information call 951-1433, ext. 225.

Soule Sets Tone

In a keynote address to delegates of the Berkshire County Regional Planning Commission, MAPC's Executive Director spoke about the challenges and opportunities in moving beyond local control issues toward regional problem solving. The group met on Thursday, June 13th at the Berkshire Hilton in Pittsfield for their annual meeting and dinner. As head of New England's largest regional planning agency, Soule told delegates that the "regions need statespeople, who can see beyond boundaries and make the choices that are critical."

Contact: Donna Howard

More Transportation Planning

As part of the process to develop *Accessing the Future: The Intermodal Statewide Transportation Plan for the Commonwealth of Massachusetts*, the Executive Office of Transportation and Construction has released an updated section of the plan entitled, *Draft Policies and Initiatives*. Development of *Accessing the Future* is being guided by an Executive Steering Committee comprised of high-level representatives from federal, state, and local agencies who are responsible for policy direction and oversight. For more information contact: David Luce, EOTC/BTPD (617) 973-7313.

Green Business Conference

Eco Expo, the country's largest exposition, conference and trade show devoted to marketing environmental products and services is coming to Boston September 23 - 25th at the World Trade Center. For more information call (818) 906-2700 or Fax (818) 906-0367.

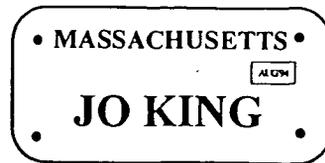
Controlling Pollution through Stormwater Management

On Thursday, June 30th, the Metropolitan Area Planning Council sponsored *Cleaning the Waters: Protecting the Sudbury River from Polluted Runoff*, an intensive workshop on the impacts of urban runoff to local rivers, ponds and wetlands.

Using the upper Sudbury River (which currently fails water quality goals for fishing and swimming) as a case study, the workshop examined the impacts of polluted runoff, and presented prevention techniques and a step-by-step approach to local stormwater management.

Contact: Martin Pillsbury

License Plate



Manufacturing and the Future

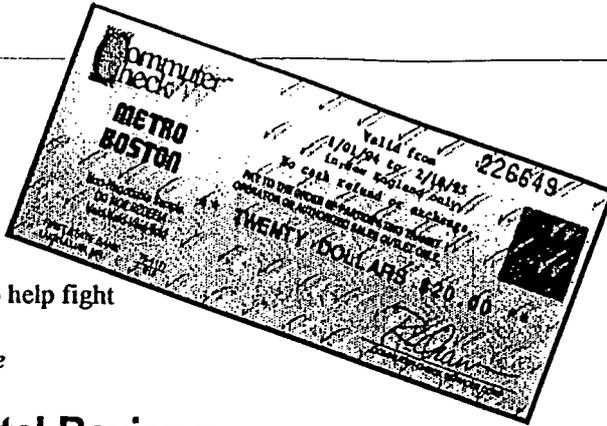
Relief is on the way for greater Boston's manufacturing sector. After thirty-years of decline, caused by intense international competition, serious reductions in defense spending, and rapid technological changes, a move to improve manufacturing competitiveness in Massachusetts is underway. A new partnership between the region's manufacturers, universities, and various industry organizations has formed to provide technical assistance to small and mid-sized manufacturers. The Greater Boston Manufacturing Partnership is one of five regional programs in the Commonwealth, funded by the National Institute of Standards & Technology and the state legislature. Each program will establish an industry led non-profit corporation which will provide a comprehensive set of services and resources to manufacturers on a subsidized basis in the areas of manufacturing technology, systems and process engineering; advanced business practices; strategic planning; market development; workforce training and interfirm cooperation. The industry holds 13% of the region's job market, and is a key source of regional exports and new product development. Its survival and growth is key to the region's economic recovery.

Contact: Steven Landau

Commuter Check

Call MAPC to find out how you can cash in your check to help fight pollution.

Contact: Mark Chase



Environmental Reviews

MAPC has received and distributed the following environmental reviews:

- ◆ Marblehead/Phillips/License Seawall
- ◆ Danvers/Berry/License Seawall, Pier, Ramp, Float
- ◆ Canton/Fieldstone Meadows Subdivision
- ◆ Quincy/Retail Center
- ◆ Beverly/SESD Beverly Tunnel Abandonment
- ◆ Foxboro/Burger King
- ◆ Cohasset/Hanney/License Existing Structures
- ◆ Norfolk/MCI-Norfolk-New Housing Building
- ◆ Newton/Mt. Ida College/Carlson Student Center
- ◆ Boston/Ambulatory Care Specialty Center
- ◆ Revere/Sunrise at Point of Pines
- ◆ Medford/Somerville/I-93 Resurfacing/Exit 31 Relocation
- ◆ Hudson/Chestnut Street Water Treatment Facility
- ◆ Boston/American Airlines Tenant Upgrades
- ◆ Brookline/Chestnut Hill Plaza Addition
- ◆ Statewide/MetroWest Water Supply Tunnel
- ◆ Berlin/Marlboro/Regional Shopping Center

The Mann Award

MAPC is gearing up for a new regional award to be named after the late Mayor Theodore Mann for outstanding community leadership in the implementation of planning concepts. Stay tuned for a call for nominations and deadline information.

Contact: Lois Baxter

August Calendar

- | | | |
|----|------------|-------------------------------|
| 1 | 12:00 p.m. | Officers Meeting |
| 2 | 9:00 a.m. | MetroPlan Committee |
| 3 | 10:00 a.m. | Inner Core Meeting |
| | 12:00 p.m. | Legislative Committee |
| 9 | 8:30 a.m. | Subregional Chairs Meeting |
| | 12:00 p.m. | Finance Committee |
| 10 | 8:30 a.m. | NSPC Meeting |
| 17 | 9:00 a.m. | Executive Committee |
| 18 | 7:30 p.m. | South Shore Coalition Meeting |

Please call ahead to confirm.

Grant Alert

The deadline for proposal submissions for the Mass Government Land Bank competition for Pre-development Assistance Funding Awards for economic development projects is August 3, 1994. For more information call (617) 727-8257 or (413) 586-9231.



**METROPOLITAN AREA
PLANNING COUNCIL**
60 Temple Place, 6th Floor
Boston, Mass. 02111

cc: BOS

ANDERSON & KREIGER

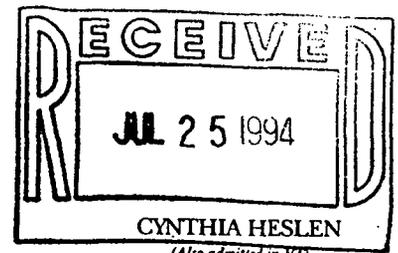
Attorneys at Law

STEPHEN D. ANDERSON
(Also admitted in CT)

ARTHUR P. KREIGER
(Also admitted in NY)

GEORGE A. HALL, JR.

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
Fax: (617) 252-6899



WILLIAM H. BRACK
(Also admitted in DC)

July 21, 1994

Mr. Douglas Halley
Conservation Administrator
Town of Acton
14 Forest Road
Acton, MA 01720

Re: Town of Acton/W.R. Grace

Dear Doug:

In your absence, I attended the meetings on the air emissions control plan with Jim Okun. The meeting ran all day Monday, and was continued for most of Wednesday. Jim and I both felt the meetings were productive, and that if Grace is responsive to the directives from the Town and the government parties, its final plan should give the Town confidence that public health will be adequately protected. The projected date for distribution of the final plan is August 12, 1994.

Jim felt that Grace's draft plan did not go far enough with respect to monitoring for health-based criteria, and asked that Grace monitor its data on both a daily and weekly basis for a "running average" to project whether health-based criteria might be exceeded. After initial resistance, Grace accepted Jim's approach. During the next week or so, Jim will be working with Lynne Jennings, DEP's consultant, and Grace's consultant to determine the running average techniques. I encourage you to call Jim to discuss the mechanics of the averaging approach.

Preparation for the September public meeting appear to be well underway. I hope that you have received consent to use one of the school gyms, and that you can communicate that to Lynne. I will call you when I return from my holiday to discuss the content of Acton's contribution to the next information update.



Mr. Douglas Halley
July 21, 1994
Page 2

I hope you had a relaxing holiday!

Sincerely,

Cynthia

Cynthia Heslen <BAS>

CH/bas

cc: Don Johnson, Town Manager ✓

ACT/GR/L/halley.008

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

Don P. Johnson
Town Manager

July 27, 1994

Ms. Patricia Fonda Sawyer
127 Concord Road
Acton, MA 01720

Subject: 127 Concord Road

Dear Ms. Sawyer:

I am in receipt of your letter to the Board of Selectmen, dated July 26, 1994, wherein you indicate your confirmation of "the agreement which we have reached" relative to lowering the water level in the pond. Please be advised that the terms and conditions recited in your letter are not consistent with those offered by the Town during our discussions and are not acceptable.

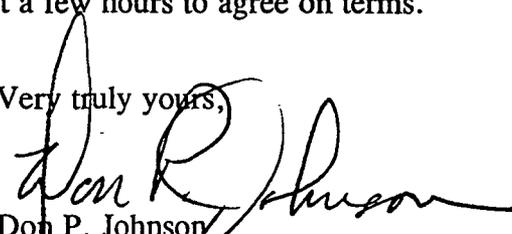
If you wish to revisit this matter and offer a revised letter you should consider the following:

- A. The agreement should be structured with the Town Manager as the contracting agent for the Town.
- B. Condition Number 2 is unacceptable to the Town. The Town is prepared to take responsibility for any damages that might occur as a direct result of its actions but, under no circumstances does the Town plan to provide a blanket indemnification such as proposed in your letter.
- C. Condition Number 5 suggests that the Town will do structural reinforcement of the foundation of your home. This is not the type of work we proposed at the outflow of the valve. You expressed concern for erosion that has apparently occurred in the concrete at the base of the dam as a result of the discharge from the valve in question. In our discussions, the Town had expressed a willingness to patch the erosion from the outfall of the pipe ("valve") and provide temporary shielding that would protect the foundation of your house from the splash of the outfall pipe for the duration of the projects in question.
- D. The September 1, 1994, completion date contained in your condition Number 6 is totally unrealistic. The Town will proceed with due diligence and complete the work in an expeditious manner.
- E. Your condition Number 7 implies that you would drain the pond only for the duration of the bridge construction project. Our discussions have consistently included the need to drain the pond and keep it drained for two (2)

consecutive construction (summer) seasons. Dredging plans for the cleanup of the pond, the project you have long sought to have the Town undertake, require adequate drying time in order to safely and efficiently handle the materials being removed. There is little value in removing the water for the bridge project, restoring the water and then having to drain the impoundment a second time in order to dry the materials in the bottom of the pond. This would have the effect of extending the duration of the pond cleanup by months (or even years) for no practical purpose.

Time is of the essence and I am of the belief that we are too far apart on several of the above issues to conceivably reach agreement before the August 1 start date for the bridge replacement. I remain willing to consider modifications that would achieve the Town's goals as stated above but I really cannot delay the project any longer. Accordingly, I have instructed the Engineering and Highway Departments to proceed with their plans to utilize coffer dams for the bridge replacement. In the meantime, if you are interested in the necessary modifications, we have but a few hours to agree on terms.

Very truly yours,


Don P. Johnson
Town Manager

cc: L. Levine
D. Abbt
D. Howe
Board of Selectmen

DPJ:93

ACTON COMMUNITY HOUSING CORPORATION
MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS

Pursuant to notice duly given, a meeting of the Board of Directors of the Acton Community Housing Corporation was held on June 2, 1994 at 7:00 am at the Acton Town Hall, room 126. Present and constituting a quorum for the purpose of transacting business were: Peter Berry, Steve Graham, Bill Heuss, Kevin McManus, Naomi McManus, Jana Mullin, Pam Shuttle, Nancy Tavernier, Roy Smith and Bob Wiltse.

Guests: Pam Fleetman, an interested community resident; Bob Engler, consultant to New View.

1). Peter Berry, Chairman, called the Regular Meeting to order at 7:05 am.

2). Peter Berry discussed the ACHC's joint meeting with the Selectmen on May 17th. Peter explained that the ACHC asked the Selectmen to support a Home Rule Petition which would establish a non profit housing corporation subject to the supervision of the Acton Selectmen for the purpose of providing affordable housing. The Home Rule Petition would first be approved at Town Meeting and then approved by the State Legislators. The Home Rule Petition would enable the ACHC to receive funds and gifts of land for the development of affordable housing with the Selectmen's approval.

The Selectmen voted to support the Home Rule Petition and requested Town staff to direct Town Council to work on the development of a Home Rule Petition. The Selectmen thanked the ACHC for its past efforts and asked the ACHC to continue to act as the Town's agent in the preliminary negotiations with developers interested in developing affordable housing.

Peter informed the members that he spoke to Bill Hayes, Chairman of LEXHAP (Lexington's Housing Board) regarding the history of LEXHAP and the passage of their Home Rule Petition. LEXHAP develops rental housing and is directly supervised by the Board of Selectmen. LEXHAP contracts with the local Lexington's Rotary Club to purchase rehab. or new construction units. The Rotary Club coordinates the students of Minuteman Tech. to rehab. or build new construction and the finished carpentry, electrical and plumbing work is completed by its own Rotary members. The finished unit is then sold to LEXHAP who rents the unit to qualified people.

3). Peter Berry, Nancy Tavernier, Steve Graham and Naomi McManus reviewed the ACHC's joint meeting with the Planning Board on May 23 rd. During the Planning Board's meeting the ACHC's members explained that the ACHC had begun preliminary negotiations with the developer of Acorn Park. The ACHC members discussed their request of \$175,000.00 from the Developer for the purchase of two homes off site. The Planning Board expressed interest in the ACHC's preliminary negotiations with the developer but stated they wanted actual bricks and mortar. The Board felt they would not accept a donation of monies but would consider the gift of two homes off site. The ACHC agreed to meet with the developer again and would make a final recommendation to the Planning Board in the near future.

4). The Planning Board discussed the agreement the ACHC had signed with the consultant of New View in which a donation of \$100,000.00 would be used for the development affordable housing. Originally the ACHC signed the agreement assuming that the ACHC was authorized to act as the Town's affordable housing agent. Under current Massachusetts Public Bidding Laws the ACHC can not accept funds for the Town unless they are a Town Board. The Planning Board requested that the ACHC meet with the consultant of New View again and explore other possible affordable housing options. The Planning Board asked the ACHC to submit a formal letter of recommendation for the Planning Board's Public Hearing for New View scheduled July 24th.

The Planning Board expressed a concern as to whether New View could receive a bonus density credit under the Affordable Overlay District when the affordable housing units are not on site.

5). Kevin McManus requested the ACHC members to take a formal vote to direct him in his negotiates with the developer of Acorn Park. Naomi McManus moved that Kevin negotiate with Kirk Ware for two units off site which should be of move-in condition. In negotiating with the developer Kevin was asked to explain that the Planning Board is looking for actual homes and the ACHC believes the Planning Board will not accept a donation in leu of the two homes. Bill Heuss seconded the motion and all members voted in favor with Jana Mullin abstaining.

6). Bob Engler of New View, met with the ACHC's Board regarding New View's newest affordable housing option. Mr. Engler stated that New View wanted to make a donation of \$100,000.00 for development of affordable housing off site and the inclusion of one unit of affordable housing on site. The ACHC members requested that the affordable unit on site meet EOCD's LIP Program guidelines. Bob Engler agreed to contact EOCD and request the LIP program's application.

5). Nancy Tavernier moved that the ACHC vote to support New View's new proposal, a donation of \$100,000.00 for the development of an affordable unit off site and one affordable unit on site. Bill Heuss seconded the motion and all members voted to approve.

Steve Graham moved that Peter Berry be authorized to sign the LIP Program's application. Jana Mullin seconded the motion and all members voted to approve.

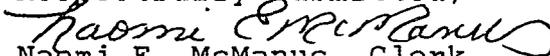
The Board agreed to prepare a letter of support for New View's Public Hearing before the Planning Board scheduled, July 24th.

6). Peter Berry set the ACHC's Annual Meeting for June 16, 1994, at 7:00 am. He appointed Pam Shuttle and Kevin McManus to serve as the Nominating Committee. All Board members were polled and asked to serve for another year. All members agreed. The current slate of officers were polled and agreed to serve another year in their current positions.

7). The Board discussed with Pam Fleetman the possibility of her becoming a ACHC member. Pam stated she was very interested. The members agreed to present Pam's name in nomination at the Annual Meeting.

8). The Regular Meeting adjourned at 8:15 am. The Annual Meeting and next Regular Meeting was scheduled for June 16, 1994 at 7:00 am.

Respectfully submitted,


Naomi E. McManus, Clerk

FILE COPY

July 22, 1994
Project No. 6116.38

RF
cc: BOS

7/28



Ms. Lynne Jennings
Waste Management Division
U.S. Environmental Protection Agency
Region 1
90 Canal Street
Boston, Massachusetts 02114

320 Needham Street
Newton Upper Falls
Massachusetts 02164
617-244-7099
FAX 617-630-6420

Mr. Edmond Benoit
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Re: Construction Quality Control Plan Vol. I, II
W.R. Grace & Co. - Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, GZA Remediation, Inc. has prepared and hereby submits the final Construction Quality Control Plan dated July 1994, for the remediation activities at the Acton, Massachusetts site.

Very truly yours,

A Subsidiary of GZA
GeoEnvironmental
Technologies, Inc.

GZA REMEDIATION, INC.

John P. DeStefano, P.E.
Vice President, Program Manager

JPD/mc f:\jobs\1604\cqclt

FILE COPY

RF
CC: BOS 7/28

July 22, 1994
Project No. 6116.38



Ms. Lynne Jennings
Waste Management Division
U.S. Environmental Protection Agency
Region 1
90 Canal Street
Boston, Massachusetts 02114

320 Needham Street
Newton Upper Falls
Massachusetts 02164
617-244-7099
FAX 617-630-6420

Mr. Edmond Benoit
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Re: Site Work Plan
W.R. Grace & Co. - Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, GZA Remediation, Inc. has prepared and hereby submits the final Site Work Plan dated July 1994, for the remediation activities at the Acton, Massachusetts site.

Very truly yours,

A Subsidiary of GZA
GeoEnvironmental
Technologies, Inc.

GZA REMEDIATION, INC.

John P. DeStefano, P.E.
Vice President, Program Manager

JPD/mc f:\jobs\1604\swp-let

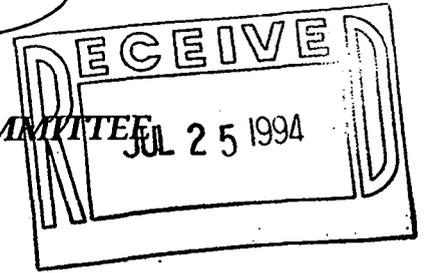
Distribution: Lynne Jennings (4)
Edmond Benoit (3)



cc: B. Conklin, CDM (6)
C. Tuttle, DEP Boston (2)
J. DeStefano, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr. (1)
W. Pencola, Ensearch Env. Corp. (2)
M. Stoler, Grace (1)
J. Okun, O'Reilly & Talbot, Inc. (1)
D. Halley, Acton (3)
R. Sullivan, GZA (1)
L. Ingram, Grace (1)
M. Johns, Grace (1)
T. Stoneman, Canonic (1)
J. Swallow, Pine & Swallow (1)
M. Moore, Concord BOH (1)
W. Cheeseman, FHE (1)
D. Johnson, Acton (1)

cc: BOS

**ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE**



WORKSHOP SESSION

Room #114
R.J. Grey Junior High

July 28, 1994
6 - 10 p.m.

AGENDA

- I. CALL TO ORDER
- II. EXECUTIVE SESSION
- III. WORKSHOP ISSUES
 - A. Superintendent's evaluation process
 1. Relation to district goals
 2. Principles of evaluation
 - B. Review current mission, vision, belief statements
 - C. School Committee Goals
 - D. Planning Next Workshop
- IV. ADJOURNMENT

RECEIVED

JUL 12 1994

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION BUILDING INSPECTOR

DATE: 7/11/94

TO: Board of Appeals
FROM: Engineering Department *D. Abbot*
SUBJECT: FLOOD PLAIN SPECIAL PERMIT - Arlington Street
Hearing #94-15

We have reviewed the plans and calculations submitted for this special permit and we have the following comments.

1. As a result of a recent subdivision approval for Perkins Lane, the Town, via the Planning Board, has required a developer to construct approximately 550 feet of sidewalk on Arlington Street. The proposed construction requires the filling of approximately 3000 cubic feet of flood plain and 710 square feet of wetlands within the Arlington Street right-of-way. Although Section 1.4 of the Zoning Bylaw exempts STREETS from the requirements of zoning, there are other state and federal regulations which require the creation of compensatory areas of wetland and flood plain lost due to construction.
2. The developer has proposed to remove an existing 48" pipe and a portion of an existing cart-path which crosses Grassy Pond Brook on an abutting parcel of land. The removal of the pipe and excavations of the cart-path fall within the floodway and floodway fringe, and is the subject of this petition.
3. The engineer has complied with Section 4.1.8.1 of the Bylaw by preserving 100% of the natural flood storage volume, and in fact, increasing it by 556 cubic feet. As stated in the application, removal of the pipe and cart-path will restore the brook channel and associated flood plain to its normal conditions.
4. The FEMA Flood Study does not identify any change in flood elevations at this location on Grassy Pond Brook due to the pipe and/or cart-path; consequently, we feel that the proposal does not conflict with the purpose of the Bylaw as stated in Section 4.1.2.

.95*16

*CHRIS - PLS. FORWARD COPY TO
BOS IF WE HAVE NOT ALREADY
DONE SO.*

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals DATE: July 18, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*

SUBJECT: Hearing #94-15, Arlington St., Charter Rd., Town of Acton

The proposed sidewalk is a Planning Board condition of approval on the new subdivision "Perkins Lane" shown on the sidewalk plan on the opposite side of Arlington Street.

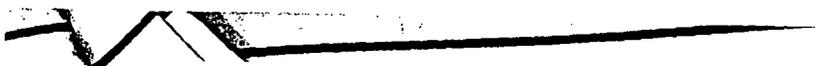
The proposed sidewalk extends the existing sidewalk which leads to Hayward Road. Sidewalks also exist along Arlington Street from Hayward Road into West Acton Village, and via Elm Street to the Douglas and Gates Schools, and along Hayward Road to the regional schools complex. The proposed sidewalk segment is an addition to the existing network. With its completion there will be a continuous sidewalk from Agawam Road to both the school facilities.

Construction of this segment is consistent with the Sidewalk Plan adopted by the Board of Selectmen in the late 1980s and reaffirmed by the Town of Acton 1991 Master Plan.

xc: Planning Board
Don P. Johnson

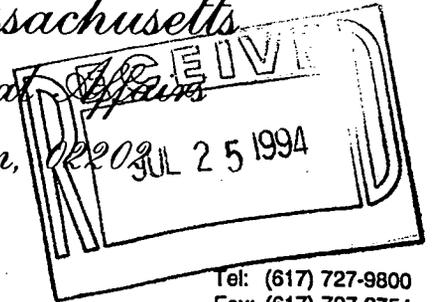
ridc.94*50

*CHRIS - PLS. FORWARD COPY TO
BOS IF WE HAVE NOT ALREADY
DONE SO.*





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

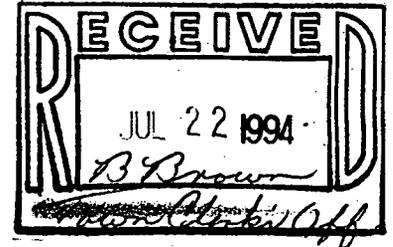


Tel: (617) 727-9800
 Fax: (617) 727-2754

WILLIAM F. WELD
 GOVERNOR
 ARGEO PAUL CELLUCCI
 LIEUTENANT GOVERNOR
 TRUDY COXE
 SECRETARY

MEETING NOTICE

TO: Distribution
FROM: Nancy Baker, Environmental Analyst
DATE: July 18, 1994
SUBJECT: Nagog Pond Disinfection Facility, Acton
 EOE #10054



 An Environmental Notification Form has been submitted for this project. According to MGL Chapter 30, Section 62, the Secretary of Environmental Affairs must issue a determination regarding the significance of the potential environmental impacts of this project, and must determine whether an Environmental Impact Report should be required to document these impacts and all feasible means to reduce damage to the environment.

Therefore, a consultation meeting will be held to receive advice and comment from agencies, officials, and citizens regarding which environmental issues, if any, are significant for this project. Opinions as to the extent of significance of possible environmental impact will be welcome.

The meeting is scheduled as follows:

DATE: August 4, 1994
TIME: 11 AM
LOCATION: Concord DPW Office
 133 Keyes Road
 Concord

The meeting will include a brief presentation of the project by the proponent, with periods for questions, answers, and open comment. Additional comments will be welcome in writing prior to August 15, 1994.

Questions on the meeting may be answered by contacting Nancy Baker of the MEPA staff at (617) 727-5830 x301.

CC: DOUG HALLEY -
 PLEASE, AT A MINIMUM, ARRANGE TO HAVE
 REPRESENTATION FOR THE TOWN OF ACTON AT THIS
 MEETING.

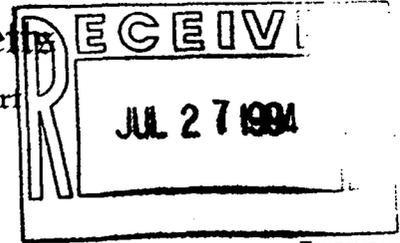
CC: BOS



JUDGES LOBBY

Commonwealth of Massachusetts
District Court Department of the Trial Court
Concord Division

305 WALDEN STREET
CONCORD, MASSACHUSETTS 01742



TELEPHONE
(508) 369-0500

cc: BOS

The Honorable Samuel E. Joll
Chief Justice of the District Court Department
Cordially Invites You to Attend the
Investiture Ceremony
of
Honorable Paul L. McGill
as
Presiding Justice
of the
Central Middlesex County District Court
Holden at Concord, Massachusetts

Thursday, August 4, 1994

2:00 p.m.

Central Middlesex County District Court House
305 Walden Street, Concord, Massachusetts

Please R.S.V.P. no later than August 1, 1994, to Ms. Jeanne Durham (508)-369-0500
(Directions on Reverse Side)

Mr. Edward Clary
616 Massachusetts Avenue
Acton, MA 01720

July 25, 1994

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

I hereby regretfully resign from the Board of Trustees of the West Acton Citizens Library effective August 1, 1994. My wife and I are moving to Westford, MA and I will no longer be eligible to serve as a Trustee.

Sincerely,

Edward Clary

Cc: Francis Bissell, Chair West Acton Citizens Board of Trustees

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 29, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: South Acton Bridge

Chuck Kostro, in his official capacity with the Mass Highway Department, has contacted me several times this week regarding the South Acton Bridge. Chuck has made a great deal of inquiry into this subject on our behalf and has confirmed to me the substantial commitment being made to this project.

In his latest call Chuck indicated that the project will be advertised this Fall as promised and the Commissioner will be meeting with him weekly to provide progress reports, up to the point of advertising. He also reassured me that he will be getting the word out relative to the need to involve the Historic District Commission and the folks in South Acton before the aesthetic design becomes firm.

According to Chuck, the MHD has not selected a consultant. They will be making a decision in that regard Monday (August 1).

At Chuck's request I have scheduled 30 minutes on your August 16 agenda to allow him to bring a representative(s) of the MHD to update you on this project. By copy of this memo to Anne Forbes I am advising the HDC of this informational meeting and suggesting that Anne notify any and all appropriate parties in South Acton so that everyone can hear this presentation.



cc: Anne Forbes, HDC
David Abbt

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: July 29, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Vacation

I plan to take the week of August 8, as a vacation week. We will be in Virginia visiting family. As usual, the office will have phone numbers to reach me if the need arises. Christine and John will be in the office.

I plan to return to work on August 15 and will be at your August 16 meeting.



cc: Christine
John