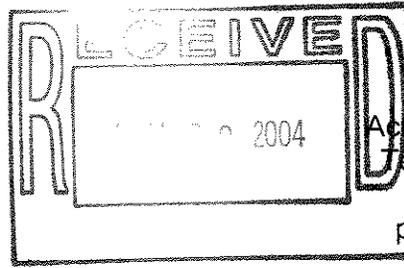




Planning Department



TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630  
planning@acton-ma.gov

17

**INTERDEPARTMENTAL COMMUNICATION**

**To:** Don P. Johnson, Town Manager **Date:** November 29, 2004  
**From:** Roland Bartl, AICP, Town Planner *R.B.*  
**Subject:** Bellows Farm Gift Check - \$2,500.00

Attached please find a copy of a \$2,500.00 check I received today from Bellows Farm, LLC as a gift payment for maintenance work on Davis Road. The amount is as agreed by us. The developer has completed the detention basin restoration as required. Consequently, I will now release the final bond on Bellows Farm. As you advised, I asked Accounting to deposit this check into a special account for use by the Highway Department.

Attached is correspondence on the subject as back-up information.

Cc: Planning Board  
Engineering

*BOS:  
please accept the \$2,500 gift*  
*[Signature]*

**BELLOWS FARM, LLC**  
INFRASTRUCTURE  
179 GREAT ROAD #111B  
ACTON, MA 01720  
(978)264-4223

**DANVERS SAVINGS BANK**  
DANVERS, MA 01923  
53-7116-2113

5659

11/23/2004

PAY TO THE  
ORDER OF Town of Acton

\$ **\*\*2,500.00**

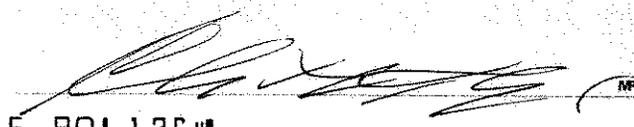
Two Thousand Five Hundred and 00/100\*\*\*\*\*  
DOLLARS

Town of Acton  
472 Main Street  
Acton, MA 01720

MEMO Bond Pay Off

⑈005659⑈ ⑆211371162⑆

35 904176⑈

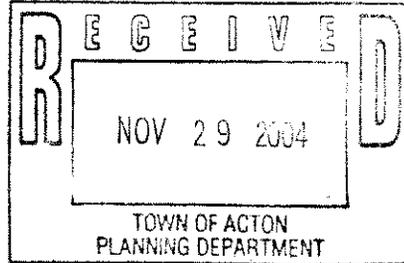


**BELLOWS FARM, LLC**  
INFRASTRUCTURE  
Town of Acton  
Insurance: Bond Premiums

11/23/2004

5659

2,500.00



Operating (Danvers)

Bond Pay Off

2,500.00

**Roland Bartl**

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**From:** David Abbt  
**Sent:** Monday, November 22, 2004 2:25 PM  
**To:** Roland Bartl  
**Cc:** Corey York; Bruce Stamski; 'Dennis Ring'  
**Subject:** Davis Road Detention Basin

We inspected the cleaning of the detention basin on Davis Road today and found that the basin has been restored to approximately the original contours and should function as originally designed. This is the basin located between Davis Road and the sewerage treatment plant. This will complete all of the "punch list" items of field work associated with the acceptance of Davis Road this year (2004).

11/22/2004

**Roland Bartl**

**From:** Roland Bartl  
**Sent:** Wednesday, October 06, 2004 5:37 PM  
**To:** Don Johnson  
**Cc:** Engineering Department; Planning Board  
**Subject:** RE: Bellows Bond

Thanks

*Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636*

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

**From:** Don Johnson  
**Sent:** Wednesday, October 06, 2004 5:17 PM  
**To:** Roland Bartl  
**Cc:** John Murray  
**Subject:** RE: Bellows Bond

After listening to the various issues Ron had, including the fact that previous bonds that could/should have covered this had been released and Ron was under the gun for being the last one standing, I proposed that he do the work he was supposed to do, we do the work we said we would do and we split the difference (\$5,000/2) on his contribution to the Town. To the extent that Jenn's memo says that, she is correct. Please confirm for me that this will get everything done.

Don

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

**From:** Roland Bartl  
**Sent:** Wednesday, October 06, 2004 4:12 PM  
**To:** Don Johnson  
**Subject:** FW: Bellows Bond

Don:  
Please confirm.

*Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9636*

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

**From:** Jenn Shea [mailto:jenn@nwdevelopment.com]  
**Sent:** Wednesday, October 06, 2004 3:42 PM  
**To:** Roland Bartl  
**Cc:** Don Johnson  
**Subject:** Bellows Bond

Dear Roland:

10/7/2004

The following is my understanding of the agreement between Ron and Don based on their conversation yesterday:

With regrad to the release of the \$45k Bellows Farm Bond -

- We will complete the work as detailed in Item #20
- We will provide a \$2,500 contribution to the town to be used toward remaining items
- Work will be complete prior to the weather closing in. (Ron will get this coordinated upon his return)
- Bond will be released after completion of work.

Please confirm that this is your understanding as well.

Thanks for all your help!

Regards,  
Jenn

Jennifer Shea  
NorthWest Development, LLC  
178 Great Rd. Acton, MA 01720  
(Tel.) 978-263-6166 x.217  
(Fax) 978-264-4049  
(Cell) 978-360-2725  
[jenn@nwdevelopment.com](mailto:jenn@nwdevelopment.com)

**Roland Bartl**

**From:** Roland Bartl  
**Sent:** Tuesday, October 05, 2004 12:03 PM  
**To:** Don Johnson  
**Cc:** John Murray; Bruce Stamski; Corey York  
**Subject:** RE: Bellows Farm Bond

Don:

Here is my input approximately in the order of Ron's letter:

Although this all done and over, the status of parcels F did not need to be a reason for the delay of the street acceptance. I remember mentioning this potential problem to Ron very early on, perhaps as early as when he first told me that he was thinking of doing the remaining phases of Bellows Farm around 1994, or so.

As for finishing Davis Road, including any portion that he claims was not his responsibility, I do not recall a conversation about what was and what was not his responsibility, and I do remember agreeing to anything.

When Ron wanted the street acceptance to go forward this past Annual Town Meeting after several years of failed attempts, I told him that I would only recommend positively to the Planning Board if he would replace his multiple tri-part agreements with a single cash bond for the amount of the outstanding work on the ground, as outlined in the Engineering Dept.'s final inspection memo of 10/6/03. That was in February this year. At that time, the outstanding items in that inspection report amounted to about \$45,000. This became the cash bond amount. Upon its receipt I released the tri-part agreements, and recommended positively to the Planning Board for acceptance. As for the Davis Road portion that Ron claims no responsibility for, the Engineering report, on which the bond was based, listed:

**Construction (Bellows Farm Subdivision Phase I):****Davis Road**

16. Cleanout the sumps in the catchbasins.
17. Fix the settlement around the following drain manhole cover and catch basin grates:
  - Drain manhole #120 (Station 30+25)
  - Catch basin #69 (Station 30+11)
  - Catch basin #64 (Station 23+07)
18. Crack seal should be applied to any exposed cracks or open joints in the road or the sidewalk such as along the centerline of the road, pavement patches and around catch basins, manholes etc. The top course of pavement for Davis Road (Phase I) was paved between 1988 and 1990. The road will probably need to be repaved in about 5-10 years.
19. Remove the dirt and debris in the drain manholes
20. Remove the sediment that has accumulated in the detention basin by the sewage treatment facility to restore the bottom of the basin to the design elevation. Install a rip rap splash pad at the 12-inch flared end inlet pipe.

Ron →

10/5/2004

21. Remove the sediment that is clogging the 12-inch outlet pipe from drain manhole #121 that is located between Quail Run and Winterberry Path.

These items remained undone at the time the cash bond was posted. Ron himself referred to an October 2003 Engineering memo in one his e-mails to me as a guide on what is to be done. The suggested compromise that emerged in September was that he would do the detention basin (item 20 above), we would eat the rest. That was before the Planning Board took the bond and you became in charge of this. When we discussed it last week, we arrived at a \$5,000 figure for the work items we would have to eat, and decided to ask Ron for a donation for this amount. But you know that part.

About the 9/30 deadline. The fact is that the original deadline was June 30. Anyway, once we had entered September, I did say 9/30 - or else before we started talking about a compromise. 9/28 was the Planning Board meeting before the 9/30 deadline. The next Planning Board meeting was on 10/12. It was logical that I would get the Planning Board's authorization to pull the bond on 9/28 so that I was ready to take whatever action was necessary and appropriate by the 9/30 deadline.

Finally, is it or is it not Ron's responsibility to finish items in phase I? Diplomatically spoken, there may be reasonable points on both sides of the argument. However, I am supposed to represent the interest of the Town in this. Why does Ron complain to us, when he could also go to Bob Peters to collect the money for what it costs to do it. He and Peters have been partners in this all along, although Peters clearly stayed in the background. Ultimately, Phase I was Peter's responsibility. The condition of Davis Road that now requires crack sealing and resetting of manhole and catch basin covers may indeed be just a function of age. But is it possible that the heavy construction equipment, which Ron ran over the road for years, had also something to do with it? What about the catch basin sumps that have not been cleaned for years. Isn't it conceivable that his construction traffic had accelerated this process, and could he not have cleaned them out occasionally. Had he done that, perhaps the detention basin would not look like it does today. At some point after construction of Phase I years ago we had signed off on its completion and returned the bond. As you might recall there was a bankruptcy involved before. We took the bond then, too, but finally worked out another arrangement. Upon completion we either returned the bond to Peters or perhaps it was Northland who by then had taken over the rest of Phase I - I cannot remember the details from then. Anyway, since then Davis Road Phase I remained a private road and Ron consistently looked the other way claiming no responsibility for it. Surely, we did not have responsibility for it either.

*Roland Bartl, AICP  
Town Planner, Town of Acton  
472 Main Street  
Acton, MA 01720  
978-264-9936*

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

**From:** Don Johnson  
**Sent:** Tuesday, October 05, 2004 9:51 AM  
**To:** Roland Bartl; Bruce Stamski  
**Cc:** John Murray  
**Subject:** FW:  
**Importance:** High

Roland and Bruce:

Attached is a letter from Ron Peabody regarding the remaining work at Bellows Farm, et al. Please look it over and give me your comments and recommendations. I have promised Ron I would get back to him this morning with an indication of our final position on the bond and the work to be done. Bruce, in your case I am particularly interested in your comments with respect to the comments he attributes to Engineering.

I'm working from home (with a cold or allergies) so responses via e-mail are the best today.

Don

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

10/5/2004