

File
6/23/92

JUNE 19, 1992

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA
ROOM 204
7:30 P.M.
June 23, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 BOSTON EDISON/NEW ENGLAND TELEPHONE - CONDUITS HIGH AND PARKER (ALREADY PRE-APPROVED BY CONSENT)
2. 7:45 BOARD OF HEALTH OVERSIGHT MEETING
3. 8:15 MOBIL OIL- Hearing to consider revocation of Night Hour Bylaw Permit.
4. 8:30 LMI - Site Plan Extension Request - Enclosed please find a request for site plan extension from LMI, along with comments.

III. CONSENT AGENDA

5. SELECTMEN'S MINUTES - Enclosed find Minutes of May 26, 1992 for Board approval.
6. NOD APPOINTMENT - Enclosed please find a request for reappointment as the town's liaison from Walter Kiver for Board action.
7. VCC RECOMMENDATIONS - SARC - Enclosed please find recommendation and citizens resource sheet for Roger Andrews to be appointed to the SARC for a term to expire 6/30/95 for Board action.

IV. SELECTMEN'S CONCERNS

8. Housing Authority - Enclosed please find a request from the AHA to execute the Section 8 contract for Board action.

V/. TOWN MANAGER'S REPORT

9. NESWC - Guaranteed Annual Tonnage Waiver - Enclosed find information regarding tonnage waiver agreements offered by NESWC. PLEASE BRING MATERIAL ON THIS SUBJECT THAT WAS CONTAINED IN YOUR MAIL PACKET LAST WEEK.
10. Stoneymeade Clarifying Agreement - Staff is returning this information for possible action by the Board.
11. Great Hill/Kevin Sweeney - The Town Manager will seek direction of the board regarding this matter.

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

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

IX. FUTURE AGENDAS

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

July 19

Boston Edison/Esterbrook
COA Oversight- Bill Assigned

July 28

Cemetery Oversight- Norm Assigned
Prison Advisory Oversight- Dore' Assigned

August 11

Board of Appeal Oversight- Anne Assigned
Planning Oversight - Anne Assigned

Boston Edison
Conduit and Manholes Installation

6/23/92

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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 ~~23rd day of JUNE 1992 at 7:30 P.M.~~ 6 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:

High Street - Northerly approximately 760 feet northwest of High Street.

A Distance of about 10 feet - Conduit.

Installtion complete pre-installed emergency hook-up prior to hearing

BOARD OF SELECTMEN

BY ANNE B. FANTON, Clerk

Form 518D
648ACS

TOWN OF ACTON

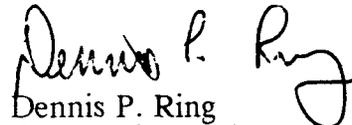
Extra
Daisy
5/26

INTER-DEPARTMENTAL COMMUNICATION

DATE: 5/20/92

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Emergency Electrical Hook-up - Parker Street

We have reviewed the request by Lunn and Sweeney Corp. for emergency electrical hook-up at 3 locations on Parker Street. We have no problems with this request provided the formal paperwork follows in a timely manner.


Dennis P. Ring
Engineering Assistant II

DPR/dmj

6/23/92
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TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

June 26, 1992

TO: Board of Selectmen
FROM: Doug Halley, Health Director
SUBJECT: Oversight Meeting 1992

The Acton Board of Health welcomes the opportunity to meet with the Selectmen and review the many Health issues of the past year. The Board is fortunate to be composed of individuals, with varied professional backgrounds, which enable them to address most health and environmental issues that arise. The current membership of the Board is as follows;

- | | |
|---------------------------------|-----------------------|
| Chairperson, Johnathan Bosworth | |
| Member, Cordelia Alfaro | Nursing |
| Member, James Barbato | College Instructor |
| Member, Mark Conoby | Attorney & Engineer |
| Member, William McGinnis | Manager Chemistry Lab |
| Associate, Edward Calamai | Biotech Engineer |
| Associate, Ira Grossman | Environmental Analyst |
| Associate, Peter Valaincourt | Nurse Anesthetist |

The Board of Health's responsibilities are to protect the health of the residents of Acton and the environment that they live in. Major priorities for the Board are the various septic issues that arise due to the lack of sewers and the need to maintain on-site septic systems. In this past year the Board has initiated a computer generated septic pumping program. Residents who have not pumped their septic system in the last two years are notified and informed of the need to maintain their septic system.

The Board is experiencing a 100% increase in the number of existing houses replacing their septic system. The average life span of the replaced systems is thirty years but the building boom of the sixties has created a septic replacement boom of the nineties. The next ten to fifteen years will require more time and budget to be dedicated to this problem.

The Nursing Service is providing more care and reaching more people than ever before. Increase of efficiency has allowed the service to expand its services while tailoring those services to the specific needs of each patient. While Proposition 2 1/2 has forced other departments to be cut back, regardless of how well they were doing, the Nursing Service has doubled its income in the last four years.

The Board sponsored the new Hazardous Materials Control Bylaw in the past year passed an amended Groundwater Protection Bylaw and adopted new

massage regulations. In the next year the Board will consider a cigarette bylaw, amending their septic regulations and adopting new animal regulations.

Household Hazardous Waste Day was again successful, reaching a larger group of people and collecting a greater amount of waste. Rabies Vaccination Day was held and was also successful. The Board's revenues have tripled in the last five years while its budget has been reduced by 20%.

These are some of the issues facing the Board of Health. Should the Selectmen have any questions the Board would be happy to answer them.

6/23/92 - (3)

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

Don P. Johnson
Town Manager

COPY

June 12, 1992

Mobil Oil Corporation
15 West Street
Pepperell, MA 01463
attn: Donald P. Higgins, Jr.

Re: 24 hour Permit to Sell Food at 553 Mass. Ave.

Dear Mr. Higgins:

It has come to our attention that you, as representative for Mobil Oil, may be in violation of your permit. The Board of Selectmen will be holding a hearing on June 23, 1992 at 8:15 p.m. to consider revocation of your permit. Your presence is requested to show cause why the permit should not be revoked.

Sincerely,



Don P. Johnson
Town Manager

DPJ/vjs

cc: Philip Lombardo, Jr.
File

6/23/92 - (3)

SELECTMEN'S MEETING
OCTOBER 8, 1991

SEE NEXT PAGE

The Board of Selectmen held their regular meeting on Tuesday, October 8, 1991. Present were Norm Lake, Nancy Tavernier, Dore' Hunter, Anne Fanton and Town Manager Johnson

CITIZENS' CONCERNS

Anne Forbes, resident of Martin Street was concerned with the recent decision of the DPU regarding train whistle issue. She was concerned that Concord and Lincoln do not have whistles blown at their crossings, and further why the DPU compared us to Florida instead of to Concord since the crossings are similar.

A resident of 65 Maple wanted a better representative from the DPU and MBTA if another hearing was held to conduct the session since the previous ones were terrible. Another gentlemen wanted to see if a partial ban of whistles could be considered for night time relief. Resident from 2 Downey Road complained about the speed of the trains and wanted to add his concern to the situation of why Acton is required to blow at crossings and not the communities such as Lincoln, Concord and Weston.

Nancy felt that we should address this whole issue at the State House level by filing legislation that says whistles be blown at all crossing unless they have gates, lights.

A resident of 114 Central Street felt that the whistling could be done away with at that intersection since the sight distance was very good in his opinion at that crossing.

A resident of 75 Maple Street wondered if we could address the loudness and inconsistency of the decibels of the whistles. She had witnessed several different styles of whistle blowing by the Engineers. Jeff Barry read is daughters letter and asked about the availability of any health effect studies regarding noise and sleep disruption.

Pam Resor said that she would file the legislation, but it needs to be done before the first week in November and suggested we file appeal and the legislation. Dore's felt we should re-submit for Martin Street instead of appealing the decision of the DPU.

DORE' HUNTER - Moved - to petition the Legislature to set standards at train crossings, such legislation to preclude whistling at crossings that have adequate safety devices such as gates/lights. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to petition individually for Martin Street to preclude train whistles. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

MOBIL OIL CORP. NIGHT HOURS BYLAW PERMIT

Phil Lombardo, attorney for Mobil Oil outlined the proposed operation of the 24 hour gas station on Mass Ave. The station will be open 24 hours for gas sales and the additional granting of the permit to sell snack type foods is requested on a 24 hour basis. Dore' Hunter announced that he has represented Mobil Oil in the past as information only. Nancy wanted assurance that milk in large containers and bread would not be sold. Mobil plans only on selling snack type items to be consumed in the car while traveling, no grocery type items would be sold. Anne felt we needed to know what public good would be demonstrated under the bylaw for issuance of the permit. She further felt that it did not meet the bylaw since food could be purchased in other places in town and would affect the West Acton Village District. Nancy felt that the business was open 24 hours anyway, and that the impact of food would not be an issue since it was not moving from no hours open to 24 hours. Mr. Lombardo felt the rationale behind obtaining the permit was that it was open to serve those who are out at that time between 12-6:00 and they could avail themselves of this added service while purchasing gas and that the good outweighed the bad.

NANCY TAVERNIER - Moved to approve the permit for 24 hours sale of Snack foods, hot drinks for consumption in automobiles and further that no grocery items for consumption at the home table be sold. DORE' HUNTER - Second. 3-1 Fanton no Dore' asked to have a list of food stuffs to be sold submitted to the Town Manager for the file review at renewal time.

DR. VON BROMBSEN - RIDING ARENA, STONEYMEADE

Dr. Von Brombsen outlined her business operation. She has a training and boarding facility and would like to further expand to offer her clients and others a facility to hold shows. She proposes to have the shoulders beside the driveway expanded by 10 feet on each side which would accommodate the trailers and trucks used to transport the animals to the site. She further felt she could open a pasture for additional parking and that no cars would be parked outside her property bounds onto Pope Road. DORE' HUNTER - Moved to approve the expansion of the site and to withhold the permission to hold shows until after staff and the neighbors were consulted for review. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Dore' further asked to have a No-Parking on Strawberry Hill Road hearing handled at the same time if staff felt the parking would overflow.

~~10/8/91~~ (T)

HUTCHINS & WHEELER
COUNSELLORS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

101 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 551-6800
TELECOMEX (617) 951-1295
TELEX 94-0591

IN FALMOUTH
159 TOWN HALL SQUARE
FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 540-6303

May 30, 1991

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

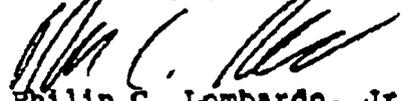
Re: Mobil Oil Corporation - Service Station Located at 553
Massachusetts Avenue

Ladies and Gentlemen:

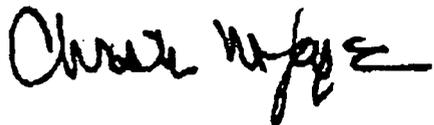
Please be advised that Mobil Oil Corporation ("Mobil"), the operator of the gasoline station located at 553 Massachusetts Avenue, Acton would like to engage in the retail sale of food on a 24 hour basis. Accordingly, Mobil, by this letter, is hereby applying for a Special Permit to sell such food products after midnight in accordance with your Night Hour By-Law. Kindly place Mobil's request for such a Permit on the agenda of your next meeting.

Thank you for your attention to this matter.

Very truly yours,


Philip C. Lombardo, Jr.
Attorney for Mobil Oil
Corporation

cc: Donald Higgins
05361



~~10/8/91~~

SECTION E43. NIGHT HOUR BYLAW

1. No store or place of business engaged in the retail sale of food shall, except as hereinafter provided, be open for the transaction of business between the hours of 12:00 midnight and 6:00 A.M.

2. The term food used in this bylaw shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide.

3. This Bylaw shall not apply to the sale of food or alcoholic beverages when such sale is by a common victualler or innholder, licensed under Chapter 140 of the General Laws, primarily engaged in the sale of food to be consumed on the premises where sold.

4. In cases where, in their opinion, the public good requires it, the Board of Selectmen may issue a special permit allowing a store or place of business engaged in the retail sale of food to remain open for the transaction of such business to an hour, specified in the permit, later than 12:00 midnight or to remain open 24 hours a day. Such special permits shall remain in effect for a period of one (1) year.

5. Violators of this Bylaw shall be subject to a fine of \$200.00 for each violation. In case of continuing violation, every calendar day upon which a store shall remain open in violation of this Bylaw shall be deemed a separate offense.

6. This bylaw shall not apply to any store or place of business engaged in the retail sale of food which were on March 17, 1988 regularly and customarily open for the transaction of business between the hours of 12:00 midnight and 6:00 A.M. Such exemption to existing business shall lapse and be of no further force and effect should any such business at anytime fail to operate between the hours of 12:00 midnight and 6:00 A.M. for four (4) consecutive weeks,



LMI
LIQUID METRONICS DIVISION
MILTON ROY

Liquid Metronics Division
19 Craig Road, Acton, MA 01720 U.S.A.
TEL. (508) 263-9800 • FAX (508) 264-8172

A subsidiary of Sundstrand Corporation

6/23/92-④

June 19, 1992

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

Dear Selectmen and Women:

Liquid Metronics, Incorporated requests the extension of the Site Plan Permit #11/21/90-328 for 8 Technology Drive, Lots 3 and 4 (Plan #3278).

The permit was granted January 8, 1991 but LMI was unable to pull the building permit because of a situation regarding groundwater contamination on the site. We were not given 2 years as specified under Section 10.3.7 of the Zoning Bylaws. We believe the delay constitutes "good cause" as LMI is making an earnest and material effort to go forward with the plans.

On behalf of Doug Bingler and all the employees at LMI, it is our heartfelt hope that you will grant this request.

Sincerely,

Denis B. Hunt
Operations Manager

DBH/ss

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 19, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: LMI Site Plan Extension Request

LMI has requested an extension of their Site Plan approval. There are numerous aspects to this request that the Board needs to discuss in order to come to a decision. Mrs. Tavernier was the lead Selectman on this plan and will lead you through the request.

At this time I wish to bring some cautions to your attention:

1. Town Counsel has determined that this request is within the realm of legal possibilities for action by the Board. He further cautions that, though it is defensible, it may create precedence problems that the Board will find troublesome in the future. A confidential copy of Town Counsel's opinion on this question, prepared in 1991 for a different project, is attached.
2. The Board has issued numerous extensions in the past but we are unable to find a single example of an extension that was granted if the request was received after the lapse date of the permit.
3. There are a substantial number of previously approved Site Plans that lapsed without activity and we have heretofore

considered that they were no longer valid (requiring submission of a new plan, complying with current zoning). Staff (including Counsel) is concerned that grant of an extension in this case must be thoroughly documented for its uniqueness. Otherwise, we are concerned that all of the other projects might still have life. I have asked the Building Commissioner to list the projects that fall into this category. His attached list only goes back to 1988.

Mrs. Tavernier will discuss the various points that are at issue here. Suffice it to say that Staff is uncomfortable with this approach but recognizes the very unique nature of some of the circumstances surrounding this project (failure of 2 financing institutions, FDIC and Recall Management involvement, a Federal law suit related to alleged on-site contamination, pending termination of MIFA program, Master Plan adoption, subdivision lapse, major zoning changes, etc.). If the Board determines to act favorably on this request, we urge that you make all of the uniqueness findings that you can, in order to preserve your options in the future.

As always, Staff will fully support any decision you make.

cc: Town Counsel
Building Commissioner
Town Planner

A handwritten signature in black ink, appearing to be 'DM', is located to the right of the distribution list.

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: June 19, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner
SUBJECT: Expired Site Plans

The following is a list of expired Site Plans issued since 1988 that were not used:

# 11/1/88, 293	National Tech Systems	533 Main Street
# 2/24/88, 296	Acorn Park Realty Trust	300 Acorn Park
# 8/3/88, 303	Acorn Park Realty Trust	400 Acorn Park
# 3/27/89, 309	S.W. Hamilton Co.	1012 Main Street
# 4/3/89, 310	Peter Ruggiero	2 Ledge Rock Way
# 4/4/89, 311	LOK Realty Trust	55 Knox Trail
# 4/5/89, 312	Terry Lee Johnson	448 Great Road
# 4/17/89, 313	4,6,7 Condo Tech Trust	507 Post Office Square, Phase II
# 4/27/89, 314	Mitton Constructors	251 Arlington Street
# 12/19/89, 320	Edgewater Trust	532 Great Road

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION**

DATE: June 19, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *YAR*
SUBJECT: Requested Extension/Site Plan Special Permit 10/12/90, #328

Liquid Metronics is requesting an extension for their Site Plan Special Permit. It should be noted that the permit expired on December 12, 1991. I have consulted with Town Counsel and it is our opinion that the permit can be extended. The Board of Selectmen should be cautious in considering whether or not to grant this extension. There have been a total of nine Site Plan Special Permits granted in the last three years that have now expired. The Board may wish to establish a policy for dealing with these expired permits unless it is their position that all permits can be extended regardless of the zoning in effect at the current time.

It is also possible for the Board of Selectmen to vote to grant the extension subject to LMI obtaining the necessary variances from the Board of Appeals. This would establish a policy that only Site Plan Special Permits which meet current zoning could be extended.

The final option is for the Board to support a change in zoning that would resolve these zoning issues. A Special Town Meeting could be called to accomplish this.

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

6/23/92-④

Telephone: (617) 573-0100

Facsimile: (617) 227-4420
Telex: 951104

September 6, 1991

CONFIDENTIAL

Mr. Garry Rhodes
Building Commissioner
472 Main Street
Acton, MA 01720

Dear Garry: (Extensions for Site Plan Permits)

You have asked whether the Board of Selectmen have legal authority to extend the time for construction pursuant to a site plan special permit. You have also asked whether such a project is entitled to protection against zoning bylaw amendments if a site plan approval is not a "special permit" within the meaning of the statute. The two questions are related although some aspects of the second question go beyond the problem of extensions. Your questions arose in the context of a request by Oscar Kress for an extension of site plan approval for property at 55 Knox Trail, but similar issues are becoming more frequent, due undoubtedly to current economic conditions.

I conclude that the Selectmen have authority to grant an extension whether or not site plan approvals are considered special permits. I think that the Selectmen should try to establish guidelines for such actions which will help to insure consistency in their decisions. Secondly, I think that if an extension is granted, the project should continue to be governed and may be built in accordance with the zoning provisions in effect at the time of the Board's action approving the plan. The fact that there may have been changes in the bylaw is one factor that may be considered in deciding whether to grant an extension, however.

The Kress site plan approval was granted September 5, 1989. It contains a provision, which is typically included in all such decisions, that the permit shall expire September 5, 1991 - i.e., the two years from the date of approval - if substantial use or construction has not begun by that date "except for good cause." The substance and the

language of this provision is based upon c. 40A, § 9, and § 10.3.7 of the Bylaw. The statute says that the bylaw must provide that a special permit granted under § 9 shall lapse within a specified period of time, not more than two years, if a substantial use of the property, or in the case of a permit for construction, if construction has not begun, except for good cause.¹ The inclusion of this provision in site plan decisions assumes that such a decision grants a "special permit." See also § 8.5. That assumption in turn is based on the court's characterization in Y.D. Dugout, Inc. v. Board of Appeals of Carta, 357 Mass. 25, 31 (1970), of site plan approvals as special permits.

More recently, the Appeals Court has concluded that a site plan decision is not equivalent to a special permit, at least to the extent that the Board does not have the same discretion to deny the use entirely that it would have under § 9. Prudential Insurance Company v. Board of Appeals of Westwood, 23 Mass. App. Ct. 278 (1986). This case was not decided by the Supreme Judicial Court, and no appellate decision has spelled out the consequences of the holding that a site plan permit is not a "special permit." Specifically, no decision has said whether a site plan permit provides the protection against zoning changes which § 6 of the statute gives to "special permits." The arguments on this issue are too equally poised, however, for me to hazard a prediction about what the court may do when confronted with the issue.

In the absence of a decision, I think it appropriate for the town to continue to treat site plan approval as affording projects protection against zoning changes during the effective period of the permit and any extension. The town, both in its bylaw and in its decisions and practices,

¹ Section 8.5 of the Bylaw provides that a bylaw amendment will not apply to a building permit, special permit or site plan special permit, provided that construction begins within six months after issuance of the permit. To the extent that § 8.5 provides construction must begin within six months of the grant of a special permit, it appears to be inconsistent with what I believe is the virtually uniform practice of the Board to allow a period of two years. In such cases, I believe that a court would decide that § 8.5 only applies if the time period is not specified in the permit and that when it is, the owner is entitled to rely on the permit, and the applicable provisions of the statute and bylaw. On the other hand, I think that the six month period can properly be applied to building permits, which are usually not issued until work is about to commence. The Planning Board probably should consider amending this section to eliminate the apparent inconsistency between it and § 10.3.7 and the Town's practice with respect to special permits.

has consistently treated site plan approval as conferring zoning protection (e.g., § 10.4, § 8.5 of the Bylaw). In the circumstances, I think that any change in this position should be clearly announced in advance, preferably by a change in the bylaw, and applied prospectively, rather than to outstanding permits.

Even if the courts eventually hold that a site plan approval is not a "special permit" to which the § 9 requirements apply, I think the Board has legal authority both to impose a time limit for beginning work under such a permit and to extend that time in appropriate cases. If a site plan approval is not a special permit, the town would not be required by § 9 to limit the duration of the permit to two years, but I think that the policy reasons for such a limitation would be the same. And in any case in which the town has included its typical provision, I think that the applicant should be able to rely upon having that two year period in which to start work, and also to rely on the extension procedure if he can show "good cause" for delay beyond that time.

There are, however, no cases discussing what constitutes "good cause" for an extension. I think the Board has considerable discretion in deciding whether to grant an extension. I also think it would be desirable for the Board to discuss and decide upon guidelines it will apply in such cases. In general, I think that an owner should show that his failure to begin construction was due to conditions that he did not foresee or that were beyond his control, such as inability to obtain necessary permits and approvals to begin construction, despite timely efforts to get them. Without reviewing the documents in detail, the information you sent about the DEP requirements for the Kress site seems to justify an extension on this ground. Another reason for failure to begin work that may apply in many cases is the depressed real estate market and the consequent inability of the owner to obtain financing. I think the Board has discretion to decide whether this constitutes good cause or not. On the one hand, such economic conditions are obviously outside the control of the owner. On the other, one of the risks a developer always takes is the risk of the market. The Board may also want to consider the economic benefits to the Town of permitting a project to go forward, even with some delay.

I also think the Board can consider whether there have been zoning changes and the extent to which the project remains consistent with the Town's planning objectives. After all, the purpose of the two year rule is to make sure that conditions have not changed so significantly as to make the Board's original judgment about the appropriateness of the project obsolete. In this connection, I think the Board

can consider the nature of any zoning changes which may have been adopted. At one end of the scale would be changes in the permitted uses of the site; at the other might be minor changes in dimensional requirements. The Board has considerable flexibility in dealing with these issues. It could condition approval of an extension on reasonable efforts to bring the project into line with later enacted zoning provisions, even if it did not insist on total compliance. For example, if part of the site has been cleared and graded, it might not be sensible to require the building to be moved to comply with a new dimensional requirement, if that would require additional clearing or infringe on other planning objectives the Board wants to foster. Finally, I think the duration of any extension should be tied to a reasonable estimate of the time necessary to remedy the problem causing the delay, and the Building Commissioner should be kept informed of the applicant's progress.

These standards are necessarily general, but I want to stress that the Board has considerable discretion in making a decision whether to extend a permit. It must only avoid acting arbitrarily, and I think that thinking about and trying to adopt and apply guidelines consistently will help to do this.

I hope this answers your questions. If you or the Board have any follow-up questions, I would be happy to address them.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

cc: Don Johnson

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

DATE: December 12, 1990

6/23/92
4

TO: Board of Selectmen

FROM: Garry A. Rhodes, Building Commissioner *JAR*

SUBJECT: Site Plan Special Permit #11/21/90-328
Liquid Metronics, Inc.
Lots 3 & 4, Post Office Square

Liquid Metronics, Inc. is proposing to construct a 33,000 square foot addition to an existing building and a new 25,000 square foot office/storage building. The project is being proposed in two phases. The first phase will be the addition and the second phase will be the new building.

A subdivision plan was endorsed by the Planning Board on December 12, 1983 for both Lot 3 and Lot 4. Therefore, the zoning in effect at the time of endorsement shall apply for both lots for eight years. On March 31, 1987 the owner of Lot 3 waived their zoning protection. Since that zoning protection was waived the Zoning Bylaw in effect at the time of the waiver will be in effect until the end of the original protection. In short, Lot 4 is governed by the 1983 Zoning Bylaw and Lot 3 is governed by 1987 zoning. On December 12, 1991 the Bylaw in effect at that time will then be in effect for the entire subdivision.

If the Building Permit for Phase II is not applied for before December 12, 1991, Phase II cannot be constructed as proposed. It is then critical that any work involving removing of established trees in Phase II be kept at a minimum until such time as Phase II is built.

I will take this opportunity to outline additional concerns of staff:

- I. A Special Permit is needed from Board of Health for construction in an Aquifer Protection Zone.
- II. A disposal works permit will be required from Board of Health

- III. The detail of the catch basin should include finished pavement and mortar cap.
- IV. The new 36" RCP from Station 8-25 to the flared end should be constructed in Phase I and the stone rip rap splash pad should be a more erosion-proof spillway.
- V. The traffic light should be installed before the occupancy of either the addition or the new building.
- VI. A curb cut should be added on the existing sidewalk where it crosses the small six space parking cell in front of the existing building. In Phase II a sidewalk should be added to the detail sheet and should indicate painted crosswalks at all driveway crossings.
- VII. The detention/retention basin should be relocated so as to be at least 25' from a wetland and a Notice of Intent filed for such work as well as the enlargement of the detention pond.
- VIII. The landscaping plan should indicate that if Phase II is not built, what plantings will be added to stabilize the disturbed areas in Phase II. Additional plantings may be necessary along the easterly boundary and foundation plantings should be added to the plan.
- IX. The plans should be modified so as to indicate that as well as manual alarms, automatic alarms will be added. The plans should also be modified so that the final locations of fire protection devices must also meet the approval of the Fire Department Chief or his designee.
- X. The Town Planner proposes that the Board of Selectmen should seek from the applicant improvements of the Route 27 corridor north of Post Office Square. These improvements should include the reconfiguration of the Brook Street intersection substantially as suggested in the Master Plan, as well as sidewalk construction on Route 27 from Post Office Square to Route 2A, and along Brook Street. The Board of Selectmen may wish to opt for a joint effort whereby the applicant provides the cost of materials, and the Town provides labor and equipment time, or some other similar arrangement.

I am also submitting the comments of all staff members for your review. If additional information is necessary, please contact me.

(491)

#11/21/90-328

8 Technology Drive

Site Plan Special Permit #11/21/90-328
Liquid Metronics, Inc.
8 Technology Drive, Lots 3 & 4
Plan File #3278 (Tavernier)

11/21/90-5

Decision of the Board of Selectmen (hereinafter the Board) on the petition of Liquid Metronics, Inc. (hereinafter the Petitioner) for the property located at 8 Technology Park, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map E-4, Parcel 59-2 and Map P-4, Parcel 2.

This Decision is in response to an application submitted to the Board on November 21, 1990 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning bylaw in effect on March 31, 1987 (hereinafter the Bylaw) to construct a 33,000 square foot addition to the existing building and a new 25,000 square foot office/storage building.

After causing notice of the time and place of the public hearing and of 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 December 18, 1990 at 8:00 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. Board members P. Dore' Hunter, William Weeks, Donald Gilberti, Norman Lake and Nancy Tavernier 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

A properly executed application for site plan approval received November 21, 1990 signed by Denis B. Hunt; Notice of Hearing; Certified Abutters List signed by Lela M. Sorenson dated November 14, 1990; a reduced definitive plan signed December 12, 1983; a request for waivers dated November 15, 1990 signed by John E. Dunphy, Jr.; a written statement as per Regulation 5.2; a drainage report dated November 15, 1990, 8 pages; a letter to the Building Commissioner dated November 16, 1990 from Roy C. Smith with attachment regarding traffic study; a Sewage Disposal Study dated November 14, 1990 prepared by Acton Survey and Engineering, Inc.; preliminary review by Town staff.

Exhibit II

A set of plans with the following sheets: Sheet 1, site plan of existing conditions; Sheet 2, site plan of existing conditions; Sheet 3, site plan of proposed conditions; Sheet 4, site plan of proposed conditions; Sheet 5, construction detail sheet; Sheets 1 through 5 were drawn by Acton Survey and Engineering, Inc. dated November 19, 1990 except Sheet 4 dated November 15, 1990. Preliminary Landscape Plan dated October 1990 revised November 1990 drawn by Capizzi & Co., Inc. An additional set of plans drawn by Gauchat Architects dated 9/28/90, revised 10/9/90, revised 11/15/90 consisting of Sheet A-1 Building 3 Lower Floor; A-2 Building 3 Upper Floor; A-3 Building 3 Elevations; A-4 Building 3 Elevations; A-1 Building 4 Lower Floor; A-2 Building 4 elevations.

Exhibit III

A complete set of reduced plans as outlined in Exhibit II.

Exhibit IV

Interdepartmental Communication (IDC) from the Building Commissioner to Board of Selectmen dated December 12, 1990; IDC from Engineering Department dated December 6, 1990; IDC from Health Director dated December 10, 1990; IDC from Fire Chief dated December 12, 1990; IDC from Roland Bartl dated December 4, 1990; IDC from Municipal Properties Director dated November 28, 1990.

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

1.0 Findings and Conclusions

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

- 1.1 A definitive subdivision plan was endorsed by the Planning Board on December 12, 1983, therefore this site is governed by the zoning bylaw in effect at the time of the endorsement for eight years. On March 31, 1987 the owner of Lot 3 waived his protection. In summary the zoning for this site is mixed, Lot 3 is controlled by March 31, 1987 zoning and Lot 4 is controlled by December 12, 1983 zoning. This zoning protection expires on December 12, 1991, at which time the zoning in effect at that time will control the site.
- 1.2 The Plan, as proposed, would create sideline violations of parking and building unless both lots are joined by an A/R plan. Therefore, it is necessary to join both lots.
- 1.3 The proposed plan indicates two phases. The first phase is the addition and the second phase is a new building. If either Phase I or Phase II does not have a building permit (issued on or before December 12, 1991) that is continued through to completion as continuously and expeditiously as is reasonable, the project will have to be redesigned to current zoning. Since it is possible that Phase II will not be commenced within the allowed time the land contained in this phase should not be disturbed until a building permit for that phase is issued.
- 1.4 This site is located within the Board of Health Aquifer Protection Zone. All necessary permits should be acquired before commencement of construction.
- 1.5 Freon contamination exist within this aquifer zone. The special permit by the Board of Health should review if it is necessary to add additional wells to monitor this contamination.

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- 1.6 The Petitioner indicates that they will not be utilizing hazardous materials. If this should change it will be necessary to obtain a Hazardous Materials Storage Permit from the Board of Health as well as any other permits as deemed appropriate.
- 1.7 Lot 3, which is a part of this site has a Site Plan Special Permit #2/18/87-281 in effect. This Decision will supercede that permit. All Conditions and Limitations contained within said permit will be null and void and this Decision will be the controlling Site Plan Special Permit.
- 1.8 Site Plan Special Permit #4/18/89-313 is for an adjacent site within this subdivision. A condition of that Decision requires the developer to install a traffic light within one year of occupancy at the corner of Technology Park and Main Street. This is due to be installed by April 18, 1991. That traffic light is an integral part of the traffic control of this park. The addition of 58,000 square feet of building will create additional traffic congestion at the effected intersection. Therefore, the addition and new building should not be occupied until the traffic light is installed or an appropriate bond posted if the light is not installed.
- 1.9 This project consists of two phases. Each phase will place additional strain on the infrastructure of the Town, in order to lessen the impact of this strain the Petitioner should contribute to a fund to improve or correct the infrastructure in the immediate area, i.e. Brook Street & Main Street. In as much as this project is in two phases the contribution should be given in two gifts. The gifts shall be \$7500 each, the first given before the building permit of the addition and the second shall be given before occupancy of the new building in Phase II.
- 1.10 The Plan indicates that a new 36" RCP will be installed from station 8+25 to the flared end section. The Plan does not indicate which phase in which it should be constructed, however, it should be installed in Phase I.
- 1.11 The detail for the catch basin on sheet 5 of 5 of the Plan does not show the finished pavement or mortar cap. This should be shown so as to aid the contractor during construction.
- 1.12 The Plan shows an existing dumped stone in the rip rap splash pad. This detail has historically failed and is subject to washing out. The Plan should be revised to correct this deficiency.
- 1.13 Sidewalks are important and should be designed to insure handicap accessibility. All sidewalks should be reviewed to insure a maximum slope of 5% and a detail of the sidewalk added to the Plan. Painted crosswalks are prone to fading, therefore, all crosswalks should be painted twice.

- 1.14 The Plan does not show a curb cut on the existing sidewalk in Phase I and the proposed sidewalk for Phase II should be extended from the 16 cell lot to the front of the building. These are necessary to insure handicap accessibility.
- 1.15 The Plan does not indicate that automatic alarms are to be installed nor does it indicate that the final approved location of fire protection devices must meet the approval of the Fire Department Chief or his designee. This is necessary because in order to be immediately notified in the event of a fire an automatic alarm is needed. The location of fire protection devices should be determined by the Chief or designee to insure maximum efficiency.
- 1.16 The Conservation Commission controls all work within 100 feet of a wetlands. This project falls within 100 feet of a wetland, therefore, all necessary filings are required before work within 100 feet of a wetland is commenced.
- 1.17 This subdivision is surrounded by residential areas. To protect the residential neighborhoods, all construction should be limited in regards to hours of operation.
- 1.18 The neighbors have complained about light spillage from adjoining commercial sites. All site lighting and exterior building lighting should be designed to minimize offsite impacts.
- 1.19 Landscaping can be used to decrease the impact on adjoining neighbors. The Plan lacks foundation plantings. It may also be necessary to increase the plantings along the easterly boundary to lessen the impact on neighboring properties. This can be more easily determined in the field prior to occupancy and additional plantings added at that time. The landscape plan does not show a phasing plan. It may be necessary to bond the plantings required to landscape the area in Phase II.
- 1.20 The Petitioner requests waivers from the Rules and Regulations for Site Plan Special Permits for sections 5.5.2, 5.5.4, 5.6.4, 5.7.1 and 5.8.1. The Board grants the waivers as requested.
- 1.21 The Plan, as modified herein, 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.
- 1.22 The Plan, as modified herein, 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.

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1.23 The granting of a Site Plan Special Permit for the Plan, as modified herein, 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 requested waiver subject to and 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, all such information 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 five 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 The phase line should be drawn so as to indicate that the new 36" RCP from station 8+25 to the flared end is in Phase I.
- 2.2 The detail for the catch basin shall be modified to show finished pavement and mortar cap.
- 2.3 The rip rap splash pad shall be redesigned so as to prevent washing out.
- 2.4 A sidewalk detail added to Sheet 5 of 5; indicate that crosswalks need two coats of paint; insure all sidewalks not over 5% grade.
- 2.5 Add a curb cut to existing sidewalk Phase I; add a sidewalk between the 16 cell lot and front of the building in Phase II.
- 2.6 Add "automatic alarms" to general notes on Sheet 3 of 5; add "The final location of the master box, lock box, siamese connection and hydrant is to be determined by the Fire Engineer and the Fire Department Chief or his designee".

- 2.7 Add to the general notes that all construction activity shall be between the hours of 7:30 A.M. to 5:00 P.M. Monday through Friday, 8:00 A.M. to 5:00 P.M. Saturday and no Sunday construction.
- 2.8 Foundation plantings shall be added to the landscape plan. A phasing plan shall be supplied for landscaping. These shall meet the approval of the Municipal Properties Director.
- 3.0 Conditions
- 3.1 Prior to occupancy of either the addition or new building the traffic light shall be installed or a bond posted to cover the cost of the installation of the light.
- 3.2 Prior to construction of any area within 100 feet of a wetlands a Notice of Intent shall be filed.
- 3.3 Prior to any Building Permit a disposal works construction permit will be required from the Board of Health as per their regulations.
- 3.4 Prior to any construction a Special Permit for working within an Aquifer Protection Zone will be required as per the Board of Health regulations.
- 3.5 If hazardous materials (as outlined within Board of Health regulations) are utilized on site a Hazardous Materials Storage Permit will be needed from the Board of Health.
- 3.6 Testing of existing wells or installation of new wells to test for volatile organics and freon shall be done prior to any construction as per the requirements of the Board of Health.
- 3.7 The Petitioner shall give a gift of \$7500 to be used for traffic mitigation in the immediate area to be dispersed at the discretion of the Board of Selectmen. This shall be done prior to a building permit for the Phase I addition. A second \$7500 gift to be used for the same purpose shall be given prior to occupancy of the second building.
- 3.8 Prior to occupancy of the Phase I addition the Municipal Properties Director shall review the plantings along the easterly boundary to insure the maximum practical protection of neighboring properties is accomplished.
- 3.9 The Petitioner may supply a cash bond to cover the cost of necessary plantings in Phase II Area at the time of the occupancy of Phase I if it is determined that these plantings may be disturbed if Phase II is built.

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- 3.10 The Building Commissioner shall be consulted so as to insure that all exterior lighting is prevented from spilling onto adjacent property. This shall be done prior to the installation of any lighting.
- 3.11 An ANR plan shall be endorsed by the Planning Board prior to any construction.
- 3.12 No construction or earth removal shall be done on Phase II except to insure proper grading and drainage associated with Phase I until such time as a building permit is issued for Phase II.
- 3.12 Prior to occupancy or use of the addition and/or new building, an as-built plan 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.

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 December 12, 1991.

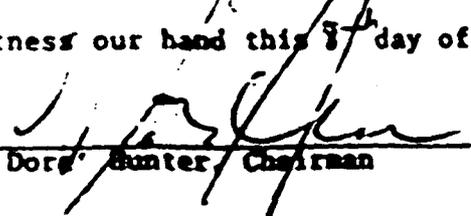
Site Plan Special Permit #11/21/90-328
Liquid Metronics, Inc.
8 Technology Drive, Lots 3 & 4
Plan File #3278 (Tavernier)

Page 8

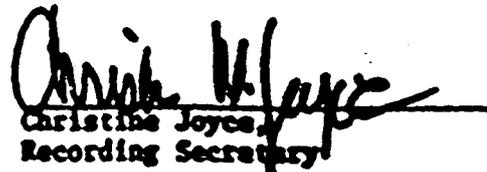
5.0 Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

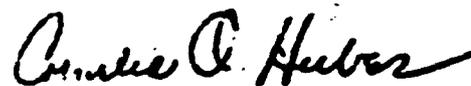
Witness our hand this 8th day of January 1991.


F. Dore, ~~Mayor~~ Chairman

I, Christine Joyce, hereby certify that this is a true copy of the decision of the Board of Selectmen.


Christine Joyce,
Recording Secretary

January 9 1991
Date filed with Town Clerk


Cornelis O. Huber, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the decision of Liquid Metronics, Inc. has passed and there have been no appeals made to this office.

Date

Cornelis O. Huber, Town Clerk

(500)

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering
Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord, Boxboro,
Stov, Sudbury

SELECTMEN'S MEETING
MAY 26, 1992

6/23/92 (5)

The Board of Selectmen held their regular meeting on Tuesday, May 26, 1992, present were Norm Lake, Dore' Hunter, Nancy Tavernier, Anne Fanton, William Mullin and Asst. Town Manager John Murray.

CITIZENS' CONCERNS

Roy Wetherby outlined the new excise tax collection program Acton is participating in with the Registry. The new system puts a hold on an individuals license and registration when an excise tax becomes grossly in arrears. This program is being implemented on approximately 1,400 delinquent accounts in Acton for the years 1985-1991.

Roy also gave an overview of the Bond rating issue recently mentioned in the Beacon regarding Plymouth Carver and the School Deferral issue. He assured the Board that the drop in their rating was due to many financial problems they were faced with and not entirely the deferral issue.

PUBLIC HEARINGS AND APPOINTMENTS

NEW ENGLAND TELEPHONE - GREAT ROAD

DORE' HUNTER - MOVED to approve as long as there were no disruption in service. NORM LAKE - Second. UNANIMOUS VOTE

COMMITTEE INTERVIEW - VCC
JOHN POWERS

The Board interviewed Mr. Powers and thanked him for his willingness to serve the Town on this important Committee. DORE' HUNTER - Moved to appoint Mr. Powers to fill the unexpired term of Ms. Snook (June, 1993). ANNE FANTON - Second. UNANIMOUS VOTE

ROY SMITH
AUDUBON HILL DISCUSSION

Mr. Smith wanted to express his concern with his receipt of the recent letter from the Board regarding Audubon Hill. He assured the Board that the only changes that have occurred from the 1988 plan of specifications has been the removal of the fire place and proposed quarry tile. He intends to provide a walk-in storage area. The existing building had a walk in basement designed, however, when the building plans changed it was impossible to have a walk-in style basement. His proposal is to re-side and retrofit the existing garage to serve as a drive-up and walk in storage facility. He intends to provide the cover to the handicapped entrance and air conditioning to the office area as well as kitchen cabinets and counters. He said that they

never said that they could do the job for under 300,000. But probably it was interpreted as that. He was going to make the changes necessary to make it come in for under 300,000. He assured the Board that he would cut no corners with construction or materials to achieve this end result. Dore' asked for clarification on the 240,000-260,000 vs. the 300,000 figures. Roy explained that 240,000 was an estimated construction cost not the total cost of the project. Bill Mullin expressed his concern with the other associated costs of the project.

Dore' again reiterated that the Town intends not to contribute to the construction of this building and that it should meet our expectations as presented to the Board during the previous presentations and subsequent negotiations. To that end he made the following motion. DORE' HUNTER - MOVED to suggest staff and the Council on Aging meet with Roy Smith or representative as soon as possible and set out in writing if possible, current understanding of what can be included in proposed elderly center building within \$300,000 available for project. The Board of Selectmen re-affirms it will commit no additional funds to project. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TRASH FEES

John Murray and Dick Howe presented a background presentation of the transfer station and associated costs. Nancy Tavernier made a presentation on the operation of the transfer station and recycling center. She commended Dick Howe on his creative approach to the daily problems associated with the transfer station and keeping a handle on ever rising costs. They asked the Board for a recommendation on the fees for 1992-93 sticker year. Presently we are at \$75.00 and Dore' felt we could go to \$85.00. Bill wanted to adjust the senior citizen cost against the replacement sticker costs. Nancy explained that it is a \$5.00 increase and that the total fee for Seniors only represents a 10% cost already. ANNE FANTON - Moved to raise the fee to \$80.00 per year for stickers and raise the other fees and hours as printed in the Memo presented to the Board. No Second, Motion failed. NORM LAKE - Moved to increase the sticker fee to \$85.00 per year. DORE' HUNTER - Second. 3-2 Bill Mullin and Anne Fanton - No.

BILL MULLIN Moved - to change the fee for senior citizens to \$20.00/yr. and raise replacement stickers to 10.00. NO SECOND. Motion FAILED.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted with the Additional items Book Sale Sign and Emergency Hook-up for High Street DORE' HUNTER - Moved to accept. NORM LAKE Second. UNANIMOUS VOTE. Anne was asked to draft a letter to the newly formed Fort Devens Task Force arranging a time for her to meet with them. Anne was asked to be the liaison and to have

them come in in September to meet with the entire board after they have organized the committee.

SELECTMEN'S CONCERNS

Acton Collision Center - The Board met with the owners of the Collision Center and reviewed their financial information. They asked the Board to waive the \$300.00 fee because it was their intention to get all fees waived since the DEP waived their fee and suggested that they approach the Town. Nancy and Dore' were concerned about the outstanding taxes owed and asked if they had a note on the business. They replied that they had no outstanding loans. Nancy inquired why they did not get a note to pay the outstanding balances; they did not reply. DORE' HUNTER moved not to waive the fee, but to ask the Town Manager to work out a fee payment over the next 12 months. NORM LAKE - Second. 4-1 NANCY TAVERNIER OPPOSED.

Eagle Scout- May 23 was taken by Anne. June 20, was taken by Bill.

Historic District and Local Fees - The Board discussed the memo on policy and fees. DORE' HUNTER - Moved to approve the fees recommended by Historic District and the Policy as set forth in the memo of May 22, 1992. NORM LAKE - Second. 4-1 BILL MULLIN No, as he had not had time to review it.

Cerebral Palsy Association - The Board reviewed the request from CPA and decided that they felt uncomfortable participating in Casual Day as it required the employees to pay \$5.00 and did not want to dictate which charity employees would give to. NORM LAKE - Moved to take no action. DORE' HUNTER - Second. UNANIMOUS VOTE

Mandate Relief - Nancy updated the Board on the Mandate Issues. She expressed her frustration that none of the Mandates had made it to the budget. She will contact Sen. Durand to follow-up.

Legal Services Memo - Dore discussed that his policy was to augment the Town Manager's Policy. The Town Manager should work up a policy in writing to fit and interact with the one prepared by Dore'.

Planning Request for Waiver of fees, Lawsbrook Village - The request to waive \$32,000 in filing fees was discussed. Dore' felt negative to waive after reading the memo. We cant start waiving fees especially as our local fees decline and if you do for one, you have to do for all. Anne concurred with Dore' she was concerned it would reduce revenue and set a capital expense priority. She had many questions and would like to respond in writing with the budget as explanation., Nancy reminded the Board we have no capital plans for ball fields currently. DORE' HUNTER - Moved to decline the opportunity to waive the fee and respond to the Planning Board in writing with the decision. NORM

LAKE - Second. UNANIMOUS VOTE. Anne was asked to prepare the notification to Planning.

North Acton Recreation Area - The Board commented on the fine response to EPA. John Murray wanted to let the Board know that David Abbt was the "ghost writer" of this response under Bruce Stamski's signature.

TOWN MANAGER'S CONCERNS

The Board adjourned 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(245)

6/23/92 (6)



ACTON COMMISSION ON DISABILITY

Town Hall
Acton, MA 01720

May 16, 1992

Nancy Tavenier
Board of Selectmen
Acton, MA 01720

Dear Nancy;

Enclosed is a form from the National Organization on Disability (NOD) for appointment of a town liaison.

My term is up in June. I would be willing to serve for another two years. If you have someone else who would care to serve, you may fill out the enclosed accordingly. If you wish me to continue, just fill in my name and sign and return to me.

Thank you for your consideration of this matter.

Sincerely,

Walter Kever



NATIONAL ORGANIZATION ON DISABILITY

RARY CHAIRMAN
R. Ford

910 Sixteenth Street, NW, Washington, DC 20006

DIRECTORS

- Vincent A. Sarni, Chairman**
Chairman and CEO
PPG Industries, Inc.
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- Alan A. Reich, President**
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- Richard Bishop, Esq.**
O'Brien, Bimey and Butler
- Bertram S. Brown, M.D.**
Forensic Medical Advisory Service
- Michael N. Castle**
Governor of Delaware
- William E. Castle**
Director
National Technical Institute
for the Deaf
- John J. Coady**
Retired Group President, Mars, Inc.
- Tony Coelho**
Managing Director
Wertheim, Schroder & Co., Inc.
- Douglas D. Danforth**
Retired Chairman
Westinghouse Electric Corporation
- Richard M. DeVos**
N.O.D. Founding Chairman
President, AMWAY Corporation
- Stephen L. Feinberg**
Chairman and CEO
Dorsar Industries, Inc.
- Hon. Raymond L. Flynn**
Mayor of Boston
V. President, U.S. Conference of Mayors
- George Gallup, Jr.**
Co-Chairman
The Gallup Organization, Inc.
- William R. Howell**
Chairman and CEO
J.C. Penney Co., Inc.
- Joseph D. Mathewson**
President and CEO
-America National Bank of Chicago
- ese M. Miller**
ident
D/BTS, Inc.
- Mary Jane Owen**
Director, Disability Focus
- John W. Patten**
Publisher, BusinessWeek
- Itzhak Perlman**
- Robert C. Pew**
Chairman
Steelcase, Inc.
- Russell G. Redenbaugh**
Chairman and CEO
Action Technologies, Inc.
- Jeffrey P. Reich**
Senior Managing Director
Bear Stearns & Co.
- Michael T. Rose**
President
Michael T. Rose Companies
- Patrick G. Ryan**
Chairman and CEO
AON Corporation
- Raymond Phillip Shafer**
Former Governor of Pennsylvania
Counselor, Dunaway & Cross
- Otto A. Silha**
President, Silha Associates
- W. Reid Thompson**
Chairman
Potomac Electric Power Company
- Reverend Harold Wilke**
Director, The Healing Community
- Joseph D. Williams**
Chairman and CEO
Warner-Lambert Company
- Raul Yzaguirre**
President
National Council of La Raza

Robert J. Saner, II, Esq., Counsel
White, Fine & Verville
Edward Kennedy, Jr.
Special Ambassador for the
Decade of Disabled Persons

CONGRESSIONAL SPONSORS
Sen. Robert Dole, KS
Sen. Tom Harkin, IA
Daniel Inouye, HI
Edward Kennedy, MA
Paul Simon, IL

Rep. Julian Dixon, CA
Rep. Steny Hoyer, MD
Rep. Major R. Owens, NY
Rep. AJ Swift, WA
Rep. Henry Waxman, CA
Rep. Gus Yatron, PA

April 24, 1992

Mr. Walter Kiver
Acton Commission on Disability
Town Hall
Acton, Massachusetts 10720

Dear Walter:

Did you know your appointment as Representative to N.O.D.'s Community Partnership Program (CPP) expires in May 1992? We don't want that to happen; we hope you don't either.

You need to talk to your mayor or the chief elected county official immediately. Please don't delay. Ask to have the enclosed Representative Designation Form completed and signed. Then offer to drop it in the mail yourself so it doesn't get lost in someone's "IN" basket.

We appreciate your commitment over the past two years. And we hope you want to remain as your community's Representative to N.O.D. But, if you can no longer serve, then please take it upon yourself to recruit a new Representative. I'm sure the mayor or the county official will appreciate having a recommendation and will act more quickly on a new appointment.

Even if you are no longer able to serve as the Representative and cannot take the responsibility for ensuring a new person is named, please let me hear from you. In that case, we will follow-up from this office. But we don't want to lose your community as a member of our national network of Community Partners. Can I count on your help?

Regards,

Shirley Sandage
Director of Program Development

enclosure

6/23/92

7

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE : 3 June 1992
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee
SUBJECT : New Appointments

At its 1 June 1992 meeting, the Volunteer Coordinating Committee voted to recommend the following appointments:

Roger C. Andrews to a full three-year term on the South Acton Revitalization Committee expiring 30 June 1995. Although a fairly new comer to Acton, Mr. Andrews brings much enthusiasm and dedication in wanting to serve the Town.

rec'd. 5-6-92

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: April 27, 1992

Mr / Mrs
Ms / Dr Andrews Roger C
Last Name First Name Middle Initial

39 Central Street 508-263-7584 617-271-6477
Street Address Home Phone Business Phone

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) South Acton ^{Revitalization} Planning Committee
- 2) Metropolitan Advisory Planning Council.
- 3) Hauscom Field Advisory Commission.
- 4) Acton - Boxborough Arts Council

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):

Church association, but none in local government;
professional associations.

Do you have any time restrictions? Occasional business travel.

How long have you lived in Acton? 4 years in Massachusetts? 4 years

Are you a US citizen? Yes

Present occupation and employer (optional - attach resume) Engineer/manager,
MITRE

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 See resume. In addition considerable
construction, planning, zoning experience through
Corps of Engineers, which is not shown on resume.

Roger C. Andrews

39 Central Street, Acton, Massachusetts 01720

(508) 263-7584

Education:

George Washington University, Postgraduate (Engineering), 1980
Fairleigh Dickinson University, MBA, 1974
Naval Postgraduate School, Monterey, MS (Physics), 1970
United States Military Academy, West Point, BS (Engineering), 1962

Experience:

Roger Andrews joined MITRE in August 88 as a Group Leader in Advanced Communications. His group has responsibility for system engineering aspects of various Air Force communication systems, e.g., Milstar terminals, Groundwave Emergency Network (GWEN), and Icelandic Air Defense System (IADS).

Mr. Andrews was with Motorola, 1986-1988, leading design efforts on a variety of satellite and ground-based secure communications equipment. This work included hands-on testing at a variety of laboratory facilities, e.g., Sandia Laboratories, and University of Maryland; and interface with a broad spectrum of Government and private customers, e.g., FAA and General Electric.

Prior to this, 1982-1986, he was a Group Leader for the McDonnell Douglas Astronautics Company (MDAC), St. Louis. In that position, he was responsible for design, analysis, and testing of strategic defense initiative (SDI), satellite laser communications, and missile systems. Additionally, he was the MDAC technical contact with the Los Alamos National Laboratory and the Air Force Weapons (Phillips) Laboratory for various space-based experiments. His group designed satellite-to-satellite laser communication systems, satellite power supplies, and guidance sets.

Prior to MDAC, 1978-1982, Mr. Andrews was with the Defense Nuclear Agency (DNA). At DNA, Washington, D. C., he was responsible for direction of the scientific advisory group on effects (SAGE), which assessed National research and development (R&D) needs, and he was responsible for R&D budget presentations to Congressional committees.

Prior to DNA, 1976-1978, Mr. Andrews worked at the Pentagon, and coordinated the development and acquisition of infrared and image intensification, night vision systems for the DoD. As the US representative to a NATO-working committee in Belgium, he arranged for the transfer of night vision technology for use by our European allies, e.g., Great Britain, and (at that time) West Germany.

From 1974-1976, Mr. Andrews worked at the Corps of Engineers, ensuring that a \$20 million per year research program responded to the needs of civil works customers throughout the United States. While in this capacity, he expanded the use of satellite (Landsat) imagery to plan projects and evaluate environmental impacts, and he justified to Congressional Committees, the construction of an environmental engineering laboratory at Dartmouth College.

Additionally, Mr. Andrews taught sophomore, junior, and elective physics at the United States Military Academy, West Point, 1969-1972.

Papers:

Dose-rate Effects on Total Dose Testing of Power MOSFETS, December 1988, IEEE Transactions.

Personal:

Mr. Andrews lives in Acton with his wife, Inez; two year old son, Charlie; and father, George. His son Craig attends St. Louis University; daughter Debbie is a high school teacher in Fitchburg; and oldest son Davis works for BYTE magazine in Peterborough. Mr. Andrews is an elder at the Mount Calvary Lutheran Church.



ACTON HOUSING AUTHORITY

Windsor Avenue
P.O. Box 681
Acton, Massachusetts 01720
508/263-5339

TDD #- 1-800-545-1833 EXT.120

6/23/92
⑧

June 10, 1992

Ms. Nancy Tavernier
Chairman, Acton Selectmen
Town of Acton
472 Main St.
Acton, MA 01720

Dear Nancy:

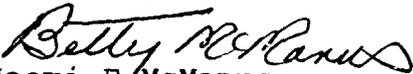
Enclosed please find a copy of the Acton Housing Authority's Section 8 Existing Annual Contributions Contract which needs to be executed by the Chairman of the Selectmen.

This is the same format as the ACC Contract that has been executed in the past. At this time HUD has extended the Authority's project # MA06-E057-003 until May 21, 1993. (See first page of Exhibit II.)

Should you have any questions regarding this request please feel free to contact me. I believe that this request can be included in the general consent items that the Selectmen review.

Thank you in advance for your attention to this request.

Sincerely,


Naomi E. McManus
Executive Director

Enc.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 EXISTING

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT
PART I

for

HOUSING CERTIFICATE PROGRAM

L1 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 L4.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 L4.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 1968.
 - 3. Exhibit II. Exhibit II lists projects funded with amounts appropriated in Federal Fiscal Year 1968 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.

<u>Number of bedrooms</u>	<u>Number of Units</u>
0	00
1	20
2	44
3	15
4	00

B. PHA Fiscal Year.

1. The first fiscal year for the Program shall begin on 7-12-79. (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.

L.4 ANNUAL CONTRIBUTION.

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 L.4.E of this CACC, the HUD annual contribution for the program under section L.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 L.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 pro rata 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 section 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 II.B of the Decree entered in N.A.A.C.P. v. 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 _____
Signature

Date signed

Print or type name and official title of signatory

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By _____
Signature

Date signed

Print or type name and official title of signatory

(SEAL)
Attest:

(SEAL)
Attest:

TOWN/CITY Acton

BY: _____

TITLE: _____

DATE: _____

Executive Office of Communities
and Development

BY: _____

TITLE: _____

DATE: _____

EXHIBIT IProjects Appropriated Before Federal Fiscal Year 1968

PROJECT NUMBER	ACC LIST NUMBER	CONTRACT AUTHORITY	PROJECT ACC EFFECTIVE DATE
MA06-E057-004	B-79-238	-----	07/12/79
MA06-E057-004	B-83-343	37,500.00	10/18/83
MA06-E057-007	B-81-300	44,544.00	06/23/81
MA06-E057-008	B-82-439	22,080.00	01/06/83
MA06-E057-009	B-83-511	45,708.00	01/06/84
MA06-E057-011	B-86-342	42,240.00	MAY 29 1987

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

 Date signed

Exhibit I: Page 1 of 3 pages

HUD 52520 B (August 1988)

EXHIBIT II - RENEWALS - 86 x 0194

Projects Appropriated In Federal Fiscal Year 1968 and Later Years

Abbreviation: CA = Contract authority. BA = Budget authority.

PROJECT NUMBER	CA	BA	FIRST DATE OF TERM	LAST DATE OF TERM	UNIT DISTRIBUTION
<u>Renewals - 86 x 0194</u>					
WAO6-E057-016-REN	\$150,162.00	\$750,810.00	1-01-91	12-31-95	LBR 6 2BR 6 3BR 3 <u>15</u>

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

4/23/92
10

DATE: June 19, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Stoneymeade Amended Agreement

Our records indicate that the Board wanted to review the impact of the first equestrian events on this property prior to final action. Copies of the relevant reports, along with the agreement that requires signature of the Board, have been attached for your review.

I believe the Board may be prepared to act on this agreement at this time. The matter seems to be straight forward and there does not appear to be a reason to have Dr. von Broembsen attend. Consequently, I have not invited her.

cc: Building Commissioner

11/17/91
11/17/05

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted with item 13 from the previous meeting (Cellular Phone Gift) included. DORE' HUNTER - Moved to accept the Consent Calendar with 13 included from Agenda of November 5th. - NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S CONCERNS

Fort Devens Reuse Forum - Dore' discussed his attendance at the meeting in Harvard. Dore' reported that he would be meeting with the Chairman of the Harvard Board of Selectmen on Wednesday to continue the discussion.

TOWN MANAGER'S CONCERNS

Stoneymeade Clarifying Agreement- The Town Manager updated the Board on the agreement for Board signature. He feels the Board should pursue Item 3. of his memo dated November 14 and obtain a limiting agreement with regard to Dr. von Broembsen's operation. Nancy wanted to discuss the neighborhood concerns. Anne felt it should be addressed during a public hearing so that the concerned abutters would be able to express their concerns. Dore' felt we should address this whole agreement in a public meeting, have a drafted plan of what would be taking place on the site for discussion at the meeting and go on from that point to state concerns. Dore' asked that all be notified of the meeting. Anne wanted the term "shows" defined and noted that she understood that noise was a concern, as well as parking.

EXECUTIVE SESSION

The Board voted to adjourn into Executive Session for the purpose of discussing Labor Negotiations. Dore' took roll call all Ayes.

The Board adjourned into executive session at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(172)

3/17/92
④

ACTON TOWN HALL
INTERDEPARTMENTAL COMMUNICATION

DATE: March 13, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner
SUBJECT: Horse Shows at Stoneymeade Farm

The Board of Selectmen, while considering whether or not to sign the modified "Agreement" presented to them by you on Nov. 14, 1991 (see copy attached), wished to clarify issues that pertained to the horse shows at Stoneymeade Farm.

Dore' Hunter requested that staff and neighbors be consulted for their comments. He also questioned if there was a need for "No-Parking" signs on Strawberry Hill Road, and if so, a public hearing be held.

Dr. von Brombsen, the present owner of Stoneymeade Farm, as requested, has supplied me with a parking plan for her horse shows. She indicates on her plan that all parking can be handled on site. At the present time there are two shows scheduled; one on April 11 and the second May 23-24.

I have been made aware of several concerns by neighbors, i.e. noise, traffic, frequency of events, and parking on town roads.

I believe that traffic and parking on town roads can be controlled by a police detail and with event signs. A police detail could assure that all vehicles are parked on site and traffic could be directed at the intersections of Pope and Strawberry Hill Roads if it became necessary. The Board of Selectmen can allow event signs within a public way. With proper signs placed along Pope and Strawberry Hill Roads, vehicles will know where to park.

Noise level, while it is possible to monitor to a degree, is more difficult to determine its acceptable level. DEQE, in 1990, issued a policy that states, "if the source increases the broadband sound level by more than 10 dB(A) above ambient...", it is violating the noise regulations (see enclosed). While this does not apply directly in this case, it is possible to use this as a standard. I should point out that I am not an expert in noise control. Only by monitoring the show and dB(A) levels can an acceptable level be established, but this is a start.

The Board will have to determine what is an acceptable frequency of events. It should be noted that if the noise and traffic are controlled, the frequency may not be such a big issue.

I should add that access to the show is across abutting property. I have assumed that Dr. von Brombsen has all necessary approvals. Dr. von Brombsen should show the Board that she has acquired permission from the abutting property owners.

I have discussed with Acheson Callaghan (Town Counsel) what type of agreement would be possible between the Town and Dr. von Brombsen. We have discussed whether an entertainment license is appropriate or an agreement recorded with the property. I have not received an answer at this time, but will follow-up before the meeting.

STONEYMEADE FARM RIDING ARENA

3/17/92 - mtg.

Dr. Von Brombsen asked permission to hold two shows. One on April 11 and the other on May 9. She explained that the shows last year were with Arabians and that type event required music and other loudspeaker use. The show she has planned requires concentration for the rider and horse, therefore, no music would be used and a bull horn type device would be used to announce. She has anticipated and limited the show to 50 entrants thus minimizing traffic and parking problems. She has agreed to have No Parking signs and a detail Police officer direct traffic in and out of the farm. She anticipates only four events like this per year two in the spring and two in the fall. She does not anticipate a problem with the proposed "Clinics" as they attract a minimum number of people and would not require traffic direction.

The Board discussed the licensing of these events and decided that the fee would be set a \$50.00 per show and if after review of the two shows no impact to the surrounding streets and neighborhood, the fee paid could be applied toward an annual license fee to be determined by the Board. NANCY TAVERNIER - Moved to approve the shows of April 11 and May 9 with a fee set at \$50.00 per event with the conditions listed in Staff memo requiring Police Detail and signs posted on both sides of the street, No music or loud speakers to be used. DORE' HUNTER - Second. UNANIMOUS VOTE.

**RETIREE'S COMMITTEE
HEALTH CARE BENEFITS**

Bill Sparks and Bill Soar asked the Board for clarification of the proposed Town Meeting Article which would require the Retirees to sign up for Medicare if eligible. The Board assured them that it was not an attempt to reduce benefits, only a way to provide an equal or more beneficial program to its retirees who were eligible for this benefit which they contributed to during their service in the private sector. The committee was concerned that those ineligible for Medicare would be slighted. The Board again assured them they are exploring every issue and asked their help in getting the questionnaires returned promptly so that the evaluation could be complete prior to Town Meeting.

CONSENT CALENDAR

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

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

6/23/92
10

TO: Chief Robinson
FROM: Lt. McNiff
SUBJ: Stonymead Horse Show

DATE: May 11, 1992
TIME: 7:56 AM

Town Manager
Information

Attached is Officer Stew Fenniman's report of the Stonymead Horse Show held on May 9, 1992. There were no problems and the area remained quiet through the day.

CC: BOS - FYI

From: ACTPD::SRF
To: JTM
CC: SRF
Subj: STONYMEADE HROSE SHOW

"PTL. STEWART R. FENNIMAN" 10-MAY-1992 03:24:18.32

LIEUTENANT,

THERE WERE NO PROBLEMS AT THE HORSE SHOW HELD ON 05-09-92 AT THE STONYMEADE FARM ON STRAWBERRY HILL ROAD. THROUGHOUT THE DAY THERE WERE APPROXIMATELY 10 HORSE TRAILERS ON THE PROPERTY WITH PLENTY OF AMPLE PARKING IN THE FIELD. NO VEHICLES WERE PARKED ON STRAWBERRY HILL ROAD. THERE WERE TWO PEOPLE ASSIGNED PARKING DUTIES WHO ASSISTED IN DIRECTING THE HORSE TRAILERS IN THE LOT. I STOOD BY ON STRAWBERRY HILL ROAD TO STOP ANY TRAFFIC WHILE THE TRAILERS WERE ENTERING OR EXITING. THE ENTIRE DAY WAS QUIET AND ORDERLY.

RESPECTFULLY SUBMITTED,

PTL. STEWART FENNIMAN

*Town Manager
Information*

From: ACTPD::JVM
To: JTM
CC: JVM
Subj: HORSE SHOW

"Sgt. James V. McPadden" 12-APR-1992 23:42:48.26

LT MCNIFF,

PER YOUR INSTRUCTIONS, I AM SUPPLYING THIS INFO REL. TO THE POLICE DETAIL AT THE HORSE SHOW 135 STRAWBERRY HILL RD. ON SATURDAY APRIL 11. THE DETAIL RAN FROM 7:30 AM UNTIL 3:30 PM. THE EVENT ITSELF IS ACTUALLY A COMPETITION RATHER THAN AN EXPOSITION. THERE WERE APPROXIMATELY 60 ENTRANTS INTO THE COMPETITION WITH 5 CANCELLATIONS DUE TO THE INCLEMENT WEATHER. THERE ARE TWO EVENTS TO THE CONTEST, AND THE RIDERS ARE DIVIDED INTO GROUPS. EACH RIDER IS GIVEN A SCHEDULED TIME TO COMPETE IN THEIR RESPECTIVE DIVISION, SO ARRIVAL AND DEPARTURE TIMES ARE STAGGERED THROUGHOUT THE DAY. NEITHER LOT WAS EVER FULL, AND THERE WAS NO PARKING ON THE SIDE STREETS. THE EVENT WAS STAFFED WITH MANY VOLUNTEERS TO ASSIST WITH THE PARKING, AND THE AREA WAS ADEQUATELY POSTED WITH SIGNS INDICATING THE EVENTS LOCATION, AND THE LOCATION OF PARKING. THE ONLY PROBLEM I RAN INTO, HAD TO DO WITH THE CONDITION OF THE DRIVEWAY INTO THE PARKING LOT NEAREST THE BUILDINGS ON THE PROPERTY. THE ENTRANCE TO THE LOT IS NARROW AND DUE TO THE RAIN, SLEET AND SNOW, BECAME MUDDY AND DIFFICULT FOR VEHICLES AND TRAILERS TO NAVIGATE. TRAFFIC HAD TO BE HELD UP ON STRAWBERRY HILL RD FOR SHORT PERIODS OF TIME, TO ALLOW VEHICLES TO GET A RUNNING START THROUGH THE MUD, AND FOR VEHICLES TOWING HORSE TRAILERS TO JOCKEY THEIR RIGS OUT OF LOT ONTO THE STREET IN A CONFINED AREA. RESIDENTIAL TRAFFIC ON STRAWBERRY HILL RD IN THE AREA THAT DAY WAS LIGHT. THE PRESENCE OF A POLICE OFFICER WAS HELPFUL IN ASSISTING THE ENTERING AND EXITING VEHICLES, AND PERHAPS COULD BE CONTINUED AT LEAST ONCE MORE, TO MONITOR THE SITUATION AFTER ALTERATIONS TO THE DRIVEWAY AND ENTRANCE, AND DURING BETTER WEATHER CONDITIONS, WHICH MAY ATTRACT MORE SPECTATORS.

SGT. J. MCPADDEN

Town Manager
Information

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Dec. 3, 1991

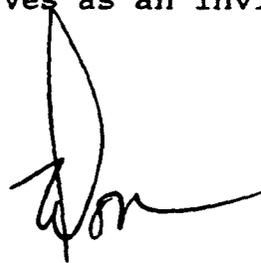
TO: Garry Rhodes, Building Commissioner
FROM: Don P. Johnson, Town Manager
SUBJECT: Stoneymeade Amended Agreement

The Selectmen have taken the revised agreement for Stoneymeade under advisement until they can hear the matter of Dr. von Broembsen's horse arena in total. This includes the definition of "agriculture", parking and noise concerns, etc.

I have previously informed you that the Board would like to hear this matter in January or February. In order to pull this hearing together, I would like to meet with you and other appropriate staff members to review the questions and the Board's direction to us. I have already asked that we meet after next Wednesday's staff meeting (12/11). Let's plan to address this matter then, too.

By copy of this memo to David Abbt, Roland Bartl and Doug Halley I am advising them to be prepared to discuss this project at that time. Yes, Doug, this also serves as an invitation for you to join us.

cc: David Abbt



Roland Bartl

Doug Halley

Original

11/19/91-(10)

~~TOWN OF ACTON~~

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: Nov. 14, 1991

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Stoneymeade Clarifying Agreement

Attached is the agreement that we negotiated almost a year ago, clarifying some of the "gray" areas of the Selectmen's original agreement with Mark Gallagher. You may recall that this derives from Garry Rhodes presentation to the Board last winter.

There have apparently been some holdouts that have delayed delivery of this document for final approval by the Selectmen. As a consequence, it comes to you for signature after we detected the definitional question related to "agriculture". In reviewing this document before presenting it for your approval, I note that we have incorporated the statutory definition of "agricultural use" into the agreement. This seemed prudent at the time; however, the horse arena question that has subsequently arisen causes me some concern.

I see several questions and issues at this time and will be seeking your thoughts/direction at your meeting on November 19.

My thoughts include:

1. If the Board is concerned about issues of parking, etc. that have previously been discussed, signing this document may take those issues off the table and allow these functions by right ... without control or input from the Board.
2. If the Board does not sign this agreement then we will need to spend a great deal of time trying to work out other terminology. Such negotiations could well result in a reversion to the original agreement. This would leave us with an ambiguous document that would probably require court action to enforce if the Town ever needed to exercise its rights.
3. The Board might negotiate with Dr. von Broembsen and, in return for approval of this document, obtain a limiting agreement related to any concerns you may have.

cc: Garry Rhodes

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

DPJ:174



THE CO-OPERATIVE BANK

October 25, 1991

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

RE: Stoneymeade Farm

Members of the Board:

Enclosed is the Agreement establishing and clarifying the Agricultural Restrictions for the Stoneymeade Farm off Pope and Strawberry Hill Road. All parties to the agreement have signed the document. The plan which is referred to in the Agreement has already been recorded with the Registry of Deeds as Plan No. 160 of 1991, Book 21049, Page 263. A photoreduction of the plan is attached to the Agreement.

We would like the Board to endorse the Agreement so that the lot owners may now proceed with construction. Would you please place the endorsement of the Agreement on the agenda for the next Board meeting. Once the Agreement has been signed, we will promptly record the document.

If you have any questions, please call me at (508) 635-5004.

Sincerely,

Lisa Bergemann
Assistant Vice President

Enclosures

AGREEMENT

Reference is made to a certain agreement by and between Stoneymeade Development Corporation and the Town of Acton by its Board of Selectmen undated and recorded in the Middlesex South Registry of Deeds in Book 18573, Page 60 ("Agreement").

The undersigned, the owners of the affected lots for themselves and their successors in interest, for the purpose of amending the Agreement and resolving various ambiguities therein, hereby agree as follows:

1. The plan entitled, "Plan of Land in Acton, Mass. Prepared for Applicant Stoneymeade Development Corporation," dated February 19, 1991, ("Plan") delineates the perimeter of land subject to the agricultural restriction. The areas which were and are excepted from the agricultural restriction, are as follows:

- a. Lot 4B, Parcel 1
- b. Lot 5A
- c. Lot 6A
- d. Lot 7A
- e. Lot A, Parcel 2
- f. The Building envelope on Lot 8C
- g. The Building envelope on Lot 10A
- h. Lot 11
- i. Lot 12

Lots 5A, 6A, 7A shown on the Plan are subject to the "200' No-Build Restriction" as set forth in the Agreement and delineated on the Plan.

2. Lot 9, shown on said Plan, was exempted from the Agreement by a Certificate of Exemption executed by the Acton Board of Selectmen dated July 11, 1989, and recorded in said Deeds in Book 19942, Page 152.

3. The Cooperative Bank of Concord, the present owner of Lot 9, agrees that the portion of Lot 9 shown on the Plan as "200' No-build Restriction" shall be subject to Restriction No. 1 of the Agreement.

4. Eugene T. Carver, III, as he is Trustee of Icicle Realty Trust No. 3 u/d/t dated August 10, 1990 recorded in the Middlesex South Registry of Deeds in Book 20711, Page 540, Owner of Lot 4B agrees that Lot 4B, Parcel 1 shall be subject to the Agricultural Restriction; and the Town of Acton agrees that the Building Envelope on Lot 4B, Parcel 2 shall be exempt from the Agricultural Restriction.

5. "Agricultural Restriction" as used herein shall mean, and the parties agree, that such land subject to the Agricultural Restriction may only be used as described in General Laws c. 61A, Section 1 and Section 2 and together with the following: drive-ways, underground utilities, subsurface sewerage disposal systems, and buildings associated with and accessory to the agricultural and particular uses described in said Sections 1 and 2 of General Laws c. 61A.

6. In all other respects the Agreement shall remain in full force and effect.

WITNESS our hands and seals this day of February 1991.

Town of Acton
Board of Selectmen

by: _____
hereunto duly authorized

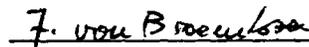

Eugene T. Carver III, Trustee
of Icicle Realty Trust No. 2
u/d/t dated August 10, 1990
recorded in the Middlesex South
Registry of Deeds in Book
20711, Page 535
Owner of a part of Lot 8C

The Cooperative Bank of Concord
by: 
David E. Bradbury
Chief Executive Officer
Owner of Lot 9

Stoneymeade Development
Corporation

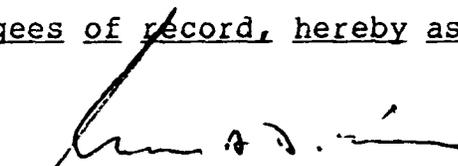
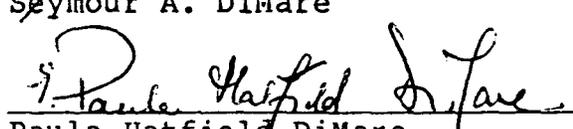
by: 
Mark M. Gallagher,
President & Treasurer
hereunto duly authorized
Owner of Lot 11


Eugene T. Carver III, Trustee
of Icicle Realty Trust No. 3
u/d/t dated August 10, 1990
recorded in the Middlesex
South Registry of Deeds in
Book 20711, Page 540
Owner of Lot 4B and a part of
Lot 8C


F. von Broembsen
Owner of Lot 10A

The undersigned, being Mortgagees of record, hereby assent:

The Cooperative Bank of Concord
by: 
David E. Bradbury
Chief Executive Officer


Seymour A. DiMare

Paula Hatfield DiMare

Michael A. Stone

George Blawie
James M. Hawkins

Owner of Lot A

Owner of Lot 12

Deborah G. Watt

Deborah G. Watt

Owner of Lot 5A

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February , 1991

Then personally appeared the above named
representing the Town of Acton and acknowledged the foregoing
instrument to be the free act and deed of The Town of Acton,
before me

Notary Public

My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 21 , 1991

Then personally appeared the above named Mark M. Gallagher
and acknowledged the foregoing instrument to be the free act and
deed of Stoneymeade Development Corporation, before me

Charles A. Zayas
Notary Public

My commission expires: 7/19/96.

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 21, 1991

Then personally appeared the above named David E. Bradbury, Chief Executive Officer and acknowledged the foregoing instrument to be the free act and deed of The Cooperative Bank of Concord, before me

Lise Bergano
Notary Public
My commission expires 5/22/92

My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 21, 1991

Then personally appeared the above named Eugene T. Carver III, Trustee as aforesaid of Icicle Realty Trust No. 2 and acknowledged the foregoing instrument to be his free act and deed, before me

Mary D. Stevens
Notary Public

My commission expires: 3/28/97

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 21, 1991

Then personally appeared the above named Eugene T. Carver III, Trustee as aforesaid of Icicle Realty Trust No. 3 and acknowledged the foregoing instrument to be his free act and deed, before me

Mary D. Stevens
Notary Public

My commission expires: 3/28/97

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 21, 1991

Then personally appeared the above named F. von Broembsen and acknowledged the foregoing instrument to be her free act and deed, before me

Chary P. Stevens
Notary Public

My commission expires: 3/28/97

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

~~February~~ 19, 1991

Then personally appeared the above named MICHAEL A. STONE and acknowledged the foregoing instrument to be his free act and deed, before me

Lisa Bergeman
Notary Public

My commission expires: stake

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 26, 1991

Then personally appeared the above named ^{George Linn Hankins} ~~his~~ ^{Lillian M. Hankins} free act and deed, before me _{then}

Chary P. Stevens
Notary Public

My commission expires: 3/22/97

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

February 23, 1991

Then personally appeared the above named Subrah G. Watt and acknowledged the foregoing instrument to be his free act and deed, before me

Mary P. Stevens
Notary Public

My commission expires: 3/22/97

COMMONWEALTH OF MASSACHUSETTS

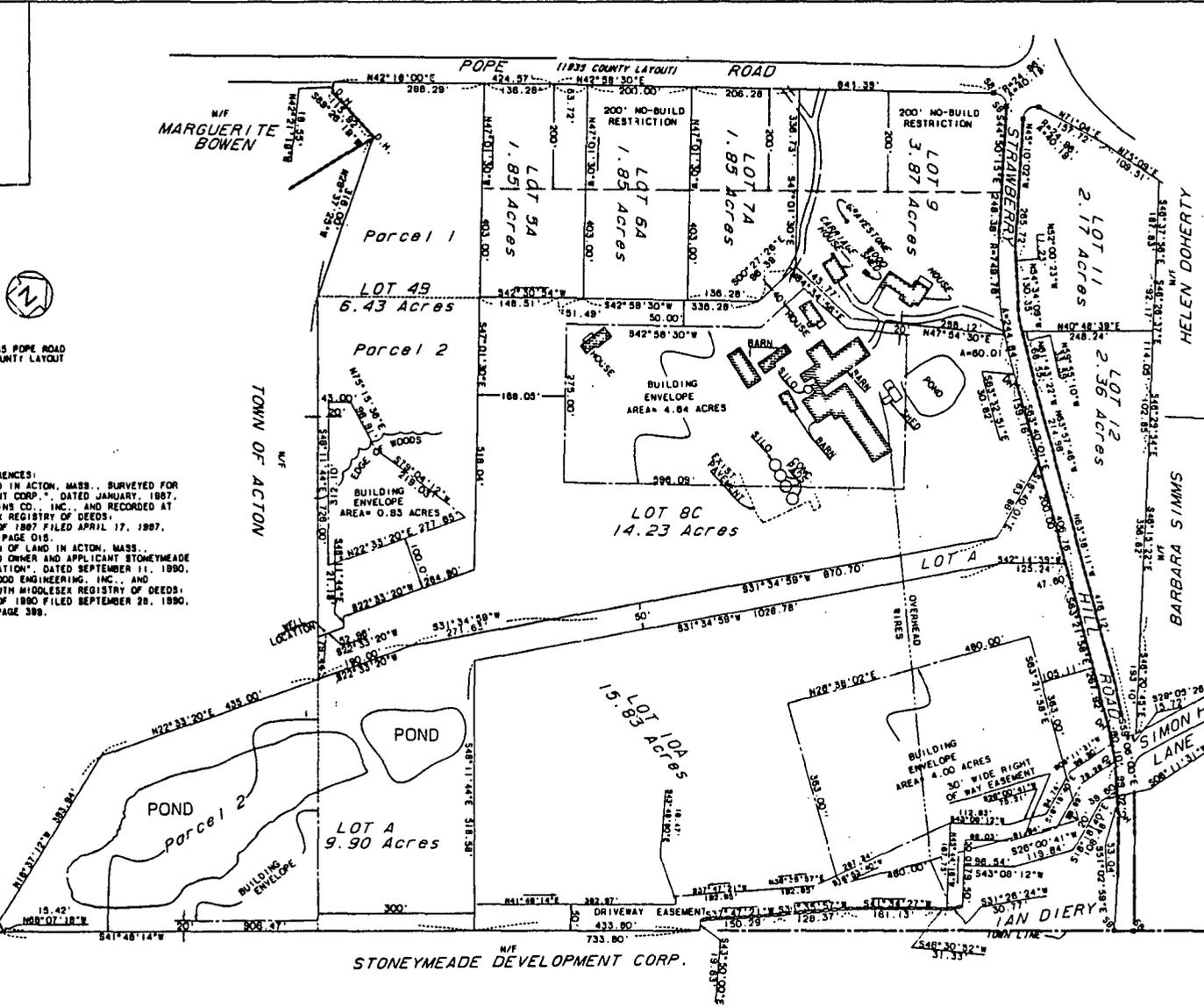
Middlesex ss.

February 21, 1991

Then personally appeared the above named Seymour A. DiMare and Paula Hatfield DiMare and acknowledged the foregoing instrument to be their free act and deed, before me

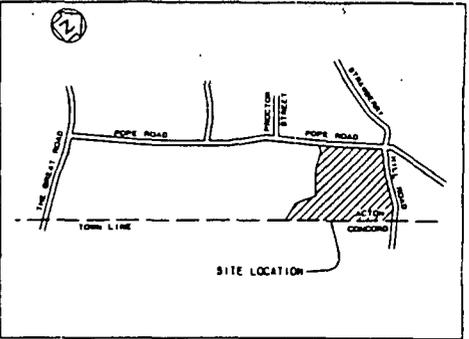
Mary P. Stevens
Notary Public

My commission expires: 3/22/97



1835 POPE ROAD
COUNTY LAYOUT

PLAN AND DEED REFERENCES:
 PLAN ENTITLED "LAND IN ACTON, MASS., SURVEYED FOR OVERVIEW DEVELOPMENT CORP.", DATED JANUARY, 1987, BY CHARLES A. PERKINS CO., INC., AND RECORDED AT THE SOUTH MIDDLESEX REGISTRY OF DEEDS, PLAN NUMBER 520 OF 1987 FILED APRIL 17, 1987, DEED BOOK 17730 PAGE 018.
 PLAN ENTITLED "PLAN OF LAND IN ACTON, MASS., PREPARED FOR RECORD OWNER AND APPLICANT STONEYMEADE DEVELOPMENT CORPORATION", DATED SEPTEMBER 11, 1990, PREPARED BY LANCEWOOD ENGINEERING, INC., AND RECORDED AT THE SOUTH MIDDLESEX REGISTRY OF DEEDS, PLAN NUMBER 834 OF 1990 FILED SEPTEMBER 29, 1990, DEED BOOK 20785 PAGE 389.



LOCUS
SCALE: 1"=120'

I HEREBY CERTIFY THE FOLLOWING:
 1. THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
 2. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.
 BY: _____ DATE: _____
 PROFESSIONAL LAND SURVEYOR

NOTES:
 THIS IS A COMPILED PLAN FOR LAND IN ACTON, MASS. FOR EASEMENTS ON LOTS 7A AND B. SEE PLAN PREPARED BY LANCEWOOD ENGINEERING, INC., ENTITLED "LOTS 7A & B EASEMENT PLAN", DATED JANUARY 1991, AND PREPARED FOR ACTON CONSTRUCTION MANAGEMENT, INC.
 ZONING DISTRICT: RESIDENCE R-8
 THESE PARCELS ARE ON PLATE F-5 OF TOWN MAPS AND AS PARCELS 12-10 AND 12-5.
 THIS PARCEL OF LAND FALLS UNDER ZONE 4 OF THE GROUNDWATER PROTECTION DISTRICT MAP NO. F-5.

ACTON
CONCORD

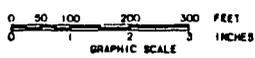
STONEYMEADE DEVELOPMENT CORP.

PLAN OF LAND
IN
ACTON, MASS

PREPARED FOR APPLICANT
STONEYMEADE DEVELOPMENT
CORPORATION

DATE: FEBRUARY 18, 1991 SCALE 1"=100'

LANCEWOOD ENGINEERING, INC.
8 KANE INDUSTRIAL DRIVE, HUDSON, MA.



318573 P 060

18573
60

Stonemead Development Corporation agrees upon acquisition of the property presently under Chapter 62A, specified in a Notice of Intent submitted by Dr. Seymour Dimare to the Town of Acton dated Oct. 24, 1986, that they will develop the land with the following restrictions:

19.00
389
09/28/87 12:25:36

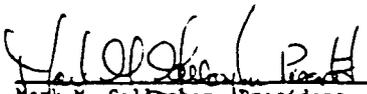
1. A permanent no-build buffer will be created along Pope Road for its entire length, extending from Pope Road's easternmost sideline east for 200' parallel to the sideline. Excepting from this restriction the building lot directly to the north of Bowen's property on Pope Road. The no-build restriction meaning and intending to include any housing structure or appurtenant structure to a home.
2. All open space created through a cluster development on the wooded or southern section of the property will be donated to the Town of Acton or the Acton Conservation Trust for conservation purposes. Such land shall be in a contiguous parcel acceptable by the Planning Board and a suitable portion of land shall abut Concord Conservation Land.
3. The portion of land not designated as a part of the cluster development, meaning and intending that portion of the property presently being used for agricultural purposes, shall be placed in a permanent Agricultural Preservation Restriction with the following exceptions:
 - a. Four A.N.R. lots using frontage on Pope Road between Bowen's Property and Strawberry Hill Road shall not be included within the restriction.
 - b. The existing farmhouse and barn shall be placed within a building square of 4 to 6 acres and this area would not be included within the restrictions.
 - c. The proposed house in the central eastern portion of the fields shall have a building square of 4 acres and this area would not be included within the restriction.
 - d. The triangular parcel of property (shows as Lot 34 on the Town of Acton Assessor's Map G-5) to the north of Pope Road will not be placed under an Agricultural Preservation Restriction at this time.
4. There shall also be the following conditions for the development:
 - a. Any existing buildings may be restored or converted into housing units;
 - b. Excepting the proposed house in the central eastern portion of the field, no new houses shall be built within the area presently being used for agricultural purposes.
 - c. The existing stone tower on the northeast portion of the fields will be placed within the Agricultural Preservation Restriction.

MARGINAL REFERENCE REQUESTED
BOOK 19730 PAGE 013

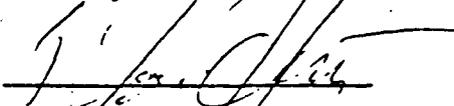
COPY OF ORIG. AGREEMENT

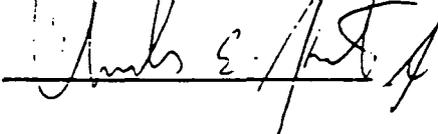
- d. All wetlands on the property specified in the Notice of Intent dated Oct. 24, 1986 shall be placed within conservation restrictions.
 - e. The frontage on Pope Road shall be limited to three new road cuts.
5. Upon acquisition of the aforementioned property, Overview Development agrees to record this document at the Middlesex Registry of Deeds and to have it properly referenced to Stoneymeade's deed of record for the property.
 6. The Board of Selectmen agree upon receipt of this document signed by authorized representatives of Stoneymeade Dev. Corp. and approval of the Board to release its right of first refusal on the aforementioned property.

STONEYMEADE DEVELOPMENT CORPORATION


 Mark M. Galzger, President

Board of Selectmen

6/23/92 (11)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 19, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Mill Corner (Formerly Great Hill Village)

Kevin Sweeney is seeking permits/approvals of the Planning Board and Board of Health for a proposed project on Great Hill. Both the Town Planner and Health Director have briefed me on part of his proposal that would provide a limited sewer treatment plant capability for some of South Acton.

I have included a copy of correspondence from Acton Survey & Engineering to the Board of Health (dated June 16, 1992) along with an excerpt from the March 23 Board of Health minutes to show you the very conceptual nature of his proposal at this time. One might imagine any number of reasons to hesitate at the limited nature of this proposal; however, the prospect of a sewerage capacity of any size in South Acton must be carefully considered by the policy making Boards of the Town.

Staff recommends that the Selectmen convene a meeting including the Planning Board, Board of Health and Finance Committee to consider the ramifications of this proposal and determine a desired strategy. The nature of Mr. Sweeney's project is such that we do not believe there should be much delay in determining the Town's position on the offer. This meeting should be soon.



cc: Town Planner
Health Director

ACTON SURVEY & ENGINEERING, INC.

JOHN E. DUNPHY, JR., President

P.O. BOX 666 • ACTON, MASS. 01720

June 16, 1992

Acton Board of Health
Acton Town Hall
472 Main Street
Acton, MA 01720

Re: Mill Corner (formerly Great Hill Village)
Lunn and Sweeney Corporation

Dear Board Members,

On June 2, 1992, this office requested the Board approval to apply Regulation 11-15.10 of the Rules and Regulations of the Acton Board of Health for the subsurface disposal system to service the above referenced site. The requested approval would allow State Code requirements to be used for the existing sewage disposal system. In conjunction with that request, we also requested a variance from Regulation 11-15.1 of the local code to provide 1.58 square feet of leaching area per gallon of estimated flow for this particular system rather than 2.0 square feet per gallon.

At the June 8, 1992 meeting of the Board, discussion indicated that Regulation 11-15.10 allows State Code requirements for trenches and pits, but neglects to speak of galleries or chamber systems which are similar to trenches and pits. Title 5, 310 CMR 15.00, section 15.11 through section 15.15 describes Leaching Pits, Leaching Galleries, Leaching Chambers, and Leaching Trenches, respectively. In all cases the sub-section entitled "Leaching Area" defines it as "the pervious bottom area of the excavation and the sidewall areas of the excavation below the invert of the inlet". Also in the background information we provided for the last meeting, DeFeo, Wait & Associates, Inc. states "Leaching trenches, leaching pits and leaching galleries utilize a considerable amount of sidewall area which can be proven to be less prone to clogging." It is our opinion that the oversight in Regulation 11-15.10 should be re-written to include leaching chambers and leaching galleries.

In order to provide the same degree of environmental protection required under Regulation 11-15.1, we propose the following:

1. Each dwelling will have a 1,000 gallon septic tank.
2. Individual tanks at each unit shall be pumped on an annual basis.

Office: 277 Central Street, West Acton (617) 263-3666

3. The existing settling tanks will be inspected annually and pumped as required with an inspection report submitted to the Board of Health.
4. Prior to the issuance of a sewer connection permit for any unit, the Town will be granted the right to construct a treatment plant on site and utilize the excess capacity of the existing leaching field.
5. Water usage into the complex will be monitored and records of water usage will be submitted to the Board of Health every six months.
6. The development will not exceed 98 bedrooms at any time.
7. The Condominium agreement will be structured to cover the expense of replacing the septic system in 15 years.

We feel that a strict enforcement of Regulation 11-15.1 and Regulation 11-15.10 will do manifest injustice and that the same degree of environmental protection required under Regulation 11-15.1 and 11-15.10 can be achieved without the strict application of those regulations.

If you have any questions or require additional information, please contact us.

Very truly yours,

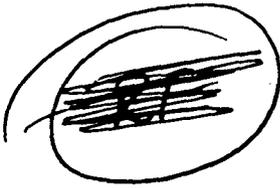
ACTON SURVEY & ENGINEERING, INC.



John E. Dunphy, Jr., President

cc: Lunn and Sweeney Corporation

file no. 2611



JUN 18 1992

ACTON BOARD OF HEALTH

MINUTES

MARCH 23, 1992

MEMBERS PRESENT: Jonathan Bosworth (Chairman)
Cordelia Alfaro
James Barbato
Mark Conoby
Bill McInnis (Associate)

STAFF PRESENT: Doug Halley (Health Director)
Sheryl Ball

OTHERS PRESENT: Joseph Glannon
Sandra Whaley
Betsy Eldridge
Michael Bradley
Kevin B. Sweeney
Harry Donahue

The meeting opened at 7:34 P.M.

MINUTES:

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to accept the minutes of February 24, 1992 following corrections.

LEAD SCREENING POLICY:

Comments on the Lead Screening Program Policy from Carol Caulton, Lead Screening Nurse for the State, were discussed by the Board. On a motion made by Mr. Barbato, seconded by Ms. Alfaro, the Board unanimously voted to accept the Lead Screening Program Policy following minor corrections.

ACTON SURVEY & ENGINEERING - GREAT HILL PRESENTATION:

Harry Donahue, representing Acton Survey & Engineering, gave a presentation on behalf of Kevin Sweeney regarding proposed design plans for Great Hill Village. Mr. Sweeney is presently proposing twenty-five (25) three or four bedroom single family residences. Gas, water and drain lines have previously been installed along with all septic tanks from the original proposal and six (6) leaching fields. Mr. Donahue stated that in order to utilize the existing leaching fields a condominium association will need to be formed. All proposed dwellings would use a shared leaching system as part of a condominium association. Each home will have their own septic tank which they will be required to pump which would then be connected to the shared condominium leaching system.

Mr. Sweeney stated that the proposed development would have 60% of the land open space under the planning board approval. Part of this land might be donated to the town with the possibility of a proposed sewage treatment plant for South Acton.

Mr. Donahue inquired about the possibility of the Board allowing a variance from Acton regulation 11.15.1 to use less than the required two (2) square feet per gallon discharged. Mr. Donahue would like to utilize Title 5 requirements.

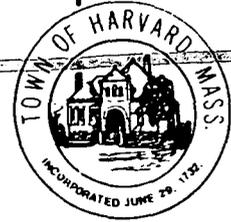
With the existing leaching fields under Acton regulations approximately 73 bedrooms could be utilized and using Title 5 design requirements of 1.5 sq ft per gallon approximately 98 bedrooms could be utilized. Mr. Sweeney would like approval for 98 bedrooms. The Board stated that a formal request and complete plan for this variance should be brought to the Board for further consideration.

A few residents of South Acton were also present at the meeting to discuss their views regarding this proposal. This area has been identified as a historical district and the residents are concerned that this new development will not "fit in". These residents would like to see a more creative development built on this lot. Mr. Sweeney stated that his proposal is economically beneficial and a more creative development would not be.

Mr. Sweeney would like to start construction in the late summer or early fall.

OFFICE OF THE
BOARD OF SELECTMEN

P.O. BOX 220 • 13 AYER ROAD • HARVARD, MASSACHUSETTS 01451 • (508) 456-3995



File 6/23/92

June 16, 1992

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

CC: FT. DEVENS REUSE COMM.

Dear Board members:

The Joint Boards of Selectmen of Ayer, Harvard, Lancaster and Shirley cordially invite you to an ~~informal buffet dinner with representatives of the Federal Bureau of Prisons~~ on Wednesday, June 24th at 6:00 P.M. at Fruitlands Museum in Harvard, MA. This ~~informal gathering~~ will be followed by a public information meeting featuring representatives of communities with existing federal prison facilities which will be held at 8:00 P.M. at the Harvard Elementary School Cafetorium.

As you may have heard, the Federal Bureau of Prisons has proposed siting a correctional complex to include a 500 bed hospital on a portion of Fort Devens which is scheduled to be closed by the Army in 1995. We welcome and would appreciate your input and that of your constituents with regards to this proposal and the reuse of Fort Devens in general.

Directions to Fruitlands Museum from Route 2: Take the Harvard exit off Route 2, take your first right onto Old Shirley Road, Fruitlands Museum is approximately 2 miles on your right. The Harvard Elementary School is located on Rout 111 in the center of Harvard. If you have any questions regarding this dinner and meeting, they can be directed to our project coordinator, Brett Doney at 772-6340.

Sincerely,

Richard F. Maiore
Chairman, Board of Selectmen

INTERDEPARTMENTAL COMMUNICATION

JUN 18 1992

TO: Planning Board

DATE: June 18, 1992

FROM: Roland Bartl *R.B.*

SUBJECT: Meeting with Dore Hunter & Don Johnson

We have scheduled a meeting with Don and Dore at 7:35 this Monday to discuss the Board's dissatisfaction with Town Counsel as well as possibly a coordination of the Town's strategy in the Farm Hill zoning case and the subdivision case. Given the range and depth of issues concerning Town Counsel performance, I advised that it would be better to meet first without Counsel.

Discussion of Town Counsel's professional performance will be in open meeting. Please be advised that, according to the open meeting law, personality considerations cannot be subject of that discussion. If the Board wishes to discuss personality issues, this would have to be done at a different time in executive session after notification to the person involved. That person then has the right to be present with legal counsel.

Discussion of the Farm Hill appeal and zoning case should be in executive session.

xc: Don P. Johnson

*cc: BOS -
DORE PLEASE NOTE.
RAN*

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 19, 1992

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

I recently transmitted a "final draft" of the "Open Space and Recreation Plan" with an indication that it would be on the June 23 agenda for discussion. I have received some comments at this time and they are quite significant in nature. In fact, they are of sufficient import to cause me to remove this as a subject for June 23.

We will work to resolve these matters before seeking further input from the Board. If you have prepared any comments that you wish to share at this time please drop them off at my office. We will try to incorporate them for the next pass.

cc: Dean Charter



June 18, 1992

TO: Board of Selectmen, Town Manager
FROM: Nancy Tavernier
SUBJECT: LMI request for extension

Since I am going to be away June 19-21, I want to give you a little background on the LMI situation from my viewpoint. I was the Selectman assigned to the LMI site plan in December, 1990.

BRIEF DESCRIPTION OF PROPOSED PROJECT:

Liquid Metronics, Inc. is a local Acton manufacturing business located in a former book warehouse on Craig Rd. The nature of the business is the assembly of liquid metric measuring devices. The company employs 115 people, 10 of whom live in Acton. Most are assembly line workers from surrounding areas ranging from Marlboro to Lowell.

Due to the need for larger quarters, although no expansion of the business is planned, a new site was selected in Post Office Square. There is an existing vacant building across from the Post Office which would be linked with the vacant lot between the building and the post office. These were owned by Roy Smith at the time, then due to foreclosure the ownership transferred to Coolidge Trust and then to the FDIC when that bank failed.

The proposal was to construct a 33,000 square foot addition to the existing building and eventually a new 25,000 square foot new building for offices and storage on the vacant lot. These were to be done in 2 phases.

ZONING ISSUES

A subdivision plan was approved for these two lots, as well as the entire Post Office Square area, by the Planning Board in December 12, 1983 giving them 8 years of protection from any zoning changes made in that 8 year period. The zoning in effect in 1983 was to apply for both lots for 8 years. On March 31, 1987 the owner of Lot 3 waived his right to zoning protection, thereby causing the lot to adhere to zoning in place in 1987 until the end of the 8 years. The protection period extended until Dec. 12, 1991. That time period has now lapsed and the construction did

not commence. Therefore, unless some form of relief from this deadline is given, the project will have to be completely redesigned to meet the zoning in effect on Dec. 12, 1991. This area of town was one of the areas that was downsized during the Master Plan rezoning in April 1990. This project would have to be cut in size by more than 50% to comply with the new zoning, as well as many other changes such as set-back, parking, landscaping, etc.

SITE PLAN NEGOTIATIONS

Garry Rhodes and I worked hard to address all of the various complex issues in the Fall of 1990 and were pleased with the outcome of the decision. The Board of Selectmen unanimously approved this site plan in January, 1991. The LMI officials were most cooperative and responsive to the concerns raised by staff and the neighborhood. Some of these concerns were:

1. Traffic light installation had been stalled, LMI would guarantee the installation before occupancy or would post a bond to cover the full cost.
2. Additional traffic mitigation concerns led to 2 gifts of \$7500 each, one at each phase, to be used to correct the infrastructure in the immediate area. (Brook St./Rt. 27 intersection; sidewalks to Rt. 2A and along Brook St.)
3. All site lighting and exterior building lighting would be designed to address neighborhood concerns about light spillage.
4. To further address adjoining neighborhood concerns, buffer plantings would be added to the easterly boundary to lessen the impact on neighboring properties.
5. Construction activity would only be allowed M-F 7:30AM-5PM, 8:00AM-5PM on Saturdays.
6. No earth removal shall be done on the vacant lot unless a building permit was issued for the Phase 2

BRIEF CHRONOLOGY OF LMI'S LEGAL PROBLEMS

1. January 8, 1991 - Acton Board of Selectmen voted unanimously to approve site plan special permit.
2. January 8, 1991 - LMI acquired by Sunstrand Corporation

3. January 8, 1991 (busy day!) - Report received by LMI on freon contamination previously noted on site. Report indicated no serious problem.
4. Sunstrand, requiring tougher environmental scrutiny of projects than LMI, orders another report. A.D. Little hired to perform task.
5. Delay caused by new environmental review, postpones action on purchase and sale of property to LMI. Closing date was extended 2 times due to environmental findings of 3 metals in ground.
6. Owner (Smith/Coolidge Bank) would not agree to clean up property so Sunstrand walked away from purchase.
7. Coolidge Bank goes under, taken over by FDIC who pursues purchase via litigation.
8. Litigation ends up in Federal Court. Judge orders settlement talks.
9. December 12, 1991. Special Permit lapses, no request for an extension.
10. Key factor in settlement is ability of project to commence. FDIC has no other buyers for the property.
11. January 1992. FDIC ordered a third environmental review and is assured that there is no environmental concern, therefore they have offered to indemnify themselves.
12. FDIC's new position would allow Sunstrand to proceed with the project but now the permit has lapsed.

TOWN'S POSITION

The subdivision zoning protection given by the Planning Board, in Dec. 1983, has expired and there is no legal precedence or case law to extend it, according to Mike Callahan. This would clearly exceed the authority of the Building Commissioner, the Planning Board and the Board of Selectmen.

The Site Plan Special Permit has also lapsed but could have been extended by the BOS if the applicant had shown good cause for not beginning in time. The time period for this permit was only one year to correspond with the zoning protection date, the normal time period is 2 years. It is not unusual for an extension to be requested of and granted by the Board, however, this has always been done prior to the expiration date.

In either case, the Town has no responsibility for the delays that have occurred and the litigation was not with or because of anything the Town did.

OPTIONS FOR LMI

1. Accept the fact that the permit has lapsed and request a variance from the Board of Appeals from FAR, and any other requirement no longer met. **AND**
2. Submit the same project to the BOS contingent on Board of Appeals approval of the variances. **OR**
3. Request an extension of the special permit lapse date from the Board of Selectmen based on state statute (Chap. 40A) that allows the extension "for cause."

MY RECOMMENDATION TO THE BOARD

I would recommend option #3 with a GIGANTIC CAUTION. We must recognize the absolute uniqueness of this situation and not ever allow it to become a precedent. We have always granted extensions ONLY if they were applied for before the lapse date, that policy should continue in the future.

This ultimately becomes a "political" decision for me. Some of the factors I have considered, in descending order are: the project was previously approved by the Board; it met all of the zoning requirements necessary at that time; the loss of the site would cause the relocation of a local business, possibly out of state; 120 employees would be put out of work; the amenities offered by LMI are badly needed; the new growth revenue speaks for itself; we could possibly be drawn into litigation ourselves.

I would anticipate that Staff would have a different opinion than mine but both Don and Garry, as well as Mike Callahan, are well aware of my position. They will also delineate their positions to the board.

cc Garry Rhodes

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/11/92

TO: Board of Selectmen
FROM: Engineering Department
SUBJECT: Boston Edison pole relocations
Route 2A/27

There appears to be a lack of action on the part of Boston Edison Company regarding the reconstruction project at Route 2A and 27. As you know, this project is well under way, however, the issue of pole relocations near the intersection has not been adequately addressed. The contractor has also expressed some concerns in this regard, and we would ask that the Board inquire of the Community Representative exactly what the status of this project is. If you have any questions or need additional information, please let us know.

Dennis P. Ring
Dennis P. Ring
Engineering Assistant II

[254]

NOTE TO BOS -

6/19

ENGINEERING BRINGS THIS MATTER
TO YOUR ATTENTION FOR POSSIBLE MENTION
DURING THE PUBLIC HEARING W/ EDISON'S
REP. ON TUES. 6/23.

DR

**SELECTMEN'S MEETING
JUNE 9, 1992**

DRAFT

The Board of Selectmen held their regular meeting on Tuesday, June 9, 1992, present were Norm Lake, Dore' Hunter, Nancy Tavernier, Anne Fanton, William Mullin and Town Manager Johnson

CITIZENS' CONCERNS

Mr. John Folsom asked the Board to reconsider their vote that increased the cost of a Transfer Station Senior Citizen Sticker. Nancy outlined the reason behind the increase and board vote. He asked that the individual Selectmen again repeat their view on how they voted. The Board elected not to entertain a reconsideration vote and Mr. Folsom was invited to contact the individual Selectmen to obtain their position on the issue.

PUBLIC HEARINGS AND APPOINTMENTS

ABOVE GROUND STORAGE - DEXTER HARPEL - KNOX TRAIL

The application was withdrawn at the request of the applicant.

**EXECUTIVE SESSION
CONSERVATION COMMISSION**

The Board informed the audience that they would be adjourn into executive session and would return into regular session at approximately 8:45 P.M. to continue the meeting.

Anne Fanton moved to adjourn into executive session for the purpose of discussing potential litigation - Dore' Hunter - Second. Anne took roll call, all ayes - UNANIMOUS

CONSENT CALENDAR

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

CONSERVATION COMMISSION OVERSIGHT MEETING

Norm asked what projects were keeping them busy and what concerns the Commission may have. The Commission is very busy now with the wetlands protection hearings. It is consuming about 85-90% of their time. This is largely due to the fact that many of the lots left to build on are marginal and require determination. They have been working hard on the arboretum and other conservation areas, as well as with the eagle scouts. Meadowview Subdivision is currently keeping them very busy with 5 determination filings currently. Anne commented on the

maintenance of the land and wanted to know if they were preserving open space in return for Cluster Zoning. Dore' thought that the memo submitted on the Commissions background and current issues was very helpful.

RECREATION COMMISSION OVERSIGHT

Bruce Stamski updated the Board on the activities of the Recreation Commission. He further commented on the quality of the Open Space Plan. The North Acton Recreation Area is still in the permit gathering phase and he estimates that by mid-summer all permits should be in. He thanked the town staff for all their cooperation in the process. Anne was pleased he has used his talents in the permitting process to answer the concerns stated in the letter. Nancy felt that this area could be the next arboretum. Bill asked for the financial information as it is gathered so that he may support the questions he is answering regarding the potential costs. The Board thanked them for their efforts ~~and~~

SELECTMEN'S CONCERNS

TRASH FEES - Nancy asked the Board to amend the recent schedule voted at the last meeting and outlined the reasons for the amendments. DORE' HUNTER - Moved to establish the business sticker at 10/yr. with additional load costs as outlined in the revised list, and to increase the price for appliances with refrigerants to \$20.00 (\$8.00 increase). ANNE FANTON - Second. UNANIMOUS VOTE.

Nancy asked the Board for their opinion on the request received from Community Supper to have a container, provided by them, at the landfill to collect deposit cans. The Board felt that if they opened to one organization then all should be able to and decided to take no action on the request until public comment could be obtained. Staff was asked to put together a notice to the public.

SIGNS IN THE PUBLIC WAY - Anne outlined the three options as outlined in the memos included in the mail. She felt that they should opt for the laissez-faire approach. The MPCC was concerned with the number of signs on the town hall grounds and felt that a guideline would improve the condition. If the Town limited themselves as well, and perhaps a constructed location at Town Hall to hang the signs could be looked into. With regard to the signs of a permanent nature such as the church signs, the bylaw already addressed them and they should be contacted to apply for permission or to remove them. Permanent sign board at the entrances to town were another issue. Bill Lawrence speaking for the Chamber, asked the Board to consider a Welcome sign concept at the entrances to the Town. They would not want to advertise any specific business, just Rotary and Chamber information. The Board felt they would also need permission from

the State Outdoor Advertising Commission if they were on State roads. Anne wanted the Welcome sign, if approved, conditioned to include only welcome information. DORE' HUNTER - Moved to philosophically approve the Laissez-faire approach with details to be worked out by staff. NORM LAKE - SECOND. UNANIMOUS VOTE. Bill Mullin suggested that guideline for the number of signs be looked at as well as permission before placing signs on town property.

MAPC Alternate - Anne asked the Board to formally appoint James Lee as the Alternate member based upon the recent vote of the Planning Board selecting him as their designee. ANNE FANTON - Moved to appoint James Lee as Acton's MAPC Alternate Member with term to expire June 30, 1993. DORE' HUNTER - Second. UNANIMOUS VOTE.

APPOINTMENTS - The Board reviewed the suggested appointment list from VCC for board reappointment. DORE' HUNTER - Moved to approve the reappointments as listed. NORM LAKE - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

MIFA/LIQUID METRONICS - Don outlined the request from MIFA and asked the Board if they wished to respond. The site plan has lapsed as of 12/91 and the site is also in planning review has lapsed and that the Town is still exploring the issue. The Board felt we could respond and state the facts, site plan lapsed, zoning changes have taken place which may have an impact on this project, this would not compromise the Town's position. Staff was asked to prepare the response as outlined above.

HISTORICAL PAPERS GIFT - The Board discussed the recent gift of papers to the Historical Society. DORE' Moved- to send a letter of gratitude to the Robbins family from the Town. NORM LAKE - Second. UNANIMOUS VOTE.

TRAIN WHISTLES - Don reviewed the current letter from Counsel. After discussion the board asked that the issue be further explored with house counsel.

MOBIL OIL - Don asked the Board for recommendation regarding the 24 hour permit. Mobil Oil is still violating the 24 hour permit by selling large sized food items after midnight. The Board discussed revocation of the license as asking them to come in and show just cause why we should not. ANNE FANTON - Moved to revoke the Permit July 1, 1992 for the sale of food. NORM LAKE Second. BILL MULLIN - Moved to amend the motion to include a request to them to show just cause why the permit should not be revoked before actual renovation. NORM LAKE - SECOND. UNANIMOUS VOTE. - DORE' HUNTER- ABSTAINED. Staff was asked to again

contact Mobil Oil and ask them to come to the next meeting to present just cause for the board not to revoke the 24 hour permit.

POLICE ACCREDITATION- The Police Department did very well in the recent review by the team sent to review the Department. They passed the field review and will be given the final OK some time this summer. Only 200 Departments have successfully obtained this designation in North America.

The Board adjourned 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(249)

EXECUTIVE SESSION

JUNE 9, 1992

CONCORD COOPERATIVE VS. CONSERVATION COMMISSION

The Conservation Commission, and Acheson H. Callaghan were present to update the Board on the current suit. The problem with the lot remaining is that they would require a wetland crossing to develop it. One crossing was granted by the Commission as required/allowed under the State's regulation and they have already made that crossing. The original developer Brown and Gallger, never made provision to get to this lot, he just put it off and then the Bank took over. Mr. Callaghan said it would be hard to prove that bank knew of the one crossing limitation that effected the development of the lot. Conservation has now denied the request to make a lengthy crossing and the DEP had mislead them and they overturned the town's denial under 88-2. Dore' asked if there were any other way to develop the lot with out crossing the wetlands. The Commission said they have suggested the bank contact abutters for easements and they have said they have been denied. The Commission also suggested the house be constructed on the front of the lot to minimize the crossing and the bank felt it was not an option they would take since it was not consistent with the area and the set back along that road, the well and the septic system would be in the back of the house and they did not want to proceed that way. The Board asked them to negotiate and explore other options before court action, and to perhaps settle for a narrow driveway if they could negotiate it.

Adjourned into regular session at 8:35 P.M.

Clerk

Date

Christine Joyce
Recording Secretary

BOS - RF NT

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Conference Room
Junior High School

May 7, 1992

Members Present: Lees Stuntz, Stephen Aronson, Pam Harting-Barrat, Jean Butler, Rick Sawyer, Mary Anne Vogel, Micki Williams.

Also Present: Robert Kessler, Bill Ryan, Mac Reid, Fran Leiboff, Steve Desy, Steve Donovan, Bob Evans, student representatives: Elaine Fingerman, Emily Hersh, Meighan McCrea, Lisa Napoli and Colin Brannen; citizens and press.

The meeting was called to order at 7:30 p.m. by Lees Stuntz, Acting Chairperson.

Minutes of April 2, 1992, were approved as written.

Warrant #92-040 in the amount of \$220,731.25, warrant #92-041 in the amount of \$162,826.65, warrant #92-042 in the amount of \$5,236.11, warrant #92-043 in the amount of \$385,191.44, warrant #92-044 in the amount of \$79,925.85, warrant #91-109 in the amount of \$570.20 and payroll warrants totaling \$1,015,739.51 were signed by the acting chairperson and circulated to other members of the committee.

PUBLIC PARTICIPATION: None

EDUCATION REPORT: Fran Leiboff introduced Andy Palmer, K-12 Counseling Department Chairperson, who said that the Pupil Services report would be presented in two parts. The first, entitled "Partnerships in Education", was addressed by Kathy Carlin, Interim Chair of the Speech & Language Department, Dorothy Stone, Junior High English Teacher, Donna Carleton, Special Educator at the High School, and Lisa Liapunov, Secondary Special Education Chairperson.

Lisa introduced Kathy and Donna who related their experiences regarding integrating non-disabled students and their peers who have disabilities in a Junior High English class. The project began with a Horace Mann grant one and a half years ago. They visited Winthrop and Wellesley schools, which already were working with this collaborative program. Both Kathy and Dorothy commented on the advantages of cooperative teaching between a regular and a SPED teacher, while emphasizing the essentials of planning time and commitment from staff involved. The number of outside placements for SPED students was less as a result of integration, and SPED students were not pulled out of the classroom for special needs as often. Kathy cautioned that co-teaching is not for everyone and the goals must be right for both parties. The workload is tremendous, but the professional stimulation is worth it. Donna Carleton spoke about integration at the High School with some ODP (Occupational Development Program) students. She works with Jane Starr, High School English Teacher. The goal is to take students from the lab classes and mainstream them in a regular English class. Nineteen students (grades 9-12) participated this year.

The second part of the report on Peer Counseling was introduced by Andy Palmer and Linda Murphy, counselor at the High School, who said our program consisting of 48 students is recognized as one of the best in the region. High school students, Kevin Klau, Adam Kleiman, Kara Ekholm, and Natasha Lam told of their experiences as peer counselors. They visit with a younger student (elementary or junior high) once a week. All felt the experience benefitted both

It was moved, seconded and unanimously

VOTED: To accept, with regret, the resignation of Barbara Parker, Social Studies Teacher at the High School, effective June 30, 1992. This retirement is contingent upon the acceptance by the Retirement Board of her Fulbright year of service in 1968-69.

It was moved, seconded and unanimously

VOTED: To approve two new course electives and the associated R&D proposals for the Senior High Science Department. The new courses, to be offered in September '92, are Bio Forum and SciTech.

FOR YOUR INFORMATION: Dr. Kessler referred to the memorandum from Bill Ryan regarding Moody's municipal credit report on the Plymouth-Carver School District. Their credit rating has been reduced from Aa to A, with teacher salary deferral highlighted as a negative factor in the report. Dr. Kessler also mentioned the memo from Barbara Offenhartz, whose ecology class at the High School is conducting a water quality study of the Assabet River. JoAnne Connell has been appointed to the position of secretary to the high school principal. Also referred to was the America 2000 progress report.

WARRANT DISCUSSION: One question was answered by Bill Ryan.

CONCERNS OF THE BOARD (continued): Steve Aronson requested an update on School Choice. Dr. Kessler responded that there are still openings at the regional schools. There may be changes in the numbers after Hudson's override vote on Monday. Mary Anne Vogel complimented the Art Department on their fine exhibit, and said that the Blanchard School would like to offer an exhibit (in #114) some time next year.

NEXT MEETING: June 4, 1992, 7:30 p.m., Junior High Conference Room

At 9:15 p.m., it was moved, seconded and unanimously

VOTED: To go in to the executive session to discuss strategies relative to negotiation issues under Chapter 39, Section 23 B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

Mrs. Stuntz said the committee would return to open session only to adjourn.

The meeting was adjourned at 11:00 p.m..

Respectfully submitted,

Sarah T. Lawton, Secretary

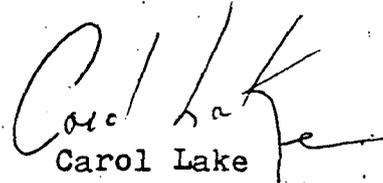
Inter-Departmental Communication

DATE: June 8, 1992

TO: Don Johnson
FROM: Carol Lake
SUBJECT: Gift of course certificates

Find attached a letter concerning my relinquishing my two course certificates which would have paid for two three credit courses at Middlesex. I am not related to Brady Baiarrio. He is a student in need in Acton.

Beware of the Ethics Commission!


Carol Lake

CC: BOS
PERS. FILE

CONFIDENTIAL



ACTON COUNCIL ON AGING
TOWN HALL
ACTON, MASSACHUSETTS 01720
508 ~~263-1088~~ 264-9643

June 9, 1992

To: Admissions/Enrollment Processing Center
From: Carol Lake
Re: Course Certificates

I was recently honored by the College at a ceremony on April 29, as one of the "People Who Make A Difference." In addition I was awarded two certificates for two free courses at the college. It is my understanding that the courses were open to my use or someone designated by me.

I wish to transfer the certificates for the two courses to Brady Baiarrio, 8 Concord Road, Acton, a deserving young man and recent graduate of Acton-Boxborough Regional High School. He intends to pursue an academic career at your institution. Mr. Baiarrio is self-supporting in his efforts to finance his future education.

Please call me, 508-264-9643 days, for any necessary additional information.

A handwritten signature in cursive script that reads "Carol Lake".

Carol Lake
Director
Acton Council On Aging

225 Newtown Road
Acton, MA 01720
June 16, 1992

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

Gentlemen:

The June 15 meeting of the *reformed* Chapter 61/61A committee raised several issues in my mind. The original theory behind formation of an advisory committee was to be prepared in the event that a parcel came on the market to present the selectmen with specific recommendations about the desirability of the parcel and ways to purchase all or part of it. To do this the committee needs certain basic information: a *current* list of all parcels subject to Ch. 61, 61A and 61B; a map showing their locations in relation to existing town parcels, aquifer zones etc.; a copy of the laws that govern classification under these chapters (a summary of the laws was made available by staff); and information on methods of creative land preservation techniques.

The committee did attempt to get the latter by contacting groups in surrounding towns for information on the methods they had used to buy and/or protect specific parcels. The committee is well aware that they need help with the technical expertise to structure these creative land preservation projects.

However there are two important parts to this process that were sadly lacking, up to date and comprehensive knowledge of the laws involved (several facts were misstated); and an updated listing of priority parcels (the lists available dated to 1986-87).

Lands under these chapters are not static, nor are the town's priorities. To consider options for purchasing one particular piece (the Morrison parcel) without being fully aware of the others that might come on the market or are currently on the market is doing a disservice to the town as a whole. When the original listing was done pieces were not classified (or were not included on the list used) that are now, for example the Marshall piece which has been on the market since September of 1991. This is not to say that the Morrison piece isn't a high priority parcel, but maybe the Marshall parcels, that were never evaluated in the original process, might be of importance to the town and worth the effort too. None of the 61B lands were included in the original listings, one of those currently has a town trail going across it. This parcel should certainly be rated in the event it ever becomes available.

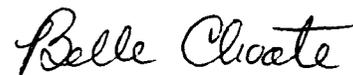
The purpose of assigning a priority to each parcel under 61/61A/61B was to allow the selectmen to act efficiently and in an informed manner once the 120 days start to run, so that the town would never again face a situation like Stoneymeade, when they had only 90 days and no plan of action. It is fairer to all parties involved.

It is very simple to say *the town doesn't have money for purchases* but that is truly a short sighted approach to protecting the land for future generations. The whole issue is very complex for the both the town and the landowners who must provide for their heirs while trying to preserve their lands. Realistically, most of the people holding land under these chapters today are doing so because of a sense of stewardship. They truly love their land, but the realities of estate tax laws put certain constraints on what will happen to it.

In no way do I feel that the town is in the position (nor should they try) to buy or control every piece that might come to them under the option portion of the law. I do believe that the town as a whole deserves an informed recommendation, which they will not get without all the facts being considered from the beginning.

I also believe that a cooperative effort between town and landowner is in the best interest of all involved. Perhaps a meeting of the Chapter 61/61A committee and landowners with outside experts to explain various land preservation options would be of benefit. Could this be arranged?

Yours truly,

A handwritten signature in cursive script that reads "Belle Choate".

(Miss) Isabella V. Choate

cc: Don P. Johnson

cc: BOS

Acton Citizens for Environmental Safety
376 Main Street, Acton, Mass. 01720

June 12, 1992

Mr. R.R. Wilkie
Vice President
W.R. Grace Co.
55 Hayden St.
Lexington, MA 02172

Dear Mr. Wilkie,

For the past year I have attended the scheduled series of meetings at which the remediation process of the Grace Superfund site in Acton is discussed. Meeting together are the representatives of W.R. Grace Co. and its representatives and consultants, as well as the EPA, the Commonwealth's DEP, and their consultants. ACES is represented primarily as an observer, but our points of view are accepted and considered. With pleasure we can report increasing progress as the Government Parties (GP) and W.R. Grace discuss and resolve the technical and legal issues.

Recently we wrote to the Region I (Boston) EPA commending their work in promoting a remedial solution to safeguard Acton's citizenry. In this summary of activity we'd like to mention Grace's new Manager of Environmental Affairs. His technical expertise has made him valuable to Grace. His ability to listen and his flexibility have helped to resolve many thorny issues.

However, David Kronenberg has inherited an unenviable legacy. People in Acton do not trust W.R. Grace. Grace, heretofore, has proved resistant, delaying, and uncooperative except when pushed.

Currently an issue of great importance is the dangerous state of the WRG contaminated property which is now unsecured and untended. There are no signs stating the potential dangers of the polluted pits and lagoons. Now that WRG has moved this operation to Kentucky, there are no guards or security fences on the site.

Those of us attending the regular meeting visited the site and recognized the dangers of the untended region. Suggestions were made to fence the 9 individual contaminated pits and lagoons requiring remediation, and to post warning signs.

At the 6/4/92 meeting WRG was reluctant to act to admit their culpability despite the admission of the problem in October 1980 when WRG signed the Consent Decree with EPA agreeing to remediate.

To: ACES Bd. of Directors
From: Bob Eisengrein, TAG Project Manager
Subject: WRG/EPA/DEP Meeting on 6/4/92
Date: June 5 1992

Regular Meeting: A regular review meeting was held at 9 am at WRG corporate building in Lexington; it ended at 1 pm. Attendees were Dave Kronenberg, WRG, L. Jennings and Jay Naperstek, EPA, Charles Tuttle and Mike LeBlanc of DEP, B. Conklin and Bill Swanson of CDM, Chuck Myette and Ben Siebecker of Wehren Eng., EPA consultants, and the writer. The agenda items were:

1. VFL Process
2. BACT for Air Stripper
3. Site Security

Site Security: Discussion centered on concern for the durability of the VFL mass with the seasonal freeze-thaw cycles; a solution was to plan for starting the excavation and coverage of the landfill in the spring so that the four foot cover would be intact before the winter season. Sounded good but can it be accomplished?

This led to the next question of controlling the VFL process so that leachability of the mass was minimized; WRG/CDM felt that the original pilot tests already established the ground rules. The GP's indicated that a control process must be included to prove that the new VFL mixing techniques are adequate and minimize leachability. A heated discussion followed; WRG concerns centered on how they could determine the best mix of components-waste of sludge and soil, cement, lime, and flyash- and still maintain strength. I believe they felt they were being singled out for special testing. Lynne cited EPA's Handbook of S/S, and the fact that other Superfund sites were required to do the same. It was almost as if WRG/CDM were unaware of the specs. At this point a break was suggested so the GP's could consolidate their position.

Upon reconvening, it was agreed the GP's would put their needs in writing(per Dave's request-for the legal people?). It would require a minimum strength be maintained based on structural calculations for supporting the dirt mass, and sufficient leachability pilot tests be run to find the best mix for minimum leachability; no specific number would be required. The process of frankness and open discussion won again!

The above discussion reopened the questions of volatilizing of VOC's during the VFL process; the GP's acknowledged

MEMORANDUM

CC: BOS - COVER LTR. ONLY
FULL REPORT IN RF.

CAMP DRESSER & MCKEE INC.

TO: Distribution
FROM: Bruce R. Conklin *BRC*
SUBJECT: Monthly RD/RA Progress Report
DATE: June 5, 1992

FILE COPY

Enclosed are the specific pages that have been revised in the monthly RD/RA Progress Report for May 1992. If you have any questions, please call.

BRC:paa

Enclosures

Distribution:

- L. Jennings, EPA (6)
- G. Muench, EPA (1)
- E. Benoit, DEP (3)
- C. Tuttle, DEP Boston (2)
- D. Halley, Acton (3)
- D. Johnson, Acton (1)
- J. Ayres, GZA (1)
- P. Reiter, GZA (2)
- C. Myette, Wehran-MDEP (1)
- S. Anderson (1)
- D. Kronenberg, Grace (1)
- M. Stoler, Grace (1)
- W. Cheeseman, FHE (1)
- H. Fox, Sierra Club (1)
- R. Eisengrein, ACES TAG Mgr. (1)
- J. Swallow, Pine & Swallow (1)
- B. Leach, Concord Board of Health (1)

File: 798-109-RT

CDM

environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

June 11, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02114

CC: BOS - COVER LTR. ONLY.
Full Doc. IN RF

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

Subject: W. R. Grace, Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits preliminary information on the Other Source Area (OSA) Monitoring Wells for W. R. Grace's Acton facility. We are submitting our proposed OSA monitoring well locations for your review, along with a brief text describing each OSA and our rationale for the associated monitoring wells. Pertinent geologic cross-sections of the site, a draft groundwater contour plan for the 12/91 data, and a summary table of the proposed wells have also been included for your information.

This information should be the basis for a meeting on the well locations in advance of preparing the Draft Workplan. Please contact us if you have any questions and let us know which meeting this item can be scheduled.

Very truly yours,

CAMP DRESSER & McKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E. - Associate

BRC:paa

Enc.

#798-113-RT-PLSP

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

cc: G. Muench, EPA (1)
D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheesman, FHE (1)
D. Johnson, Acton (1)

C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr (1)
M. Stoler, Grace (1)



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

CC: BOS - COVER SHEET ONLY.
FULL REPORT IN RF

May 26, 1992

Mr. David E. Kronenberg
Manager of Environmental Affairs
Polyfibron Division
W.R. Grace & Co.
55 Hayden Avenue
Lexington, MA 02173

Re: VFL Process Workplan Submittal, (February 1992)

Dear Mr. Kronenberg:

Enclosed are the Government Parties comments on the VFL Process Workplan for the W.R. Grace Site, Acton, MA. Responses to all comments must be submitted with the 30% design package. Issues regarding emissions controls and the QA/QC Plan must be resolved prior to submitting the 30% design package.

Sincerely,

Edmond G. Benoit
Regional Engineer
Bureau of Waste Site Cleanup

cc: Richard C. Boynton, U.S. EPA, Region 1
Steve Anderson, Esq., Anderson & Kreiger
Don P. Johnson, Acton Town Manager
Robert Eisengrein, TAG Project Manager
William J. Cheesman, Esq., Foley, Hoag, & Eliot
Bruce Conklin, CDM
Public Repository, Acton Library
Doug Haley, Acton Board of Health

CDM

environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

June 11, 1992

Ms. Lynne Jennings
U. S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, Massachusetts 02114

FILE COPY

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

CC: BOS - COVER LTR. ONLY,
FULL REPORT IN RF.

Subject: W. R. Grace Acton - Aquifer Restoration
21st Progress Report on Aquifer Restoration System Operation

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the "21st Progress Report on Aquifer Restoration System Operation", May, 1992.

Please call if you have any questions:

Very truly yours,

CAMP DRESSER & MCKEE INC.

Bruce R. Conklin

Bruce R. Conklin, P.E.
Project Director

BRC:paa

Enclosure

DISTRIBUTION:

Lynne Jennings - 2 copies
Edmond Benoit - 3 copies

cc: M. Hohman, USEPA
D. Johnson, Acton (4)
J. MacLeod, Acton Water District
H. Fox, Sierra Club
R. Wilkey, W. R. Grace
M. Stoler, W. R. Grace
W. Cheeseman, Attorney
R. Williams, Agway

R. Kimball, Mass. DEP
D. Halley, Acton
S. Anderson, Attorney
N. Palmer, W. R. Grace
D. Kronenberg, W. R. Grace (4)
R. Eisengrein, ACES



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

JUN 18 1992

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

CC: BOS - FYE

May 28, 1992

Airco Gases
Mountain Avenue
Murray Hill, New Jersey 07974

RE: Airco Gases
Site No. 2-0816
Short Term Measure
Acetone Spill Area

Dear Mr. Merriam:

The Department has received and reviewed the "Workplan for Short Term Measure, Duck Pond Area, Airco Gases, Lawsbrook Road, Acton, Massachusetts submitted April 1, 1992, by IT Corp. on behalf of Airco Gases. The Department approves of the workplan submitted with the following condition:

The tarry material which is currently covering the Duck Pond is acting as an impermeable layer which does not allow infiltration of precipitation into the contaminated soils below, potentially leaching contaminants into the groundwater. A synthetic membrane should be placed over the excavated Duck Pond area immediately upon completion of the excavation to insure site conditions are not exacerbated.

The Department looks forward to working with Airco on this project. Please call me with any question or comments regarding this letter, telephone (508)792-7653.

Sincerely yours,

Michael LeBlanc
Branch Chief
Waste Site Cleanup

MRL/mrl
duck.stm

cc: Raymond Ball, IT Corporation, Shrewsbury, MA
Robert Kimball, DWPC, CERO
Division of Response and Remediation, State Site Branch
Acton Board of Health
Acton Board of Selectmen ✓
Site Database

CC: BOS - FYI

COPY

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

June 12, 1992

John Britton
Carol Palmer
c/o Briarbrook Village
21 Davis Road
Acton, MA 01720

Re: Building 23, Unit C7

Dear Mr. Britton & Ms. Palmer:

It has come to my attention that you have converted your apartment from two bedrooms to three bedrooms. This is in violation of a court decree limiting the number of bedrooms in Briarbrook Village to the number as it existed at the time of the court decree. Briarbrook Village has a treatment plant and is impacted by the number of bedrooms per unit. The bedroom was also built without a building permit and therefore may not have the required safety features as required by the building code.

It is therefore my job to order you to remove the third bedroom. This must be done within thirty (30) days of the date of this letter or the Town will take legal action. When you have removed the bedroom, please notify this office so that I can inspect the property to ensure the violation has been corrected.

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

Sincerely,



Garry A. Rhodes
Building Commissioner

GAR/vjs

cc: Acton Housing Authority
Richard A. Bruce, Property Manager, Briarbrook Village
Don P. Johnson, Town Manager
Douglas Halley, Director, Board of Health

DON

FYI

SAC

U

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

RECEIVED

JUN 17 1992

ACTON BUILDING INSPECTOR

JUN 18 1992

Thomas G. Ambrosino, Esq.
(617) 573-0199

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

June 16, 1992

Garry A. Rhodes
Acton Town Hall
472 Main Street
Acton, MA 01720

CC: BOS - FYI

Re: *Town of Acton v. Madeline J. Porrazzo*
Land Court Misc. No. 168132

Armando Porrazzo v. Board of Selectmen
Civil No. 89-8490

Dear Garry:

I am writing to update you on the above-entitled matters.

With respect to our case in the Land Court to confirm title to the School Street property, the clerk informed me this morning that Porrazzo has not filed any notice of appeal. Accordingly, I intend to record the judgment confirming the Town's title in the Registry of Deeds. Once that task is complete, I will close the file on this matter.

As for the lawsuit against the Board of Selectmen, the Court entered a Judgment dismissing the case on June 4, 1992. (A copy of the Notice of Docket Entry is enclosed for your files.) As soon as the appeal period expires, I will close the file on this case as well.

Yours truly,

Thomas G. Ambrosino

TGA:mls
Enclosure

cc: Acheson H. Callaghan, Jr., Esq.

SANFORD ECOLOGICAL SERVICES, Inc.

Environmental Consultants

30 Turnpike Road, Southborough, Massachusetts 01772 • Telephone (508) 460-9900
FAX (508) 481-2009

cc: BOS
BD. OF HEALTH
CONS. COM. ~~CONV.~~
D. CHARTER

12 June 1992

Dear Municipal Official:

Please be advised that the AMTRAK National Railroad Passenger Corporation will be commencing the Summer vegetation management program of its Commuter Rail System right-of-way on Sunday, 5 July 1992. This vegetation management program will be conducted in accordance with the terms of the approved "Yearly Operational Plan -- 1992 Calendar Year: AMTRAK National Railroad Passenger Corporation, Commuter Rail System", under the Massachusetts Rights of Way Management Regulations (333 CMR 11.00 et seq.). At this time, AMTRAK will apply a mixture of the herbicides Roundup and Escort to approved areas of the right-of-way. Since the herbicide mixture is only effective upon direct contact with vegetation, only vegetated areas of the right-of-way will be sprayed at this time. The herbicide application program is scheduled to be completed within ten (10) days of its commencement date.

Your municipality is being notified of the 5 July 1992 commencement date of the Summer vegetation management program in accordance with the notification procedures specified in Section 11.07 of the Rights of Way Management Regulations. In compliance with these Regulations, this notice is being provided to the Conservation Commission, Board of Health, and Mayor, City Manager, or Board of Selectmen of each affected municipality.

Cordially,
SANFORD ECOLOGICAL SERVICES, INC.



Richard J. Albano, M.A.

cc: John Kenney, Massachusetts DFA, Pesticide Bureau
Eli Mistovich, AMTRAK

BOURNE OFFICE:

258 Main Street, Unit B-2, Bourne, Massachusetts 02532 • Telephone (508) 759-4407
FAX (508) 759-7808





THE COMMONWEALTH OF MASSACHUSETTS

LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT BOARD

100 CAMBRIDGE STREET ROOM 903

BOSTON, MASSACHUSETTS 02202

617 727-6018

cc: BOS

WILLIAM F. WELD
GOVERNOR

JOHN A. MAYER, JR.
CHAIRMAN

CAROL C. AMICK
EXECUTIVE DIRECTOR

JUNE 12, 1992
FOR IMMEDIATE RELEASE

CONTACT: BEN MCKELWAY
(617) 727-6018

RADIOACTIVE WASTE BRIEFING SESSIONS PLANNED

Every Massachusetts citizen will have the opportunity to learn about low-level radioactive waste this summer and fall, as the Massachusetts Low-Level Radioactive Waste Management Board begins a second series of briefing sessions on this important topic.

Just what is low-level radioactive waste, anyway? Why and how is it produced? Where should we store it to minimize hazards to human health and the environment? These and other questions will be in the news more than ever this year, as regulations spelling out policy and procedures for safe management of this material come before the public for comment. But before the official sessions begin, any community group or local government board can request an informal briefing session on the issues by calling the Management Board's Boston office at (617)727-6018. Contact can also be made via FAX message, to FAX #(617)727-6084, or by mail to the LLRW Management Board, 100 Cambridge Street, Room 903, Boston, MA 02202.

Briefing sessions will be conducted by Ben McKelway, the Management Board's Public Participation Coordinator. With some advance notice, Ben can attend a meeting in the daytime or in the evening, whichever is most convenient for the host group. He will give a short presentation followed by a question-and-answer session. With the help of a special public participation advisory panel, Ben will make sure the Management Board hears your concerns.

###

Selectman



MASSACHUSETTS
BOARD OF APPEALS

#92-11

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,
July 20, 19 92, at 8:00 P.M. in the TOWN HALL, Room 126

on the following petition:

by Barbara Noel Dowds, 1 Apple Valley Drive, for a Special Permit from the Zoning Bylaw, Section 8.3.3, to allow an addition within the setback to an existing garage which does not conform to the present setback requirements.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

June 24, 1992

#6-92

**THE SENATE WAYS & MEANS BUDGET
-HIGHLIGHTS-**

The Senate began consideration of the fiscal 1993 budget with only a week remaining in the fiscal year. Even if action in the upper branch is completed with dispatch, it is unlikely that the spending plan will make it to the Governor's desk before the beginning of the new year. The differences between the House and Senate budgets — in both form and substance — are so great that the Conference Committee's task will be a formidable one.

The best news about the Senate budget is that it may be the only one of the three so far that is in balance. It proposes to spend \$14.5 billion, makes reasonable assumptions about revenues to finance that spending, and more adequately funds the state's biggest program, Medicaid, than either the Administration or House did.

The funding recommendations are, in most areas, tight. Even with an additional \$200 million, the Medicaid funding must be considered barely adequate. Increases in agency spending that characterized the House budget are largely absent.

Local Aid is an exception. The Senate budget includes the \$185 million in increased school support recommended by the Governor and accepts the House proposal for distribution of the additional aid. Both the House and Senate budgets thus assume that a new school finance plan will not be adopted this year. The funds will go to give every school \$100 in new aid per pupil and to increase aid to the state's poorest schools through Equal Educational Opportunity Grants. Non-school local aid sees a modest in-

crease: \$23 million more in lottery funds and \$9.5 million to reimburse towns for state-owned land. Reinstatement of this program has been pushed by small rural towns desperate for income. *Those communities would be better off if they developed a proposal that directly addressed their situation rather than relying on the random distribution of state-owned land.*

The voluminous outside sections of the Senate budget contain a substantial number of law changes that relax some state mandates on local governments or otherwise assist them in managing and financing their affairs. These include some recommendations from the Hamill Task Force — an MTF-assisted study — concerning employee health insurance, inter-local cooperation, local fees and the motor vehicle excise.

The Senate follows the House lead in recommending a change in the local levy limit at local option. It does not adopt the House proposal to exclude the overlay reserve from the levy limit — a proposal which would give cities and towns a one-time revenue increase. *We are pleased that the Senate did not endorse the overlay exclusion. That kind of back door tax increase encourages taxpayer mistrust of public officials.*

However, we are not enthusiastic about the local option change in the levy limit. As the Hamill Report emphasized, a permanent limit on local tax increases that is less than the historic rate of inflation is, over time, unduly punitive for local governments. *As a state-wide law of state-wide application, the remedy — an inflation-based limit — should be state-wide as well.*

BOS
FROM NANCY TAVERNER

The courts and state colleges and universities have been through difficult times in recent years. In these areas the Senate budget approach is similar: it offers less money than the House, but offsets the tighter funding with budget and other reforms. In both cases, the Senate consolidates funding where the House had insisted on separate legislative budgets for each courthouse and each institution. The consolidated accounts will let managers allocate resources. In the case of higher education, the Senate allows the full retention of tuition, giving campuses additional flexibility.

The Senate, in a series of law changes, gives the judiciary some of the tools needed to better manage the courts. The Supreme Judicial Court and the Chief Administrative Justice are put clearly in charge of the system, with authority to allocate resources — dollars as well as personnel. Their new powers extend even to removing clerks for cause and to closing courthouses. These steps are consistent with court reform proposals pending in the legislature. *Their inclusion in the Senate budget, if it signals real leadership support, should please proponents of a more effective court system. MTF is one such supporter of court reform.*

Medicaid

As well as a more realistic authorization for Medicaid — \$3.1 billion — the Senate budget consolidates nine separate accounts in the House budget giving the Medicaid Division the ability to allocate resources. The Senate budget continues to support savings programs, including some the House budget precludes. *However, the Senate joins with the House in rejecting rate reform for chronic and rehab hospitals, one of the still unimplemented MTF fiscal reforms.*

As expected, the Senate joins with the House in rejecting the further cutbacks proposed by the Administration for the EAEDC program, last year's replacement for General Relief. It provides somewhat more generous funding and relaxes some of the more stringent provisions for determining disability that have sharply reduced the number of recipients of aid over the last year.

One entitlement program, Aid to Families with Dependent Children, is not adequately funded in the Senate budget, particularly in light of policies the Senate advocates. The Senate calls for a \$150 clothing allowance and also establishes a higher standard of need, adding to the caseload. Yet it authorizes \$52 million less than the House, where the clothing allowance was only \$75, and \$23 million less than the Administration, which had no clothing allowance at all.

COLA for Retirees

The Senate budget acknowledges the cost of a COLA for retired employees, suggests \$32 million as a price tag, but, like the House, provides nothing at all. The Administration sets a higher price — \$60 million — for the COLA.

"Outside Sections"

The Senate, unfortunately, wins the prize for the most law changes in the 1993 budget. We thought the House set a record — with 412 sections — that could not be beaten. *Although many of the 483 Senate provisions deserve support, we think they do not belong in the state's annual spending plan.* Budgets are convenient vehicles for law making, but not good ones. No debate, no opportunity for amendment, no guarantee of votes in either branch, none of the regular procedures for deliberation need apply to laws enacted as a part of a \$14.5 billion budget.

Legislative Controls

One of the strongest contrasts between the House and Senate budgets is their respective attitudes toward legislative control of fiscal and other management decisions. The House looks back to the time when countless personnel, spending and policy decisions required prior approvals of the two Ways and Means committees. It seeks to enhance such legislative controls.

The Senate moves in the opposite direction by consolidating appropriation accounts and eliminating legislative approvals of fund transfers, personnel actions and rules and regulations. *MTF welcomes the Senate policy and hopes that it will prevail. The Legislature would do better to hold agencies accountable for performance rather than meddle with day-to-day management decisions.*

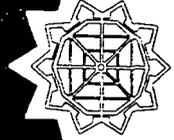
The Bottom Line

We have said that the Senate budget comes closest so far this year to meeting our top priority: fiscal stability as in a balanced budget. We have said that this budget, if balanced, is tight. There are some areas where funding is inadequate or omitted: AFDC, the cost of living adjustment for retirees, even snow removal. We note that there is no margin for further spending — and we note that there is no provision for any collective bargaining agreements with state employees. State employees have worked without a contract for more than three years. They have gone to court to seek funding of an existing contract. If they win, the price would throw the 1993 budget out of balance. And ultimately, this Administration will have to negotiate an agreement.

In other words, there is plenty of reason to hold the line on costs and plenty of cause for concern.

JOHN - PLS. CALL SEN. DURAND.
CC: BOS

MMA Action



GOOD NEWS IN THE SENATE BUDGET: \$185M IN NEW SCHOOL MONEY, \$23M IN ADDITIONAL LOTTERY FUNDS;

BAD NEWS: REGRESSIVE EARMARKING LANGUAGE IS INCLUDED, CHAPTER 90 GRANT MONEY CUT

Dear Local Official,

Three hours ago, the Senate Ways and Means Committee reported out its recommendations for the FY '93 state budget. Although the Committee reduced its version of the budget by about \$350 million under the House's spending plan, most of MMA's priority items have been maintained. The Committee's budget, scheduled to be debated on Wednesday, June 24th, includes \$185 million in new education aid (distributed as \$100 million in new EEOG funds, and \$85 million on a \$100 per student basis), an increase of \$23 million in lottery distributions, and \$9.5 million in in-lieu-of-tax payments for state-owned land.

The only major disappointments are: regressive earmarking of the \$100 per student education aid, and a severe reduction in Chapter 90 highway funds. The earmarking provision requires communities to spend at least what they spent last year on education, potentially forcing a large number of municipalities to implement deeper cuts in non-school services such as police and fire protection, and public works. The House version of the budget appropriated \$43 million in Chapter 81 gas tax funds, reestablished a Chapter 90 line item providing \$37 million in up-front cash grants for highway construction, and required the state to distribute \$90 million in Chapter 90 transportation bond funds. The Senate Ways and Means Committee recommends only \$43 million in Chapter 81 money, and \$45 million in transportation bond reimbursements -- eliminating the \$37 million in Chapter 90 appropriated funds that are designed to send to communities their full 15% statutory share of gas tax revenues. In addition, the Senate language guarantees only half of the transportation bond authorization funds.

In addition, the Committee is offering 483 outside sections to the budget, many of them providing much-needed mandate relief to cities and towns. (We will be outlining them in a future memo). However, Section 162, the so-called Mara Amendment, would allow, at local option, an alternative means of providing health care coverage for municipal employees. While this section does make some constructive changes, a number of substantial amendments must be made in order for it to be a viable option for local governments.

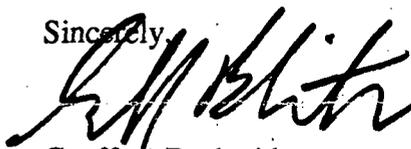
[Over for important Action Alert instructions]

Please call your Senator today and ask for his or her action on the following MMA priority items:

- Support the \$185 million in new education money distributed as \$100 million in EEOG, and \$85 million on a \$100 per-student basis;
- Oppose the regressive earmarking and maintenance of effort language attached to the \$100 per-student funds, otherwise many communities will be forced to impose deeper cuts in police, fire, and public works;
- Support the \$23 million in additional lottery money, representing the expected increase in lottery revenues for FY '93;
- Lobby strongly for the House language appropriating \$37 million in new up-front Chapter 90 money, and the House provision guaranteeing distribution of the remaining \$90 million from the most recent transportation bond act;
- Support the Committee's endorsement of the CAMA program by opposing any amendments to weaken or abolish the program, and support the Committee's action in eliminating a House-passed provision that would establish substantial disincentives to refinance SBAB debt;
- Support the Committee's restoration of \$9.5 million in the state-owned land program; and
- Support the Committee's substantial mandate relief efforts, but ask for Senators to back MMA's amendment to Section 162 on municipal health care.

As you know, we have made substantial progress this year. As you press your Senators to adopt these municipal priorities, please express your appreciation for their support so far this year. Together, we have a good chance of building a foundation to rebuild the local-state partnership, and your efforts at this crucial time will make the difference.

Sincerely,



Geoffrey Beckwith
Executive Director



June 18, 1992

Mr. Doré Hunter, Chairman
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

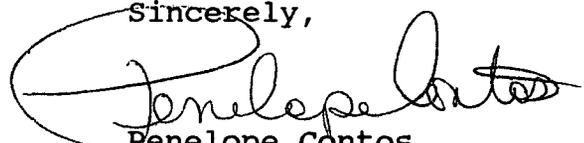
Dear Chairman Hunter:

Effective July 1, 1992, Cablevision will introduce a new remote control policy. This new policy allows subscribers to either purchase their own remote unit or continue with Cablevision for a monthly fee.

Subscribers will be notified of this change in their July bills. Cablevision has recommended that subscribers contact us first to verify if the remote they plan to purchase is compatible with the Cablevision converter.

If any additional information is needed, please contact me at my office (508) 562-1675.

Sincerely,



Penelope Contos
General Manager

PC/dw
0192.JS

CC: BOS

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

This letter was sent to
all State Senators.
JEW

June 19, 1992
JUN 22 1992

Dear Senator

The Suburban Coalition went on record as supporting the education reform efforts of the joint committee on education provided sufficient funding was guaranteed by the state to support new mandated costs to local communities. The reform bill now being considered in the Senate Ways and Means Committee is sufficiently different from the original proposals the we do not have a position at this time. However, it appears that a reform bill will not be acted upon favorably in this session of the Legislature.

Another bill which has no association in fact with the reform bill, but is a local aid consideration would provide a minimum per pupil distribution of \$100.00. Unfortunately, this proposal has become linked with the reform package and, in fact, has become hostage to it in the Senate even though they are completely separate issues.

The Suburban Coalition urges you to consider carefully the reform proposals, as some elements of it appear to be unrealistic, unduly costly and unreasonably restrictive.

The issue of the minimum per pupil distribution of \$100.00 is not an issue of urban versus suburban or rural communities as many cities, Boston included, would qualify.

The Suburban Coalition sees the minimum distribution proposal as a most effective way to improve educational efforts in the Commonwealth short term and urges you to vote for it without qualification and then to make every effort to evolve a sensible long term education reform package.

Respectfully, for the
Suburban Coalition

Frank T. LeBart
Frank T. LeBart, Chair
617 934 7411
John B. Wilson
John B. Wilson, Exec. Dir.

Bob Hilliard, Board
Bob Hilliard



Metropolitan Area Planning Council

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

servicing 101 cities and towns in metropolitan Boston

JUN 22

June 18, 1992

Dear Local Official:

On May 27, 1992 the Metropolitan Area Planning Council distributed it's proposed Draft FY 1993 Transportation Improvement Program (TIP) for community review. In the three weeks that have lapsed we have hosted a meeting to discuss the draft TIP and received a number of written comments on the document. MAPC's staff, Transportation Policy Committee and Officers have used the comments to complete the draft FY 1993 TIP dated June 15, 1992.

Enclosed are responses to community representative comments regarding specific transportation projects. MAPC has now submitted the June 15, 1992 Draft FY 1993 TIP to the state transportation agencies. We expect a response from them in the near future regarding any further changes to the TIP including the development of a statewide TIP.

Please review the attached comments closely. If you have further questions please contact Daniel Fortier.

Thank you for your participation in developing the FY 1993 TIP.

Sincerely,

David C. Soule
Executive Director

Enclosure

cc: Robert Sloane, EOTC
MPO Sub-Signatory Committee
Ed Bates, MAPC

CC: BOS } COVER & P. 1
D. ABBT } (RELATIVE TO
R. BARTL } ACTION)

FULL REPORT IN RF

DJF\TIPRESPTS



Metropolitan Area Planning Council

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

serving 101 cities and towns in metropolitan Boston

**RESPONSE TO COMMUNITY COMMENTS
TO MAY 27, 1992 DRAFT TRANSPORTATION IMPROVEMENT PROGRAM
June 18, 1992**

Acton

Route 27 Bridge

Project will move forward as listed in TIP.

Massachusetts Avenue and Central Street

Project advertised on May 9th.

Wetherbee Street Bridge

Proposed state aid bridge project. District has promised to pay \$200,000 of the \$360,000 cost. MHD is checking project status.

Commuter Rail Track Construction/Park and Ride

Project is a MAGIC priority. Project was not listed in the MBTA federal funding project list.

Belmont

Pleasant Street from Brighton Street to Trapelo Road (New Project).

The town is preparing to submit this project to MHD for approval. The request is for it to be added to the FY 96/97 list. MAPC agrees with this recommendation.

Route 2 Alewife Brook Parkway

Cambridge and Belmont recommend dropping this project. MAPC agrees.

Boston

Ruggles Street (180519)

The city has noted an increase in cost for this project from \$400,000 to \$3,000,000. This change is due to a complete change in the project. The project is now a widening of Ruggles Street from Huntington to Tremont Street. This project will no longer fit into the available FY 1995 Surface Transportation Program funding. However since the MHD has advertised a project previously listed for FY 1993 MAPC recommends that this project be

CC: BOS - FYI

MINUTES FORM

Please send a copy after each meeting to Town Hall

MINUTES OF ___ Meeting of Cemetery Commissioners _____

Meeting posted: yes, no

Date: May 12, 1992 Time: 7:30p.m. Place: Cemetery Office, Woodlawn Cemetery

Members present: W. Mowry, C. Putnam, E. Bailey, W. George
also present: S. Kennedy, D. Lee,

1. Meeting began at 8:00
2. Minutes of the April 14, 1992 were unanimously accepted as corrected
3. New Truck
Memo to John Murray re: paying 1/2 of lease purchase price of the truck from cemetery trust funds was signed by the Commissioners
W. Mowry wants to know why we can't pay over three years instead of over four years.
S. Kennedy agreed to inquire about this, and added that the terms were probably set so as to benefit the largest number of Town needs from available Town appropriation
4. Liquid fertilization of Oak trees at Woodlawn
Voted unanimously to fertilize 14 of the large oaks - 800 gals. for \$900.00
5. Grever & Ward
Don Ward visited the cemeteries this afternoon and mentioned that the corner of Woodlawn Cemetery containing two mausoleum lots should be designed and developed
S. Kennedy and D. Ward discussed planting possibilities along the wall near the Appleyard lot
6. Because of the present low construction costs and the number of people looking for work, W. Mowry would like to reopen the subject of a maintenance building at Mount Hope Cemetery
7. Woodlawn Cemetery
We've replaced four dead trees in section 8 with Japanese Tree Lilacs
Sixteen hemlocks, provided by the arboretum, were planted along the rear edge of the cemetery field
8. Meeting adjourned at 9:00 p.m.

INTERDEPARTMENTAL COMMUNICATION

DATE: 6/22/92

FROM: Historic District Commission

TO: Town Manager
Board of Selectmen
Municipal Properties
Building Department
Planning Board
Engineering Department
Board of Health
Highway Department
Conservation Commission
Historical Commission
South Acton Revitalization Committee
Board of Appeals

NOTE :
MAPS & BROCHURE
IN RF

JUN 22 1992

SUBJECT: Start-up of Local Historic Districts

The Historic District Commission would like to inform you that the three Local Historic Districts at Acton Centre, West Acton, and South Acton are now officially operating as Chapter 40-C districts under the jurisdiction of the Historic District Commission. Although the Historic District Bylaw and the boundaries of the three districts were accepted at the Special Town Meeting in November of 1990, many procedures, waiting periods, etc., had to be followed in order to actually begin the administration of the districts. We have finally completed all those steps, and are happy to be up and running at last.

The attached informational brochure/letter that we have sent to district property owners gives the most concise explanation of the implications to a property of Historic District designation. In a nutshell, it means that nearly any exterior changes to a property located within a district will require a certificate (we issue three types) from the Historic District Commission. For some types of changes, we are required to hold a public hearing on a proposal, as well.

In most cases, the Historic District permitting process can run concurrently with any other permitting procedures. The law requires, however, that a Building Permit cannot be issued for exterior work in a Historic District until the Building Commissioner has received a copy of a certificate for that work from the Historic District Commission.

We would appreciate it if from now on you would notify us of any proposals for exterior work that your board or department receives, or that you are involved with in any other capacity in any of the three Historic Districts. (The attached maps show the District boundaries). It should be noted that most exterior changes to town property, as well as work done by town work crews (except for landscaping with plants, painting, paving and other work done at grade level) will now need a certificate from the Historic District Commission. We will also inform you of any proposals under our review that have relevance to any of your operations.

Copies of our Rules and Regulations, Certificate Applications, Fee Schedule, the Historic District Bylaw, and other Commission documents are now available at the Town Clerk's office. We would also be glad to give you any more information at any time.

NO NAME ON
THIS CORRESPONDENCE

The Acton Selectmen
Acton Town Hall
Acton, MA 01720

June 22, 1992

To the Selectmen:

I read with interest the article in the Beacon about the Mobil Convenience Store's permit, to sell such items as milk and laundry detergent after twelve midnight, being pulled. According to the article, the Selectmen were concerned about the noise and extra traffic in West Acton.

I have not lived in Acton that long, but I do seem to recall the issue of Purity Supreme being open 24 hours (for the sale of alot more than milk and laundry detergent) coming up at Town Meeting a few years ago. I also recall that the Selectmen were not concerned with the problems the night traffic was creating on the residential streets of South Acton and did nothing to support that area.

As I said, I have not lived here in Acton that long, but I don't understand why there is one set of rules for West Acton and another for South Acton. To a bystander, it looks like a "double standard".

Very truly yours,



ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

16 Charter Rd. • Acton, Massachusetts 01720-2995 • (617) 264-4700

JUN 24 1992

OFFICE OF THE SUPERINTENDENT
Robert E. Kessler
Superintendent of Schools

Town Manager
Information

June 16, 1992

Chief George Robinson
Acton Police Department
365 Main Street
Acton, MA 01720

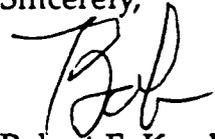
Dear George:

Just a brief note to let you know that Jim Cogan and Todd Fenniman have been excellent representatives of your department and fine teachers of the D.A.R.E. Program.

We are particularly pleased with the efforts begun at the fourth and fifth grades this year, which were funded through a special federal grant.

George, your initiative and continued effort have been significant factors in the success of this cooperative venture.

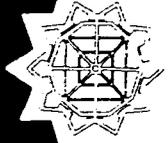
Sincerely,


Robert E. Kessler

REK/es

cc: BOS - FYI
PERS. FILES

MMA Action



June 10, 1992/ #7

Dear Local Official,

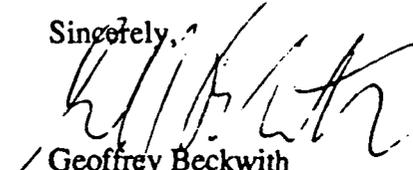
The Senate will begin debate on its version of the state budget within the next 10 days. In order to maintain the substantial progress cities and towns made in the House version of the budget we need you to contact your local Senator and Senator Patricia McGovern, Chair of the Senate Ways and Means Committee, and respectfully ask that the following items contained in House-passed budget be included in the Senate Ways and Means Committee's budget as well:

- \$185 million in new education money using the House approved distribution of \$100 million in EEOG and \$85 million on a \$100 per-student basis; we must also vigorously oppose the House language on earmarking this money because it will force many communities to impose deeper cuts in police, fire, and other local services;
- \$23 million in new lottery money (see enclosed distribution run) based on uncapping the expected *increase* in lottery revenues for FY '93;
- \$37 million in new Chapter 90 road construction money, distributed up-front to cities and towns, guaranteeing communities their statutory share of the gas tax, and cutting costs by *not* requiring communities to do the work first and wait for reimbursement; and
- In addition we expect that the Senate Ways and Means version of the budget will include several mandate relief items submitted to the Committee by MMA; please ask your Senator to support the mandate relief package.

We have made substantial gains compared with last year's budget debate. The House-passed budget not only avoids cuts in revenue sharing, it adds new Chapter 90 funds, provides \$185 million in new education aid, and uncaps new lottery money. We must continue our efforts in the Senate to make certain that we maintain the progress that we have achieved together.

Again, please call your local Senator *and* contact Chairwoman McGovern today. Thank you.

Sincerely,


Geoffrey Beckwith
Executive Director

Senate Ways and Means Committee

<i>Senator</i>	<i>District</i>	<i>Telephone</i>	<i>Room</i>
Patricia McGovern*	2nd Essex and Middlesex	722-1481	212
Matthew Amorello	First Worcester and Middlesex	722-1485	520
Frederick Berry	2nd Essex	722-1410	511
Louis Bertonazzi	Worcester and Norfolk	722-1420	320
Edward Burke	Middlesex, Norfolk, and Worcester	722-1640	413C
Arthur Chase	Worcester	722-1544	518
Michael Creedon	Plymouth	722-1200	413E
Robert Durand	Middlesex and Worcester	722-1120	413B
Lucile Hicks	5th Middlesex	722-1572	413G
William Keating	Norfolk and Bristol	722-1222	424
Michael LoPresti	Suffolk and Middlesex	722-1634	413A
Linda Melconian	1st Hampden	722-1660	213B
Lois Pines	Middlesex and Norfolk	722-1639	511
Henri Rauschenbach	Cape and Islands	722-1570	315
Jane Swift	Berkshire-Franklin-Hampden-Hampshire	722-1625	407
Richard Tisei	3rd Middlesex	722-1206	416A
Robert Wetmore	Worcester, Franklin, Hampden and Hampshire	722-1540	409

Other Senators

<i>Senator</i>	<i>District</i>	<i>Telephone</i>	<i>Room</i>
Robert Antonioni	2nd Worcester and Middlesex	722-1230	504
Michael Barrett	Middlesex and Suffolk	722-1280	405
Thomas Birmingham	Suffolk, Essex, Middlesex	722-1650	213C
Walter Boverini	1st Essex	722-1350	333
Robert Buell	1st Essex and Middlesex	722-1600	321
William Bulger	1st Suffolk	722-1500	330
Martin Dunn	Hampden and Hampshire	722-1415	416C
Paul Harold	Norfolk	722-1494	413D
Robert Havern	4th Middlesex	722-1432	506
Robert Hedlund	Norfolk and Plymouth	722-1646	416B
James Jajuga	3rd Essex	722-1605	216
Edward Kirby	Plymouth and Barnstable	722-1330	413H
Christopher Lane	1st Suffolk	722-1348	507
Brian Lees	2nd Hampden	722-1291	313
David Locke	Norfolk, Bristol, and Middlesex	722-1555	306
William MacLean	2nd Bristol	722-1440	513
Thomas Norton	1st Bristol	722-1114	312
Bill Owens	2nd Suffolk	722-1673	218
Stanley C. Rosenberg	Franklin and Hampshire	722-1532	413F
Charles Shannon	2nd Middlesex	722-1578	421
Nancy Sullivan	1st Middlesex	722-1630	517
Erving Wall	Bristol and Plymouth	722-1551	314
Paul White	2nd Suffolk and Norfolk	722-1643	309

* *Committee chair*

Senators can be reached at the State House using the telephone numbers and room numbers listed above. For all State House telephones and addresses, the area code is 617 and the address is State House, Boston, Massachusetts 02133.

\$23 Million in New Lottery Revenues Proposed in the House Budget

<i>Community</i>	<i>New Lottery Revenues</i>	<i>Community</i>	<i>New Lottery Revenues</i>	<i>Community</i>	<i>New Lottery Revenues</i>
ABINGTON	\$65,300	BURLINGTON	\$43,411	GILL	\$5,719
ACTON	\$42,262	CAMBRIDGE	\$262,755	GLOUCESTER	\$79,188
ACUSHNET	\$50,774	CANTON	\$42,143	GOSHEN	\$1,901
ADAMS	\$71,833	CARLISLE	\$5,515	GOSNOLD	\$12
AGAWAM	\$118,731	CARVER	\$34,714	GRAFTON	\$44,005
ALFORD	\$562	CHARLEMONT	\$4,526	GRANBY	\$27,239
AMESBURY	\$65,362	CHARLTON	\$32,929	GRANVILLE	\$3,786
AMHERST	\$241,528	CHATHAM	\$4,998	GREAT BARRINGTON	\$26,234
ANDOVER	\$48,648	CHELMSFORD	\$90,237	GREENFIELD	\$99,445
ARLINGTON	\$144,553	CHELSEA	\$161,702	GROTON	\$19,429
ASHBURNHAM	\$17,018	CHESHIRE	\$16,308	GROVELAND	\$21,521
ASHBY	\$11,175	CHESTER	\$4,799	HADLEY	\$9,514
ASHFIELD	\$4,720	CHESTERFIELD	\$3,710	HALIFAX	\$27,573
ASHLAND	\$25,200	CHICOPEE	\$303,121	HAMILTON	\$19,477
ATHOL	\$59,646	CHILMARK	\$98	HAMPDEN	\$20,263
ATTLEBORO	\$163,920	CLARKSBURG	\$12,347	HANCOCK	\$1,548
AUBURN	\$51,297	CLINTON	\$67,672	HANOVER	\$33,772
AVON	\$14,621	COHASSET	\$13,952	HANSON	\$41,389
AYER	\$28,060	COLRAIN	\$6,191	HARDWICK	\$13,342
BARNSTABLE	\$46,902	CONCORD	\$29,326	HARVARD	\$64,610
BARRE	\$22,839	CONWAY	\$4,905	HARWICH	\$11,046
BECKET	\$2,479	CUMMINGTON	\$2,137	HATFIELD	\$10,780
BEDFORD	\$22,184	DALTON	\$29,539	HAVERHILL	\$220,954
BELCHERTOWN	\$44,976	DANVERS	\$63,515	HAWLEY	\$816
BELLINGHAM	\$67,637	DARTMOUTH	\$78,129	HEATH	\$1,204
BELMONT	\$58,615	DEDHAM	\$71,596	HINGHAM	\$46,168
BERKLEY	\$14,075	DEERFIELD	\$14,091	HINSDALE	\$5,785
BERLIN	\$7,817	DENNIS	\$14,171	HOLBROOK	\$49,420
BERNARDSTON	\$7,622	DIGHTON	\$21,666	HOLDEN	\$48,570
BEVERLY	\$123,292	DOUGLAS	\$16,212	HOLLAND	\$4,565
BILLERICA	\$121,032	DOVER	\$6,320	HOLLISTON	\$38,299
BLACKSTONE	\$39,182	DRACUT	\$92,612	HOLYOKE	\$307,889
BLANDFORD	\$3,724	DUDLEY	\$44,750	HOPEDALE	\$15,221
BOLTON	\$5,100	DUNSTABLE	\$4,839	HOPKINTON	\$17,070
BOSTON	\$1,904,722	DUXBURY	\$26,221	HUBBARDSTON	\$6,603
BOURNE	\$31,759	EAST BRIDGEWATER	\$43,779	HUDSON	\$66,658
BOXBOROUGH	\$6,584	EAST BROOKFIELD	\$9,565	HULL	\$32,836
BOXFORD	\$11,640	EAST LONGMEADOW	\$41,703	HUNTINGTON	\$8,911
BOYLSTON	\$11,099	EASTHAM	\$3,505	IPSWICH	\$32,670
BRAINTREE	\$105,051	EASTHAMPTON	\$88,139	KINGSTON	\$25,508
BREWSTER	\$7,882	EASTON	\$60,522	LAKEVILLE	\$22,566
BRIDGEWATER	\$86,293	EDGARTOWN	\$1,016	LANCASTER	\$28,156
BRIMFIELD	\$10,161	EGREMONT	\$2,332	LANESBOROUGH	\$14,712
BROCKTON	\$531,338	ERVING	\$1,451	LAWRENCE	\$438,911
BROOKFIELD	\$14,122	ESSEX	\$7017	LEE	\$25,340
BROOKLINE	\$127,207	EVERETT	\$97,596	LECESTER	\$54,979
BUCKLAND	\$8,291	FAIRHAVEN	\$65,946	LENOX	\$24,269
		FALL RIVER	\$797,116	LEOMINSTER	\$155,359
		FALMOUTH	\$36,300	LEVERETT	\$4,767
		FITCHBURG	\$252,129	LEXINGTON	\$50,652
		FLORIDA	\$1,103	LEYDEN	\$1,626
		FOXBOROUGH	\$51,088	LINCOLN	\$14,592
		FRAMINGHAM	\$176,472	LITTLETON	\$16,938
		FRANKLIN	\$73,455	LONGMEADOW	\$45,259
		FREETOWN	\$27,584	LOWELL	\$502,842
		GARDNER	\$112,022	LUDLOW	\$91,454
		GAY HEAD	\$85	LUNENBURG	\$32,822
		GEORGETOWN	\$20,563	LYNN	\$391,526

\$23 Million Statewide

Cities and towns would receive the new revenues shown if the House budget proposal on the lottery is adopted. For further information: Massachusetts Municipal Association, 60 Temple Place, Boston, Massachusetts 02111; (617) 426-7272.

<i>Community</i>	<i>New Lottery Revenues</i>
LYNNFIELD	\$23,567
MALDEN	\$261,425
MANCHESTER	\$8,478
MANSFIELD	\$37,289
MARBLEHEAD	\$34,337
MARION	\$6,016
MARLBOROUGH	\$99,455
MARSHFIELD	\$66,391
MASHPEE	\$3,449
MATTAPOISETT	\$14,267
MAYNARD	\$33,731
MEDFIELD	\$27,818
MEDFORD	\$241,076
MEDWAY	\$27,716
MELROSE	\$105,650
MENDON	\$9,751
MERRIMAC	\$22,455
METHUEN	\$149,247
MIDDLEBOROUGH	\$74,287
MIDDLEFIELD	\$1,407
MIDDLETON	\$10,626
MILFORD	\$100,498
MILLBURY	\$56,529
MILLIS	\$22,682
MILLVILLE	\$10,051
MILTON	\$74,370
MONROE	\$334
MONSON	\$42,133
MONTAGUE	\$38,754
MONTEREY	\$1,512
MONTGOMERY	\$2,526
MOUNT WASHINGTON	\$72
NAHANT	\$9,677
NANTUCKET	\$2,053
NATICK	\$73,777
NEEDHAM	\$50,887
NEW ASHFORD	\$188
NEW BEDFORD	\$790,665
NEW BRAINTREE	\$2,866
NEW MARLBOROUGH	\$1,837
NEW SALEM	\$3,161
NEWBURY	\$12,524
NEWBURYPORT	\$51,571
NEWTON	\$165,880
NORFOLK	\$22,768
NORTH ADAMS	\$152,303
NORTH ANDOVER	\$51,053
NORTH ATTLEBOROUGH	\$85,895
NORTH BROOKFIELD	\$24,811
NORTH READING	\$33,651
NORTHAMPTON	\$136,337
NORTHBOROUGH	\$30,743
NORTHBRIDGE	\$72,735
NORTHFIELD	\$7,084
NORTON	\$65,130
NORWELL	\$22,148
NORWOOD	\$83,310
OAK BLUFFS	\$1,749
OAKHAM	\$3,908
ORANGE	\$51,944
ORLEANS	\$5,182
OTIS	\$885
OXFORD	\$66,964

<i>Community</i>	<i>New Lottery Revenues</i>
PALMER	\$61,288
PAXTON	\$13,238
PEABODY	\$156,597
PELHAM	\$4,149
PEMBROKE	\$51,056
PEPPERELL	\$34,625
PERU	\$2,923
PETERSHAM	\$3,131
PHILLIPSTON	\$3,103
PITTSFIELD	\$263,394
PLAINFIELD	\$1,108
PLAINVILLE	\$20,675
PLYMOUTH	\$83,626
PLYMPTON	\$6,475
PRINCETON	\$8,441
PROVINCETOWN	\$4,645
QUINCY	\$319,676
RANDOLPH	\$105,445
RAYNHAM	\$37,581
READING	\$66,002
REHOBOTH	\$28,415
REVERE	\$173,191
RICHMOND	\$3,814
ROCHESTER	\$12,544
ROCKLAND	\$78,533
ROCKPORT	\$11,700
ROWE	\$67
ROWLEY	\$12,106
ROYALSTON	\$3,911
RUSSELL	\$6,306
RUTLAND	\$24,406
SALEM	\$114,378
SALISBURY	\$19,482
SANDISFIELD	\$1,058
SANDWICH	\$12,859
SAUGUS	\$66,232
SAVOY	\$3,311
SCITUATE	\$48,662
SEEKONK	\$40,600
SHARON	\$40,685
SHEFFIELD	\$6,905
SHELBURNE	\$9,097
SHERBORN	\$7,070
SHIRLEY	\$27,636
SHREWSBURY	\$71,644
SHUTESBURY	\$3,371
SOMERSET	\$41,612
SOMERVILLE	\$399,978
SOUTH HADLEY	\$79,718
SOUTHAMPTON	\$17,704
SOUTHBOROUGH	\$13,108
SOUTHBRIDGE	\$104,983
SOUTHWICK	\$36,624
SPENCER	\$65,802
SPRINGFIELD	\$942,981
STERLING	\$19,408
STOCKBRIDGE	\$3,675
STONEHAM	\$65,267
STOUGHTON	\$104,562
STOW	\$11,775
STURBRIDGE	\$18,484
SUDBURY	\$29,262
SUNDERLAND	\$13,485

<i>Community</i>	<i>New Lottery Revenues</i>
SUTTON	\$23,554
SWAMPSCOTT	\$29,768
SWANSEA	\$66,120
TAUNTON	\$300,669
TEMPLETON	\$37,717
TEWKSBURY	\$89,406
TISBURY	\$3,250
TOLLAND	\$155
TOPSFIELD	\$12,700
TOWNSEND	\$30,972
TRURO	\$917
TYNGSBOROUGH	\$20,393
TYRINGHAM	\$484
UPTON	\$16,303
UXBRIDGE	\$41,250
WAKEFIELD	\$74,990
WALES	\$6,554
WALPOLE	\$57,273
WALTHAM	\$173,815
WARE	\$51,972
WAREHAM	\$67,818
WARREN	\$21,348
WARWICK	\$2,097
WASHINGTON	\$2,150
WATERTOWN	\$96,388
WAYLAND	\$22,899
WEBSTER	\$70,174
WELLESLEY	\$44,961
WELLFLEET	\$1,817
WENDELL	\$3,331
WENHAM	\$8,768
WEST BOYLSTON	\$20,807
WEST BRIDGEWATER	\$22,596
WEST BROOKFIELD	\$13,209
WEST NEWBURY	\$8,595
WEST SPRINGFIELD	\$103,087
WEST STOCKBRIDGE	\$3,600
WEST TISBURY	\$630
WESTBOROUGH	\$30,548
WESTFIELD	\$185,767
WESTFORD	\$38,534
WESTHAMPTON	\$3,833
WESTMINSTER	\$15,938
WESTON	\$13,973
WESTPORT	\$46,700
WESTWOOD	\$22,889
WEYMOUTH	\$237,336
WHATELY	\$4,165
WHITMAN	\$69,168
WILBRAHAM	\$39,165
WILLIAMSBURG	\$9,989
WILLIAMSTOWN	\$34,294
WILMINGTON	\$40,465
WINCHENDON	\$44,687
WINCHESTER	\$42,473
WINDSOR	\$1,550
WINTHROP	\$84,745
WOBURN	\$100,157
WORCESTER	\$896,356
WORTHINGTON	\$3,059
WRENTHAM	\$29,429
YARMOUTH	\$30,083

cc: BOS

ACTON SCHOOL COMMITTEE

Conference Room
Junior High School

For JUNE 11, 1992 Meeting
JUN - 9 1992

AGENDA

- 7:30 I. CALL TO ORDER
7:31 II. APPROVAL OF MINUTES OF MAY 14 AND STATEMENT OF WARRANT
7:35 III. PERIOD OF PUBLIC PARTICIPATION - B.J. Wellborn, Health & Safety @ Douglas School
7:50 IV. EDUCATION REPORT - Pupil Services Report - "Integration: A Collaborative Approach" - Nancy Kolb, Maureen Duffy
8:15 V. SUPERINTENDENT'S REPORT FOR THE MONTH OF JUNE
Robert Kessler

RECOMMENDATIONS

1. Regional Action Requiring Acton Approval
 - a) Appointment of Director of Pupil Services
 - b) Bid Awards - Classroom and Office Paper and Supplies
 - c) Bid Awards - Food and Related Products
 - d) Recommendation for Increase in Travel Reimbursement
2. Recommend Tenure, First, Second and Third Year Appointments

- 8:25 VI. FOR YOUR INFORMATION
 1. Conant Current Events
 2. The Douglas Digest
 3. Gates School Activities
 4. Personnel Item
- 8:30 VII. WARRANT DISCUSSION
- 8:35 VIII. CONCERNS OF THE BOARD
- 8:50 IX. NEXT MEETING - July 2, 1992 - Room #114, Junior High School immediately following adjournment of Regional Meeting.
- 8:55 X. EXECUTIVE SESSION
- 9:30 XI. ADJOURNMENT

cc: BOS

ACTON SCHOOL COMMITTEE

Library
Conant School

May 14, 1992^{JUN} - 9 1992

Members Present: Jean Butler, Stephen Aronson, Pam Harting-Barrat, Rick Sawyer, Lees Stuntz, Micki Williams.

Also Present: Robert Kessler, Bill Ryan, Fran Leiboff, Joan Little, Lisette Kaplowitz, Parker Damon and citizens.

The meeting was called to order at 7:30 p.m. by Robert Kessler, Superintendent.

ELECTION OF OFFICERS: Before nominations were opened, Steve Aronson discussed his concern regarding the process by which School Committee chairs were currently selected, i.e. by a rotation system. He suggested the Committee instead consider electing a chairman to allow those best suited for the chair position to be considered and to allow for consistency in establishing a working relationship with the superintendent for more than one year. He hoped that such an election would be held on a non-personal, non-emotional basis. The duties of the chairperson were defined for the new members of the committee. Lees Stuntz commented that she felt it has been an harmonious board, despite differing opinions, and no personal hurt has been involved. The Committee as a whole is strong enough to balance a less strong chairperson, should that be the situation. She is concerned that the possibility of dissidence on the board outweighs any advantage of this proposed election process. Rick Sawyer said he could accept either method of election. Dr. Kessler asked for nominations. Jean Butler and Steve Aronson were nominated. It was moved, seconded and unanimously voted to continue the election at the end of the meeting.

The minutes of April 2, 1992, were approved as written.

Warrant #91-119 in the amount of \$560.82 and warrant #92-022 in the amount of \$137,983.09 were signed by the Chairperson and circulated to other members of the Committee.

PUBLIC PARTICIPATION: None.

EDUCATION REPORT: Joan Little, Conant principal, spoke briefly about the school's transition to a Whole Language philosophy during the last few years. Integration across the curriculum is one of the ways this philosophy is implemented. Members of the fifth grade presented a wonderful program, illustrating the integration of music and literature. Members of the Committee and parents participated with the students in a "rap" number, followed by a dramatization of Shel Silverstein's book, The Giving Tree, accompanied by musical instruments. The Committee commended Judy Hause, reading teacher, Judy Melillo, music teacher and the students for this refreshing performance. Steve Aronson asked that the school/business connection between Sundance Publishing Company and Conant be recognized. They have worked together on several projects.

SUPERINTENDENT'S RECOMMENDATIONS FOR MAY

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that Elizabeth Sumner, part-time Speech and Language Specialist, be granted a maternity leave of absence for the 1992-93 school year, according to Article 6.9 of the AEA agreement.

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that Cynthia Mate, Speech and Language Specialist, be granted a discretionary leave of absence for the 1992-93 school year, according to Article 6.12 of the AEA agreement.

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that Jennie M. Brannen, grade 2 teacher at Conant, be granted a maternity leave of absence for the 1992-93 school year, according to Article 6.9 of the AEA agreement.

It was moved, seconded and unanimously

VOTED: To authorize the Superintendent to sign the "Master Agreement-Standard Terms and Conditions" for July 1, 1992 - June 30, 1995.

It was moved, seconded and unanimously

VOTED: To approve Eileen Sullivan's request for permission to take three fourth grade classes on an Environmental Education Trip to the Cape on May 27-29, 1992.

It was moved, seconded and unanimously

VOTED: To approve Joe McInerney's request for permission to take his fifth grade class on a field trip to Camp Favorite in Brewster, June 10-12, 1992.

It was moved, seconded and unanimously

VOTED: To approve Jane Lifton's request for permission to take her fourth grade class to Camp Virginia in Bolton, June 10-12, 1992.

It was moved, seconded and unanimously

VOTED: To approve Dan Losen's request to take his fourth grade class to Wellesley College Observatory and the Cortez's house, June 3-4 or June 10-11, 1992.

It was moved, seconded and unanimously

VOTED: To accept the gift of an Apple IIE computer system from John C. Byler.

It was moved, seconded and unanimously

VOTED: To accept the gift of \$220.00 from Boston Edison for the purpose of hiring substitutes for teachers attending the NSTA Convention in Boston.

Jean Butler thanked Eileen Sullivan for all her efforts in this regard.

FOR YOUR INFORMATION: Dr. Kessler referred to the Simmons College/CASE Collaborative Internship Program implemented and facilitated this year by Fran Leiboff and Parker Damon. Updating the Committee on the state's Education Reform package, Dr. Kessler said an impasse had been reached. It appears unlikely that any progress will be made until after the fall elections. Steve Aronson asked if it would be appropriate to communicate with the Mass. Business Alliance and/or our state reps expressing our disappointment and frustration. Dr. Kessler said this would be a good idea, and Micki Williams suggested we contact the House and Senate Education Chairs. Steve will write a letter on the Committee's behalf.

WARRANT: There was one question answered by Bill Ryan.

CONCERNS OF THE BOARD: Pam Harting-Barrat suggested the committee consider doing something in the future to acknowledge former committee members so they continue to feel a part of the school community. Steve Aronson congratulated all parties involved in the resolution of the music staffing situation at Gates. He also complimented Mac Reid and the elementary principals for their new recruitment procedure for elementary teachers. Jean added that all those who served on the screening committees deserved thanks. Rick Sawyer brought up his concern about how we are addressing gender differences in the schools. The principals briefly described what each school is doing. Dr. Kessler said that Douglas School has been selected as one of 10-16 schools to communicate live with the astronauts during the June 7 mission. It was suggested that the conversation should be videotaped. Jean mentioned that there will be a reception on May 20, 7-8 p.m, in Room #114 for recipients of the Boston Globe Art Awards.

ELECTION OF OFFICERS (con't): The meeting was turned over to Dr. Kessler for continuation of the nomination and election of School Committee officers. Rick Sawyer withdrew his nomination of Steve Aronson.

It was moved, seconded and unanimously

VOTED: That Jean Butler serve as Chairperson for the 1992-93 school year.

It was moved, seconded and unanimously

VOTED: That Lees Stuntz serve as Secretary for the 1992-93 school year.

It was moved, seconded and unanimously

VOTED: That Evelyn Smith, and in her absence, Sarah Lawton, serve as Secretary Pro Tempore for the 1992-93 school year.

EXECUTIVE SESSION: No need for one.

NEXT MEETING: June 11, 1992, 7:30 p.m., Junior High Conference Room.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sarah T. Lawton,
Secretary, Pro Tempore

Selectman



Date Received
TOWN CLERK
June 4, 1992
By: Cornelia O. Huber

TOWN OF ACTON
MASSACHUSETTS

Date Received
BOARD OF APPEALS
By: June 4, 1992

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

June 4 1992

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:

The Douglas School is submitting an application to the Board of Appeals for drainage, safety and accessibility improvements to the existing primary playground. If completed in its entirety the project will result in a net increase in flood storage volume.

Respectfully submitted
Signed Cynthia L. Rogers
(Petitioner)

Name Douglas School
Address 21 Elm St.

Phone # 263-4051

Signed William L. Dyer
(Owner of Record)

Name Town of Acton

Address 16 Charter Rd.

Phone # 264-4700 (School Department)

OFFICE USE ONLY

Seven copies of petition?

Seven copies of site development plan?

Site plan complete as per checklist?

List of abutters and other interested parties?

Fee - \$100.00/1-25 abutters
\$125.00/26+ abutters? 6/4/92 125.00 pd.

Next Hearing Date? 7/20/92 No 92-10

Copy of petition & site plan sent to:

Planning Board 6/9/92
(Date)

Conservation Commission 6/9/92
(Date)

Town Engineer 6/9/92
(Date)

Board of Health 6/9/92
(Date)

Last recorded plan: Date _____

Book No. _____

Page No. _____

Town Atlas Sheet No. _____

Parcel No. _____

Selectman

Date Received
TOWN CLERK
92 MAY 21 PM 2:55
By: Conrad O. Huber



TOWN OF ACTON
MASSACHUSETTS

Date Received 5/21/92
BOARD OF APPEALS
By: Vain Siquel

BOARD OF APPEALS
(FORM 4)
PETITION FOR A SPECIAL PERMIT

May 12, 19 92

I/~~we~~ hereby petition the Board of Appeals for a public hearing and a special permit under Section 3.8.1.2 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 9 to allow:

To continue a home occupation at 3 Minot Avenue, Acton, MA which conducts retail sales, and may employ non-residents not more than two of whom shall be present on the premises at one time.

OFFICE USE ONLY	
Four copies of petition?	<input checked="" type="checkbox"/>
Location map?	<input checked="" type="checkbox"/>
Plot plans?	<input checked="" type="checkbox"/>
Additional briefs?	<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?	<u>\$100.00</u> ps
Next Hearing Date?	<u>7/20/92</u> No <u>92-9</u> P 7:30 p.m.

Respectfully submitted
Signed [Signature]
Charles G. Kadison, Jr.
(Petitioner/Atty. for Petitioners)
Name David A. & Virginia F. Rivenburg
Address 3 Minot Avenue, Acton, MA
Phone # 263-7457
Signed [Signature]
(Owner of record) Charles G. Kadison, Jr.
Atty. for Petitioners
Name Charles G. Kadison, Jr., Atty. for Petitioners
Address 179 Great Road, Suite 210
Acton, MA 01720
Phone # 264-4886

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.

CDM

environmental engineers, scientists,
planners, & management consultants

CC: BOS - (COVER ONLY)
FULL REPORT IN RF

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

June 1, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02114

Subject: W. R. Grace, Acton, Massachusetts

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

Dear Ms. Jennings and Mr. Benoit:

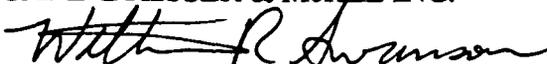
On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the revised Blowdown Pit: Preconstruction Investigation of Hot Zone Draft Workplan in response to the comments on the February 1992 submittal. This submittal also consists of the response to the comments with location of response and/or explanatory language.

A preliminary draft plan of action and workplan text were previously submitted to U.S. EPA on April 28, 1992, and have since been revised based on commentary by U.S. EPA staff. Suggested procedures of Dr. Spittler have been incorporated into the text.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & MCKEE INC.


Bruce R. Conklin, P.E.
Associate *for B.C.*

BRC:paa

Encs.

#798-115-RT-WKPL

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

cc: G. Meunch, EPA (1)
D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheesman, FHE (1)
✓D. Johnson, Acton (1)

C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr. (1)
M. Stoler, Grace (1)



William F. Weld
Governor
Daniel S. Greenbaum
Commissioner

Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

CC: BOS

6/12/92

WE ARE PHONING SUPPORT
AND WILL FOLLOW-UP AS APPROPRIATE.

[Handwritten signature]

Board of Selectmen
Town Hall
Acton MA 01720

Dear Board of Selectmen:

The Central Massachusetts Resource Recovery Committee (CMRRC) with appointed members from the communities of: Auburn, Grafton, Holden, Leicester, Millbury, Northborough, Oxford, Rutland, Shrewsbury, Southborough, Webster, Westborough, West Boylston, and Worcester is in the process of planning a Material Recycling Facility (MRF) which will have the capability of processing post consumer recyclables from all of Central Massachusetts. On June 1, 1992, the CMRRC published a request for proposals for vendors to own and operate a material recycling facility for Central Massachusetts. There will be a Pre-proposal Conference for vendors on July 22, 1992. Proposals have to be submitted by September 11, 1992. The CMRRC will evaluate these proposals, select a vendor and negotiate a contract for services by the end of 1992.

This project will assist Central Massachusetts communities in their recycling efforts and their compliance with the states solid waste disposal bans. The Department of Environmental Protection (the Department) encourages and supports these recycling endeavors. Therefore, the Department is requesting that your community send a letter of support to the CMRRC Mr. Robert Fiore, 20 East Worcester Street, Worcester, MA 01604 before the Preproposal Conference in order to show regional support and encouragement for this project.

If you have any questions concerning this project feel free to call John McMichael of this office at (508) 792-7653.

Very truly yours,

[Handwritten signature: Cornelius J. O'Leary]
Cornelius J. O'Leary
Regional Director

6/8/92
Date

W: \SWM\RECMATER

JUNE 5, 1992

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA
ROOM 204
7:30 P.M.
June 9, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:30 ABOVE GROUND STORAGE - Dexter Harpel - Withdrawn at applicants request.
2. 7:45 CONSERVATION COMMISSION OVERSIGHT MEETING
3. 8:45 RECREATION COMMISSION OVERSIGHT

III. CONSENT AGENDA

4. SELECTMEN'S MINUTES - Enclosed find Minutes of May 12, 1992 Regular and Executive Session for Board approval.
5. LAND GIFT - HAARTZ - Enclosed please find a letter requesting the board accept a land gift from Haartz as well as staff comment for board action.

IV. SELECTMEN'S CONCERNS

6. TRASH FEES - (N. Tavernier Assigned) - Enclosed please find follow-up information for Board review and action.
7. PERMITTING SIGNS IN PUBLIC WAY (A. Fanton Assigned)- Enclosed please find several memos outlining the MPCC recommendations as well as Anne's recommendations for Board review and action.

8. APPOINTMENTS - Please find the Re-appointment list as prepared by the VCC for Board review. Please have your comments available for the June 23rd meeting so that they can be processed for June 30th reappointment deadline.

V. TOWN MANAGER'S REPORT

- 8.A. MIFA/LIQUID METRONICS - Enclosed please find a request for comment regarding MIFA financing for the subject project, along with staff comments.
- 8.B. HISTORICAL PAPERS DONATION - Enclosed find information regarding a gift of historical papers from the Robbins family, along with action requested of the Board.
- 8.C. TRAIN WHISTLES - The Town Manager will seek direction from the Board regarding the attached correspondence from Town Counsel.

VI. EXECUTIVE SESSION

9. The Town Manager requests an executive session with the Conservation Commission and Town Counsel. See attached information.

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

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

IX. FUTURE AGENDAS

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

June 23

Boston Edison/Pole High St.
Board of Health Oversight-Norm Assigned

July 19

Boston Edison/Esterbrook
COA Oversight- Bill Assigned

July 28

Cemetery Oversight- Norm Assigned
Prison Advisory Oversight- Dore' Assigned

August 11

Board of Appeal Oversight- Anne Assigned
Planning Oversight - Anne Assigned

6/9/92 (2)

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

June 5, 1992

TO: Board of Selectmen
FROM: Tom Tidman, Conservation Administrator
SUBJECT: Oversight Meeting 1992

The Acton Conservation Commission welcomes the opportunity to meet with the Selectmen and review the many conservation issues of the past year. We will start by introducing the Commission, which in itself will illustrate the wide range of expertise possessed by this Commission.

Chairman, Andrew Sheehan
Vice Chairman, William Hill
Member, Ann Shubert
Member, Charlotte Timlege
Member, Morene Bodner
Member, Peter Shanahan
Member, John Chalmers
Assoc. Member, Charles Carlson
Assoc. Member, Linda McElroy
Assoc. Member, Kevin Clasby
Administrator, Tom Tidman

School Teacher
Lawyer
Landscape Designer
Technical Writer
Environmentalist / CPA
Engineer / Hydrologist
MCI Concord Farmer
Lawyer
Software Designer
Environmental Science
Biologist

The primary responsibility of the Conservation Commission is the review of wetlands protection act filings. In fact, this review process occupies about 90% of the Commission's meeting schedule. During the past fiscal year, the Commission reviewed and developed Orders of Conditions for thirty-one Notice of Intent filings and twenty-three Requests for Determination. A typical Notice of Intent requires approximately one hour to review.

To overcome the obvious time limitations at meetings and still have an opportunity to review land management issues, each Commissioner is assigned a conservation area to oversee for the year. This allows the Commission a hands on observation of the land and specifically to review the many excellent Eagle Scout projects and other volunteer activities underway.

Conservation actively sponsors many Eagle Scout projects, as you know. In fact over the past four years the Commission has directed and funded twenty-one eagle projects. A Commissioner is assigned to each project and attends the scout's Court of Honor. We are constantly amazed by the high quality of the projects constructed by these young men.

The Arboretum has continued to be a priority of the Commission. During the past two years we have focused on developing of a walk for people with special needs. We presently have a trail of approximately one third of a mile in length, accessible to all, which passes through the herb garden and runs along our newly developed butterfly garden. Special effort is made to make the Arboretum a fun place to visit regardless of ones disabilities.

This memo simply touches the many activities currently under the direction of the Conservation Commission. We hope the Selectmen have questions with respect to our activities, allowing us an opportunity to elaborate on the many exciting conservation land projects and activites in Acton.

Sincerely,



Tom Tidman
Conservation Administrator

TT:ahm
369

6/9/92 (4)

SELECTMEN'S MEETING
MAY 12, 1992

The Board of Selectmen held their regular meeting on Tuesday, May 12, 1992, present were Norm Lake, Nancy Tavernier, Anne Fanton, William Mullin and Town Manager Don Johnson

CITIZENS' CONCERNS

None Expressed

PUBLIC HEARINGS AND APPOINTMENTS

THOMAS DEXTER - ABOVE GROUND STORAGE - LOT 26 KNOX TRAIL

The hearing was postponed at the request of the applicant to June 9, 1992.

WILLIAM WEEKS AND CAROL MACKEY

Mr. Weeks and Ms. Mackey asked the Board to accept the gift of their surplus campaign funds to be used by the Police Department for safety programs for the youth of Acton. They anticipate presenting the check at the Accreditation Hearing on June 1. The Board thanked them as urged others to consider this when they have surplus monies at the end of a campaign. NORM LAKE - Moved to accept the donation to be presented to the Town on June first. ANNE FANTON - Second. UNANIMOUS VOTE.

DEAN CHARTER
PRESENTATION OF AWARD

Dean presented the Board with the Growth Award that was given to the Town of Acton. He commended the departments involved with the maintenance and development of the Town's natural resources such as the Arboretum Friends and especially Highway for their innovative programs and assistance which help us attain these awards. Anne asked that the signs not be installed until a decision on signs in the public way can be reached by the Board of Selectmen based on the recommendations of the MPCC.

COMMITTEE INTERVIEW - BOARD OF HEALTH ASSOCIATE
ROLAND VAILLENCOURT

Mr. Vaillencourt felt that with his experience in the health field as well as food service he would be able to offer the Board a range of expertise. His main concerns are the health care of the elderly and the South Acton Septic system failure problem. The Board thanked Mr. Vaillencourt for his willingness to volunteer. NORM LAKE - Moved to appoint Mr. Vaillencourt to a one year term as an Associate Member of the Board of Health with term to expire 6/30/93. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted with Anne Fanton holding on item 7. and with the Additional item, a donation from the Concord Auto Auction of funds to be used for Police programs. NORM LAKE - Moved to accept. ANNE FANTON Second. UNANIMOUS VOTE.

Anne outlined her feelings regarding the request made by the Collision Center for a waiver from the Hazardous Waste Bylaw fee. Anne wanted to give them an opportunity to present their case by the next meeting. Nancy said the board has insisted that any bylaw recommended be self supporting and that this was so in the case of the Hazardous Waste Bylaw. She felt that we do not offer this option of waiver to other licenses, in fact the Board had previously denied the request for a reduction or late payment of a liquor license by an establishment claiming financial hardships. She felt that any waiver such as this would present a precedence. Anne felt that they should be given the chance to further state their case in writing. Nancy felt that they should have to come in person if it were to be considered at all. ANNE FANTON - Moved to delay a Board decision on the request until next meeting to give them the opportunity in writing to explain the hardship. BILL MULLIN - Second. 3-1. Nancy Tavernier - OPPOSED.

SELECTMEN'S CONCERNS

BOARD TASK ASSIGNMENTS- The Board discussed the various assignments given to the individual Board members with their anticipated due dates for completion. The list was revised with the anticipated dates and will be distributed at the next meeting.

LEGAL BILLS - Bill Mullin asked about the auditing of hours on the bills. Don will have a spot check audit performed and look into the telecopying fees that concern Bill.

LEGAL SERVICES - The Board briefly discussed Dore's draft policy and thought it looked good. After several comments it was decided to forward them to Dore' for his review and to discuss this when he was able to be present.

TOWN MANAGER'S CONCERNS

Don notified the Board that Arlington Street would be closing in the next day or so. The Board wanted to make sure Hayward was open before they closed Arlington.

North Acton Recreation Area - Don commented on the recent letter received regarding the project. He was very upset that they would suggest a cement pond. He is having Bruce Stamski

prepare a response to this letter. Bill wanted a time frame for this project. Anne felt that we should try to answer the concerns and use this as a constructive tool instead of being defensive. Don will have the response prepared by Bruce for the Board prior to the deadline date.

Chapter 90 Monies - Don announced we had received the 92 monies.

EDISON - The line trimming will be performed beginning next week. They expect to be in town until winter. The company is Lewis tree and any complaints or questions should be directed to Dean Charter.

South Acton Bridge - Don spoke with Laurinda Beddingfield today. She is aware of the bridge and following written comment she will make a call on our behalf. Apparently when the railroad got involved they shut the project down. She said she will check to see if it was being put out to consultants.

The Board adjourned at 9:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(242)

EXECUTIVE SESSION

APRIL 28, 1992

AUDUBON HILL - John updated the Board along with Roy Trafton of the Council on Aging. After several meetings it has been frustrating that the cost estimates can not be verified as they have not formal engineering or architects drawings. The latest cost given by Eric Smith is \$324,000 without a fire place, no storage under the bldg. and kitchen. Roy feels that if they give away more amenities they will just bring the costs up in another area. John feels they are not working with us in good faith. The Board again discussed the options available and it was agreed to draft a letter to the Smiths outlining what we planned to do and to have them counteroffer. The Chairman will review the letter prior to it being sent. Dore' suggested filing a Formal Declination and letting them know we are not going to spend the \$130,000 on that building.

HIGHWAY UNION - John reported that they had an informal handshake on a 5% deal. The board suggested they be commended for once again concluding negotiations so swiftly.

The Board adjourned out of Executive Session at 10:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(242)

MAY 8, 1992

TO: Board of Selectmen
FROM: NANCY TAVERNIER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA
ROOM 204
7:30 P.M.
May 12, 1992

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:30 ABOVE GROUND STORAGE APPLICATION - Lot 26 Knox Trail - Enclosed please find staff comments for Board Action.
2. 7:45 DEAN CHARTER - Arbor Day Presentation
3. 8:00 PETER VAILANCOURT - Interview for Associate Membership on the Board of Health term to expire 6/30/93.

III. CONSENT AGENDA

4. SELECTMEN'S MINUTES - Enclosed find Minutes of April 14, 1992 Regular and Executive Session for Board approval.
5. LION CLUB FAIR - Enclosed please find the annual application for the Lions Club Fair for Board approval.
6. WILLIAM MCINNIS - Board of Health Full-Member - Enclosed please find the recommendation of the VCC to move Mr. McInnis from Associate to Full Member as well as the endorsement by the Board of Health for Board approval.
7. Acton Collision Center - Enclosed find a request for waiver of Hazardous Materials Control Bylaws Fees along with staff recommendations that the request be denied by the Board of Selectmen.

IV. SELECTMEN'S CONCERNS

8. Board Assignments- Board members are to propose dates for presentations of task assignments.

V. TOWN MANAGER'S REPORT

9. North Acton Recreation Area - The Town Manager will brief the Board on the enclosed documents and planned follow-up.

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

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

IX. FUTURE AGENDAS

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

May 26, 1992

New England Telephone Pole
Oversight Recreation
Trash fee Discussion

June 9, 1992

Conservation Oversight

June 23

Board of Health Oversight

July 19

COA Oversight

6/9/92
5

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 5/20/92

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator *D. Abbt*
SUBJECT: Haartz Land Gift for the Charter Road Sidewalk

The letter dated May 7, 1992 from the Haartz Corporation is in my opinion an acceptable offer and should be approved by the Board of Selectmen.

The portion of the sidewalk along the Haartz property has just been completed, so all that remains is the transfer of the property it is on to Town ownership. The residential abutters have been granting easements for the sidewalk, but Haartz has elected to grant fee ownership of the land. This is actually a better situation for the Town which I will explain.

The Town can fulfill the two specific conditions Haartz has requested in the following manner:

- 1) The Town has no problem with this condition since in fact this is a Town funded project, designed and constructed by Town staff and maintained by Town forces.
- 2) The Town can fulfill this condition (the right to cross and re-cross the donated land, or in other words, construct a driveway) by simply laying out Charter Road in this area under Chapter 82 so that the donated land is part of the Town way. Abutting land owners have a right of access to public ways unless the road is a limited access highway (such as Route 2). Actually a future driveway at this location is a fairly unlikely possibility due to the extensive area of wetlands on the Haartz property abutting Charter Road.

I have discussed this course of action with Mike Callaghan at Palmer & Dodge and he agrees that this is the correct way to handle this situation. Mike pointed out that accepting ownership of the land and including it in the layout of Charter Road has the big additional benefit under MGL Ch.84 S.15 of limiting the Town's liability for accidents on the sidewalk to \$5000. This also helps to satisfy condition #1 since an abutting property owner is generally not responsible for accidents in a public way. Town sidewalks in easements or on publicly owned land other than public ways have a liability limit of \$100,000.

This is a good deal for the Town and the Selectmen should vote to accept the offer and authorize the Engineering Dept. to proceed with the plan, deed and layout documents.



MANUFACTURERS OF ENGINEERED COATED FABRICS

7 May, 1992

REVIEW DRAFT

Mr. Donald Johnson
Town Manager
Town of Acton
472 Main Street
Acton, MA 01720

Dear Don,

With respect to the new sidewalk along Charter Road, and as a result of conversations with members of the Town of Acton, I offer the following toward completion of the project to the mutual satisfaction of the Town of Acton and The Haartz Corporation (Haartz).

In making a transfer of property for the sidewalk right of way, there are two conditions that I want to make on behalf of Haartz:

- 1) that Haartz will bear no liability for any risks due to design, construction and maintenance of the sidewalk;
- 2) that Haartz will continue to have the same right to cross and recross the donated land that existed prior to the sidewalk construction.

Subject to the above two conditions, Haartz will, by deed, convey to the Town of Acton the strip of land comprising the sidewalk right of way along the easterly side of Charter Road.

I realize that the Town, by vote of the Board of Selectmen, will determine the acceptance of this offer. Also, for the sake of the Town's interest in this, I am duly authorized to make this offer on behalf of Haartz.

Sincerely,

THE HAARTZ CORPORATION

Eric R. Haartz, President

ERH/wp

INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

6/9/92
6

DATE: June 3, 1992

TO: Board of Selectmen

FROM: Nancy E. Tavernier

SUBJECT: Continuation of trash fee discussions - business trash

As I stated in my introduction to the trash fee discussion at the last meeting, John, Dick, and I are continuing to develop new ideas for the transfer station and will be bringing them to the Board as the recommendations are finalized.

BUSINESS TRASH

Since we are now opening up the transfer station to non-residents, it seems only fair to open it up fully to Acton businesses as long as they can meet the requirements. Dick Howe estimates that, currently, half of the businesses are using the transfer station through the private haulers that pick up their trash on a contract basis and deliver it to Acton. Many others, such as carpenters, roofers etc., are using the transfer station on an individual basis.

Commercial trash was originally excluded to better control the amount of trash received so that we would not exceed the NESWC contracted amount. The other reason, we would be able to better control the type of trash, restrict it to normal residential composition. We believe that we can now resolve both of these issues.

As you know, the tonnage issue is being handled through Dick's hard work in attracting outside haulers. We do not anticipate a huge influx of businesses thus preserving that delicate balance. We still hold the option of selling excess tonnage to other NESWC communities as well as hauling the excess ourselves to the cheaper spot market facilities.

The type of trash would be regulated the same way it is now: All refuse must be acceptable waste as determined by the Highway Superintendent. That would prohibit gas stations, for instance, from disposing of an excess number of tires, hazardous materials, mufflers, etc. They would be expected to adhere to the same

recycling mandate requirements that all of the residents do.
(e.g. no yard waste, car batteries this year; no cans and glass
next year, etc.)

RECOMMENDATION TO THE BOARD OF SELECTMEN

1. Acton businesses could purchase a "Business Sticker" for \$10.00 a year at the gate, with proof of business documentation.
2. They would then pay by the load at the same market rate based on volume (cu. yard) that is currently paid by private haulers as listed in the fee sheet. This is based on the assumption that they would generate more trash than a normal household and should, therefore, be charged according to volume.

Small trailers, small pickups	7.00/load
1/2 ton pickup	14.00/load
3/4-1 ton pickup	Market price/cu.yd.
Over 12,000 lbs	Market price/cu.yd.

3. This would be effective July 1, 1992

4. Notification would be through the Chamber of Commerce, newspaper publicity, and inclusion in the Yellow Pages advertising. We would welcome the Chamber's support to disseminate the information to all Acton businesses.

MISCELLANEOUS UPDATE

In the community solid waste survey, the information for Stow was incomplete as to the fees. Both Stow and Hudson use the same private landfill. Residents must buy a sticker for \$10 and then pay \$3.00 for each trip to the landfill.

Subsequent to the Board's approving the fee schedule, we were notified (see attachment) that there would be an eight dollar surcharge for units containing CFS's and/or HCF's (Refrigerants). Therefore we suggest that the charge for refrigerators and air conditioners be increased \$8.00 (AC units and refrigerators will increase from \$12 to \$20.

EFFECTIVE DATE FOR ALL NEW CHANGES

Unfortunately, we did not stress the fact that the new hours and new fees are effective as of July 1, 1992 even though it was on the printed material. There were some problems at the gate last week.

BROCKTON IRON & STEEL CO.

SCRAP IRON & METAL PROCESSORS

45 Freight Street • Brockton, Massachusetts 02402

Phone (508) 586-4640

May 29, 1992

Town/City of Acton
Highway Superintendent 14 Forest Rd.
Acton, Ma. 01720

Dear Dick Howe:

RE: CLEAN AIR ACTS

This is to address compliance with Title VI of the Clean Air Acts, Amendments of 1990 requiring the proper handling and disposal of household appliances that contain a refrigerant. After July 1st 1992, certain household appliances that contain a refrigerant must be handled in such a manner that prevents any leakage. We suggest these items be set aside so that damage does not occur to the unit.

"The regulations require that CFC's and HCFC's (refrigerant) shall be removed from each such appliance, machine or other good prior to the disposal of such items or their delivery for recycling."

Therefore, we have provided with "Environmental Chem-Test Corp. 590 South St. East, Raynham, Ma. 02767 phone 508-824-3014. They can be contacted for this removal at a cost of \$8.00 per unit and/or you may call this office for more information regarding this compliance. The charge for this recover of refrigerants is \$8.00 per unit and I have enclosed a copy of their insurance certificate, a letter from them, and additional information.

Sincerely,
Christine A. Shepard
Christine A. Shepard
Office Manager

CAS/ek
Enclosures

EFFECTIVE JULY 1, 1992
HOURS OF TRANSFER STATION & RECYCLING CENTER

SUNDAY	CLOSED
MONDAY	CLOSED
TUESDAY	8:00 - 3:00
WEDNESDAY	8:00 - 3:00
THURSDAY	8:00 - 3:00
FRIDAY	7:00 - 3:00
SATURDAY	7:00 - 4:30

STICKER FEES - NORMAL TRASH GENERATED BY EVERYDAY USAGE

<u>STICKERS</u>	<u>PRICE</u>
First Sticker	\$85.00
Second Sticker	\$20.00
Senior Citizen Sticker (65 Years of age or older - 1927)	\$25.00
Replacement Sticker	\$5.00
Out of Town Sticker	\$235.00
Recycling Only Sticker	\$20.00
Out of Town Recycling Only Sticker	\$30.00
Business Sticker	\$10.00 + Market Rate/Volume

MAY 1, 1993 - STICKERS PRO-RATED TO HALF PRICE

COUPON FEES - ATTIC, CELLAR, GARAGE, BARN & YARD CLEANING
RENOVATION & CONSTRUCTION DEBRIS

<u>GROSS VEHICLE WEIGHT LIMITS</u>	<u>PRICE</u>
Non-Resident/Resident - No Sticker - Per Trip (Passenger Vehicle)	\$10.00/Trip
Under 5,499 lbs. (Small trailers & small pickups)	\$7.00/Load
5,500 - 7,499 lbs. (1/2 ton pickup)	\$14.00/Load
7,500 - 11,999 lbs. (3/4 - 1 ton pickup)	MARKET PRICE/Cu. Yd.
Over 12,000 lbs. (Packers)	MARKET PRICE/Cu. Yd.
ALL OTHER TRAILERS BY VOLUME	MARKET PRICE/Cu. Yd.

APPLIANCES, FURNITURE, FIXTURES, ETC.

Small Items	\$3.00
Large Items	\$12.00

Small Items Include: Lawn mowers, snow blowers, tires, batteries, small sinks
toilets, vanities, etc.

Large Items Include: Refrigerators, stoves, dishwashers, dryers, water heaters,
furnaces, T.V.'s, boxspring/mattresses, sofas, dressers,
day beds, chairs, recliners, air conditioners, desks, cast
iron sinks, washers, bathtubs, etc.

NOTICE: ALL REFUSE MUST BE ACCEPTABLE WASTE AS DETERMINED BY THE HWY. SUPT.

June 2, 1992

#1

6/9/92

7

TO: Board of Selectmen
FROM: Anne Fanton
SUBJECT: Signs in Public Ways (My Recommendations)

For the board's discussion of this issue on June 9, you should have in your packet, in addition to this memo, another memo from me summarizing the Master Plan Coordinating Committee's recommendations and a memo from Garry Rhodes with his comments.

Since you will be asked to make some choices, your discussion on June 9 probably should lead to decisions as to a policy on signs in public ways. Then staff would draft a policy, based on our decisions, for approval at a future meeting. One reason for this approach is that the Chamber of Commerce, working with the Lion's Club and the Rotary, has asked to present a request for permanent signs at the major entrances to town. We can consider their request on June 9 (if they are present) in the context of our overall discussion.

My recommendations (based on the MPCC's and Garry's recommendations) are as follows:

Temporary Signs (Eg. fairs, antique shows, car washes)

OPTION 2: The more laissez-faire approach, without licensing, as has existed in the past, because of the extreme difficulty of regulation. The entire MPCC felt this policy toward community organizations should be acceptable, even to (most) businessowners. As Garry suggests, the policy should make clear that temporary signs may be used only for community events (not business advertising), that the town reserves the right to remove any and all signs without notice to the owner, and that no sign should be attached to trees without approval of the tree warden.

QUESTION: Do we want to approve every temporary sign, as Garry suggests? Is this realistic?

Permanent Signs (Eg. Episcopal Church sign on Newtown at their entrance and at corner of Main St.; "Welcome" signs by Chamber, etc. at entrances to town.)

The MPCC was inclined toward prohibition of permanent signs in public ways. I am open to a proposal by the Chamber for a single welcome sign, unless the board feels that one exception would lead to more requests.

Governmental, Temporary Signs (Eg. Town Meeting, taxes due, dog licenses)

The MPCC felt that the town should serve as a model to others in posting such signs, by limiting the number and duration. One suggestion was to create a permanent, attractive sign holder in front of Town Hall or the Library. It's too bad the existing kiosk cannot be used.

Anne

#2

June 2, 1992

TO: Board of Selectmen
FROM: Anne Fanton *AG*
SUBJECT: Signs in Public Ways (MPCC Recommendations)

NOTE: This memo is my summary of the Master Plan Coordinating Committee's (MPCC) discussion of signs in public ways. It has not been reviewed by the MPCC since we will not meet again until June 30, however, I checked with Mark Allan, who took minutes for the meeting, and he agrees with my summary of the discussion.

The MPCC discussion of signs in public ways and signs for community organizations, churches and the Town itself was held on April 29, 1992.

It was decided to divide these issues into two parts:

- A.) Temporary Signs (e.g. for organizational events such as fairs and ~~community organizations~~ car washes; church antique shows; Town "Meetings"; tax due announcements.)
- 1.) MPCC agreed we should not try to distinguish between the public and private way for temporary signs because that was too difficult to do (often requiring surveying, measuring, etc.).
 - 2.) MPCC recommends that Selectmen choose one of two options for rules and regulations on temporary signs:
 - OPTION (1) Signs may be put in a public way under certain conditions (e.g. maximum 30 days, size constraints, etc. - use special event sign regulations as a guide). The owner is responsible for removing them by the end of this time but the Selectmen always have the right to have the sign removed by Municipal Properties.
 - OPTION (2) More laissez-faire approach for community organizations, churches and the Town, all of which have the right to put up signs in public ways (no specific conditions). Town reserves the right to remove a temporary sign for any reason (e.g. obstructing site lines, up too long).
- B.) Permanent Signs (e.g. Episcopal Church sign on Newtown Road, both at church entrance and at the corner of Main; Chamber of Commerce or Rotary "welcome" signs at entrances to Town, like Rte. 2A.)
- 1.) If it is legally (constitutionally) possible, the MPCC recommends treating churches the same as businesses for permanent signs. While existing signs might be "grandfathered", we did not see a reason to allow churches or organizations a permanent sign "on the common" or

to give them any special rules or allowances for permanent signs in the public way.

- 2.) Regarding permanent signs at the entrances to Town, the MPCC preferred to prohibit them because of the potential for multiple organizations to put them up leading to clutter. Bill Lawrence asked the MPCC to allow the Chamber to give a recommendation to the Selectmen (agreed). If the BOS should say "yes", MPCC recommends there be a single panel with room for more, paid for by the organization that goes first.

A final recommendation was that the Town serve as an example to others in their use of temporary signs. There were three separate signs in front of the Town Hall/Library on April 29, 1992 (taxes due; hazardous collection; Garden Club). This is too many and they are too frequent. Town must limit/restrain itself if it asks others to. Alternative idea is to build a permanent, attractive frame with moveable notices.

***VERY IMPORTANT - Any rules and regulations for temporary signs DO NOT release businesses from portions of the current bylaw!**

#3

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: May 19, 1992

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner
SUBJECT: Signs within a Public Way or Affixed to Public Property
as Regulated by Acton Zoning Bylaw, Section 7.3.3

The Zoning Bylaw allows for the Board of Selectmen to set policy and establish regulations for signs located within a public way. Section 7.5.6 also regulates governmental signs located in a public way and any further regulations established pursuant to Section 7.3.3 for governmental signs may create a conflict with Section 7.5.6. Therefore, I will limit this memo only to non-governmental signs. This is not to say that the Board could not establish a policy for governmental signs.

For the sake of discussion, I will divide these signs into two sections, permanent and temporary signs. When it comes to permanent signs the Board needs to decide:

1. Do you want any signs within the public way? I have conferred with Town Counsel who is of the opinion that the Board has the right to order the removal of all permanent signs. The signs do not have any "grandfather" rights. If it is decided that signs should not be allowed, then all signs should be treated equally.
2. If it is decided that permanent signs should be allowed, then the size, number and location will need to be addressed. The Board may wish to limit the location to only a few areas of Town. The Board may also wish to require a license for these signs.

Temporary signs create a somewhat different problem. The signs could be prohibited. This position would create a lot of problems. Community organizations could not as easily have their events noted by the general public. Yard sales, lost pets, and fairs rely on this type of signage to publish their event.

If it is decided that these signs are necessary, the following questions need to be answered; size, number of locations, time frame and who may display. One approach is to have a laissez-faire attitude and allow the signs as long as they do not create a problem, rather than trying to control the size, number, location, and limiting the time of display to 30 days.

The following may be possible guidelines to consider:

1. With both permanent and temporary signs the use of the sign should not be for business advertising - only community events.

2. The Board should reserve the right to remove any and all signs without notice to the owner.
3. Temporary signs should not be licensed as this would be a full-time job and hard to apply due to their temporary nature.
4. Any signs over a public way should have the written approval of the Board of Selectmen.
5. If a sign owner leaves the sign displayed after the event, the Board reserves the right to remove the sign and any future signage may be limited.
6. No sign should be attached to any tree without approval of the tree warden as per MGL Ch. 87 Sec. 9.

Either Municipal Properties or the Highway Dept. or both should be instructed to remove any sign displayed after the event and notify the Board of such actions.

(585)



June 5, 1992

Honorable Board of Selectmen
Town Hall
Acton, MA 01720

Honorable Board Members:

At the request of the Master Plan Coordinating Committee, The Acton Chamber of Commerce polled the Lions and Rotary Clubs pertaining to signs in a public way, section 7.3.3 of the Sign By-Law.

In response to this issue all three organizations agree that the option should remain open to erect signs at the major entrances to the town of Acton (i.e. Routes 2, 2A, 62, 111 and 27). This strategic placement announces the presence of these proactive community organizations to visitors and residents. Moreover, it allows for the promotion of site locations.

We agree that regulations must be in place to monitor this situation including criteria for size, placement and eligibility and would welcome the opportunity to work with the Board of Selectmen and appropriate town departments to develop regulations. Eligibility criteria may also include organizations categorized as nationally recognized, not-for-profit, business-oriented organizations and service clubs verses primarily social organizations.

Furthermore, in a memorandum from Town Planner, Roland Bartl dated March 24, 1992, we agree with Mr. Bartl's suggestion that "The goal should be to ensure ample room for community information exchange without allowing too much clutter, and to be fair to all organizations and events." Again, the Chamber would be willing to investigate the feasibility of obtaining and erecting more community bulletin boards with the appropriate town boards and departments.

As an aside, we feel it necessary to obtain proper criteria from the Commonwealth for signs erected on state owned public ways as well. To ensure we are in compliance with all laws of the State of Massachusetts.

Thank you for your time and consideration.

Sincerely,



William A. Lawrence
Public Affairs Chairman



Christopher J. Devaney
Executive Director

As of 5-25-92

6/9/92

8

?

Reappointments for 6-30-92 Acton Town Committee

Board of Selectmen

Acton/Boxboro Arts Council - none

Board of Appeals - none

Board of Assessors - none

Cemetery Commission

Walter George - ~~3~~ 3 yr. to 6-30-95

Conservation Commission

Andrew Sheehan -	3 yrs.	to 6-30-95
Ann Shubert -	3 years	to 6-30-95
Linda McElroy - Assoc.	1 yr.	to 6-30-93
Charles Carlson - Assoc.	1 yr.	to 6-30-93

on information
with Council
which does not
list as advised
of recent
resignation.

Andrew S. will
rechair person
ext year. Will
have served
6 yrs. in 6-93.

Council On Aging

Dorothy Chautin, Warren Donovan, Marcia Epstein
Peggy Erlanger, Constance Krea, Ruth Rice, Roy Trafton
and Juliana Kennedy each 1 yr. to 6-30-93

Fair Housing - none

Hanscom Field Advisory Committee

Frank Mac Intire - Alt. to 6-30-94

Board of Health

Jonathan Bosworth -	3 yrs.	to 6-30-95
Edward Calamai - Assoc.	1 yr.	to 6-30-93
Ira Grossman - Assoc.	1 yr.	to 6-30-93

Historical Commission

Lawrence Story -	3 yrs.	to 6-30-95
Robert Rhodes - Assoc.	1 yr.	to 6-30-93

Lawrence S. has
needed expertise
in maps + topography
he has served
more than 6 yrs.

Historic District Commission

Michaela Moran -	3 yrs.	to 6-30-95
Wesley Mowry -	3 yrs.	to 6-30-95

Metropolitan Area Planning Council - none

Minuteman Home Care - none

Reappointments 6-30-92 Continued

B.O. selectmen

Planning Board - none

Jean S. is an enthusiastic chairperson will have served 6 yrs. in 6-93.

Prison Advisory Committee

Jean Schoch

3 yrs. to

6-30-95

Recreation Commission

Caroline Tohline

3 yrs. to

6-30-95

South Acton Revitalization Committee - none

Volunteer Coordinating Committee

Charles Kadlec

3 yrs. to

6-30-95

Jean Lane

3 yrs. to

6-30-95

Ad hoc Ft. Devens Reuse / 2nd Airport Task Force - new + in process

Town Manager

Audit Monitoring - inactive

Commission On Disability

Connie Ingram

1 yr. to

6-30-93

Investment Advisory Committee -

(on hold)

Public Ceremonies and Celebrations

?

Town Report Committee - none

Town Moderator

Finance Committee (for information only)

Charles Olmstead, Joseph Peters + Sandy Sanford terms up

Minuteman Vocational School Committee - none

Richmond M. does not respond to our requests for information either via phone or mail. He has served + been the person more than 6 years.

6/9/92 - 8.A.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 5, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: MIFA/Liquid Metronics

The enclosed request from MIFA seeks comment from the Board regarding a project that has been around for some time. The Site Plan for this project was approved by the Selectmen several years ago and lapsed on December 12, 1991. Likewise, the Subdivision protection for the property lapsed on the same date. There are substantial questions as to any rights that may or may not still exist under either of these processes.

Zoning changes that have taken place since the Subdivision Approval, if applied to the property, would apparently have a severe impact on the project. Ambiguities in the State Law seem to make this a much more complicated issue than one would like it to be. The questions have just come to us and we are currently pursuing them with Town Counsel.

Staff is unable to offer any concrete advice to the Board at this time. Certainly, we are not prepared to make meaningful comment in the context of the MIFA request.

I will discuss this as thoroughly as the Board may desire on Tuesday.

M I F A

Massachusetts Industrial Finance Agency

Certified

75 Federal Street

Boston, Massachusetts 02110

617-451-2477

May 28, 1992

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

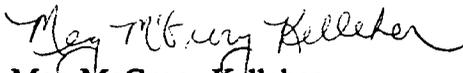
Dear Board of Selectmen:

The Massachusetts Industrial Finance Agency has given approval to a tax-exempt revenue bond project to be financed on behalf of the Sunstrand Corporation to be located at 8 and 10 Post Office Square in Acton by a bond to be issued pursuant to Chapter 23A and 40D of the General Laws. A summary of the project is attached for your information.

Section 12(2) of chapter 40D requires that "the MIFA board shall consult with the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing state, local or regional comprehensive plan." Prior to the issuance of the initial bonds, in 1983, you were notified by this Agency of this particular project.

The purpose of this letter is to notify you of the refinancing of the project and to request that if the proposed project conflicts with an existing local or regional comprehensive plan, you so advise us. If you would like further information on the project, or if you would like the Board to consider any comments you may have prior to our considering Final Approval on the application, please give me a call.

Sincerely,


Meg McGrory Kelleher
Director of Finance

Enclosure: Summary

cc: Chapman and Cutler
111 West Monroe Street
Chicago, IL 60603
Attn: William A. Callison, Esq.

MMK/ssc

M I F A

Massachusetts Industrial Finance Agency

75 Federal Street

Boston, Massachusetts 02110

617-451-1177

Meeting Date: 5/7/92

PROGRAM:	Tax-Exempt
BOARD VOTE:	Final Approval
CLASSIFICATION:	Industrial Enterprise/Manufacturing
PUBLIC HEARING DATE:	Scheduled for 5/18/92
STAFF PERSON:	B. H. Sullivan
STAFF RECOMMENDATION:	Approval

SUNSTRAND CORPORATION

NATURE OF REQUEST:

To assist the applicant in financing an industrial project, approval of the proposed project for a MIFA Tax-Exempt Industrial Development Bond issue is requested.

Borrower:

Sunstrand Corporation
4949 Harrison Avenue
Rockford, IL 61125

User(s):

Liquid Metronics, Inc.
19 Craig Road
Acton, MA 01720

PROJECT LOCATION:

8 and 10 Post Office Square
Acton, MA 01720

PROJECT:

Proposed is the purchase of two adjoining lots in Acton: 4.1 acres of land with an existing 38,100 sq. ft. building and 6.5 acres of land. The Company plans to renovate the existing building and construct a 31,900 sq. ft. addition and construct a new 25,200 sq. ft. building. The purchase of equipment is also planned.

Liquid Metronics, Inc. plans to consolidate operations from two leased locations in Acton into the new buildings.

MIFA issued a \$4.71 million bond for Liquid Metronics, Inc. in September, 1990 for this project. Subsequent to the issuance of the bonds, environmental problems were identified on the property and the bonds were redeemed. The

M I F A

Massachusetts Industrial Finance Agency

75 Federal Street

Company has been indemnified by the owner for the cost of any necessary cleanup which will allow them to purchase the property and complete the original project.

GUIDELINE ISSUES:

None.

PROJECT COST:

Land (6.5 acres)	\$425,000
Land and Existing Building (4.1 acres and 38,100 sq. ft.)	2,550,000
New Construction (25,200 sq. ft.)	1,200,000
Addition (31,900 sq. ft.)	1,800,000
Renovations (38,100 sq. ft.)	335,000
Equipment (2 injection molders, telephone system, furniture and fixtures)	250,000
Fees and Expenses	<u>140,000</u>
Total Project Cost:	\$6,700,000

BOND AMOUNT:

\$6,700,000

EMPLOYMENT:

Current employment in Acton:	120
Retained employment to be transferred to new site:	120

COMPANY:

Liquid Metronics, Inc. (LMI) is a wholly owned subsidiary of Milton Roy Company, which is a wholly owned subsidiary of Sunstrand Corporation. LMI designs, manufactures and sells electric metering pumps principally used for chemicals in the water conditioning market worldwide. Manufacturing procedures include mechanical and electrical assembly, secondary machining operations and injection molding of plastic parts.

Sunstrand Corporation is a publicly held company traded on the Midwest, New York and Pacific Stock Exchanges as SNS. Sunstrand Corporation designs, manufactures and sells a variety of proprietary, high technology components and subsystems for aerospace and industrial markets.

SIC CODE:

3561

M I F A

Massachusetts Industrial Finance Agency

75 Federal Street
Boston, Massachusetts 02110

PRINCIPALS:

Sunstrand Corporation

617-431-2477
Harry C. Stonecipher, Chairman, CEO
Paul Donovan, EVP and CFO
Richard Schilling, VP and Secretary
James F. Ricketts, VP and Treasurer

Liquid Metronics, Inc.

Raymond Jewett, President
Douglas Bingler, Vice President
Barbara Finn, Vice President of Finance

**PROJECT CONTACT
& TELEPHONE #:**

Peter Hill, Treasury Analyst
Sunstrand Corporation
4949 Harrison Avenue
Rockford, IL 61125
815-226-6108

BORROWER'S COUNSEL:

Pamela Lisk, Esq.
Sunstrand Corporation
4949 Harrison Avenue
Rockford, IL 61125
815-226-6448

REVIEW COUNSEL:

Gadsby & Hannah
125 Summer Street
Boston, MA 02110
Attn: Peter S. Johnson, Esq.
617-345-7052

MIFA INSURANCE:

No

MIFA ACTION:

Make the statutory findings and approve the resolution authorizing Final Approval for a MIFA Tax-Exempt Industrial Development Bond.

6/9/92 - 8.B.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 5, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Historical Papers Donation

Ms. Joyce Robbins has recently made a significant donation of historical papers to the Acton Historical Society. Betsy Conant has contacted me to express the elation of the Society and to ask if the Board of Selectmen would send a letter of thanks from the Town.

Betsy has provided an inventory of the materials to give us an idea of the historic value of this gift. She has also provided a draft letter for your consideration.



JOYCE ROBBINS
122 East 71st Street
New York, NY 10021

INVENTORY OF HISTORICAL PAPERS
CAPTAIN JOSEPH ROBBINS
EAST ACTON, MASSACUSETTS

1. 1 Lottery Ticket, dated August, 1760; signed Joseph Curtis.
2. 1 paper [2 pieces], dated 09/18/1783, appointing Captain Joseph Robbins as juror; signed Samuel Parkin, Constable Acton.
3. 1 paper, dated 12/04/1776, House of Representatives of Massachusetts, Conscription Order and Resolution to Borrow 100,000 pounds @ 6% payable 07/20/1778.
4. Letter of protest to Captain John Flint, Esq., Clerk of the Proprietors of Concord Village, dated 02/10/1729-30; signed Samuel Jones, Moderator.
5. 1 paper, dated 08/21/1785, Appointment by James Bowdoin of the Commonwealth of Massachusetts of Joseph Robbins to Captain [personally signed by James Bowdoin]; also signed by Samuel Lampson, Colonel.
6. 1 paper from Acton, dated 9/29/1774, with a list of individuals enlisting to serve under Captain Joseph Robbins.
7. Tax Assessment on males above 15 years, Boston 07/14/1796; signed Thomas Davis, Treasurer.
8. Last Will and Testament of John Robbins [son of Captain Joseph Robbins], dated 05/19/1831.
9. Letter to Ensign Joseph Robbins [to hear complaints against him at tavern in Concord], dated 02/1/73, signed Elisha Jones, Acton.
10. Administrator's Account, dated 12/1/1807; John Robbins as Administrator, Estate of Peter Baker [of Acton].
11. Commonwealth of Massachusetts, Appointment of John Robbins, of Acton, as Justice of the Peace; signed John P. Bigelow, Secretary of the Commonwealth [and possibly by Edward Everett, Governor]; dated 8/31/1836.

INVENTORY OF HISTORICAL PAPERS
CAPTAIN JOSEPH ROBBINS, CONT'D.
Page 2.

12. Honorable Discharge of Captain John Robbins from the Militia of the Commonwealth of Massachusetts; signed William Morrison and John Robbins; dated 08/21/1803.
13. Appointment by Probate-Office of three yeomen [John Edwards, Jonas Brooks and James Billings] to take inventory of estate of Joseph Robbins; signed Oliver Prescott Jones; dated 05/14/1800.
14. Commonwealth of Massachusetts, Appointment of John Robbins as Ensign of a company in the 3rd Regiment, Foot Brigade; signed John Avery, Secretary, on behalf of Samuel Adams, Governor; dated 05/17/1796.
15. Laws Revised 16th year of the Reign of George the Third, King 1776 Pp. 25-58.
16. Pages 37-210 [with omissions] "Resolves"; November 1780 - May 1781

[Item Nos. 15 and 16 together in same wrapper.]
17. Letter [4 pieces], dated 02/10/1780, from Council Chamber of the State of Massachusetts Bay: Permission to reside and work in Town of Acton subject to good behavior ["is a true copy"].
18. Boston, dated 08/31/79, Call to carry out resolutions, to unite and contribute resources; letter "to the gentlemen who represented the County Towns in the late Convention at Concord".
19. Commonwealth of Massachusetts, Appointment of John Robbins to Captain; signed by John Avery, Secretary; dated 12/09/1799.
20. Last Will and Testament of Peter Barker, dated 10/16/1805. Decree Approving Last Will and Testament, signed James Prescott, Probate Judge, dated 02/04/1806; Appointment of John Robbins as Administrator.
21. List of names of militia serving as of 05/15/1775 and the year 1776.
22. War Scrip
German bill, 130-080-350, 2 Marks, dated 1911.
50 Centavos, Banco de Santa Eulalia, Chihuahua, 1875, No. 31131.
1 Peso note, Banco de Santa Eulalia, Chihuahua, 1875, No. 17117.
1 Peso, Banco Mejicano, Chihuahua, 1878, No. 53059.
Confederate \$5 bill, Richmond [# uncertain].
Confederate \$20 bill, dated 02/17/1864, No. 69360.

INVENTORY OF HISTORICAL PAPERS
CAPTAIN JOSEPH ROBBINS, CONT'D.
Page 3.

23. Call to Arms to Mr. Nathan Brooks, Acton, dated 04/20/1795.
24. Handwritten call for a meeting to John Flint, Proprietors Clerk of Concord Villages and Towns New Grant [now Acton], to consider 7 articles relating to divisions of land and sales of land in Acton; hand signed [11 proprietors]; dated 03/15/1744.
25. Deed from David Barnard to Amos Noyes and John Harris [property in Acton]; dated 05/01/1813; signature acknowledged by John Robbins, Justice of Peace.
26. Boston, Appointment of John Robbins as Justice of Peace; dated 01/26/1802.
27. Historical Map of Acton, computed and drawn by Horace F. Tuttle MDCCCXC [1890]: "Occupants of the Old Homesteads", from the years 1635-1871.
28. Province of the Massachusetts Bay, Tax Warrant to Joseph Robbins, Constable and Collector of the Town of Acton, issued by Harrison Gray, Treasurer and Receiver - general for his Majesty said Province; dated 11/02/1753.
29. Declaration of "Minute Men" to serve under Joseph Robbins as their captain. Undated, by Lists subscribers.
30. Handwritten Inventory of the Estate of Joseph Robbins, and miscellaneous papers.
31. Scrip
 - 2 U. S. Bills for \$.25, "Fractional Currency", March 1863.
 - 1 U. S. Bill for \$.50, "Fractional Currency".
 - 3 U. S. Bill for \$.10, "Fractional Currency", March 5, 1863.
 - 1 U. S. Bill for \$.10, "Fractional Currency", Series of 1874.
 - 25 Centavos, Banco Mejicano, Chihuahua, 1878, No. 16488.
 - Cashier of the Bank of Concord, \$. 05, dated 12/01/1862, No. 490 [to enable the Lyceum to make change; personally signed of the Concord Lyceum].
 - 1 Stamp, 5 Pfennigs, Deutsche Reichs Post [No date].
32. Small pamphlet [handwritten], Concord Village Accounts, 1730.
32. a *Large book, no. 22, no. 22, no. 22, hand written Concord Village*
33. Saw Mill Book, dated 11/09/1796. *Proprietors number 1730*
34. An Address of the Convention for Forming a New Constitution of Government for the State of Massachusetts Bay to their constituents; dated 1780.
35. Book on World History, probably belonged to John Robbins; with signatures of his family on covers.

Ms. Joyce Robbins
122 East 71st Street
New York, New York 10071

Dear Ms. Robbins,

TheTown ofActon wishes to express its gratitude to you for donating to our Historical Society important records of our earliest years. Acton has changed greatly from its days as Concord Village but today's Acton is based on those early years. Our current Master Plan and our new Village Historical districts show that Acton today has a strong interest in and apprediation of its past. Your gift has benefitted us all.

6/9/92 - 8.C.

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108Martha M. Walz
(617) 573-0163Telephone: (617) 573-0100
Facsimile: (617) 227-4420

May 28, 1992

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

cc: BOS -
I PLAN TO PLACE THIS SUBJECT
UNDER THE TOWN MANAGER'S REPORT
FOR JUNE 9.



Dear Garry:

You have asked me to summarize the information recently provided by Margaret Lynch, the Department of Public Utilities Hearing Officer who has responsibility for the petition filed by the Town of Acton, and to set forth the possible actions which Acton can now take.

I called Margaret to follow up on certain statements made in the April 8, 1992 letter from the Chairman of the Public Utilities Commission, Robert Yardley. She informed me that the Operating Rules of the Association of American Railroads, which Chairman Yardley referred to in his letter, are kept in the engineer's cab of every train, and that she does not have a copy. It is her understanding that the Operating Rules are uniform rules followed by railroads across the nation. The rules do not, to her knowledge and mine, have the force of law since they are issued by a private association.

Margaret further informed me that the Federal Railroad Administration takes the position that it can order whistle blowing at every grade crossing in the United States. Although federal law does not explicitly permit the FRA to do this, the FRA takes the view that the authority to do so flows from its authority to regulate railroad safety in general. The FRA has informed Margaret that it has not ordered such whistle blowing because most states already require whistle blowing under state law.

Margaret explained that the whistle ban in Florida was the result of a state law which permitted but did not require municipalities to adopt their own whistle ban. After bans were widely implemented, the FRA conducted the now infamous "Florida Study." That study provided a rationale for the FRA to order whistle blowing at all grade crossings in Florida, notwithstanding the state law which permitted whistle bans. The federal government was

Garry Rhodes

-2-

May 28, 1992

able to order this because it can preempt state law in this area. What happen in Florida is important because the FRA could order, at any time, that whistles must be sounded at all grade crossings in Massachusetts, without regard to what the Department of Public Utilities has ordered in the past and without regard to any state statute.

The FRA has also informed Margaret that it has begun a study of grade crossings in all 50 states and has also begun a study of how to increase safety features at grade crossings to make it harder for a motorist to be in the crossing when a train approaches. She did not know when these studies would be completed or whether they would provide a rationale for the federal government to order whistle blowing at all grade crossings.

Margaret raised an interesting question with regard to Acton's filing a home rule petition. We have believed that any legislation dealing only with the Acton crossings would need to be in the form of a home rule petition. Margaret suggested, however, that because residents of other towns drive in Acton, any legislation which bans whistle blowing at the Acton crossings has an impact on residents of other towns. If she is correct, a home rule petition may not be appropriate.

Finally, Margaret and I discussed how the railroads might react if legislation banning whistle blowing in Acton is enacted. She noted that when a ban on whistle blowing was passed in Oregon, a railroad company sued the public safety commission on the grounds that it was permitting an unsafe practice. In the end, the Oregon public safety commission reinstated whistle blowing. The railroads could take a similar approach here if Acton's proposed legislation passes. On the other hand, the railroads have not acted in the past when the Department of Public Utilities ordered a cessation of whistle blowing, so predicting what the railroads will do is difficult.

Acton has several options at this stage. It can proceed with the legislation as currently proposed. Alternatively, the Town can seek an opinion by House Counsel on the appropriate form of legislation which deals only with the crossings in Acton. Based on that opinion, the Town can ask House Counsel to draft the legislation in the appropriate form. This has the advantage of saving the Town legal fees. Finally, the Town can choose to do nothing.

Given Representative Caron's lack of support for the current bill, proceeding with it in the Public Safety Committee is not likely to be successful. It is my impression that doing nothing at this stage is not an outcome which the Town's residents will find acceptable. I recommend that the Town seek an opinion of House Counsel on the appropriate form of legislation which deals only with the crossings in Acton and have House Counsel draft such legislation. If the legislation passes, there is always the risk that the railroads will seek an injunction preventing its enforcement or that the FRA will issue an order mandating whistle blowing. These risks cannot be eliminated, and existed even when the Town was pursuing

Carry Rhodes

-3-

May 28, 1992

the petition under c. 160 with the Department of Public Utilities or when the Town first introduced its bill.

After you have reviewed this letter, please give me a call if you have any questions.

Sincerely,



Martha M. Walz

cc: Acheson H. Callaghan

6/9/92

9

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 5, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Concord Cooperative Bank vs. Conservation Commission

There are some important issues and decisions regarding this law suit that require the Selectmen's consideration and input. I have spoken with Town Counsel and Selectman Hunter and we all agree that a joint meeting of the Selectmen, the Conservation Commission and Town Counsel is needed. The Conservation Commission is scheduled for an Oversight Meeting next week so I have invited Town Counsel to join us for an Executive Session for at least part of the meeting.

I have included a copy of the suit to refresh/inform you.

cc: Conservation Commission
Tom Tidman, Conservation Administrator



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: December 3, 1991

TO: Board of Selectmen
Don Johnson
John Murray
Building Dept., Garry Rhodes
Health Dept., Doug Halley
Planning Dept., Roland Bartl
Engineering Dept., David Abbt
Police Dept., George Robinson
Fire Dept., Robert Craig
Conservation Dept., Tom Tidman
Municipal Properties, Dean Charter

FROM: Connie Huber *CH*

SUBJECT: Civil Action: Co-operative Bank of Boston
Vs Acton Conservation Commission

Don Johnson wants each of you to be aware of the attached civil action case being taken against the Town.

D'AGOSTINE, LEVINE & GORDON, P.C.

ATTORNEYS AT LAW

208 MAIN STREET

ACTON, MASSACHUSETTS 01720-2223

508-263-7777

FAX 508-264-4868

BOSTON OFFICE
ONE BOSTON PLACE

CABLE "DALYN"

JULIAN J. D'AGOSTINE
LOUIS N. LEVINE
STANLEY L. GORDON
F. ALEX PARRA
CATHY S. NETBURN
JOHN M. DOMBROWSKI

November 26, 1991

HAND DELIVERED

RECEIVED

DEC 2 1991

ACTON CONSERVATION COMMISSION

Civil Clerk's Office
Superior Court Department
of the Trial Court
Middlesex County Division
Courtroom 10A
40 Thorndike Street
East Cambridge, Massachusetts 02141

RE: The Co-Operative Bank of Concord vs. Andrew Sheehan, Ann Shubert, Charlotte Timlege, John Chalmers, Peter Shanahan, William Hill and Morene Bodner, As they Are the Members of and Constitute the Conservation Commission of the Town of Acton, Middlesex County, Massachusetts - Civil Action No.

Dear Sir/Madam:

In connection with the above-entitled matter, enclosed please find for filing the following:

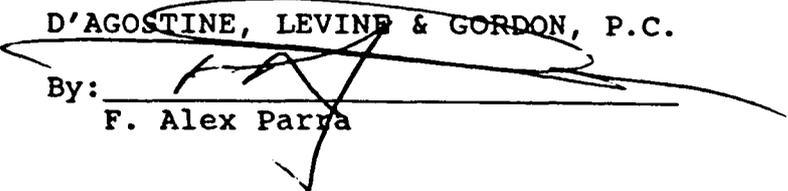
1. Complaint;
2. Civil Action Cover Sheet; and
3. This firm's check in the amount of \$117.00 to cover the cost of filing the same and seven (7) summonses;

Kindly file the enclosed and stamp the enclosed green index card with the docket number assign thereto and return to this office, together with the summonses with our messenger.

Thanking you for your anticipated cooperation in this matter, I remain

Very truly yours,

D'AGOSTINE, LEVINE & GORDON, P.C.

By: 
F. Alex Parra

FAP/as
j/filingletter.ii
Enclosure

cc: Acheson H. Callahan, Jr., Town Counsel
Acton Conservation Commission
The Co-Operative Bank of Concord

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.

THE CO-OPERATIVE BANK)
OF CONCORD)
Plaintiff)

VS.)

COMPLAINT

ANDREW SHEEHAN, ANN SHUBERT,)
CHARLOTTE TIMLEGE, JOHN)
CHALMERS, PETER SHANAHAN,)
WILLIAM HILL AND MORENE BODNER)
As They Are the Members of and)
Constitute the Conservation)
Commission of the Town of)
Acton, Middlesex County,)
Massachusetts,)
Defendants)

COUNT I

The Plaintiff, The Co-Operative Bank of Concord, having been substantially aggrieved by a decision issued October 2, 1991, by the Conservation Commission of the Town of Acton, Middlesex County, Massachusetts, purportedly sitting and acting pursuant to the Town of Acton Wetlands Bylaw, said Decision denying the Plaintiffs an Order of Conditions pursuant to said bylaw, hereby invokes the provisions of G. L. c. 249, §4, to correct errors in said proceedings.

1. The Plaintiff, The Co-Operative Bank of Concord is a Massachusetts banking association with a principal place of business at 125 Nagog Park, Acton, Middlesex County, Massachusetts

(hereinafter referred to as the "Plaintiff").

The Plaintiff is the owner of a certain parcel of land located at 163 Pope Road, Acton, Middlesex, Massachusetts, as further described in the deed recorded in the Middlesex South District Registry of Deeds as Instrument No. 426 of June 26, 1991, (hereinafter referred to as "Locus").

2. The Defendants, Andrew Sheehan of 24 Martin Street, Acton, Middlesex County, Massachusetts; Ann Shubert of 37 Elcott Street, Middlesex County, Massachusetts; Charlotte Timlege of 546 Great Elm Way, Acton, Middlesex County, Massachusetts; John Chalmers of 16 Piper Road, Acton, Middlesex County, Massachusetts; Peter Shanahan of 128 Nonset Path, Acton, Middlesex County, Massachusetts; William Hill of 55 Concord Road, Acton, Middlesex County, Massachusetts; and Morene Bodner of 119 Nonset Path, Acton, Middlesex County, Massachusetts, at all times material and relevant hereto were and are all the members of the Conservation Commission of the Town of Acton (hereinafter referred to as the "Commission"), purportedly sitting and acting pursuant to the authority granted them under the Wetlands Bylaw of the Town of Acton, to hear and decide applications for Orders of Conditions thereunder.

3. On or about October 8, 1991, the Plaintiff submitted a Notice of Intent to the Commission, requesting an Order of Conditions pursuant to the Wetlands Bylaw of the Town of Acton (hereinafter

referred to as the "Wetlands Bylaw") so as to authorize the construction of a single-family dwelling, subsurface disposal system, and access driveway, in and/or within one hundred feet of a wetlands.

4. The Plaintiff's Notice of Intent and the information, data and plans submitted by the Plaintiff to the Commission therewith (hereinafter collectively referred to as the "Notice of Intent"), comply with all of the applicable requirements of the Wetlands Bylaw and the rules and regulations of the Commission adopted thereunder and all other applicable rules, regulations, criteria and the like.

5. The Commission held a public hearing on the Plaintiff's Notice of Intent on September 12, 1991.

6. On October 2, 1991, the Commission issued a document entitled "Order of Conditions, Massachusetts Wetlands Protection Act, G. L. c. 131, §40, and Acton Wetlands Bylaw". Said document (hereinafter referred to as the "Decision") denies the Plaintiff's request for an Order of Conditions under the Wetlands Bylaw and deprives the Plaintiff of all reasonable use of Locus. A copy of the Decision is attached hereto, marked Exhibit "A", and incorporated by reference herein.

7. The Decision exceeds the authority of the Commission, and is arbitrary, capricious, whimsical, based on legally untenable grounds, and null and void.

8. The Decision exceeds the authority of the Commission, and is

arbitrary, capricious, whimsical, and null and void as a matter of law and fact, for the following reasons, inter alia:

a. The Plaintiff's Notice of Intent and its proposed use and development of Locus comply with all of the applicable provisions and requirements of the Wetlands Bylaw and all other applicable rules, regulations, criteria and the like;

b. The Plaintiff's properly and adequately explored both previously and currently available access points according to 310 CMR 10.53.3(e) of the Wetlands Protection Act and Wetlands Program Policy 88-2.

c. The Plaintiff's replication plan complies with the Wetlands Bylaws and Rules and Regulations, Section 4.2(e).

d. The Plaintiff satisfied its burden of proof according to 310 CMR 10.03(1).

9. The Plaintiff is substantially aggrieved by the Decision of the Commission, and has suffered, and will continue to suffer substantial harm and detriment as a result thereof.

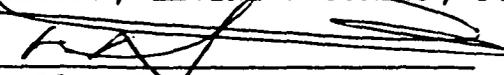
WHEREFORE, the Plaintiffs, invoking the provisions of G. L. c. 249, §4, demand this Honorable Court:

1. Issue an Order to the Commission, directing it to certify to this Honorable Court a true, complete and perfect record of all proceedings before them in this matter;

2. Quash and reverse the Decision of the Conservation Commission; and

3. Grant the Plaintiff such other relief as justice, equity and the circumstances may require.

Respectfully submitted,
THE CO-OPERATIVE BANK OF CONCORD
The Plaintiff,
By its Attorneys,
D'AGOSTINE, LEVINE & GORDON, P.C.

By: 

F. Alex Parra
268 Main Street
Acton, Massachusetts 01720
(508) 263-7777
November 26, 1991

n/certiorari

310 CMR 10.99

Form 6

DEP File No

85 322

(To be provided by DEP)

City/Town

ACTON 25-253

Applicant

COOPERATIVE BANK OF CONCORD

Commonwealth of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40

From ACTON CONSERVATION COMMISSION

To Cooperative Bank of Concord SAME
(Name of Applicant) (Name of property owner)

Address P.O. Box 2100, Acton, MA 01720 Address SAME

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at: 163 Pope Road, Acton, MA 01720

The property is recorded at the Registry of Middlesex South

Instrument # 426, dated 6/26/91

Certificate (if registered) _____

The Notice of Intent for this project was filed by _____ 9/9/91 (date)

The public hearing was closed on 9/12/91 (date)

Findings

The Acton Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|--|---|--|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of wildlife habitat |

Total Filing Fee Submitted \$250 State Share 112.50
 City/Town Share 137.50 (1/2 fee in excess of \$25)
 Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
 (1/2 total) (1/2 total)

Therefore, the Acton Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection,
File Number 85-322 / 75-253
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

Plans:

Title

Dated

Signed and Stamped by:

On File with:

Notice of Intent 8/30/91 Ian Rubin Acron Conservation Commission

Locus

Special Conditions (Use additional paper if necessary)

Conditions for Denial

1. The applicant failed to explore previously, or currently available alternative access points according to 10.53.3(e) of the Wetlands Protection Act, and Wetlands Program Policy 88-2.
2. The Wetlands replication plan is not acceptable under the Town Bylaw and Rules & Regulations Section 4.2(e).
3. The applicant did not satisfy burden of proof according to 10.03(1) of the Wetlands Protection Act.

.....
(Leave Space Blank)

Issued By ACTON Conservation Commission

Signature(s) [Handwritten Signatures]

This Order must be signed by a majority of the Conservation Commission.

On this eighteenth day of September 19 91 before me personally appeared Andrew S. Shuman to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten Signature] Notary Public March 16, 1995 My commission expires

The applicant, the owner, any person approved by this Order, any owner of land adjoining the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form, as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Acton Conservation Commission commencement of work.

To Acton Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at 163 Pope Road, Acton, MA

File Number 85-322/15253 been recorded at the Registry of Middlesex South and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on 19

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant:

CIVIL ACTION COVER SHEET

Trial Court of Massachusetts
SUPERIOR COURT DEPARTMENT



DOCKET NUMBER

MIDDLESEX Division

PLAINTIFF(S)

The Co-Operative Bank of Concord

DEFENDANT(S) Andrew Sheehan, Ann Shubert,
Charlotte Timlege, John Chalmers, Peter
Shanahan, William Hill and Morene Bodner,
The members of the Acton Conservation Commission

NEY(S) FIRM NAME, ADDRESS AND TEL.) F. Alex Parra
D'Agostine, Levine & Gordon, P.C.
268 Main Street
Acton, MA 01720
Board of Bar Overseers # (Required) 390315

ATTORNEY(S) (if known)

ORIGIN CODE AND TRACK DESIGNATION

Place an in one box only:

- 1. F01 Original Complaint
- 2. F02 Removal to Sup. Ct. c 231, s. 104 (F)
- 3. F03 Retransfer to Sup. Ct. c 231, s. 102C (X)

- 4. F04 District Ct. Appeal c231, s. 97 (X)
- 5. F05 Reactivated after Rescript; Relief from judgment/order (Mass. R Civ. P. 60 (X)
- 6. E10 Summary process appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
D99	Certioria, pursuant to G.L. c. 249 c. 4	(F)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

The Defendant Conservation Commission improperly denied the Plaintiff's application for an Order of Conditions pursuant to the Acton Wetlands Bylaw.

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE B) STATE, WITH PARTICULARITY, MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED \$25,000:

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

SIGNATURE OF ATTORNEY OF RECORD OR PLAINTIFF

F. Alex Parra

DATE

11/2/91

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

DISPOSITION

Judgment Entered

- 1. Before jury trial or non-jury hearing
- 2. During jury trial or non-jury hearing
- 3. After jury verdict
- 4. After court finding
- 5. After post trial motion

No Judgment Entered

- 6. Transferred to District Court under G.L. c.231, s.102C.
- Disposition Date _____

RECEIVED

BY:
DATE

DISPOSITION ENTERED

BY:
DATE:

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1992

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: FY93-97 Draft Transportation Improvement Program (TIP)

The attached announcement from MAPC invites our participation in the TIP program for FY93-97. The meeting will occur prior to your next meeting so there is no time for the Board to discuss its content in advance.

The draft is over 100 pages, with only two projects pertaining to Acton, so I have included only the pertinent pages in your packets. A complete copy will be placed in your reading file. Selectman Fanton has volunteered to attend the meeting Tuesday morning and she will have the original of the full document. If anyone else is interested in going we will be happy to make additional copies.

The most interesting aspect of this draft is that it shows the South Acton bridge with an advertising date of 9/93!! We are trying to determine whether this signifies that the project is actually reactivated. Our primary goal next Tuesday will be to assure that it remains on the TIP.

Some of our projects do not show (i.e. Wetherby Street Bridge) and we would like to determine their status. There are still others that we have not yet presented to the state and if possible we would like to alert them at this time. Staff will brief Selectman Fanton before Tuesday morning.

cc: Roland Bartl
David Abbt



Metropolitan Area Planning Council

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

serving 101 cities and towns in metropolitan Boston

May 27, 1992

Dear Chief Elected Official:

The Metropolitan Area Planning Council invites you to participate in formulating the new Transportation Improvement Program for the Boston Region. We are hosting a meeting at 10:00 a.m. June 9, 1992 in Conference Rooms 2 and 3 at the State Transportation Building, 10 Park Plaza, Boston at which time we will discuss project selection for the new TIP.

The new TIP, that must be delivered to the Mass. Highway Department by June 15 and the Federal Highway Administration by August 1 will result in a number of major changes from past TIP's. Your input at the beginning of the TIP process is necessary in order for critical funding decisions to be made. Changes from past TIP's include:

- * a federal/state proposal to reduce the TIP from a five year to a three year program. This will reduce the number of projects listed in the TIP by at least 40%;
- * the need for a financially feasible TIP that must be programmed within 10% of the available funds for each of fiscal years 1993 and 1994 and within 20% of Fiscal Year 1995 anticipated funding, and,
- * a reduction in funds available for projects formerly funded under the "Urban Systems" category from about \$40 million each year in the region to perhaps only \$8 million statewide in the Surface Transportation Program.

The following criteria were used in the development of the enclosed Draft TIP:

- * The region contains about 40% of the state's road miles, 50% of the population and 60% of the employment. In general we would expect that, over the life of the TIP the region could anticipate receiving a similar share of the federal funds.
- * Anticipated construction advertising dates provided by the MHD.

Franklin G. Ching, *President* Marjorie A. Davis, *Vice-President* Martha K. Gjestebly, *Secretary* Jay J. Donovan, *Treasurer*
David C. Soule, *Executive Director*

PRINTED ON RECYCLED PAPER

- * Status of environmental review.
- * Level of engineering completed, if available.
- * Subregional priorities.
- * Other data on projects.
- * Relative support of the goals of MetroPlan.
- * Project costs and funds available.
- * Political acceptability of a project.

Certainly all the above information is not available for each project, but staff used that which is available and will work with the transportation agencies to add the rest of the information in the future.

MAPC cannot make project selection decisions without community involvement. Please plan on attending the June 9th meeting of our Transportation Policy Committee. At this meeting the attached Draft TIP will be discussed and your concerns addressed. At this meeting we will also discuss transit projects and programming.

Note that the white pages represent the three years to be endorsed as the TIP, the blue pages represent the remaining projects we want recognized as official projects, constituting fiscal years 1996 and 1997, and the yellow pages provide a list of all projects we know of to date.

Sincerely,



David C. Soule
Executive Director

cc: State Legislators
Robert K. Sloane, EOTC
William Steffens, MHD
Community MAPC Representative
Community MAPC TIP Review Contact
Joint Regional Transportation Committee

DF/emt

FY 1993 TIP HIGHWAY ELEMENT
 PROJECTS PROPOSED FOR CONSTRUCTION IN FY 1993
 NATIONAL HIGHWAY PROGRAM

ACTON

CONCORD-ACTON, RTE. 2

MDPW 096902

Advert. Date: 1/93
Work Type: Reconstruction
Design Resp: State
Work Also In: Concord
Description: Reconstruct Rte. 2 and perform related work from Sudbury Rd. in Concord to Rte.111 in Acton

Air Quality Comments: No impact, safety improvements

Project Costs	
Federal Funds Required:	\$24,000,000
State Funds Required:	6,000,000
Total Funds Required:	\$30,000,000

Previous Air Quality Analysis (if applicable)			
Emissions (kg./day)		NMHC	CO
Completion Year	Net*		
1995	Net*	0.00	0.00
1996	Net*	-	0.00
1999	Net*	0.00	-

Project Stage
No impact, safety

Priority Identified?
Yes

* Net effect on emissions between build and no build

BEVERLY

BEVERLY-SALEM PROJECT, 03

MDPW 005398

Advert. Date: 6/93
Work Type: Other
Design Resp: State
Work Also In: Salem
Description: Beverly-Salem/Bridge St. Bypass mitigation contract

Air Quality Comments: New project. Air quality analysis requirements to be reviewed.

Project Costs	
Federal Funds Required:	\$800,000
State Funds Required:	200,000
Total Funds Required:	\$1,000,000

Previous Air Quality Analysis (if applicable)			
Emissions (kg./day)		NMHC	CO
Completion Year	Net*		
1995	Net*	-	
1996	Net*		-
1999	Net*		-

Project Stage
New project. Air

Priority Identified?
Yes

* Net effect on emissions between build and no build

FY 1993 TIP HIGHWAY ELEMENT
PROJECTS PROPOSED FOR CONSTRUCTION IN FY 1993
BRIDGE PROGRAM

ACTON	RTE. 27, ACTON, 03	MDPW 104749											
<p><i>Advert. Date:</i> 9/93 <i>Work Type:</i> Bridge Reconstruction <i>Design Resp:</i> State <i>Work Also In:</i></p> <p><i>Description:</i> Replace Bridge #A-2-4, Rte. 27 over B&M Railroad and remove Bridge #A-2-5 over B&M Railroad</p> <p><i>Air Quality Comments:</i> Categorically exempt. Analysis not required.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Project Costs</th> </tr> </thead> <tbody> <tr> <td>Federal Funds Required:</td> <td style="text-align: right;">\$960,000</td> </tr> <tr> <td>State Funds Required:</td> <td style="text-align: right;">240,000</td> </tr> <tr> <td>Total Funds Required:</td> <td style="text-align: right;">\$1,200,000</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Project Stage</th> <th style="width: 50%;">Priority Identified?</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Construction</td> <td style="text-align: center;">Yes</td> </tr> </tbody> </table>	Project Costs		Federal Funds Required:	\$960,000	State Funds Required:	240,000	Total Funds Required:	\$1,200,000	Project Stage	Priority Identified?	Construction	Yes
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Project Stage	Priority Identified?												
Construction	Yes												
<p>ARLINGTON</p> <p><i>Advert. Date:</i> 5/93 <i>Work Type:</i> Bridge Construction <i>Design Resp:</i> State <i>Work Also In:</i></p> <p><i>Description:</i> Replace Bridge #A-1-4 and bikeway over abandoned B&M Railroad</p> <p><i>Air Quality Comments:</i> Categorically exempt. Analysis not required.</p>	<p style="text-align: right;">LOWELL ST., ARLINGTON</p> <p style="text-align: right;">MDPW 030411</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Project Costs</th> </tr> </thead> <tbody> <tr> <td>Federal Funds Required:</td> <td style="text-align: right;">\$160,000</td> </tr> <tr> <td>State Funds Required:</td> <td style="text-align: right;">40,000</td> </tr> <tr> <td>Total Funds Required:</td> <td style="text-align: right;">\$200,000</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Project Stage</th> <th style="width: 50%;">Priority Identified?</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Construction</td> <td style="text-align: center;">No</td> </tr> </tbody> </table>	Project Costs		Federal Funds Required:	\$160,000	State Funds Required:	40,000	Total Funds Required:	\$200,000	Project Stage	Priority Identified?	Construction	No
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Construction	No												
<p>ARLINGTON</p> <p><i>Advert. Date:</i> 5/93 <i>Work Type:</i> Bridge Reconstruction <i>Design Resp:</i> State <i>Work Also In:</i></p> <p><i>Description:</i> Reconstruct Bridge # A-10-1, Park Ave., over abandoned railroad right-of-way</p> <p><i>Air Quality Comments:</i> Categorically exempt. Analysis not required.</p>	<p style="text-align: right;">PARK AVE., ARLINGTON</p> <p style="text-align: right;">MDPW 030412</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Project Costs</th> </tr> </thead> <tbody> <tr> <td>Federal Funds Required:</td> <td style="text-align: right;">\$720,000</td> </tr> <tr> <td>State Funds Required:</td> <td style="text-align: right;">180,000</td> </tr> <tr> <td>Total Funds Required:</td> <td style="text-align: right;">\$900,000</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Project Stage</th> <th style="width: 50%;">Priority Identified?</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Construction</td> <td style="text-align: center;">No</td> </tr> </tbody> </table>	Project Costs		Federal Funds Required:	\$720,000	State Funds Required:	180,000	Total Funds Required:	\$900,000	Project Stage	Priority Identified?	Construction	No
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<p>BOSTON</p> <p><i>Advert. Date:</i> 1/93 <i>Work Type:</i> Bridge Reconstruction <i>Design Resp:</i> State <i>Work Also In:</i></p> <p><i>Description:</i> Reconstruct Bridge # B-16-77 (Albany St. & Broadway over Amtrak & MBTA) and perform related work</p> <p><i>Air Quality Comments:</i> Categorically exempt. Analysis not required.</p>	<p style="text-align: right;">ALBANY ST. & BROADWAY</p> <p style="text-align: right;">MDPW 000990</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Project Costs</th> </tr> </thead> <tbody> <tr> <td>Federal Funds Required:</td> <td style="text-align: right;">\$900,000</td> </tr> <tr> <td>State Funds Required:</td> <td style="text-align: right;">225,000</td> </tr> <tr> <td>Total Funds Required:</td> <td style="text-align: right;">\$1,125,000</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Project Stage</th> <th style="width: 50%;">Priority Identified?</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Construction</td> <td style="text-align: center;">No</td> </tr> </tbody> </table>	Project Costs		Federal Funds Required:	\$900,000	State Funds Required:	225,000	Total Funds Required:	\$1,125,000	Project Stage	Priority Identified?	Construction	No
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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

March 23, 1992

RECEIVED & FILED

DATE June 4, 1992

Barbara Brown
for TOWN CLERK, ACTON

Planning Board members in attendance were Chairman Gregory Niemyski, James Lee, William Shupert, Douglas Carnahan, David Hill and Associate Member John Pavan. Mary Giorgio was absent. Assistant Town Planner Donna Jacobs was also in attendance.

I. Consent Agenda

Jim Lee moved that the Board vote to approve the minutes of the 3/9/92 Board meeting as written. His motion was seconded by Trey Shupert and carried by unanimous vote.

II. Village Planning Update

David Hill reported that the South Acton Village Planning Committee has defined the SAV planning area. Most of the previous South Acton issues have been discussed again, and the committee is working on developing surveys for distribution to the residents of the planning area.

Trey Shupert reported that the West Acton Village Planning Committee has agreed on a draft time line targeting the 1992 Annual Town Meeting for presentation of the Plan and any associated zoning amendments. The West Acton Village Planning Committee will be completing the survey forms to be used in April for residents and business in the West Acton area.

III. Jimmy Fenton - Concept Plan, Lawsbrook Road parcel

Jimmy Fenton and his partner Mike Jeanson met with the Board to discuss their concept plan for the former Foster Masonry land on Lawsbrook Road. Bruce Stamski, consulting engineer for the project, presented a conceptual plan of a PCRC, Laws Brook Village, on the 45.5 acre parcel which includes 51 single family detached dwelling units, 60% open space set-aside, and an active recreation area including a skating pond, baseball diamond and soccer field for town-wide use. Jim proposes to develop only the disturbed portion of the parcel and will use the existing "wash ponds" as part of the drainage system

and the existing access from Lawsbrook Road.

Bruce informed the Board that he met with Town staff for a preliminary review of the conceptual plan and has incorporated the staff's recommendations into the plan presented this evening regarding layout, parking for recreation areas and sewage disposal. The common land will include a pedestrian access easement to the adjacent undeveloped land; individual lot sizes will be approx. 10-11,000 sq. ft. and can support individual septic systems; access to the proposed swimming pool has been provided through the middle of the development's loop; and 60 parking spaces have been provided for the active recreation areas. The sight distance at the intersection with Lawsbrook Road is more than adequate. The entrance will be modified to feature a dual entry way similar in design to Alcott St. and Stoneymeade Way. They are proposing retention of existing vegetation at the intersection, where possible.

Jim Fenton asked the Board to consider a waiver of the filing fee in exchange for the donation of the active recreation areas to the Town of Acton. Board members advised Jim that they would take his request into consideration. Jim requested a letter from the Board indicating their favorable reaction to his development proposal so that he can proceed with the engineered plan. The Board directed staff to write a favorable but non-committal letter for Jimmy Fenton.

IV. Meadowview Subdivision Plan

Donna Jacobs reported that the Meadowview definitive subdivision plan has been modified to the general satisfaction of the Planning, Engineering and Conservation Departments, with the exception of a couple of minor drafting errors. Warren Bolton has asked the Board to endorse the plan at its earliest possible convenience. Staff recommends that the Board vote to authorize Town Planner Roland Bartl to endorse the Definitive Plan when the final drafting changes have been made. David Hill moved that the Board vote to authorize Roland to endorse the plan for the Board when he is satisfied that all necessary drafting corrections have been completed. Jim Lee seconded the motion which passed by unanimous vote.

V. Kevin Sweeney - Great Hill Village

Kevin Sweeney of L&S Builders Corp. met with the Board to discuss his conceptual plan of a PCRC development on the former Great Hill Village site. Harry Donohue of Acton Survey & Engineering, consulting engineer for L&S Builders Corp. presented the conceptual plan to the Board featuring a condominium of 25 single family detached dwelling units; utilization of the existing road layout with some modifications and the other partially installed infrastructure; 60% open space; and a common septic system for the development with potential for future upgrade by the Town to a tertiary treatment plant serving additional homes in South Acton. The condominium entity is necessary due to the sewage disposal. Condo fees will be limited to maintenance of the road until it is accepted by the Town, and the

construction, use and maintenance of the sewer lines and common leaching area.

Harry explained that the public parking lot required in the Great Hill Village comprehensive permit has been constructed except for the pavement. The L&S Builders Corp. is willing to deed the lot containing the public parking lot to the Town. Also, the developer is willing to offer the Town rights to the land containing the septic fields for future upgrade to a treatment plant.

Board members asked specific questions relative to the structure of the condominium. Harry Donohue explained that the unit owners will hold title to the interior of the unit. The buildings, land and improvements will belong to the condo association. Kevin Sweeney explained that he will design the condo documents so that the anticipated additions to the basic structure such as decks, porches, garages and family rooms will already be permitted.

Board members questioned the present irregularly shaped lots. Harry Donohue explained that the "Victoria Circle" subdivision was approved in 1986. L&S Builders will seek rescission of the Victoria Circle subdivision when they file the application for the PCRC. Kevin Sweeney stated that the houses will be similar to the Cook Estates subdivision on Ayer Road. Harry Donohue stated that they hope to have the plans completed soon and will begin the approval process this summer.

VI. Evaluation of Town Counsel (Manager's survey)

Board members reviewed and discussed the evaluation survey form received from the Assistant Town Manager and proceed to draft their responses to the individual questions as requested. The Board directed Planning staff to complete the survey using the responses as discussed this evening.

The Planning Board requested that the Board receive copies of the bills for legal services at least once per quarter for their review. Board members also asked that the legal bills be annotated by case.

VII. Town Meeting

Board members discussed the memo regarding the Board's Warrant Articles prepared by Roland Bartl. Members presenting articles at Town Meeting agreed to contact Roland directly to discuss the materials they would like prepared for their presentation.

Parking Article - Board members discussed the questions concerning the proposed decrease in dimensional requirements of parking spaces. Planning staff has obtained numerous publications which substantiate the dimensions in the Warrant Article. However, the Engineering Administrator still has reservations concerning the proposed reduction in parking space size. Staff has agreed to meet prior to the Selectmen's meeting to further discuss these issues, but the outcome of this meeting is impossible to predict. Therefore, Planning staff recommends that the Board vote to move only the



MAPC News

May 1992

Metropolitan Area Planning Council 60 Temple Place Boston, MA 02111 (617)451-2770

cc: BOS
D. Howe

SPECIAL EDITION

Pavement Management Progress Report

Introduction

Since 1984 the Metropolitan Area Planning Council has been actively involved with communities promoting proper pavement management techniques. In a 1987 study MAPC found that local roads were deteriorating faster than communities were able to repair them. The findings, published in Funding the Rehabilitation and Reconstruction of Locally Maintained Roads in the MAPC Region (1987), pointed out that municipal spending for maintenance had fallen dramatically since the passage of Proposition 2 1/2. This led to an estimated 1987 maintenance backlog of \$700 million for locally maintained roads in the 101 MAPC communities.

In general the findings pointed out two needs. First the need for more money dedicated to local roadway maintenance. And, second, the need for communities to opt local pavement management programs to assist communities in programming maintenance.

MAPC, as an advocate for local pavement management programming, has prepared reports entitled Pavement Management: A Manual for Communities (1986), Funding the Rehabilitation and Reconstruction of Locally Maintained Roads in the MAPC Region (1987),

Pavement Management Forecasting Model: A Microcomputer Program for Lotus 1-2-3 (1987) and A Pavement Management Program for the Town of Wenham (1986). A large portion of these studies were funded by the Massachusetts Highway Department. Each of these reports provides MAPC with background for working with communities in the region on pavement issues.

Proper pavement management practices are an important financial planning tool. Figure 1 illustrates that, as roads deteriorate it becomes increasingly more costly to maintain them. In fact, a low cost investment in preventative maintenance can save major reconstruction needs in the future.

As part of the present pavement management effort, MAPC has selected to use the Bay Area Pavement Management System developed by the Metropolitan Transportation Council in San Francisco, California. This software package was one of the recommended packages by the Massachusetts Highway Department (MHD) Pavements Office. The package was selected because of its capabilities, its use by other regional planning agencies, and its availability as public agency software.

Overview

Beginning in March 1991 MAPC staff met with 31 communities to discuss pavement management. In 19 of these 31 meetings MAPC found that the community was only spending its MHD Chapter 90 funds on its local roads. Of those supplementing their Chapter 90 funds several were only contributing token levels of funding.

As part of our assistance to communities with pavement management in 1991 MAPC staff has developed a comparison of present road conditions with conditions in 1986. The 1986 snapshot was based upon data from 15 communities that had pavement condition inventories in place. These 15 communities comprised about 10% of the local road miles in the region.

In 1992, with financial assistance from MHD, we decided to revisit the regional condition analysis. Staff contacted communities in the region with active pavement management programs to collect up-to-date pavement condition information. This has been combined with the data collected by communities participating in MAPC's effort. Data was collected from nine communities representing about six percent of the region's road network. The following table illustrates the changes between 1986 and 1992.

Comparison Road Surface Conditions 1986 and 1992

	1986	1992
Good/Excellent	56 %	34 %
Fair	25 %	39 %
Poor	19 %	27 %

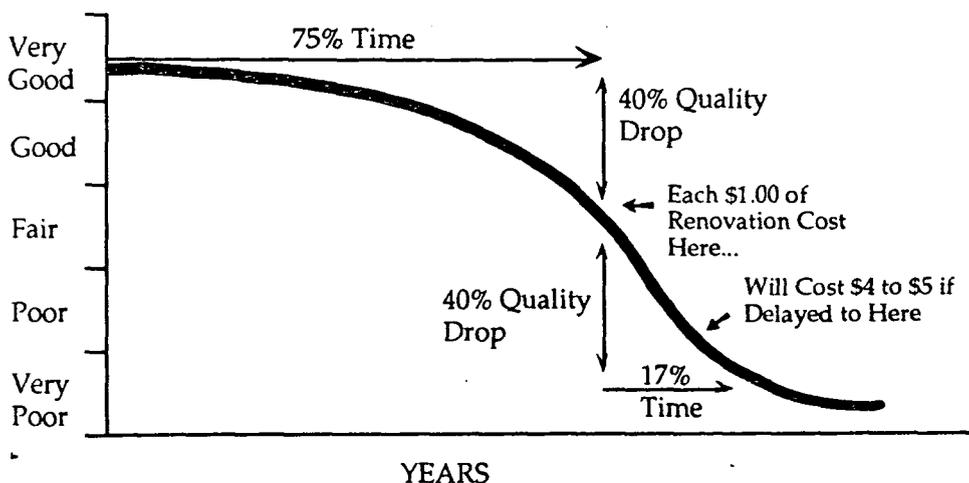
The data in the table are also shown graphically in Figure 2 (see overleaf).

Since 1986 the American Public Works Association has developed the following breakdown of pavement condition index (PCI) ratings for roads (note these ratings are used with the Bay Area Pavement Management System):

	Pavement Condition Index
Excellent	85-100
Good	55-84
Fair	40-54
Poor	0-39

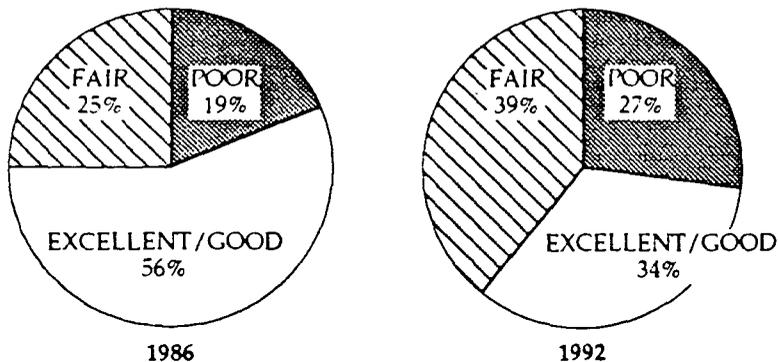
These PCI ratings are arrived at through the identification of different types of road surface problems such as cracking,

Figure 1
Normal Pavement Deterioration



Source: Federal Highway Administration, Road Surface Management for Local Governments

Figure 2
Conditions of Local Roads
1986 and 1992



potholes and other road surface distortions. MAPC has reviewed 1992 data based upon these ratings of road conditions from the nine sample communities. On a regionwide basis we estimate road conditions breakdown as follows:

Excellent	32 %
Good	43 %
Fair	11 %
Poor	14 %

MAPC notes that half of the nine communities have implemented pavement

management programs. If we separate the condition ratings for those with active programs from those communities that are just initiating pavement programs, we can see the value of proper pavement management. The comparison is as follows:

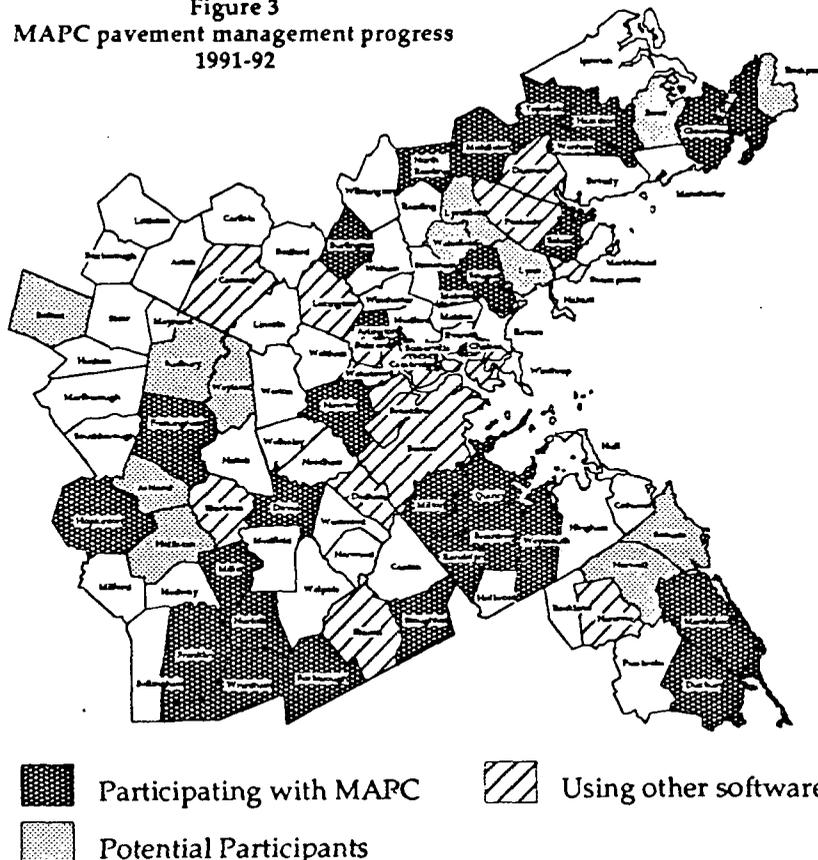
	<u>Communities with an active pavement program</u>	<u>Communities beginning a pavement program</u>
Excellent	42 %	19 %
Good	45 %	41 %
Fair	5 %	20 %
Poor	8 %	20 %

It is MAPC's objective to assure that with long-term pavement programs in use locally, we will achieve good/excellent condition ratings for all regional roads. To be able to achieve this goal we anticipate the continued need for increased local funding for road maintenance. In 1986 we estimated that there was a local maintenance backlog of \$700 million regionwide. We now estimate that this has risen to over \$1 billion. In order to raise our region's road condition rating to good/excellent condition in the next ten years will require an investment of \$180 million annually, as opposed to an estimate of \$140 million annually in 1986.

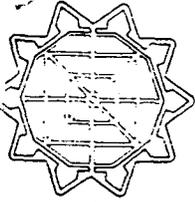
MAPC is now assisting 21 communities with active pavement programs and have 20 additional communities interested in working with us to develop a local pavement program. In addition there are twelve communities with other pavement management software packages. More than half of the communities in the region are using, or are interested in using, computerized pavement management for local budget needs development. These participants are illustrated in Figure 3. However with MHD assistance it is MAPC's objective to have all 101 communities involved in proper pavement management.

If your community wishes information contact Barbara Clark at MAPC.

Figure 3
MAPC pavement management progress
1991-92



cc: BOS



**Massachusetts
Municipal
Association**

Sixty Temple Place

(800) 882-1498

Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

June 2, 1992

Dear Local Official,

After 36 hours of debate over a two day period, the House of Representatives finished its version of the FY '93 state budget. In general this is a good budget for cities and towns, and deserves our support. We do share concerns regarding the bottom line, which may be out of balance by as much as \$500 million. If the House budget is that far in the red, then the progress we have made this year may be imperiled as both the Senate and the Governor take steps to reduce overall spending. If the past is any guide, we must assume that the legislature and the administration will not rule out cuts in any *new* local aid spending in order to balance the FY '93 budget.

Highlights of the House-passed budget are:

- **\$185 million in new education money distributed as follows: \$100 million in EEOG money (doubling the program) and \$85 million on a \$100 per-student basis (see enclosure);**
- **\$37 million in new Chapter 90 money distributed on an up-front basis to cities and towns (as opposed to a reimbursement basis); in addition two amendments were added to budget that (1) require the state to distribute the new money by August 1, 1992 and (2) that require the state to promptly reimburse cities and towns for road projects already completed under Chapter 33, the transportation bond act of 1991 (see enclosure);**
- **\$23 million in new lottery money as a result of an MMA amendment to uncap the projected FY '93 increase in lottery revenues;**
- **Additional Assistance and Chapter 70 line items were level funded (as reflected in the local aid resolution passed two weeks ago); and**
- **the exemption of the overlay account from the Proposition 2 1/2 levy limit.**

Another key victory on the House floor was the overwhelming defeat of attempts to hold the new education aid "hostage" to the stalled effort to pass an education reform bill, therefore making it more difficult for the Governor to withhold these much-needed funds.

As expected, there was an intense effort to use the new education money to mandate what cities and towns spend on education. We were successful in defeating two far-reaching amendments that sought to earmark the base. However, the House did adopt an amendment that requires cities and towns to spend all the new money on education and states that a community cannot cut schools by a larger percentage than they currently

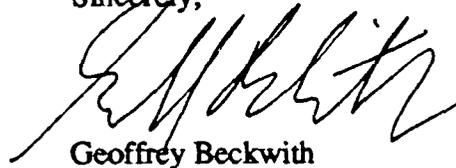
represent in the total FY '92 budget, with the proviso that schools cannot take more than 50% of cuts a community may be forced to make. This amendment was adopted on a voice vote, and the sponsor did not explain the 50% cap language in the amendment to the House.

These are just the highlights of the budget. Over the grueling 36 hours of debate, some 512 amendments were offered, with the vast majority either accepted or rejected on voice votes (with little or no explanation).

We will send you a more detailed explanation of the budget in our next mailing. For now, I want to reiterate our support for this budget as it relates to cities and towns. However, we must be concerned that the budget may be dramatically out of balance and that local government's gains could be jeopardized as a result. Certainly, we can and will be arguing strenuously that the House budget is a step in the right direction, but it does not make up for the disproportionate cuts taken by municipalities over the past several years. Attempts to reverse the House's support for cities and towns will sidetrack the possibility for progress in rebuilding the local-state partnership.

If we all continue to work together in pressing the case for local government, we will continue to make a difference.

Sincerely,



Geoffrey Beckwith
Executive Director

enclosure

GCB/DPB/tr

BOS -
THIS KIND OF ACTION
MAY HAVE THE EFFECT OF
NEGATING OUR COORDINATING
COMMITTEE PROCESS.



Draft

**SELECTMEN'S MEETING
MAY 26, 1992**

The Board of Selectmen held their regular meeting on Tuesday, May 26, 1992, present were Norm Lake, Dore' Hunter, Nancy Tavernier, Anne Fanton, William Mullin and Asst. Town Manager John Murray.

CITIZENS' CONCERNS

Roy Wetherby outlined the new excise tax collection program Acton is participating in with the Registry. The new system puts a hold on an individuals license and registration when an excise tax becomes grossly in arrears. This program is being implemented on approximately 1,400 delinquent accounts in Acton for the years 1985-1991.

Roy also gave an overview of the Bond rating issue recently mentioned in the Beacon regarding Plymouth Carver and the School Deferral issue. He assured the Board that the drop in their rating was due to many financial problems they were faced with and not entirely the deferral issue.

PUBLIC HEARINGS AND APPOINTMENTS

NEW ENGLAND TELEPHONE - GREAT ROAD

DORE' HUNTER - MOVED to approve as long and there were no disruption in service. NORM LAKE - Second. UNANIMOUS VOTE

**COMMITTEE INTERVIEW - VCC
JOHN POWERS**

The Board interviewed Mr. Powers and thanked him for his willingness to serve the Town on this important Committee. DORE' HUNTER - Moved to appoint Mr. Powers to fill the unexpired term of Ms. Snook (June, 1993). ANNE FANTON - Second. UNANIMOUS VOTE

**ROY SMITH
AUDUBON HILL DISCUSSION**

Mr. Smith wanted to express his concern with his receipt of the recent letter from the Board regarding Audubon Hill. He assured the Board that the only changes that have occurred from the 1988 plan of specifications has been the removal of the fire place and proposed quarry tile. He intends to provide a walk-in storage area. The existing building had a walk in basement designed, however, when the building plans changed it was impossible to have a walk-in style basement. His proposal is to re-side and retrofit the existing garage to serve as a drive-up and walk in storage facility. He intends to provide the cover to the handicapped entrance and air conditioning to the office area as well as kitchen cabinets and counters. He said that they

never said that they could do the job for under 300,000. But probably it was interpreted as that. He was going to make the changes necessary to make it come in for under 300,000. He assured the Board that he would cut no corners with construction or materials to achieve this end result. Dore' asked for clarification on the 240,000-260,000 vs. the 300,000 figures. Roy explained that 240,000 was an estimated construction cost not the total cost of the project. Bill Mullin expressed his concern with the other associated costs of the project.

Dore' again reiterated that the Town intends not to contribute to the construction of this building and that it should meet our expectations as presented to the Board during the previous presentations and subsequent negotiations. To that end he made the following motion. DORE' HUNTER - MOVED to suggest staff and the Council on Aging meet with Roy Smith or representative as soon as possible and set out in writing if possible, current understanding of what can be included in proposed elderly center building within \$300,000 available for project. The Board of Selectmen re-affirms it will commit no additional funds to project. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TRASH FEES

John Murray and Dick Howe presented a background presentation of the transfer station and associated costs. Nancy Tavernier made a presentation on the operation of the transfer station and recycling center. She commended Dick Howe on his creative approach to the daily problems associated with the transfer station and keeping a handle on ever rising costs. They asked the Board for a recommendation on the fees for 1992-93 sticker year. Presently we are at \$75.00 and Dore' felt we could go to \$85.00. Bill wanted to adjust the senior citizen cost against the replacement sticker costs. Nancy explained that it is a \$5.00 increase and that the total fee for Seniors only represents a 10% cost already. ANNE FANTON - Moved to raise the fee to \$80.00 per year for stickers and raise the other fees and hours as printed in the Memo presented to the Board. NORM LAKE - Moved to amend the motion by increasing the sticker fee to \$85.00 per year. DORE' HUNTER - Second. 3-2 Bill Mullin and Anne Fanton - No.

BILL MULLIN Moved - to change the fee for senior citizens to \$20.00/yr. and raise replacement stickers to 10.00. NO SECOND. Motion FAILED.

CONSENT CALENDAR

The Board approved the Consent Calendar as submitted with the Additional items Book Sale Sign and Emergency Hook-up for High Street DORE' HUNTER - Moved to accept. NORM LAKE Second. UNANIMOUS VOTE. Anne was asked to draft a letter to the newly formed Fort Devens Task Force arranging a time for Dore' and her to meet with them. Anne was asked to be the liaison and to have

them come in in September to meet with the entire board after they have organized the committee.

SELECTMEN'S CONCERNS

Acton Collision Center - The Board met with the owners of the Collision Center and reviewed their financial information. They asked the Board to waive the \$300.00 fee because it was their intention to get all fees waived since the EPA waived their fee and suggested that they approach the Town. Nancy and Dore' were concerned about the outstanding taxes owed and asked if they had a note on the business they replied that they had no outstanding loans. Nancy inquired why they did not get a note to pay the outstanding balances, they did not reply. DORE' HUNTER moved not to waive the fee, but to ask the Town Manager to work out a fee payment over the next 12 months. NORM LAKE - Second. 4-1 NANCY TAVERNIER OPPOSED.

Eagle Scout- May 23 was taken by Anne. June 20, was taken by Bill.

Historic District and Local Fees - The Board discussed the memo on policy and fees. DORE' HUNTER - Moved to approve the fees recommended by Historic District and the Policy as set forth in the memo of May 22, 1992. NORM LAKE - Second. 4-1 BILL MULLIN No, as he had not had time to review it.

Cerebral Palsy Association - The Board reviewed the request from CPA and decided that they felt uncomfortable participating in Casual Day as it required the employees to pay \$5.00 and did not want to dictate which charity employees would give to. NORM LAKE - Moved to take no action. DORE' HUNTER - Second. UNANIMOUS VOTE

Mandate Relief - Nancy updated the Board on the Mandate Issues. She expressed her frustration that none of the Mandates had made it to the budget. She will contact Sen. Durand to follow-up.

Legal Services Memo - Dore discussed that his policy was to augment the Town Manager's Policy. The Town Manager should work up a policy in writing to fit and interacted with the one prepared by Dore'.

Planning Request for Waiver of fees, Lawsbrook Village - The request to waive 32,000 in filing fees was discussed. Dore' felt negative to waive after reading the memo. We cant start waving fees especially as our local fees decline and if you do for one, you have to do for all. Anne concurred with Dore' she was concerned it would reduce revenue and set a capital expense deficit. She had many questions and would like to respond in writing with the budget as explanation., Nancy reminded the Board we have no capital plans for ball fields currently. DORE' HUNTER - Moved to decline the opportunity to waive the fee and respond to the Planning Board in writing with the decision. NORM

LAKE - Second. UNANIMOUS VOTE. Anne was asked to prepare the notification to Planning.

North Acton Recreation Area - The Board commented on the fine response to EPA. John Murray wanted to let the Board know that David Abbt was the "ghost writer" of this response under Bruce Stamski's signature.

TOWN MANAGER'S CONCERNS

The Board adjourned 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(245)

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

John Murray
Assistant Town Manager

Acton Collision Center
30 Stow St.
Acton, MA 01720

June 4, 1992

Dear Gentlemen,

As you are aware The Board of Selectmen by a unanimous vote, authorized The Town Manager's Office to determine a payment plan in order that you may remit the \$300.00 Hazardous Material Bylaw fee. After a careful review of the financial data that you submitted, we have determined that you are capable of remitting \$200.00 on June 15, 1992 and \$100.00 on July 15, 1992. This decision was based upon the representation contained in your financial data that you have been paying just in excess of \$200.00 per month for heat. Due to the fact that heat is not required for the summer months, the payment plan should not be a burden on your operation.

We would also like to bring to your attention a secondary past due matter, a \$100.00 Excise Tax Bill for the Repair Plate issued to your operation for fiscal year 1990 is outstanding. If this matter is unresolved in the very near future, we will be forced to notify the Registry not to renew the plate. Therefore, please remit this amount as soon as possible to the Collector's Office.

Thank you for your time and consideration.

Sincerely yours,



John Murray
Assistant Town Manager

cc: Board of Selectmen
Board of Health
Tax collector



Metropolitan Area Planning Council

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

servicing 101 cities and towns in metropolitan Boston

June 3, 1992

Roland Bartl
Town Planner
472 Main Street
Acton, MA 01720

Dear Mr. Bartl:

At the May 27th Council Meeting, Acton nominated 5 areas as concentrated development centers. The Executive Committee has appointed a Concentrated Development Centers (CDC) Committee which has, along with staff initiated the review of the 62 proposed centers.

The preliminary review of the proposed Acton centers will be completed once all the necessary background information has been received. Would you please send as soon as possible the information described on the attached materials list and complete the accompanying questionnaire?

For your information, I have enclosed the description of the types of CDCs, the general criteria for reviewing centers, and the process for designation and identification of the centers, all of which are in the MAPC's regional development plan, MetroPlan 2000.

If you have any questions or concerns regarding the materials requested, please contact me or Ed Bates, MAPC's Deputy Director.

Sincerely

Kent Stasiowski

Kent Stasiowski

cc: Don Gilberti, MAPC Representative
~~Don P. Johnson, Town Manager~~
Acton Board of Selectmen

NOTE: NO ATTACHMENT REC'D.

VOLUNTEER COORDINATING COMMITTEE MEETING

5/11/92

Present: Whitcomb, Husbands, Comstock, Lane, George
Absent: Kadlec

Called to order at 7:30 PM at Town Hall. Minutes of 5/04/92 read and accepted.

INTERVIEWS:

MARILYN M. WOLFSON for Ft. Devens Reuse/ 2nd Airport Task F. 10 Pond View Drive. 4 yrs. Acton, 12 yrs. MA. Stow and Concord. Has PHD from MIT. BS Univ. of Mich. Is a Research Meteorologist at MIT Lincoln Lab. Feels her knowledge about weather systems in the area would bring a valuable perspective to a task force looking at the Devens area. Had not thought about reuse possibilities but is interested in the impact of such in the region.

KENNETH SAUNDERS for Devens Reuse/ 2nd Airport Task Force. 397 #1 Great Rd. Acton 5 yrs., MA 8 yrs. Working in air traffic control projects at Lincoln Lab. Electrical Eng. MIT. Interested only in the task force at this time. Has not been involved in town affairs.

ROGER ANDREWS for S. Acton Revit. Comm., Hanscom F. Adv. Comm. and A/B Arts Council.

39 Central St. Acton 4 yrs., MA 4 yrs. Engineer/Manager at Mitre. Interested in maintaining the historical ambience of S. Acton. Interested in supporting continuing economic strength of Acton.

VOTED to recommend the following as members of the new ad hoc Ft. Devens Reuse/ 2nd Airport Task Force:

George Neagle, Mark Donohoe, Carol Place, Alfred Rudolph and John Ekberg. We also voted to recommend two associate members: Dave Lunger and Marilyn Wolfson.

* Will vote next meeting on Roger Andrews.

Next meeting June 1, 1992, 7:30 PM at Town Hall.

Meeting adjourned at 9:25 PM.

Respectfully submitted.

Nancy A. Whitcomb, VCC Secretary

cc BO selectmen

cc Town Clerk

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 5, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Audubon Hill

Roy Smith has submitted a revised outline specification and estimate for the subject project. His cover letter indicates that this is in accordance with the meeting between Roy and the COA, after your meeting of May 26.

There are several aspects of his proposal that require decisions/commitments by the Town. I am seeking comment from the COA and staff prior to forwarding this material for your consideration.

cc: John Murray

A handwritten signature in black ink, appearing to read "Don", is located to the right of the "cc:" line.

cc: BOS

Dumping rates will increase in Concord

Voters reject 3 override questions

By Jason Levine

NEWS STAFF WRITER

CONCORD — Residents who use the town landfill will see dumping rates increase and public access diminish in the wake of Tuesday's election which saw the defeat of three Proposition 2½ override questions.

Voters rejected three proposals that would have raised money to pay for closing one section of the landfill, opening another and improving the recycling center there.

According to Evin Phillips, the election, which drew less than a 1,000 of the town's nearly 10,300 registered suffered from a lack of publicity. Chairwoman of the Public Works Commission, Phillips blamed state laws for making it difficult to explain the ballot questions to voters.

"The problem was the population did not understand what the election was about," she said. "We were frustrated by election laws and we need to find some further redress for that ... I don't really think (voters) could make an informed decision."

To compensate for the defeat of overrides, town officials plan to raise landfill rates and begin a curbside pickup program. Nearly 60 percent of the town currently pays private haulers to take trash to the dump, Phillips said. With a public pickup program, every Concord home or business would pay a user fee of about \$125 a ton. The landfill, Phillips said, makes money solely by user fees.

The current dumping fee stands at \$60 a ton, but Phillips said that figure could go up to \$100 a ton.

"Each (question) pertained to a

bond issue," Donato Bracco said. "It was a matter of transferring the responsibility of the bond issues back to the tax roll. The transfer to the tax roll had been approved at Town Meeting, but debt exclusion has to be approved in a townwide election." Donato Bracco, president of the Concord-Carlisle chapter of the League of Women Voters.

Question One, which was defeated 496 to 409, called for some \$500,000 to be allocated for a bond for the closing of the landfill's first section and open its second. This was "old debt," Phillips said, since the second section has been open for some time and is nearly full.

The second ballot question requested nearly \$500,000 to pay for a bond issued in the spring for improvements to the landfill's recycling center. It was defeated 496 to 413.

The ballot's final question called for some \$400,000 to pay for the closing of the landfill's second section. Voters turned down that request 504 to 400.

Bracco said the league held an open meeting May 18 to discuss the election. Though Bracco said he expected nearly 200 people to attend that night, only 60 came.

Despite Tuesday's results, Phillips remains optimistic that the landfill will be able to meet its debts. Voters at this year's Town Meeting approved two articles which could allow the landfill to spend the town's "free cash."

"We believe that Articles 15 and 16 will help us," she said. "It looks as though we are going to do it."

Nevertheless, she said, the changes necessitated by Tuesday's vote may mean the end of an era. "The landfill is kind of like our town common. It's where all the candidates go to campaign. It's too bad it's the end of a tradition."

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Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor

Daniel S. Greenbaum
Commissioner

Water Withdrawal Permit Applications Received by the Water Management Program

The Department of Environmental Protection will accept written comments on the Water Management permit application filed for the second round of permitting in the Concord River Basin. Comments will be accepted until June 26, 1992. A copy of each application is available for review from 9:00 am - 5:00 pm, Monday through Friday, at DEP's Division of Water Supply, Boston Office, One Winter Street, Boston, MA (617) 556-1077.

Concord River Basin

The Ashland Water Department has applied for a permit to increase their 1.23 mgd registered withdrawal by up to 1.24 mgd from new groundwater points in Ashland.

CC: BOS - RF
BD. OF HEALTH

765



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

May 29, 1992

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02114

JUN 2 - 1992

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, MA 01605

Subject: W. R. Grace, Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W. R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the 90% submittal for the technical specifications for the Landfill Monitoring Wells. A final submittal of the technical specifications will be made two weeks following the receipt of the Government Parties' comments.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & MCKEE INC.


Bruce R. Conklin, P.E.
Associate

BRC:paa
Enc.

#798-113-RT-PLSP

DISTRIBUTION:

Lynne Jennings (6)
Edmond Benoit (3)

cc: G. Muench, EPA (1)
D. Halley, Acton (3)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)
B. Leach, Concord Board of Health (1)
W. Cheesman, FHE (1)
D. Johnson, Acton (1)

BOS - ~~████~~ 6/4
COPY OF COVER LTR. ONLY.
FULL REPORT IN RF.
(DOCUMENT CONSISTS OF SPECIFICATIONS
AND BID DOCUMENTS FOR INSTALLATION
OF MONITORING WELLS.)


C. Tuttle, DEP Boston (2)
J. Ayres, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr (1)
M. Stoler, Grace (1)



THE COMMONWEALTH OF MASSACHUSETTS
State Senate
Committee on Ways and Means
STATE HOUSE, BOSTON 02133

SENATOR PATRICIA MCGOVERN
CHAIRWOMAN
SECOND ESSEX AND
MIDDLESEX DISTRICT

ROOM 212
TELEPHONE
722-1481

May 18, 1992

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

Dear Ms. Tavernier:

I wish to thank you for your letter regarding the Budget Recommendations for the Fiscal Year 1993, House Bill 1. As you may be aware, this legislation is currently before the House Committee on Ways and Means for review. Please be assured that I will remain mindful of your concerns when this legislation comes before the Senate Committee on Ways and Means for consideration.

I appreciate your taking the time to share your thoughts with me. Keeping me informed of your views is an essential part of state government and your interest is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Patricia McGovern', written in black ink.

PATRICIA MCGOVERN
Chairwoman
Senate Committee on
Ways and Means

PM:sk

cc: BOS

Water Supply District of Acton

P.O. BOX 953
MASSACHUSETTS AVENUE
ACTON, MASSACHUSETTS 01720

JUN - 4 1992

BOARD OF WATER COMMISSIONERS
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

cc: BOS

JUNE 8, 1992

AGENDA:

- 7:30 P.M. CALL TO ORDER
- 7:31 P.M. ACCEPT MINUTES OF MEETING MAY 11, 1992
- 7:35 P.M. MR. DAVE AUGUSTA - SPEAK ON HEALTH INSURANCE

NEW BUSINESS

WARRANTS & COMMUNICATIONS

VOTING MACHINES & VOTING COST WITH TOWN - DISTRICT'S SHARE

LETTER FROM ECOLOGY TEACHER (BARBARA OFFENHARTZ)

LEGAL BILL - KIRK WARE - DAY CARE CENTER

CAR BIDS

OLD BUSINESS

MRS. SUTTON - CONTRACT AGREEMENT

EASEMENT - ASSABET CROSSING

MANAGER'S CONTRACT - VEHICLE INSURANCE

LAB LEASE

EASEMENT NASH ROAD

FLERRA LAND - TEST WELLS

LEAD SAMPLING LAW

MAGIC

Acton
Boxborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

Minuteman Advisory Group on Interlocal Coordination

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

CC: BOS

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

JUN - 4 1992

MEETING NOTICE

June 11, 1992

Stow Town Building
Rt. 117 (Great Rd.)
Stow Center

6:30 p.m. Subcommittee on Ft. Devens Reuse Forum

7:30 p.m. **MAGIC -- Full Meeting**

Updates and Briefings

Rt. 2 CAC Meeting
Joint Services Meeting
CDC Nominations
Other

Transportation Improvement Program (TIP)

Dan Fortier of MAPC will present a status report and seek input into the "blue pages" on FY 96-97 improvements in the TIP packet sent under separate cover to each MAGIC rep and chief elected official.

THIS MEETING WILL NOT ADDRESS FY 93-95. IF YOU WISH TO INFLUENCE THE FIRST THREE YEARS OF MAPC'S SUBMISSION TO THE MASS. HIGHWAY DEPARTMENT, YOU MUST ATTEND THE TRANSPORTATION POLICY COMMITTEE MEETING AT THE STATE TRANSPORTATION BUILDING, CONF. RM. 2 & 3, ON JUNE 9, 1992, AT 10:00 a.m.

Clean Air Act / Pavement Management

Dan Fortier will brief MAGIC on the requirements of the Clean Air Act and on MAPC's Pavement Management Program.

Ft. Devens Reuse Forum

Discussion of subcommittee proposal.

"MIG" Grants

EOCD has published the RFP; application deadline is July 17, 1992. We will need to decide quickly on an appropriate course of action.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

June 1, 1992

TO: Don P. Johnson, Tom Tidman, Bruce Stamski, Roland Bartl
FROM: Dean A. Charter, Municipal Properties Director 
SUBJECT: Open Space and Recreation Plan Final Draft

Attached please find copies of the revised Open Space and Recreation Plan, to be reviewed, respectively, by the Board of Selectmen, Conservation Commission, Recreation Commission, and Planning Board. I feel that this draft reflects, as much as possible, all the concerns raised by the persons who reviewed the first draft.

At this point, the State guidelines require that the four boards noted above must review the final draft, and write a letter of support for the document, which is to be incorporated into the plan when it is sent in for state review. Considering how long this project has taken, I hope that each board can take time from their busy schedule to prepare such a letter, so that I can finish this project up.

As was the case in the previous draft, I have not included the appendices or maps in the review draft. These items will be available when the final document has been approved by the State and printed for general distribution.

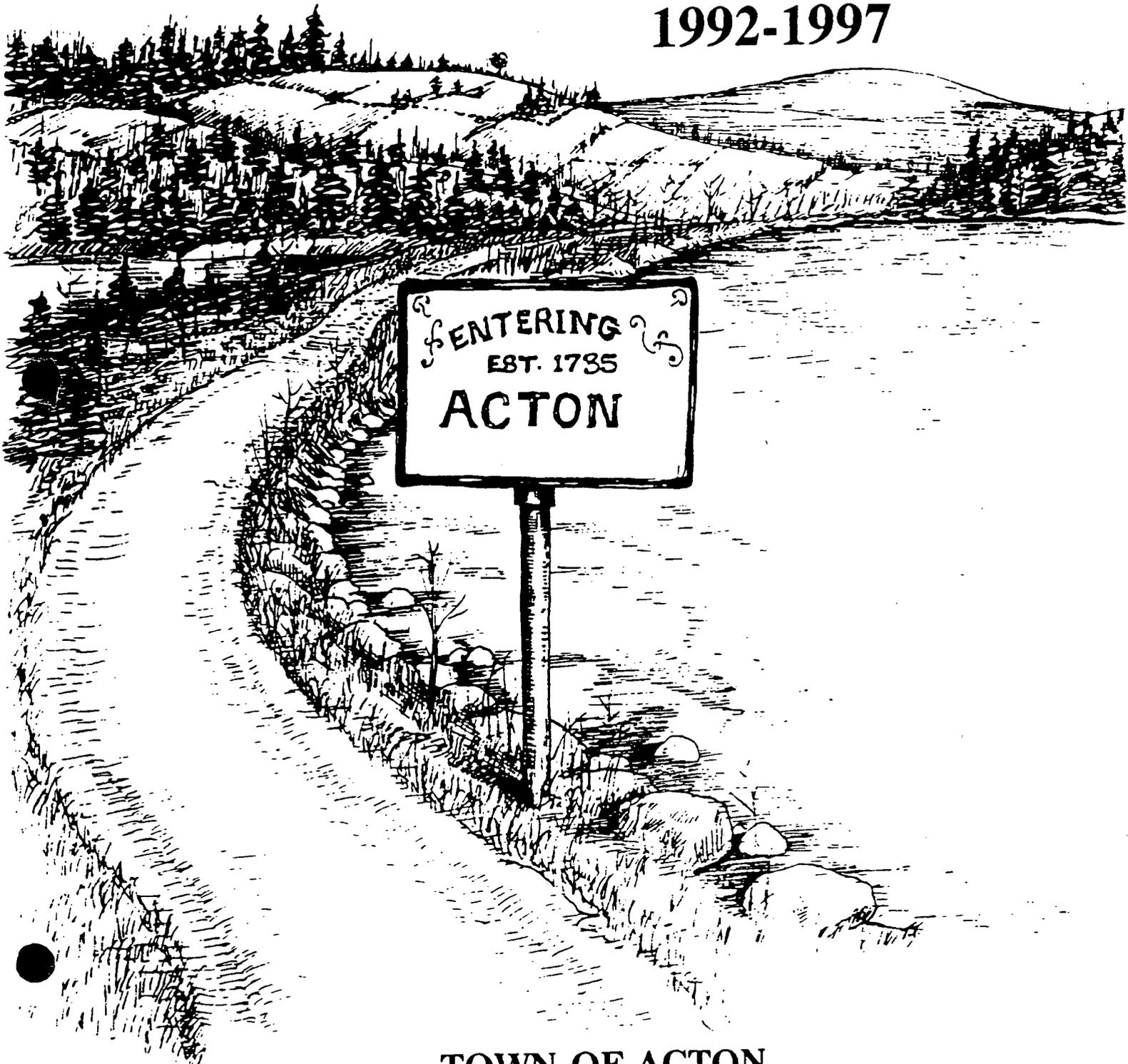
DAC/67

CC: BOS - FORWARDED FOR YOUR REVIEW
AND COMMENT. WILL SEEK YOUR INPUT
ON 6/23.

CHRISTINE - PLS. SCHEDULE FOR BOS AGENDA
OF 6/23 UNDER TOWN MANAGER'S REPORT.

OPEN SPACE AND RECREATION PLAN

1992-1997



TOWN OF ACTON

**TOWN OF ACTON
OPEN SPACE AND RECREATION PLAN
1992-1997**

- Section 1 Plan Summary
- Section 2 Introduction
 - A. Statement of Purpose
 - B. Planning Process and Public Participation
- Section 3 Community Setting
 - A. Regional Context
 - B. History of the Community
 - C. Population Characteristics
 - D. Growth and Development Patterns
- Section 4 Environmental Inventory and Analysis
 - A. Topography, Soils, Geology, and Climate
 - B. Landscape Character
 - C. Water Resources
 - D. Vegetation
 - E. Fisheries and Wildlife
 - F. Scenic Resources and Unique Environments
 - G. Environmental Problems
- Section 5 Inventory of Lands of Conservation and Recreation Interest
 - A. Protected Parcels
 - 1. Conservation Lands
 - 2. Athletic Fields
 - 3. Community Gardens
 - 4. Water Based Recreation
 - 5. Town Forests
 - 6. Playgrounds
 - 7. Greenbelts
 - 8. Water District Lands
 - B. Unprotected Parcels
 - 1. State Owned Lands
 - 2. School Department Lands
 - 3. Chapter 61, 61A, and 61B Lands
 - 4. Cemetery Lands
- Section 6 Community Goals
 - A. Description of Process
 - B. Statement of Open Space and Recreation Goals

- Section 7 Analysis of Needs
 - A. Summary of Resource Protection Needs
 - B. Summary of Community's Need
 - C. Management Needs, Potential Changes of Use

Section 8 Goals and Objectives

Section 9 Five Year Action Plan

Section 10 Public Comments

Section 11 References

Section 12 Appendices

- A. Master Plan Executive Summary
- B. 1990 Census Data
- C. Conservation Lands Rules and Regulations
- D. Acton Arboretum Bird List
- E. Acton Arboretum Plant List
- F. Wetlands Protection Bylaw

Section 13 Maps

- A. Public Lands Map
- B. Zoning Map
- C. Slopes
- D. Agricultural Soils
- E. Septic Suitability
- F. Wetlands
- G. Flood Plains
- H. Groundwater Protection Zones
- I. Ecologically Significant Habitats
- J. Chapter 61, 61A, 61B and Town Conservation Lands
- K. Environmental Constraints
- L. Conservation and Recreation Areas



SECTION 1

PLAN SUMMARY

SECTION 1

PLAN SUMMARY

The Acton Open Space and Recreation Plan has been written to provide both an inventory of existing facilities, and a framework to make decisions regarding utilization and expansion of open space.

Through its various sections, the Open Space Plan documents the success the Town has had in protecting open space, and the vast amount of public support that exists for the continuation of the protection program. The plan provides a brief overview of the development of the Town, including its history, growth patterns, and demographics. The plan then examines the environmental base of the Town, including its geography, vegetation, and wildlife habitat. The most voluminous section of the plan is an extensive inventory of protected parcels (which is detailed into eight subsections), and unprotected parcels (detailed into three subsections).

Using the community setting, environmental analysis, and inventory of lands, the plan develops an analysis of what future actions, both on a macro and micro scale should be taken to continue the protection of open space, in keeping with the wishes of the taxpayers, as established in the Master Plan process and direct contacts since the acceptance of the Master Plan.

Finally the plan has an extensive appendix and map section that goes into greater detail than shown in the plan itself, and which provides an easy reference section for persons wishing to conduct further research.



SECTION 2

INTRODUCTION

SECTION 2-A

STATEMENT OF PURPOSE

The purpose of this plan is to formalize the Open Space Planning and Management process as it exists in Acton today, and to provide a framework of realistic, tangible goals for the next five years.

This is Acton's third open space and recreation plan; The most recent plan, entitled "Patterns for the Future" covered the period 1985-1990. A great deal of progress has been made in accomplishing many of the goals of the plan in the six years since that plan was published.

Soon after the 1985-1990 plan was published, some very basic changes to the Town's organizational structure were undertaken. An overall department - Municipal Properties, assumed management of all land, natural resources, and facilities under broad policy guidelines from the Recreation Commission, Conservation Commission, Cemetery Commission, and the Board of Selectmen. The Conservation Administrator and Cemetery Superintendent came under the direct supervision of the Municipal Properties Director. This reorganization allowed the new Administrator to spend a great deal more time working on the lands, coordinating volunteer activities and conducting inspections, and now many of the administrative and clerical duties are performed by the Director or his secretary. The realignment also provides a process whereby the department labor and equipment pool became more available for use on conservation lands, and triples the amount of work performed on the lands.

Significant progress has also been made in the field of bylaws, rules and regulations. The local Wetlands Protection Bylaw and Rules and Regulations were rewritten by the Commission and staff, and adopted by the Town. This Bylaw now is substantially more protective than the State law. The Town adopted an aquifer protection bylaw and zone map. The Planning Department sponsored substantial changes to zoning to preserve open space and reduce the potential overall density of Town. Finally, the Town accepted a Master Plan, which lays out a framework for town growth into the next century.

Fiscal constraints and skyrocketing real estate costs could have stifled the Town's attempt to preserve open space. Since 1985, however, two significant parcels of land have been obtained, due to zoning and development incentives. These areas are Nashoba Brook Conservation Area (123 acres), and Stoneymeade Conservation Area (43 acres). In the years to come it is very likely that this method of obtaining land will continue to exceed the actual purchase of land.

In summary, the purpose of this plan is to review the progress in the last six years in acquiring and managing open space, and in providing methods to protect open space in the future. The plan will also provide an outline for proposed actions that should be taken in the next five years to continue this process.

SECTION 2-B

PLANNING PROCESS AND PUBLIC PARTICIPATION

The major author and compiler for this document is Dean Charter, Director of Municipal Properties, with extensive assistance from Tom Tidman, Conservation Administrator and Andrea MacKenzie, Municipal Properties/Conservation Secretary. Individual articles were also contributed by Andrew Sheehan, Ann Shubert, and Peter Shanahan, all of the Conservation Commission. Graphics and maps were drawn by Tom Tidman.

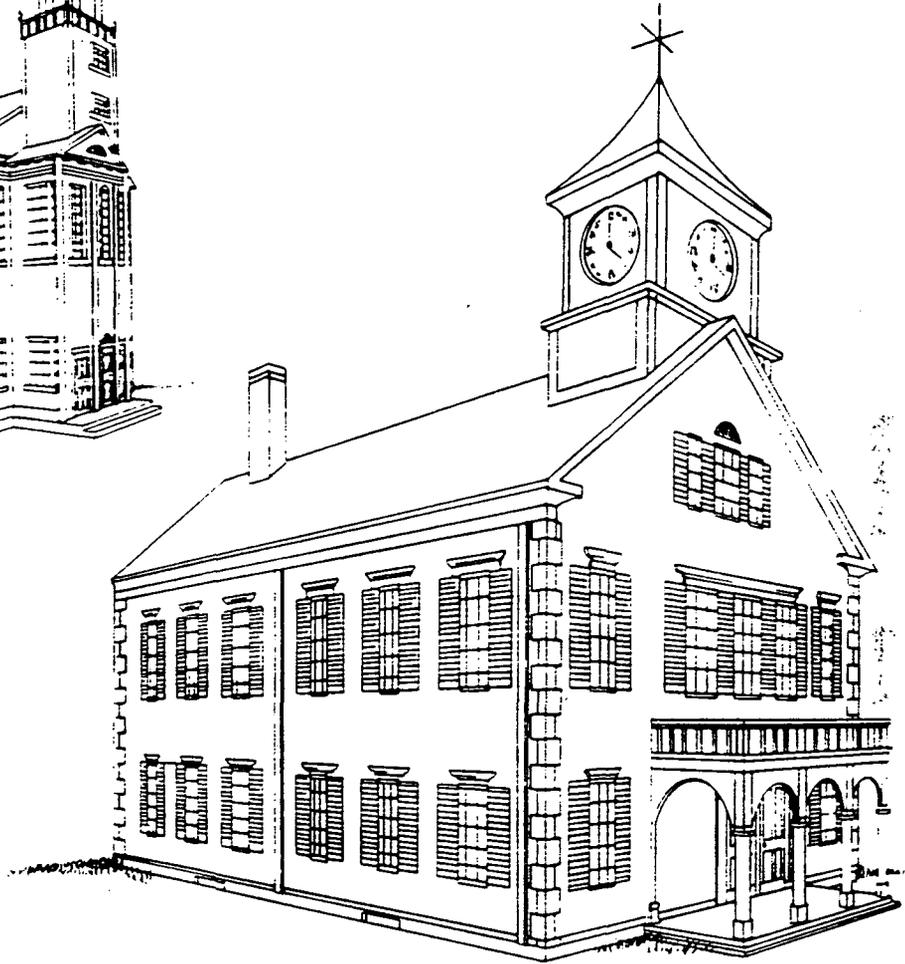
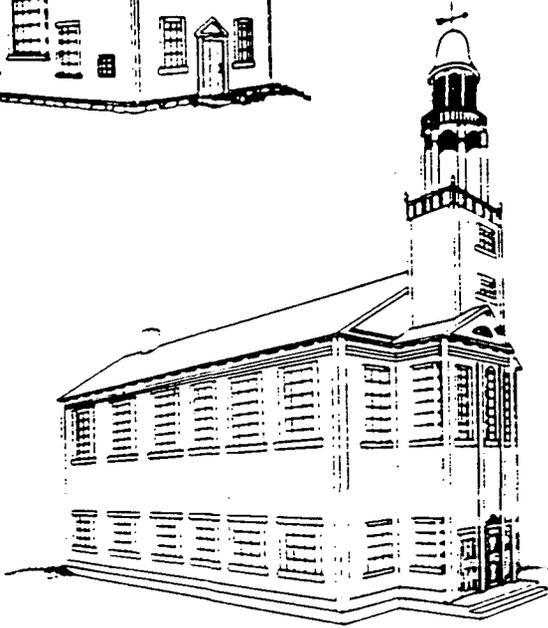
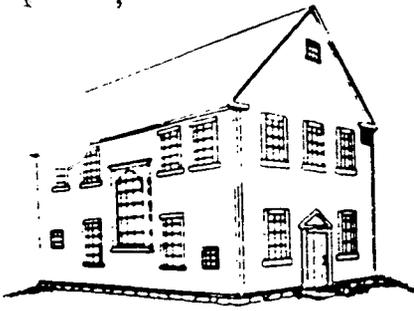
The 1985-1990 Open Space and Recreation Plan was used as a base, but was extensively revised, expanded, and updated to comply with the State format. Where possible, existing information has been incorporated into this document, rather than do new research.

In February, 1991 the completed Master Plan for the Town of Acton was accepted by the Board of Selectmen. This document represented several years of effort by the Planning Department, the Planning Council, and their consultant, I.E.P.. The Master plan process incorporated an extensive public hearing and information gathering process, surveys, opinion polls, and town meeting discussion. The author of this report attended many of the public meetings associated with the Master Plan, and the comments in the Master Plan that are pertinent to the Open Space and Recreation Plan are addressed in this plan. As noted above, no attempt is made in the Open Space and Recreation Plan to re-write the Master Plan. The author's concept for the Open Space Plan is that it should be very tangible, very grounded in reality, and provide concrete, achievable goals for the next five years. If the Master Plan was a concept document, the Open Space and Recreation Plan is an implementation document.

Specific suggestions were solicited from many individuals prior to the preparation of the draft Open Space and Recreation Plan. Those contacted included: the Conservation Commission, Recreation Commission, Recreation Director, and the major athletic leagues.

Copies of the draft document were circulated to all relevant boards and community groups for comments for inclusion in the final document. The specific distribution list is included below:

Town Manager	Planning Board
Board of Selectmen	Recreation Commission
Conservation Commission	Historic Commission
Water District	Recreation Director
Engineering Administrator	Health Director
Finance Director	Highway Superintendent
Police Chief	Fire Chief
Memorial Library	Citizen's Library
Cemetery Commission	Acton Boxboro Youth Soccer
Colonial Little League	Pop Warner Football
Two-Lite Softball League	Historic District Commission
Acton Children's Playground Committee	
Friends of the Acton Arboretum	South Acton Revitalization Committee
Interested Citizens:	
Franklin Charter	George Neagle
Isabella Choate	Brewster Conant
Don Nylander	Martin Graetz
Edwin Richter	



SECTION 3

COMMUNITY SETTING

SECTION 3-A

REGIONAL CONTEXT

Acton is an upper middle class suburban community, located approximately 25 miles west of Boston, equidistant between Routes 495 and 128. Route 2 bisects the town, and serves as a major commuting route into Boston for residents of Acton and towns located to the west. Route 2A, which also runs east to west, is a commercial and retail zone, providing stores and offices that are used by residents of Acton, Westford, Littleton, Carlisle, and Concord. The M.B.T.A. trains run through West and South Acton, and the town maintains a "de facto" regional parking facilities in South Acton.

The socioeconomic class of the majority of Acton's residents, the historic use of the majority of Acton's land, and the patterns of development, all have had an impact upon the use of open space and recreation lands. The older residents of Acton remember what the town was like when it was a farming community, and the newer residents have generally supported public purchases of land to provide open space, to protect the environment, and to help maintain property values; as a result, over 1000 acres of land were set aside from 1960 to 1980. Acton, as a suburban commuting town, is situated in such a fashion that many of the new residents moved here to live "in the country", even though the town is no longer really rural. As forests and farmlands have become available to development there has been pressure to keep the area open. There has also been pressure to have parcels of land adjacent to all major subdivisions, so conservation lands are fairly evenly distributed throughout town.

There are several parcels of conservation land in Acton that abut neighboring towns, and there is a potential for a regional trail system. However, at least one adjacent town has stated, through their Property Director, that they "don't want Acton residents using our land". However, the Town will continue to pursue such linkages, not only for trails, but for wildlife corridors and scenic continuity.

Acton is closely associated with Boxborough, through regionalized schools, fire department dispatch, and athletic leagues. Around 20% of the participants of local athletic leagues that use Acton's fields are not Acton residents, and they are allowed to use the fields on the same basis as Town residents. In many ways, Acton is providing a regional recreation program.

A few years ago, the state had a proposal to convert the underutilized railroad spur that runs from South Sudbury to Lowell into a regional bikeway, similar to the Cape Cod Rail Trail. Lack of funding on the State level has caused the program to be temporarily shelved, but it should be pursued in the future. In Acton, approximately 30% of the proposed trail mileage would be directly abut public open space.

The Town of Concord controls Lake Nagog, which is split between Acton and Littleton, and Concord prohibits the public use of the land it owns that abuts the lake. Non-power boating, fishing, and nature study on this lake should not effect water quality, and should be considered.

Acton is providing a variety of "regional" services and facilities that are of value to the citizens of surrounding towns. The cost of providing public facilities that are used by citizens of other towns are borne almost totally by Acton taxpayers, our open space is being used up to provide a regional commercial and retail district, and our quality of life is degraded by the influx of commuter traffic; however, these impacts must be balanced against the economic importance of having a diversified tax base. Acton has been supportive of regional planning strategies to balance the impacts of development among neighboring towns, through its participation in MAGIC and MAPC.

SECTION 3-B

HISTORY OF THE COMMUNITY

Acton was originally part of Concord, and was settled by Europeans soon after Concord was incorporated in 1635. The first settler was Captain Thomas Wheeler, who built a house in 1668 near Nashoba Brook, near what is now the intersection of Concord Road and Alcott Street. European settlement continued through the 1600's, with most early settlement occurring along Nashoba Brook in East and North Acton, and Fort Pond Brook in South and West Acton. The extreme western section of Acton; near Fort Pond, was part of the Nashoba Indian Plantation. These "praying" or Christianized Indians were decimated by European diseases, and the remainder of the tribe were deported to Deer Island in Boston Harbor during King Phillip's war. Faulkner's Mill was established by the "Great Falls" of Fort Pond Brook in 1702.

By 1735 Acton had acquired enough population, had built a meeting house, and was incorporated as a town. In 1775 the Acton Minuteman, led by Captain Issac Davis, marched to the North Bridge in Concord to resist the British Army. Captain Issac Davis, Abner Hosmer, and James Hayward, all were killed on April 19.

Acton was primarily an agricultural community through the 18th and 19th centuries, but some small manufacturing and retail establishments grew up around the streams, and near the railroads in South, West and East Acton.

Quarrying was done in Acton throughout the 1800's but did not become a major industry until the 1880's. The Harris quarry was noted for its "slickened sides" granite. This was formed by faults in the ledge that rubbed together, heating and forming a polished look. When the final product was finished it had a look comparable to a light green and beige marble. In addition to the large quarries, there were many small scale quarry operations run by farmers to cut fence posts and foundation stones. A good example of this sort of operation can be found near a trail at the Arboretum.

After the Civil War, with the opening of prime agricultural lands in the west, Acton lost population, and there was very little "growth" until after World War II. Acton developed into three major villages: South Acton, West Acton, and Acton Center; these villages, although part of the same town, had their own volunteer fire companies, and neighborhood elementary schools. "North Acton"; that area of town north of Route 2A, remained very rural into the 1960's. East Acton, or, as it was called in earlier days: Ellsworth Junction, declined in importance as a village, and took on the character of a retail strip, after 1950. Recent zoning changes have attempted to revitalize this area and rebuilt its village character. The Ice House Pond and the possible construction of the Rail Trail provide the potential of both active and passive recreation areas adjacent to the village.

Due to the traditional development patterns, virtually all town facilities and active recreation areas are clustered in the southern half of town; this has implications for the provision of recreational facilities in the northern half of town, which is now undergoing a surge of growth.

There are over 25 houses in Acton which pre-date the Revolution and many more which date back to the late 18th and early 19th Centuries. The Jones and Wetherbee Taverns, the James Billing and Walcott-Taylor homes were used as stations in the Underground Railway. Exchange Hall, in South Acton, was an important commercial structure in the nineteenth century. The Issac Davis Monument and the Issac Davis Trail, the route the Minutemen took to the battle

at Concord Bridge, the Memorial library (1890), and the Town Hall (1864) are a few of Acton Center's noteworthy historic features. Acton also has former mill sites and dams. One old dam is located on old High Street. This has been repaired and is generating power again. The Jones and Faulkner Mills located in South Acton operated fulling, saw and grist mills. Some of the original buildings are still standing. A circa 1845 stone arch bridge still carries the railroad over Fort Pond Brook in South Acton.

Nashoba Brook Conservation Area, which was acquired in 1987, has many dams and related stone structures. Robbins Mill Pond Dam, first constructed prior to the revolution, was repaired by the Town in 1990. The Pencil Factory that Henry David Thoreau worked at is located downstream from the pond. The "Potato Cave"; a pillared stone chamber that has been attributed to either early colonial farm use or Native American ceremonial use is also located in the Nashoba Brook Conservation Area.

An extensive history of Acton prior to 1950 can be found in Phalen's History of Acton, which is now out of print, but is available at the Acton Memorial Library. Acton's "Historic Properties Survey", which was updated in 1989, is an excellent resource for additional information on the older structures throughout town.

Acton has approximately 110 miles of public roads: 10 miles consist of major state highways, approximately 50 miles consist of "historic" town roads, and around 50 miles consist of subdivision roads built since the mid 1950's. The 50 miles of subdivision roads built in the last 40 years says a great deal about the recent changes to Acton and the impact it has had on its' open space, culture, and environment.

In 1969, Acton changed its form of government, and it now consists of an open town meeting, a Town Manager, and a five member Board of Selectmen. The Board of Selectmen appoints the Conservation Commission, Recreation Commission, and Planning Board, among other committees. As shown elsewhere in this plan, Acton experienced substantial growth in the period between 1950 and 1990, and town meeting, town staff, and the town boards all have spent a great deal of effort on trying to control, manage, and react to, this growth.

SECTION 3-C

POPULATION CHARACTERISTICS

The total population of Acton in 1990 was 17,872. This figure shows a slight increase from the population in 1980, but it also shows that the tremendous population growth of the period 1951-1970 has slowed considerable. However, housing construction is continuing, and as a result there are more houses with less inhabitant per unit that was the case several decades ago; the average number of persons per household in 1990 is 2.69 and per family is 3.15. In 1970 the median age of Acton was 23.7, in 1980 it was 29.7, and in 1990 it was 34.78. Of the 1990 population of 17,872, 4,486 are persons under the age of 18. This group generally creates a large local demand for athletic fields type recreation areas. 95% of Acton's population is white, 3.6% is Asian, and .9% is black. 1.5% of Acton's total population is Hispanic.

Housing in Acton tends to be quite expensive. The largest price range (27.7%), is in the \$200,000-\$299,000 price bracket. In 1989 there were 24 new houses constructed in Acton, in 1990 there were 25, and in 1991, despite the recession, there is a building "blip" with a projection of 70 new housing starts. However, real estate values have plummeted recently, with the total valuation of the town going from \$1,800,000,000 in 1987 to \$1,500,000,000 in 1991.

The continued consumption of open space for residences and commercial sites has had a serious impact on all facets of the Town, including the need for purchase of publicly owned open space. The Master Plan projects the need to obtain an additional 500 acres of Town open space by 2030 to maintain the present ratio of open space to population.

In the 1985 Open Space Plan specific notice was made on the un-addressed recreation needs of the very young, the elderly, and the handicapped; some actions have taken place since that date to address these needs, and these actions are noted elsewhere in this document.

A more detailed analysis on Acton's population may be found in the Appendix.

Table 1 - Population and Density

Date	Population	Pop/per square mile
1930	2482	124
1940	2710	135
1950	3510	174
1960	7238	359
1970	14770	732
1980	17544	875
1990	17872	894
Projected Growth (from Acton Master Plan, 1991)		
2000	20,000	997
2010	22,000	1097
2020	23,000	1147
2030	25,000	1246

SECTION 3-D

GROWTH AND DEVELOPMENT PATTERNS

Acton started as small villages: Acton Center, South Acton, West Acton, and Ellsworth Junction, which is now known as East Acton. These small industrial and commercial districts were surrounded with small farms that were most noted for production of apples and other produce for the Boston market. Livestock raising included sheep, dairy cattle, swine, and chickens. Due to the marginal soil, many of these farms were marginal, subsistence farms, and many residents had other jobs to provide a cash economy.

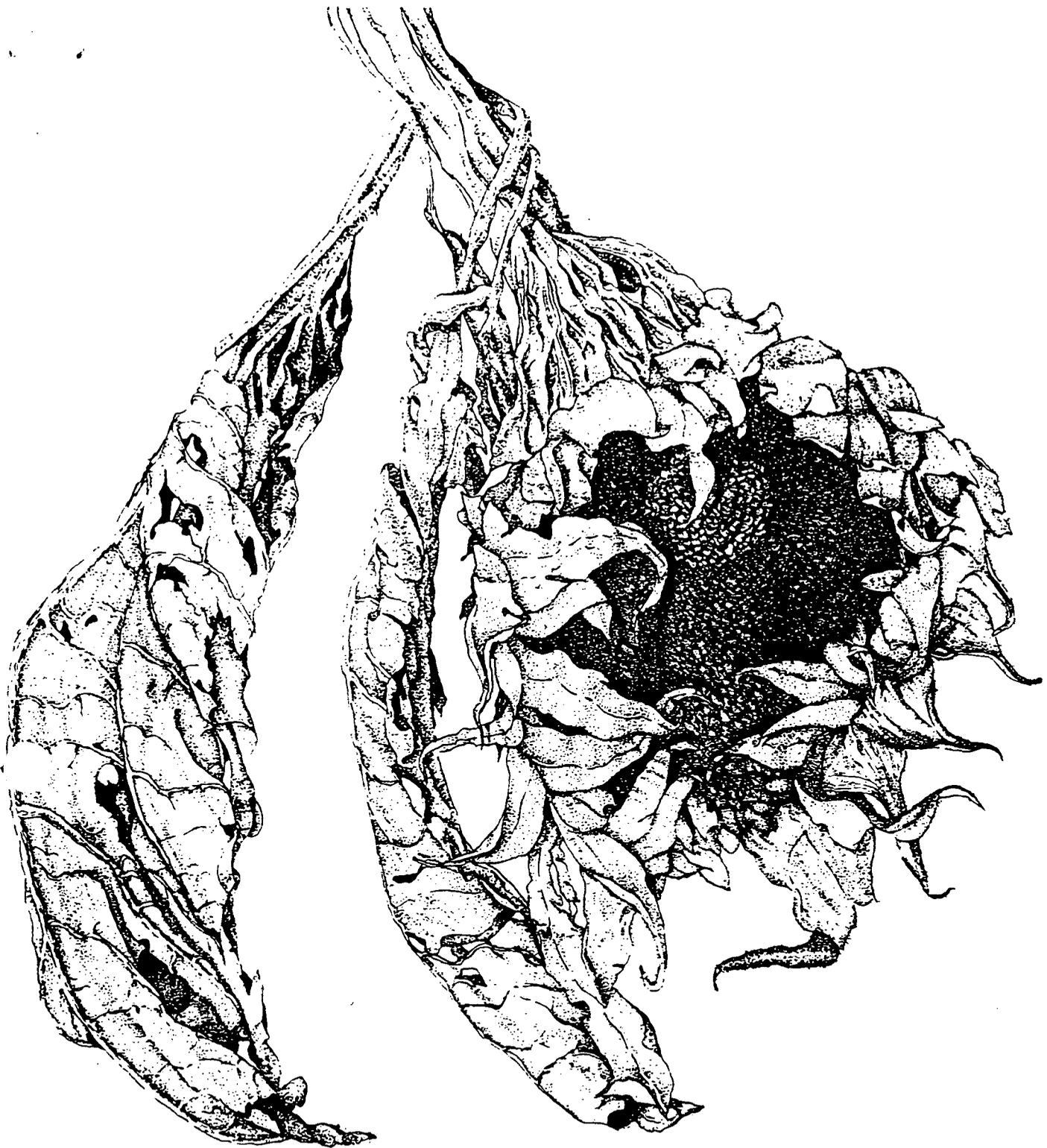
After World War II, due to its' proximity to Boston, Route 128, and the presence of commuting routes by way of Route 2 and the railroad, Acton quickly grew into a suburban bedroom community. In 1960, approximately 20% of Acton's tax base was from the commercial and industrial sector, and that same 80% residential/20% commercial and industrial split exists today.

As noted above, Acton is bisected by Route 2, which provides a commuting route not only into Boston, but also the industrial areas along Routes 128 and 495. Route 2A provides a commuting route as well as a substantial retail and commercial corridor that is of great regional significance. Public water is available in the majority of Town, gas is available on about half the public roads. Electricity and telephone service exists on virtually all public roads. There are no town sewers in Acton, although several condominium developments do have private sewer treatment plants.

The typical development pattern in the 1950's through 1970's consisted of single family home subdivisions, with lot sizes ranging from half acre to two acres, depending upon the section of town. In the early 1970's there was a few years of growth of apartment houses, principally along Route 2A, but also in isolated areas of West and South Acton. Many of these units have now been converted to condominiums, either investor owned or owner occupied. Recently there has been interest in providing other types of development patterns, primarily cluster type development with the extra land deeded to the town. Acton acquired the Stoneymeade Conservation Area (43 acres) and the Nashoba Brook Conservation Area (123 acres) through this method.

In an effort to control growth and protect the environment, town meeting has approved a local wetlands bylaw, floodplain zoning, aquifer protection zoning, floor area ratio, transfer of development rights and a series of amendments to the zoning bylaw. At this point, very few Acton residents want to see the town grow in population or commercial size, and they strongly support actions (which in the past included purchase of open space) to limit such future growth.

An extensive and authoritative analysis of Acton's growth and development patterns can be found in the Master Plan Executive Summary and the 1990 census data; both documents may be found in the Appendix along with the present zoning maps.



SECTION 4

ENVIRONMENTAL INVENTORY AND ANALYSIS

SECTION 4-A

TOPOGRAPHY, SOILS, GEOLOGY, AND CLIMATE

TOPOGRAPHY

The topography of the town is best described as hilly with broad valleys. The general elevation is about 230 feet above mean sea level, with one hill rising to 430 feet above sea level. The low point of town is located at the Concord town line at 130 feet. The streams and their location are covered more completely under the Water Resources part of this section.

SOILS

Soils are predominantly moist, but rough and stony in character, with many areas of sandy loam. Wet soils are associated with the stream valleys, and certain areas of town have a number of ledge outcroppings.

The soil types identified in this report were compiled for the Town of Acton by the Soil Conservation Service and reported in "Soils and Their Interpretations for Various Land Uses" US SCS, Dated: August 1983.

1. Hinckley-Windsor-Ninegret: These soils are droughty and moderately well drained sandy and gravelly soils on 3%-25% slopes. They occupy about 22% of the town. Generally they are good for all types of development, residential, commercial and industrial. They are also excellent sources of large volume groundwater. About 50% of this association is wooded. It is good for agricultural uses as well.
2. Charlton-Narragansett-Sutton: Occupying about 20% of the town, these soils are well drained and moderately well drained, stony and bouldery soils on 3%-15% slopes. Development of residential, commercial and industrial uses is satisfactory in this association. Large volumes of groundwater supplies are not available though enough for individual home use is possible. Most of this association is wooded.
3. Paxton-Woodbridge: Approximately 27% of the town is in this association. It is composed of well drained and moderately well drained stony and boulder soils on 3% to 15% slopes and underlain by hardpan. this type of soil is limited for commercial, industrial or high density residential use because of the hardpan located about 2 feet under the surface. Wells can produce sufficient quantity for individual home use but not for commercial or industrial use. These soils are excellent for agricultural and forestry use. Currently most of this association is wooded.
4. Hollis: Rocky, shallow, stony and very stony soils on 3%-35% slopes make up 10% of the town. While individual residences are possible, on-site sewage disposal is difficult to locate. Groundwater supplies are difficult to develop. A small amount of this association is farmed but most is wooded.

5. Muck-Whitman-Scarboro: Scattered throughout the town, this association is very poorly drained organic and mineral soils on level terrain. Approximately 20% of the town is composed of these soils. They are very severely limited for any type of development. Vegetation consists mostly of wetlands species.

Soil types place a variety of restrictions on development in a town especially if, as in the case of Acton, the town does not provide septage disposal facilities. Development here has been somewhat restricted due to the limitations of the soils for on site septage disposal. The current policy of no town-wide sewage collection and disposal system will continue in the foreseeable future except possibly in the South Acton area where soils, groundwater, slopes, and other conditions have resulted in higher rates of failure than desirable.

There are limited prime agricultural soils and few active farms in town. A map of the prime agriculture lands is located in the appendix. However the predominance of soils good for forestry have placed many acres, about 10% of the town, in forestry use.

GEOLOGY

Acton has nine drumlins, ranging in height from 310-430 feet above sea level composed of till which built up under glacier. They include Faulkner Hill in South Acton, Wright and Mead's Hill in West Acton and Great Hill near the intersection of Routes 27 and 111. Also created by glacier activity are kettle ponds. Grassy Pond and Will's Hole, which are evolving into quaking bogs, are two examples of this formation, which were formed by ice blocks left behind as the glacier receded. There are several eskers in Acton; these are serpentine gravel deposits, 10-30 feet high, left from the melting of the glacier. Eskers can be found at the Arboretum, and the North Acton Town Forest. The only commercially viable stone in Acton historically was granite, although there are no active stone quarries presently. In colonial times, deposits of bog iron were used to produce a low quality ore. There are presently several active gravel pits in Acton, producing aggregate from the remains of eskers and glacial outwash deposits.

CLIMATE

Acton is located on the western side of Route 128 which traditionally was seen as the snow/rain line Which often resulted in heavier snowfalls than in Boston. However, in the last 5-10 years that "snow line" appears to have moved westward to Route 495, if this is a minor variation or a sign of long term climate change remains to be seen. Acton is on the zone line for plant hardiness zone six, with zone five starting a few miles further west, as charted by the National Arboretum and the United States Department of Agriculture.

Meteorological Data

Normal Temperature in January - 27.8° F
Normal Temperature in July - 72.0° F
Normal annual precipitation - 43.02 inches

SECTION 4-B

LANDSCAPE CHARACTER

Acton's most noticeable landscape aspect is its' abundance of trees. As noted elsewhere, the farming past; open fields, pastures, and orchards, is rapidly becoming obscure by forest regrowth. The Town has run an active street tree maintenance and planting program since the time of the depression, and most new home buyers in the subdivisions immediately plant their yards heavily. Zoning and subdivision regulations have added the force of law to the maintenance of the heavily treed environment.

Acton's heavy tree cover, although it provides a beautiful, cool, leafy appearance to the streets and public areas, and provide as a habitat for birds and small mammals, is not an unmixed blessing. Because of the heavy tree cover Acton has very few long vistas, its many hills disappear, many streams and small ponds are invisible, and many structures that are noteworthy from an historic or architectural point of view are obscured.

For reasons of diverse habitat as well as aesthetic beauty, unforested open space should be preserved not only from development, but also from the encroaching forest. The Town "brush-hogs" all open fields on conservation lands on a periodic basis to maintain a grass and forb environment. Open fields, such as at Grassy Pond Conservation Area on Nagog Hill Road, where the Boston skyline is visible, are enlarged as time allows. An effort should be made to inventory other open fields that remain in the private domain; these areas should be given a high priority for town purchase, failing that, development options that preserve these open fields should be pursued.

SECTION 4-C

WATER RESOURCES

Acton is one of the fourteen towns included in the SuAsCo River Basin. The Assabet River, which originates in a swamp on the Westborough, Grafting, Town line flows through the southeast corner of Acton. Two major streams also bisect the town: Fort Pond Brook, which is fed by Grassy Pond, Guggins Brook, and Heath Hen Meadow Brook and flows across the southern portion of the town, and Nashoba Brook which flows across the eastern portion of the town; Butter and Nagog Brook are its tributaries. Spencer Brook drains the extreme northeast corner of town. Since approximately 75% of the watershed areas for Fort Pond and Nashoba Brooks are located in Acton, the quality of these brooks depends on how well we protect them.

Protection of Acton's water resources is a high priority for the town. Relying on wells entirely, Acton pumps its water from subsurface aquifers. Land purchases have been made to acquire aquifers for future wells. Chemical contamination of some existing wells, causing them to be temporarily closed, has hastened concern in protecting these areas. Water conservation methods have been necessary to compensate for the loss of water due to well pollution.

The streams and associated wetlands mentioned above provide an average of 65% of the recharge of the aquifers. Since the entire town relies on wells for drinking water, it is essential that Acton's aquifers be protected. In 1989 the town adopted an aquifer protection bylaw to protect these resources. The aquifer map may be found in the Appendix.

The town does not have any large ponds or lakes that are used for public swimming as do many of the surrounding towns. Ice House Pond, located off Concord Road, was used as a source of ice for many years. Grassy Pond, is a source of many rare plants and home for waterfowl. Part of Lake Nagog is located in Acton, although water rights were assigned to Concord by the State Legislature in 1884. There are also several smaller ponds located throughout the town, but these lack public access.

Because of low descent rates, Acton's brooks tend to meander, resulting in heavy, silty, broad flood plains. It has been estimated that 20% of the town is flood plain. The flood plains store peak water during wet periods, and moderate the discharge rates of flood waters. The protection of these flood plain areas is critical to the inhabitants of Acton and its neighboring towns. During the farming period many wetlands and smaller streams were canalized to drain land for agricultural use. With the passage of time many of these ditches have filled in, causing much slower drainage after storms. Most ditches are located on private property, and environmental and financial constraints prevent the Town from undertaking a routine maintenance and reconstruction program. For this reason, Flood Plain Zoning and wetlands protection are very important; proper regulation and, if possible, town acquisition of lands subject to flooding, should mitigate further flooding problems.

In 1989 the Town accepted an Aquifer Protection Bylaw and Zoning Map, a copy of which maybe found in the Appendix. The Wetlands Protection Bylaw, and its' supporting Rules and Regulations, have also been rewritten recently. These two regulations have guaranteed substantial protection to Acton's water resources.

SECTION 4-D VEGETATION

Acton's plant life still echoes the town's agricultural past. Acton, like most of Massachusetts, was essentially clear-cut during the colonial era, and as late as 1900 over 90% of the town was in open fields. As the town was subdivided, starting in 1950, many developments were established in old orchards, fields, and areas that were just beginning to revert back to forest. In 1990, those areas of town that were not covered with structures, pavement, or maintained lawns, were approximately 90% forested with regrowth, most trees being between 25 and 75 years old.

The principal native forest type in Acton is red oak, hickory, and white pine in the upland areas, with most flood plains, that had once been excellent hay meadows, reverting to a red maple monoculture. Since 1900 a variety of causes have served to limit the diversity of our woodlands from what was here in pre-colonial times. Chestnut blight has eliminated American Chestnut, which was once one of our most valuable species, from its predominant place in the forest. Virtually all American Elms of any size have succumbed to Dutch Elm Disease. The Sugar Maples planted along our roadways at the turn of the century have not naturalized into the woodlands, and many of the White Ash trees are now dying of Ash Decline. This loss of diversity in the woodlands could have serious consequences if we were faced with a new insect or disease complex; in fact, the over abundance of oak has been shown to be a liability during the gypsy moth outbreaks of the early 1980's and again in 1990-1991.

There are a number of non-native species that are naturalizing into the woodlands; these include: Norway Maple, Little Leaf Linden, Burning Bush, and even an occasional Japanese Red Maple. In isolated areas, such as ravines and steep north slopes, there are limited stands of Beech, Birch, and Hemlock, and in some areas thickets of White Dogwood and Witch Hazel can be found, but these plant communities are sharply limited in size.

Vegetation management activities undertaken by the town include the following programs:

1. Road side mowing - Road shoulders are mowed on an annual basis, providing for traffic visibility while allowing native wildflowers to flourish.
2. Street tree maintenance - Public shade trees, as defined under MGL Chapter 87, are pruned and cared for, to provide for both safety and aesthetic beauty.
3. Shade tree planting program - The Town has run a tree planting program since 1941. Approximately 2000 trees have been planted, set back from the road edge, under this program. An attempt has been made to plant no more than 10% of any one species, so as to maintain diversity in street trees. Both funding considerations and a lack of suitable planting spots have prevented a "one for one" replanting program for street trees, although natural forest regrowth is a significant factor not only in the woods, but also along the roadsides.
4. Poison ivy control - Poison ivy growing along the roadsides and hiking trails is sprayed to allow the use of those areas by the public. A Vegetation Management Plan, which is required to apply herbicides to a Right-Of-Way, has been filed with the Massachusetts Pesticide Bureau.

5. Wildlife openings - Any open fields on conservation lands are mowed each Fall with a brush hog to keep the fields open and provide a diversity of habitats. As time allows, new fields are also placed on the annual mowing schedule.

Despite the loss of many forest species as noted above, there is a wide variety of plant species in existence in Acton. A plant list of the species found in the Arboretum was compiled by Dr. Richard Howard in 1986: this list is included in the Appendix.

SECTION 4-E

FISHERIES AND WILDLIFE

As Acton (and the State) have reforested, wildlife has also increased. Anyone who walks the open fields, wetland areas or wooded sections of Acton will find an abundance of animal life here. The Conservation and open lands support the typical New England wildlife population.

In field areas, rabbits, moles, mice and woodchucks predominate. Pheasants, garter and black snakes as well as a variety of bird life will also be present. An inventory of birds observed in just one of our conservation areas: the Acton Arboretum, is included in the Appendix. The Nagog Hill Conservation Area and Acton Arboretum have open fields, a type of land not very common in Town. In order to maintain a diverse habitat, there has been a conscious effort to create and/or maintain open areas in the conservation land. This management activity is ongoing at the Heath Hen Meadow, Great Hill, Nashoba Brook, Grassy Pond and Spring Hill areas.

In more heavily wooded areas, there is a rapidly increasing deer population, estimated by staff at 40-50 head town wide. Squirrels, grouse, raccoons, skunks, chipmunks and owls inhabit the forests in great numbers. Red and Grey Fox and coyote are sighted with increasing frequency. Black squirrels, that are very unusual in Eastern Massachusetts, have been sighted in limited numbers in South Acton for over 20 years; recently they appear to be moving out of this range, and now are also sighted in West Acton. Wild turkeys have been sighted very close to the Acton Town Line, near Fort Pond.

The ponds, brooks and wetlands host a different range of species. Many types of turtles and fish can be found in the waters. Grassy Pond is especially known for its snapping turtles. Some of the fish to be found are: pickerel, large and small mouth bass, perch, trout and sunfish. Waterfowl such as Great Blue Heron, Woodduck, Osprey, Mergansers, Mallards, Green Heron, Buffleheads, Ring Necks, Blue Wing Teal, and Golden Eye ducks either reside in Acton or are frequent visitors. Canadian Geese are so common that they will soon present a nuisance, unless controlled.

Town Conservation Staff has been very active in the last four years in attempting to encourage a diversity of wildlife, not only on public lands, but throughout the Town. As noted above, fields and brushy areas are kept open to encourage birds and animals that need open areas and "edge effect" thickets. Conscious effort is made to provide wildlife corridors. Plants that are beneficial to wildlife, and naturalized landscaping effects are strongly advocated by staff in the site plan review process. The Town has had over 200 Eastern Bluebird nesting boxes constructed and erected, and two pairs of these locally rare birds used the boxes in 1991; the rest of the boxes were of great value to other species. Thirty Wood Duck boxes were similarly erected, and used very effectively for the last few years. Finally, an Osprey nesting tower was constructed on a secluded peninsula at Lake Nagog. Ospreys have been sighted at this location, but have not yet used it for nesting purposes.

SECTION 4-F

SCENIC RESOURCES AND UNIQUE ENVIRONMENTS

There are a variety of scenic areas and unique environments in Acton that are worthy of preservation, and fortunately, many of these areas already have some form of protection.

Town Common - Acton is blessed with a traditional town common, that still marks the governmental center of town, and is the geographic center as well. This area includes "Meeting House Hill", the site of the first meeting house in Acton, which is now a small park and wildflower garden maintained by the Garden Club. The wide grass expanses, mature trees, historic homes, and stone monuments complete the "New England small town" tableau. The Town Common itself is protected by both its Chapter 40-C Historic District designation, and as part of the Acton Center National Register District. However, it's appearance could benefit from having the utilities put underground, and any attempt to widen busy Route 27, that bisects the Common, should be resisted. The Town should consider the purchase of any parcels of land in this area to expand Common or provide off-street parking.

Reformatory Fields - These are large agricultural areas flanking Route Two near the Concord line, and they provide a vital break from the urbanized section of Route Two that traverses Concord. Some of the fields have been protected - for instance, one field is town owned conservation land leased to the State. If the balance of these fields become available, the Town should consider purchasing them to keep them in agriculture and as a scenic overlook.

Quaking Bogs - There is one true quaking bog in Acton, located at the Arboretum. This area is home to many bog plants, including sphagnum moss, pitcher plants, black spruce, and larch.

Grassy Pond exhibits bog-like characteristics, and has been identified by the Massachusetts Natural Heritage Program as being "worthy of protection". Approximately one quarter of the shoreline is town conservation land, and a considerable amount of the watershed for this pond is also town owned. The water is not extremely acidic, so there is a considerable fish population in the pond. As adjacent land becomes available, it should be considered a high priority purchase.

Will's Hole looks very much like the classic quaking bog, and it is also totally on town conservation land. However, a portion of the water in the bog is acquired through a small stream, rather than springs; off-site development along Nagog Park should be closely monitored so that the water quality in this feeder stream is not degraded.

Barker's Pond, located in South Acton, also is a freshwater pond that exhibits bog-like characteristics. There is presently no public access to this pond, but there are several parcels of developer owned land abutting the pond that have unpaid taxes due, so they should be priority parcels for tax taking.

Greenbelts - As noted elsewhere in this plan, the town is in the process of identifying two greenbelts associated with the major watersheds in Acton: Fort Pond Brook and Nashoba Brook. After these areas have been mapped, a priority list of possible acquisitions should be developed. Many parcels close to the brooks have high conservation and recreation value, but very little development potential at this time, so they might be acquired in lieu of taxes.

Ice House Pond - This pond is an impoundment of Nashoba Brook, so it will be included in that Greenbelt. The pond is a very high visibility area that is close to heavily populated areas, so it has great recreational potential for fishing, picnicking, and canoeing. The pond is being rapidly overwhelmed with vegetation, so a significant effort should be undertaken to dredge the pond and maintain its' value. The Town owns the pond bottom and a small portion of the shoreline.

The map "Ecologically Significant Habitats" that was included in the Master Plan may be found in the Appendix. The Massachusetts Natural Heritage Program has identified the Blue Spotted Salamander and the Mystic Valley Amphipod as special concern species recorded in Acton, and the Small Yellow Lady's Slipper as a endangered species. Any habitats where any of these three species exist in Acton should be preserved from development.

SECTION 4-G

ENVIRONMENTAL PROBLEMS

The most significant environmental problem that faces Acton is the impact of development. Acton does have some other environmental problems that are being dealt with: underground storage tanks, landfill leachate, and the W.R. Grace hazardous waste site, but these problems have rather minor impact upon open space.

The impact of development in Acton and neighboring towns is felt on all aspects of our open space. There has been a tremendous loss of open land due to residential and commercial development. In addition to the actual loss of land, the remaining habitat has been segmented, and many wildlife corridors disrupted. Water quality is degraded adjacent to subdivision due to the excessive lawn fertilization, nitrates from septic systems, road salt runoff, and raised water temperatures from street runoff, these impacts are only partially mitigated with detention basins.

Air quality is degraded from pollution caused by commuter traffic traversing the town. It is fairly easy to see plant species that are injured by pollution in Acton, especially ozone injury to White Pines.

Acton does not have a public sewer system, although there is provision for pumping septic systems and hauling septage out of town, nor is a sewer system likely in the immediate future. Many of the remaining open parcels of privately held land in town have a low potential for septic systems due to tight soils and high groundwater: systems installed either work poorly or are hugely oversized to compensate for soil impermeability. The town should identify these marginal areas for possible acquisition. If a sewer system were installed on a large scale, many marginal parcels would become buildable and the loss of open space would accelerate.

At the same time that development is eating up open space, the resultant population growth is causing heavier use of publicly owned open space. The Master Plan projects that need to acquire 500 additional acres of open space in the next 40 years to maintain the present open space to inhabitant ratio. As the conservation areas are more heavily used, there is a need for additional parking lots at the trail heads, and marginally used parcels should be mapped and opened up for hiking so as to equalize stress on the areas. Due to Acton's population growth, and the growth of the towns in the region that use our athletic fields, several new fields should be developed in the next ten years; these fields should also create better geographical spread of facilities and compensate for the loss of Woodlawn field when it is used for cemetery purposes. Donations of recreational facilities as part of development proposals should be considered, to reduce town capital costs.



SECTION 5

INVENTORY OF LANDS OF CONSERVATION AND RECREATION INTEREST

SECTION 5-A-1

CONSERVATION LAND

There are 1429.56 acres of Conservation and Town Forest Land in town. Of that total, 1318.86 acres are grouped on the fourteen lands mentioned below. All conservation lands are owned by the Town of Acton, and maintained by the Department of Municipal Properties under broad policy guidelines developed by the Conservation Commission. All lands with a Self Help number are restricted by the Self help regulations for passive recreation use only. Great Hill is also regulated by the Land and Water grant. A list of local rules and regulations is located in Appendix.

The parcels for each of the fourteen major lands have been grouped under each land title. Specific uses, needs, problems, and potentials have been identified after each listing. The specific area narratives have been produced by Conservation Commission members as part of an in-depth study of all Conservation Lands; parcels that lack detailed reports will be studied in the next few years, and will be included in greater detail in the next Open Space and Recreation Plan.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
1. Acton Arboretum	F-4	28	30	11/1/76	31	ARC
	F-3A	76	14.81	12/27/77	-	"
	F-4	44	6.42	12/16/76	30	"
	F-4	45	<u>2.01</u>	9/28/76	-	"
	Total			53.24		

This area was acquired in 1976-1977, as part of the proposed "Acton Center Park". This proposal, which was presented to Town Meeting as part of the rationale for the land purchase suggested that this area could be "Acton's answer to Central Park" and portions of the land were deleted from the Self Help Grant so as to allow formal active recreation uses in part of the area.

The Acton Arboretum, located in the center of town, consists of 53.24 acres of woods, meadows, swamp, pond, old apple orchards, a glacial esker, and a bog. It is an environment suitable for more than 65 species of birds, and a place where plants, shrubs, and trees abound. There are paths throughout the area as well as a boardwalk through the swamp. The main entrance to the Arboretum is off of Taylor Road (with parking). Also, this part of the Arboretum is being developed as handicapped accessible. Other entrances are at Wood Lane and Minot Avenue.

Historically, this land was owned by a number of families over the years, starting with the Reeds prior to the Revolutionary War. Other owners included the Tutties, who put in an orchard, and John Craigin, who built a house, assumed to have been located on the foundation where there is now an herb garden. The Bridges were the owners immediately prior to the acquisition by Acton in 1976 and 1977.

The Arboretum has been in existence, as such, since 1986 when the Town Meeting approved some funds for the purchase of plant materials and other site improvements. At that meeting, resident John Whittier amended the Article to specify use of the property for the Acton Arboretum. At about this same time, Dr. Richard Howard retired to Acton. He was a Professor of Dendrology at Harvard University, and former Director of the world renown Arnold Arboretum. With 35 years of arboretum experience, he immediately began work on three projects: Cataloging the on-site plant community - this included taking both dried and fresh samples. A complete dried set was donated to the Herbarium at Harvard, and the fresh samples were displayed at the Acton Library. The display at the Library was part of Dr. Howard's second project of educating the public about the plant community at the Arboretum. His third project was arranging the donation of excess plant material from the Arnold Arboretum's Weston auxiliary site, the Case Estates, to Acton.

In addition to the timely arrival of Dr. Howard, the Arboretum has been greatly enhanced by the efforts of the Friends of the Acton Arboretum as well as numerous other volunteers. Committee members have planted, weeded, and generally cleaned up, particularly those areas visible from Taylor Road, while other volunteers, many of them Boy Scouts working toward their Eagle Scout rank, have worked in the foundation and swamp areas on plantings, paths, and boardwalks. Most of the heavy labor of clearing out the foundation and upgrading the trail system has been done by Town staff. Local businesses and landscaping firms have also donated their services and materials. Standing guard over the Taylor Road parking area is a 35 foot white fir which was moved from an area where it was endangered to the Arboretum. Other sizeable trees have also been donated and moved to the Arboretum, among them an amur cork tree which is off to the right as one enters the property from Taylor Road, and there is a yellowwood tree by the drainage swale.

Entering the property from Taylor Road, the drainage swale is screened from the road by a planting of three types of crab apple trees, designed to evoke the feeling of an apple orchard. Low maintenance plantings of predominantly native shrubs edge the swale, taking advantage of the natural moisture. These shrubs, evergreen on the Taylor Road side, and deciduous opposite, provide year-round interest in color of leaf, flower, fruit, and bark, and year-round interest for wildlife as well.

The old Craigin foundation lies across the meadow and is now the site of a 19th century herb garden. The garden has sections for fragrances, teas, plants for medicinal uses, and plants for culinary uses. Surrounding the foundation are shrubs and small ornamental trees which were likely to have been in use in the 19th century, including lilac, quince, bayberry, and kerria. Between the foundation and Main Street, two zelkova trees indicate the approach to the house, much as the American elm might have been used in earlier days. Nestled between them lies a granite horse trough. The horse trough was given to the town by Helen Cowdrey Little (H.C.L.) in 1878, in memory of her father, Dr. Harris Cowdrey, who "so often watered his horse at the old town well," which was on Main Street at the end of Woodbury Lane. Since that time the trough has had various resting places until it was placed in the Arboretum in 1988.

The Arboretum is truly an oasis situated as it is in the center of Acton. The varying topography of the land makes a journey through it especially interesting. Some of the wildflowers one can see in the spring are the

stream-hugging marsh marigolds, celandine, a member of the poppy family, rhodora on the edge of the bog, anemones, fringed polygala, and Solomon's Seal, to name a few. Also in the spring may be seen the lacy white flowers of the cranberry bush viburnum, the very fragrant flowers of the Carlesii viburnum, mountain laurel, rhododendron, azaleas, the cloud like white blossoms of the amelanchier, or serviceberry, and, of course, the apple blossoms. Spring is followed by the white blooms of the kousa dogwood in June, lilacs, the sweet blossoms of clethra alnifolia in July together with herb garden, and many native perennials. There are also blackberries and blueberries. Of special winter interest are the red berries of the winterberry holly, ilex verticillata. The Arboretum has nesting areas for such birds as cardinals, mockingbirds, bluejays, grosbeaks, sparrows, indigo buntings, and catbirds. Many birdhouses have been set out in hopes of attracting eastern bluebirds. These houses may also be home to chickadees, nuthatches, tree swallows, english sparrows, and house wrens. Early in April until mid-May is a wonderful time to see some colorful members of the warbler family on their migration north of Main and Canada. They can often be seen darting out of the willow trees around the pond. The yellow warblers can be seen throughout the summer at the Arboretum as they nest in the wetlands.

The Acton Arboretum fulfills its Mission Statement which goes as follows: "The Arboretum will provide an educational and aesthetically pleasing experience in and of the landscape. It will concentrate attention on the educational value of the following areas: Succession Stages, Wildlife Habitats, Geological Landforms, Historic Site Features, and Natural Systems. In an effort to provide a wide range of study material, many plant, shrub, and tree species will be used. In all plantings, native and introduced species, hardy to the Acton area, will be utilized and planted in a naturalized fashion within the framework of existing microclimates and soils".

This is the most formal, most developed, most highly visible, and most used conservation area in Acton, and goes a long way in fulfilling the demand for a "Town Park".

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
2. Pratt's Brook (Formally Averett)	I-3 H-3	2 237	31.00 <u>26.54</u>	4/18/80 4/18/80	32 32	ARC "
	Total:		57.54			

The Pratt's Brook Land is used for hiking and cross-country skiing. Purchased in 1980, it is not well known in town. The original access is from Parker Street, near the railroad tracks. A new parking lot and entrance has been installed by the developer of Audubon Hill, thus allowing access off High Street. A loop trail has also been installed and marked. An interesting aspect to the Pratt's Brook area is the fact that frequent fires, apparently caused by the adjacent railroad tracks, have created a 10-15 acre "barren" in this area. The vegetation consists almost entirely of pitch pine, blueberry, shrub oak, and gray birch, and looks more like Cape Cod than Middlesex County.

Management practices should be geared towards maintaining this unique "barren" area.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
3. <u>Bulette</u>	D-2	10	13.33	8/13/65	1	ARC
	D-3	22-4	3.22	12/21/79		"
	D-3	16	7.00	3/23/26		"
	D-3	12	<u>15.00</u>	3/23/26		"
Total			38.55			

The Bulette land is a small parcel used for cross-country skiing and hiking. Parcels 16 & 12 are legally town forest lands.

4. <u>Grassy Pond</u>	D-3	14	28.95	10/30/68	4	ARC	
	D-3	14-27	16.82	10/29/84		"	
	D-4	1-2	43.61	6/11/72		22	"
	D-3	14-34	1.05	10/29/84		"	"
	D-3	14-5	.24	10/29/84		"	"
	D-3	14-47	.52	10/29/84		"	"
	D-3	14-41	.23	10/29/84		"	"
	D-3	23-09	4.20	1/08/71		"	"
	D-4	001-02	<u>43.60</u>	6/11/74		"	"
Total			139.22				

Grassy Pond was studied by the Conway School in 1984. A boardwalk at the pond edge was dedicated in the Fall of 1984 which provides viewing access to many wetland plants such as pitcher plants. A second boardwalk was completed in 1990 to replace the existing one in the swamp bordering the pond. This trail system can be accessed from Newtown Road, Nagog Hill Road, and Willis Holden Drive. A parking area on Nagog Hill Road was constructed in 1991.

5. <u>Great Hill</u>	G-3	111	33.00	2/8/73	18	ARC	
	G-3	10-1	38.52	12/18/74		17	"
	G-3	68	13.44	1/11/73		19	"
	G-2	124	14.71	7/17/72		15	"
	G-2	152	16.79	12/22/71		14	"
	H-3A	1-1	53.62	11/21/72		12	"
	H-3	11-1	2.00	8/22/75		27	"
	G-3	79	<u>12.80</u>	12/12/72		20	"
Total			184.88				

Great Hill is the largest single conservation land, although it is smaller than the combined Spring Hill and Nashoba Brook Area. Hiking, picnicking, ball fields, and nature study are all located there. The town created a new skating pond in 1986. The area has good parking facilities and is located in a major population area. The open field above the new pond is mowed annually to provide a wildflower area.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
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6. <u>Heath Hen</u>	H-2	1	84.00	7/19/74	21	ARC
	H-2	36	<u>14.80</u>	5/14/74	16	
	Total			98.80		

Heath Hen has a variety of uses; in the past community gardens have been located there and as part of an Eagle Scout project, a multi-site campground was developed. The land has potential as access to Fort Pond Brook for canoeing and boating, and is adjacent to the proposed Fort Pond Brook Greenbelt. In 1992 work was begun to reopen the Community Gardens in this area.

7. <u>Jenks/Cacciatore</u>	E-2	20	23.4	12/2/75	24	ARC
	E-2	60	6.7	12/2/75	-	
	F-1	5				
	&	&				
	E-1	1	<u>55.5</u>	12/24/75	28	
Total			85.6			

Although these lands do not connect, they do serve the same immediate area and are connected by a telephone right-of-way. The lands are used for hiking and are a major cross-country ski area. The major problem on these lands is the use of motorized vehicles such as snowmobiles and trail bikes. These areas are part of the planned Fort Pond Brook Greenbelt.

8. <u>Nagog Hill</u>	D-4	1-3	53.89	2/2/75	29	ARC
	D-4	6	88.14	1/2/80	33	
	D-4	14	6.00	"	-	
	D-4	15	5.00	"	-	
	D-4	21	<u>5.00</u>	"	-	
Total			158.03			

Nagog Hill is used for hiking, cross-country skiing, nature study, and horseback riding. Scouts often use the land for both summer and winter camping. Persons using this area can cross into the Grassy Pond Area or walk onto the land owned by the Town of Concord surrounding Lake Nagog. Through a series of scout projects, the trail system is excellent.

9. <u>Route 2</u>	G-4	173	72.68	2/8/82	-	ARC
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The Route 2 land was purchased from the state and the Department of Corrections continues to use about forty acres for agricultural purposes. The land is used for cross-country skiing but trails have not been fully developed or marked to date.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
10. <u>Spring Hill</u>	D-5	29	36.20	11/22/71	-	ARC
	D-5	35	49.65	11/22/71	-	"
	D-5	38	2.34	6/10/71	11	"
	D-5	23	2.43	8/19/71	10	"
	D-5	24	7.99	6/10/71	11	"
	D-5	37	7.94	11/1/71	13	"
	D-5	37-1	7.92	11/1/71	13	"
	D-5	30	9.67	5/31/67	3	"
	D-5	36	5.82	12/27/66	-	"
	D-5	30-1	.45	5/31/67	3	"
	E-5	4	13.37	11/22/67	3	"
	E-5	7	17.65	5/31/67	3	"
	E-5	45	<u>22.76</u>	9/19/66	2	"
	Total		184.19			

Spring Hill Conservation Area is an area rich with natural resources and benefits to the public. The 184 acres are home to a diverse variety of wildlife, natural features and recreational opportunities.

Acquired by the Town of Acton between 1966 and 1971 through purchases and donations, Spring Hill is a valuable piece of land which will be available to the public forever. Spring Hill is a deciduous forest of mostly red and white oaks, red maple, black and white birch and a scattering of beech and others. Comparatively few evergreens are present in the area though larch, hemlock, and white pines are scattered throughout. On the forest floor a distinct community of ground cover and low-story vegetation exists. Five plant species dominate the ground cover, all of which are indigenous to wet or heavily shaded areas. Because the dense high canopy prevents sunlight from reaching much of the forest floor these species can be found commonly throughout the property. Mosses are the most easily recognizable to the lay person and need little description. They can be are found on the ground, clinging to rocks, fallen logs and standing trees. Partridgeberry is a low spreading groundcover. It has small green leaves and is highlighted by the brilliant red berries which provide beautiful color to the forest floor, especially in the winter. Princess Pine, a soft-needled replica of a pine standing only about six inches tall is also abundant in this area, as it is in most climax forest settings. The two other common ground-species are sheep laurel and winterberry. Both are green leafed and can be distinguished by the wintergreen taste one gets by chewing the leaves of winterberry. The smell can also be noticed by grinding the leaves between one's fingers. Under-story vegetation is dominated by high-bush blueberry and swamp azalea. Like the groundcovers, these are also most common in wetland areas, but do well all over Spring Hill. The swamp azalea is most pleasing to the sense of smell, as the flowers provide a beautiful aroma. The blueberries are probably the tastiest berry-producing plant species on Spring Hill. But one may find it difficult to find more than a handful thanks to the foraging of birds.

Spring Hill may be most easily enjoyed by the use of hiking trails. The trails total three miles in length and are between three and six feet wide. They are most often used by hikers, though cross-country skiers use them extensively when there is sufficient snow on the ground. Slopes on the trails are generally gradual and work is being done to place wooden boardwalks across the several streams which cross the trails. This area abuts the Nashoba Brook Conservation Area, and the interconnected trails provide a variety of routes and destinations.

Wildlife is often the highlight of a walk at Spring Hill. Upland game birds such as partridge and woodcock are not unusual sights. Often, however, one will hear a woodcock or partridge take off from cover along the trail but not see them. The thunder of their wings upon taking off is often startling to the unassuming walker. Looking up at the forest canopy is pleasing to even the most casual bird-watchers. Black-capped chickadees and tufted titmice are the most common year-round occupants in the tree tops, while the trunks are home to woodpeckers and nuthatches. You are in luck if you happen to catch a fleeting glimpse of an owl perched on a limb or flying by in a silent blur. But for many the highlight of a hike here would be seeing one or more white-tailed deer, a thrilling sight as they bound through the woods. The density of the forest often obscures the deer or inhibits your view, however, often allowing only a peek at the white-tail, raised in alert.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
11. Community Gardens (Formerly Taylor)	C-5	41	.88	12/23/75	23	ARC
	C-5	51	<u>4.50</u>	12/23/75	23	"
Total			5.38			

This property provides space for community gardens in the North Acton area, on Route 27 just south of Carlisle Road. Flanked by Nashoba Brook's Robbin's Mill Pond, the property is in a fertile lowland. This rich earth is prime farming land, which is the major asset of this site. A small picnic area is also located there. Due to its small size, no trails have been developed, but plans have been approved for a small parking lot for both the community gardens and the fishing access; this lot should be built in 1992.

12. <u>Will's Hole</u>	C-5	10-1	3.25	8/3/71	8	ARC
	B-5	33				
	&	&				
	C-5	2	20.80	10/69	5	"
	B-5	34	<u>49.00</u>	12/31/43		"
Total			73.05			

WILL'S HOLE CONSERVATION AREA AND TOWN FOREST

The Will's Hole Conservation Area and Town Forest are located on bordering parcels in North Acton. The centerpiece of this area is Will's Hole, a quaking bog characterized by unusual landforms and flora.

The adjoining conservation and forest parcels comprise 73 acres. The Town Forest includes 49 acres, originally purchased in 1943 (for \$490) for harvesting lumber and firewood. The Will's Hole land encompasses 24 acres assembled from several land parcels purchased in 1969 and 1971 for conservation purposes.

Trails lead to the conservation area from both Quarry Road (off Route 27) and Nagog Park Road (off Route 2A). The trail from Nagog park Road is easily accessible from the circle at the roads end and is a direct and interesting route to Will's Hole. The trail follows along the top of a glacial esker, a sand and gravel ridge deposited in the meltwater stream below an Ice Age glacier. The narrow, raised trail could be mistaken for an abandoned roadway or railroad bed, but its curved path betrays its glacial origin for more information on eskers and other landforms created by the glaciers see "A guide to New England's Landscape" by Neil Jorgensen (The Globe Pequot Press, Chester, CT, 1977).

The esker is marked contrast with the lower land that surrounds it. The esker soils are sandy and dry, but the land drops off quickly to wetlands on either side. The esker is also a drainage divide-water to its north flows eastward to Nonset Brook; water to its south flows southward to Will's Hole Brook. Both brooks eventually flow to Nashoba Brook. Bird-foot Violet (*Viola pedata*) grows in the dry, sandy soils of the esker in clearings near the start of the trail. Further along the trail, one can find Highbush Blueberry (*Vaccinium corymbosum*), sweet Pepperbush (*Clethra alnifolia*) and Beech trees (*Fagaceae*).

The esker terminates at a small hill covered with Eastern White Pine (*Pinus strobus*). Immediately to the right (west) is a boardwalk that leads to Will's Hole.

Will's Hole is a classic quaking bog as described by Charles W. Johnson in his book *Bogs of the Northeast* (University Press of New England, Hanover, NH, 1985). Will's Hole most likely formed in a kettlehole, a depression in the land surface formed by a block of ice left by the glacier. At its center, Will's Hole is an open pond. A mat of floating Sphagnum Moss rings the open water. The spongy feel of the floating Sphagnum underfoot is what gave these bogs the name "quaking". The Sphagnum mat is in turn ringed by a more upland zone of dense shrubs and trees.

The quaking bog is an unusual environment than leads to unique plant life. The bog waters are typically acidic and poor in the nutrients that plants need. The lack of nutrients fosters the growth of carnivorous plants-plants that trap and digest insects and other small animals to supply nutrients for growth. At Will' Hole, one can find examples in the Pitcher Plant (*Sarracenia purpurea*) and the Sundew (*Drosera*). The flowering Pitcher Plant is obvious from the vase-shaped pitcher it forms with its leaves. The pitcher, which usually holds some rainwater, traps insects lured into its opening. The much smaller Sundew traps insects on sticky tentacle-like hairs on its leaves, which then close in around the trapped insect. Both plants can be seen near the end of the boardwalk. Other, non-carnivorous plants on the Sphagnum mat include American Cranberry (*Vaccinium macrocarpon*), Leatherleaf (*Chamaedaphne calyculata*), Sheep Laurel (*Kalmia angustifolia*) and Swamp Loosestrife (*Decodon verticillatus*).

A short distance upland of the Sphagnum mat shrubs and small trees are found. Again, the environment encourages plant species that are uncommon elsewhere locally, including Black Spruce (*Picea mariana*), North American Tamarack (*Larix laricina*), and Swamp Azalea (*Rhododendron viscosum*). These trees and shrubs are seen about halfway along the boardwalk.

Will's Hole provides a unique natural setting that can be reached with just south of the boardwalk. Dirt bikes and other off-road vehicles regularly, and illegally, use the trails, and have caused substantial erosion in some spots. Nearby development is also a concern; plant nutrients from lawn fertilizers and septic systems could alter the unusual water chemistry that shapes the character of the bog and its plant life.

13. Nashoba Brook	D-5	22	11.20	11/10/87	-	PCRC
	D-5	11-33	2.26	9/26/88	-	"
	D-5	25	6.70	11/30/89	-	"
	D-5	6	1.80	11/22/71	-	"
	D-5	11-8	<u>.53</u>	10.27/89	-	"

123.29

Most of this area was donated to the Town in 1987 as part of the Arbors cluster development approval process. The Nashoba Brook Area abuts the Spring Hill Conservation Area, and their trail systems are interconnected, providing an expanse of conservation land that totals over 300 acres, and which is abutted by many large parcels of undeveloped land. Due to the size of the area, there is a considerable deer herd, and poaching is an annual problem.

This area is probably the most scenic conservation area, due in large part to the mostly unspoiled Nashoba Brook that runs through the land from north to south. This brook provides excellent trout fishing as well as its attractiveness to deer, small mammals, and water fowl. There are a variety of interesting ruins in the area, including foundations of early mills, two earth fill dams, many stone walls, and the enigmatic "potato cave". The Nashoba Brook trail traverses the area to the east of the brook, and an existing trace of a fishing trail is being upgraded into the Northbriar trail on the westerly side of the brook; both trails exceed a mile in length, running from Wheeler Lane to Davis Road. Parking areas and trail signs are provided at each end of the trail, and trail marking, boundary marking, and mapping activities area being conducted during the Fall and Winter of 1991-1992.

14. Stoneymeade	F-5	12-11	44.51	3/24/89	-	R-8
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This area was donated to the Town in 1989 as part of the Stoneymeade cluster subdivision approval process. Approximately half of this parcel consists of fairly narrow strips of wetland located behind the new houses, but this strip is continuous, and provides a wildlife corridor as well as the potential for a hiking trail that will surround the subdivision. The balance of the parcel is mostly open fields with spectacular views; these fields are heavily travelled by horses from abutting properties. A formal trailhead has been created on Stoneymeade Way, and it is possible to enter into Concord conservation land from this area, but this connection is discouraged by the Town of Concord.

OTHER CONSERVATION LANDS

The following lands were purchased primarily for wetland protection or were given as gifts for open space enhancement. Eventually, some of these areas may become connected as other lands are acquired; this will be the case in the next few years as donations are formalized in the Great Meadow Area, located off Massachusetts Avenue, around Fort Pond Brook.

Name	Plate	Parcel	Acres	Acquisition Date	Self Help #	Zone
Conant Street	I-3	148	10.00	12/27/67	-	ARC
Broadview Street	I-3	5	1.76	10/20/70	-	"
Broadview Street	I-3	20	.10	10/20/70	-	"
209 Parker St. (rear)	I-3	132-1	8.63	7/21/70	-	"
915 Main Street	C-5	9	.65	10/20/70	6	"
86-104 Central Street	G-2	178	9.76	6/7/71	7	"
22 Musket Dr. (rear)	E-3	87-64	5.50	4/8/74	-	"
36 Washington Drive	E-3	87-54	.56	4/8/74	-	"
43 Central Street	G-2A	17-1	1.13	12/23/75	26	"
55 Central Street	G-2A	17	30.30	12/23/75	26	"
65-67 Newtown Road	E-3	80	15.30	1/21/76	25	"
66 Conant Street	I-2	71	17.76	12/28/78	-	"
41 Tuttle Drive	G-2	123-125	.90	1/23/79	-	"
36 Tuttle Drive	G-2	123-37	.25	1/23/79	-	"
39 Flint Road (rear)	F-2	149	3.00	4/4/89	-	R-2
46-54 Martin Street	H-2A	41-3	.50	4/1/91	-	R-2
53-73 Stow Street	H-2	41	<u>4.50</u>	4/1/91	-	R-2
Total:			110.60			

SECTION 5-A-2 ATHLETIC FIELDS

The Town of Acton provides approximately 20 acres of town owned athletic fields, in addition to the facilities provided by the local and regional schools that are frequently used for non-school activities. The location, sizes, and most common uses of these fields are shown below. Most areas are suited for a variety of athletic uses, with some areas capable of supporting multiple simultaneous uses. The School Street field is on a ten year lease from the Department of Correction, in return for that Agency's use of a 75 acre parcel of conservation land. Woodlawn field is on a ten year agreement from the Cemetery Commission, and eventually will be used for burial purposes. The newest athletic field, at Routes 2A & 27, was built with town staff in 1988.

ATHLETIC FIELDS

AREA	PRECINCT ACRES		LEAGUE USES
Jones Field	4	3	Baseball/soccer
Gardner Field	4	1.6	T-ball or soccer
Woodlawn Field	2	2	Soccer
Goward Field	2	1.5	T-ball or soccer
Hart Field	2	1	Baseball or soccer
MacPherson Field	2	1	Baseball or soccer
Great hill	4	2.5	Baseball/soccer or 2 soccer
Elm Street Field	3	2	Softball or football/tennis
2A / 27	1	2	2 soccer or soccer/baseball
School Street	5	4	3 soccer

Maintenance of town athletic fields is the responsibility of the Municipal Properties Department. Field scheduling is the responsibility of the Community Education Department.

There are four major leagues that use town fields, and all four leagues have some percentage of players from neighboring towns. In effect, Acton is providing regional facilities without receiving regional funding, although one neighboring town, Boxborough, allows the same sort of regional league use on its fields that Acton allows.

League Name	Total Season Participants	% Non-residents
Acton Twi-Lite Softball	150	18%
Colonial Little League	537	25%
Acton Boxboro Youth Soccer	950	12%
Pop Warner Football	185	45%

In addition to the athletic league use of fields, many community groups and companies reserve athletic areas for games and picnics. In 1991 there were reservations for 146 such events approved. Athletic fields and their associated picnic and playground areas are also intensively used by families and groups of children.

With recent budget cuts, maintenance of athletic fields has become a problem. The town has never lined athletic fields, and in recent years the leagues have had to provide their own silt or stone mix, and amenities such as team benches. Youth Soccer also frequently re-sods worn areas of fields. The leagues that use our illuminated field, Elm Street, have to provide funding for the lights. In 1990 the town discontinued routine trash removal at the fields, due to the misuse of the trash barrels for deposit of household trash. As a result of our haul-in / haul-out litter sticker program, our fields are now actually cleaner than before. The town provides mowing on a weekly basis to athletic fields, and annual aeration. Fields are fertilized using funds accumulated from field reservations or donations from the leagues.

A concern is frequently voiced that the leagues monopolize a disproportionate share of the maintenance budget, and that a "fairer" distribution of maintenance funds should be developed between active, athletic uses and more passive uses of the public lands. Due to the league contributions noted above, the Town funding commitment to athletic fields might not be as overwhelming as the casual observer might assume. However, direct salary cost of a groundskeeper just to mow athletic fields during the growing season is around \$15,000; If equipment costs and fringe benefits are added in, the figure could easily double. With the present grounds crew size, generally, all areas are mowed on a weekly basis, and the mowing crew spends the winter months maintaining street trees and conservation land, so it would be very hard to further cut the crew without impacting both winter and summer work. With the exception of three individuals in the Cemetery Division, all seasonal positions were eliminated several years ago. If user fees were ever implemented, they would probably be intended to augment the current bare bones effort, although there seems to be little support for such fees at this time.

Action 126, from the Acton Master Plan, states: "Balance sports league activity on playing fields with need for non-organized recreation, balance cost of maintenance accordingly." The issue of allocation of space and costs will very likely be revisited frequently in the future.

Comments were solicited in June, 1991 from the major athletic leagues regarding their concerns about the future of the fields; written comments can be found in the Appendix. All four leagues expressed a concern that there were only marginally sufficient areas to use presently, and that there will be a need for additional fields in the not too distant future. The lack of additional illuminated fields, lack of soccer fields for league growth, ability to "rest" fields occasionally, potential loss of the Woodlawn field, and the necessity to double book little league and soccer onto adjacent playing surfaces all were raised as concerns. Finally, it is quite difficult for groups that are not part of the four leagues to obtain use of the fields during the season, so ideally a field area not assigned to a league should be developed. Several areas have been suggested for expansion of the field inventory, however, high development costs on rough and/or wooded sites, regulatory restrictions on active use on conservation lands, neighborhood opposition to development of areas accessible to the general public, and concerns about funding long range maintenance costs all have drastically slowed development plans.

SECTION 5-A-3

COMMUNITY GARDENS

In 1988 it was decided to regain control of the administration of this program from Community Education. All administration and maintenance is now performed by Municipal Properties, with assistance from the Department of Corrections.

At present, Acton has one large community garden area, located in North Acton, off main Street near Carlisle Road. This parcel is 5.38 acres in size, and abuts Robbins' Mill Pond, an impoundment of Nashoba Brook. Community gardens have been located at this site for over 20 years, and the field area is subdivided into 33 50' X 33' parcels, all of which were rented out in 1991. Considerable effort was expended in cutting back brush encroaching on the field area, and to remove two decades worth of plastic mulch, wire, and fence posts. The parcel rental fee was increased to \$15.00 per parcel per season, so as to partially defray the cost of maintenance.

As is the case with other public land in Acton, a few of the users of the Community Gardens are non-residents. Approximately 75% of the users live in condominiums or apartments, around 50% are recent immigrants into the United States, and 25% are retired.

For many years a second parcel, located in South Acton, was also used as a community garden. In the winter and spring of 1992 town staff and equipment were diverted for a sufficient length of time to "re-work" the South Acton Community Garden area and re-open the area on a trial basis.

There are plans at present to create a parking area and install a water line at the North Acton gardens in the summer of 1992, to resolve two long standing problems at the area, and similar amenities will be considered for the South Acton gardens.

ACTON COMMUNITY GARDENS RULES AND REGULATIONS

1. Garden plot fee \$15.00 per plot per year, plot size 50' X 33'
2. Garden plots available for use April 15-November 1
3. All man-made materials must be removed by November 1.
4. No herbicides may be used in garden plots
5. Only insecticides and fungicides approved by the E.P.A. and Massachusetts Pesticide Bureau may be applied. Care must be taken to control pesticide drift.
6. Paths are to be kept clear, all debris left in designated areas.
7. Perennial plants may not be installed.
8. Only biodegradable mulch will be allowed.
9. Failure to comply with rules will result in revocation of permit.

SECTION 5-A-4

WATER BASED RECREATION

The 1985 open space and recreation plan cited the lack of water based recreational opportunities in Acton, and it was a high priority among public participants in the Master Plan process. There is a lack of large water bodies in town, but a concerted effort has been made to create or develop a number of such facilities in the subsequent six years.

ACCOMPLISHED:

Great Hill Recreation Area Skating Pond: This is a 3/4 acre impoundment that was created by excavating an old, silted up farm pond that was reverting into a red maple swamp. The resultant pond, which was completed in 1986, serves as a fishing area, skating pond, and wildlife viewing area.

Mill Pond Recreation Area: This is a half acre site that is located between Main Street and Fort Pond Brook, near the site of the Faulkner Mills. Originally, the parcel was purchased to allow the eventual reconstruction of the adjacent railroad bridge. However, at least a portion of the site will continue to provide a fishing, boating, and skating access to the Fort Pond Brook Mill Pond when (if) the bridge is rebuilt. Presently, the site has a half acre of grass, a picnic table and an opening to the water for fishing and related activities. Use of this area is somewhat limited due to a total lack of on-site parking.

Robbins Mill Pond Dam Restoration: This is a man-made impoundment in the Nashoba Brook Conservation Area; the pond is the site of mill foundations and an earth fill dam that dates back to pre-colonial times. In 1990 the dam was extensively rebuilt by the Town, using funds for materials donated by the Acton Conservation Trust. The restored impoundment is suitable for fishing, canoeing, and wildlife study.

Grassy Pond Trail and Boardwalk Improvements: The boardwalks and trails leading into Grassy Pond, on the Grassy Pond Conservation Area, were improved and upgraded, allowing better access into the pond for fishing and wildlife study. A new access trail was created so that it is now possible to portage a canoe into the pond.

Arboretum Pond: A 4,000 square foot pond was excavated at the Arboretum in 1991. This small pond provides an open water habitat for birds and other wildlife that reside in, or migrate through, the Arboretum.

Will's Hole Bog Boardwalk Reconstruction: The boardwalk into Will's Hole a kettle hole pond and associated quaking bog, was totally reconstructed by Eagle Scouts under the supervision of the Conservation Administrator. This boardwalk now provides safe access to the pond for wildlife and plant observation.

Arboretum Bog Boardwalk: A new 100 yard long boardwalk was constructed across the quaking bog located at the Arboretum. This boardwalk, which includes an observation bench, allows close study of marsh plants and related wildlife.

Sandy Pond: In 1988 a contractor excavated a two acre pond located near Sandy Drive, that is located on Town Conservation Land. This impoundment is now publicly accessible for fishing and nature study.

PLANNED:

North Acton Recreation Area: A feasibility study has been completed and plans reviewed by Conservation regarding the possible construction of a seven acre swimming area in a town owned gravel pit in North Acton. This proposal is being actively pursued by the Recreation Commission. The project appears to be technically feasible, but the financial aspects still need to be resolved.

Ice House Pond Restoration: This is a four acre impoundment of Nashoba Brook, located on town owned land at the intersection of Concord Road and Great Road. Due to the fact that management activities related to ice harvesting stopped in the 1950's, the pond is very rapidly filling with floating and emerged vegetation, that cuts into the recreational potential of the site. Long range plans are being made to dewater the pond and dredge it to restore its value as a boating and fishing area.

Nashoba Brook Fishing Trail: There are several public access points to Nashoba Brook across public lands that are useful for fishing. The long range plan is to map and upgrade these access points, and to connect the various segments of fishing trail so that there will be continuous foot access to the brook from Carlisle Road to Great Road.

Fort Pond Brook Greenbelt: There are a variety of publicly owned parcels of land along Fort Pond Brook, some of which have been managed individually by different town boards. The Greenbelt concept is to look at all the parcels of land as parts of an integrated whole for the purposes of public access, management and acquisition of additional parcels. In the last three years, four additional parcels have been acquired through donations to the town. Eventually, the whole Greenbelt will be mapped and managed as a unit.

Nashoba Brook Greenbelt: Nashoba Brook is the other major watershed area in Acton, draining to north and east sections of town as Fort Pond Brook drains the west and south sections of town. Eventually, the parcels along Nashoba Brook will be incorporated into the Greenbelt similar to the one proposed for Fort Pond Brook.

Canoeing and Fishing Map: Long portions of Fort Pond Brook and short portions of Nashoba Brook are canoeable, and some of the small ponds also lend themselves to canoeing and fishing. The Assabet River, which touches the extreme southeast portion of town also has limited recreation potential. A new map could be added to the set we sell to the public that would show access points and suggested canoe routes.

Pencil Factory Dam: This structure, located in the Nashoba Brook Conservation Area, is the site of an early factory that once employed Henry David Thoreau. The dam has been partially breached, but it could be repaired to restore the impoundment that would have a considerable wildlife and recreation potential.

SECTION 5-A-5

TOWN FORESTS

Acton has two town forests, which are presently managed in a similar fashion as the rest of the conservation lands, and due to subsequent purchase of adjacent lands, are incorporated into larger conservation areas. If the Town were to get involved with timber production, these areas would be the first to be harvested, on a selective basis, as that was the intended use of the lands when purchased. The town forests acreages are shown in the conservation land inventory, but due to the different legal status and allowed uses, are also listed below:

NAME	PLATE	PARCEL	ACRES	ACQUISITION DATE	ZONE
Will's Hole	B-5	34	49.0	12/31/43	ARC
Bulette	D-3	16	7.0	3/23/26	ARC
	D-3	12	15.0	3/23/26	ARC

SECTION 5-A-6

PLAYGROUNDS

As noted elsewhere in this plan, Acton's development pattern has created a situation whereby all town and school "playgrounds" are located in the southern half of town.

The inventory shown below reflects all the areas in Acton that contain traditional playground amenities, such as playground equipment, play surfaces, and picnic tables; some of these areas abut athletic fields or are on school property and are not publicly accessible during school hours. New playground equipment is very expensive, and such purchases were eliminated from the Capital Plan at the 1988 Annual Town Meeting. As old equipment deteriorates it is taken down and not replaced. Most town playground equipment dates back to the 1960's, and all of it is focussed towards children between the ages of 6 and 12. All four elementary schools have fairly new, large play structures, which were built with funds generated by school parent organizations. There is a private committee in existence now: The Acton Children's Playground Committee, which is raising funds privately to construct a play structure at Goward Field focussed for children from the ages of 1-6 years, which would be in compliance with the Master Plan Objective to "provide recreational opportunities for young children." It is hoped that this structure will be built sometime in 1992.

School Playgrounds:

Conant School
McCarthy Town School
Gates School
Douglas School

Locations:

Taylor Road
Massachusetts Avenue
Spruce Street
Elm Street

Town Playgrounds:

Gardner Field
Goward Field
Elm Street Field
Jones Field
Great Hill

Locations:

Massachusetts Avenue
Woodbury Lane
Elm Street
Martin Street
School Street

SECTION 5-A-7

GREENBELTS

The Greenbelt concept is in its infancy in Acton, having been proposed by staff and reviewed by the Conservation Commission in the Fall of 1991. In the next few years the concept will be refined, maps of each Greenbelt will be developed, and distinctive signage developed and installed. There are two proposed greenbelts in Acton: Fort Pond Brook and Nashoba Brook. These brooks comprise the principal watersheds in town, so it will be a challenge to decide which areas should be included in each Greenbelt, without involving the entire town. The only other major water course in Acton, the Assabet River, is a significant stream, but it only touches a small portion of town, near the Maynard and Concord lines, in a very built up area that has limited recreation or conservation potential. In the years to come, as the water quality of the Assabet River improves, this area should be looked at again.

The basic idea behind the Greenbelt concept as it is being applied here is to evaluate all the parcels of publicly owned land adjacent to the brooks, and to deal with the corridors as unified strips rather than as a collection of isolated parcels. After the corridors have been analyzed, individual management plans will be developed for each Greenbelt, which will include access points, area utilization, and identification of privately owned parcels for future acquisition. The benefits of such a program is that it will provide long trails for fishing and boating access, wildlife corridors that will support a variety of animal life, and a reservoir for wetlands plants.

NASHOBA BROOK GREENBELT

Nashoba Brook is one of two main watersheds in Acton and is an important resource in terms of fish and wildlife, public and private water supply, recreation and Acton's history.

Starting in Westford at Nashoba Hill, Nashoba Brook flows through Acton and eventually into the Concord River via the Assabet River. Along its course it is fed by Butter Brook, Will's Hole Brook, Conant Brook and Fort Pond Brook as well as other smaller nameless tributaries. In the area North of Route 2A Nashoba Brook has been dammed over the years to provide power to the mills and factories that at one time relied on its power. A pencil factory was one such business which operated on the brook until early in this century. The dam at the end of Wheeler Lane creates the second largest impoundment on the brook. This dam was recently rebuilt by the Town. Years of neglect and the power of nature had brought the dam to a dangerous level of disrepair.

The area of Nashoba Brook Conservation Area north of Route 2A is primarily forested. Along the banks it is dominated by White Oak, Red Maples, Alder and other species tolerant of damp areas. As you move away from the brook to higher ground the forest is dominated by deciduous hardwoods such as Sugar Maple, Red Oak, Elm and Beech, although significant stands of conifers, especially White Pines can be found.

The northern end of the brook was also the home of the Nashoba Indian tribe who inhabited the area before the arrival of white settlers, but whose numbers decreased rapidly thereafter. These native Americans tended to live along the banks of streams and Nashoba Brook was the perfect environment. They may be responsible for a very unique structure in the Nashoba Brook Conservation Area which has been dubbed the Potato Cave. Located between the railroad tracks and Milldam Road, in the Northbriar subdivision the Potato Cave is a stone-walled and stone-footed structure dug into a hillside; the walls are made of stacked fieldstones and the roof is several large flat stones covered with earth. Many experts on native Americans feel the Nashoba Indians built it for some ceremonial purpose, citing its proximity to the brook and the fact that the rising sun shines directly through the openings. Many people believe it is simply an old rootceller to an old farm. The fact that we may never know for certain is very intriguing to us all.

South of Route 2A Nashoba Brook flows through open meadows owned primarily by the Acton Water District. Below these meadows is the largest impoundment on the stream, the Ice House Pond. Ice House Pond was used for what the name indicates: a source of ice for Acton residents. This practice continued until the late 1950's, after which the widespread use of refrigerators made ice boxes obsolete. Ice House Pond is still a major wildlife area, especially for waterfowl, and is the most popular ice skating pond in town.

Below the Ice House Pond dam at Concord Road Nashoba Brook flows southeast toward into final distribution. This area is primarily a meadow area and brings the brook under Route 2 where it is joined by Fort Pond Brook. From here it flows into Warner's Pond in Concord and then into the Assabet River. A beautiful multipurpose waterway, we are lucky that better than 75% of Nashoba Brook is publicly owned and will be forever accessible to the citizens of Acton.

FORT POND BROOK GREENBELT

Having its origin in Fort Pond in Littleton, Fort Pond Brook flows primarily through Acton on its way to its confluence with Nashoba Brook.

Beginning as the outflow from the pond which gives its name Fort Pond Brook enters Acton along Central Street in West Acton. Fort Pond Brook's contributions to Acton have been agricultural, and industrial. It provided water to the fields and orchards of West Acton. Accessing the Greenbelt from Central Street opposite Orchard Drive one finds a series of small ponds along the brook created by farmers over the years. Some agriculture continues along the brook today in association with Idylwilde Farm. The agricultural history continues through West Acton center to Route 111, where the brook runs through forest and swamp.

Emerging from the forest and swamp at Central Street just east of Mount Hope Cemetery Fort Pond Brook begins to meander through open meadows. Meadows dominate for the rest of the brook's distance, although it does flow through the Mill Pond in South Acton caused by the dam at Erikson's Grain Mill. This is also the site of the early Faulkner Mills, that influenced the growth of South Acton.

The Fort Pond Brook watershed is extensive, collecting water from Guggins Brook, Inch Brook, Heath Hen Meadow Brook and Pratt's Brook. These waters, as Fort Pond Brook then flow into Nashoba Brook along Route 2 at the Acton-Concord line.

Fort Pond Brook is canoeable in periods of high water from Littlefield Road to Mill Pond, and from Parker Street to the Concord line; the intervening stream is probably navigable by kayak. The water quality in the brook degrades after South Acton, due to the poorly functioning septic systems in this area, however, the brook provides water for the aquifer that supplies the Lawsbrook wellfield.

There are a number of parcels of public land that abut the brook, although they are controlled by different agencies; these provide the potential for many access points and recreational opportunities.

SECTION 5-A-8

WATER DISTRICT LANDS

The Acton Water District, which is a separate political unit from the Town of Acton, owns a total of 375 acres of land. These parcels are owned to provide for protection of the cone of influence for the groundwater wells, which is Acton's only source of public water. Some of these parcels are also lands purchased that hold the potential of future well sites or storage reservoir.

No recreational use of these lands is permitted, but they hold value for wildlife and open space. It appears that most potential well sites have been identified, so the Water District probably will not purchase a great deal of additional land. These lands do not generate any tax revenues, but they are protected from development.

LAND OWNED BY THE ACTON WATER DISTRICT

PLATE ACRES	PARCEL	LOCATION	TITLE	ACQUISITION	
B-5	035-01	924R Main Street	18548/226	1987	12.10
B-6	001	960-962R Main Street	19375/003	1988	33.33
	001-01	960-962 Main Street	15833/313	1984	24.37
	011	954-956 Main Street	19375/003	1988	.42
	012-01	941-959 Main Street	LC997/172	1985	10.92
C-3	008	283-295 Nagog Hill Road	12582/076	1974	26.50
D-4	030	629-639 Main Street	14500/437	1981	1.48
	034	619-627 Main Street	14500/437	1981	2.98
D-5	013	013 Wyndcliff Drive	14044/050	1980	7.29
E-1	002	693-699 Mass Ave.	LC652/167	1961	10.58
	003	677-683 Mass Ave.	LC654/074	1961	10.34
	004	687-689 Mass Ave.	unknown	unknown	5.00
E-4	004	599-615 Main Street	8681/282	1956	
	004	599-615 Main Street	3737/531	1956	
	004	599-615 Main Street	8619/590	1955	13.67
	004	599-615 Main Street	8681/230	1956	
F-1	001	693 Mass Ave.	LC652/167	1961	.50
	004	680-700 Mass Ave.	12621/663	1974	40.44
	007	001 Birch Ridge Rd.	12621/663	1974	.75
	011	005 Birch Ridge Rd.	12621/663	1974	.46
	019	007 Birch Ridge Rd.	12621/663	1974	.47
	027	009 Birch Ridge Rd.	12621/663	1974	.53
	039	011 Birch Ridge Rd.	12621/663	1974	.48

PLATE ACRES	PARCEL	LOCATION	TITLE	ACQUISITION	
F-2	121	500R Mass Ave.	19703/504	1989	5.29
F-2B	031	504 Mass Ave.	15915/301	1984	5.50
	031-10	514 Mass Ave.	15915/301	1984	1.45
G-1	102	009R Ticonderoga	13226/656	1977	11.38
	141	051R Ethan Allen	10384/195	1963	2.03
G-2	139	211 Main Street	unknown	unknown	5.00
H-4	076	315 School Street	11816/511	1970	29.12
	113	028 Lawsbrook Road	11828/413	1970	13.90
	114	064R Lawsbrook Road	11828/413	1970	9.40
	119	056R Lawsbrook Road	11803/226	1970	13.30
	126	064 Lawsbrook Road	11828/413	1970	5.00
	130	044 Lawsbrook Road	11828/413	1970	5.30
	134	052R Lawsbrook Road	LC791/049	1970	.85
	135	052R Lawsbrook Road	11824/156	1970	1.51
	139-01	060R Lawsbrook Road	11280/135	1967	.96
I-3	135-01	39-41R Independence	19427/393	1988	.45
	136-01	104-106R Powder Mill Rd.	18980/054	1988	4.78
	145	25-27R Independence Rd.	19427/393	1988	1.83
J-3	021	082R Powder Mill Rd.	LC831/084	1973	9.60
	034	284-290 High Street	11919/434	1970	<u>56.00</u>
					<u>375.26</u>

SECTION 5-B-1

STATE OWNED LAND

There are 174.2 acres of state owned land in Acton, of which approximately 143 acres consist of parcels that could be described as "open space". There are two major categories of open space: land that is part of the Department of Correction Farm (122 acres) and parcels that were taken when Route Two was built but that lie outside of the actual right-of-way.

The Correction Department land is very significant to the Town, due to the fact that the open fields abutting Route 2 add a great deal to Acton's "rural" image. If these lands ever were to be disposed of, the Town would probably consider them as a high priority purchase, as we did when given the opportunity to buy the "Route Two Conservation Area" from the State a few years ago. That parcel is now leased back to the State for agricultural purposes, and the Town would probably find a farmer to lease the rest of the Correction Department land to, if we even acquired it.

The DPW/Route 2 corridor land is broken up on a series of smaller parcels, but are valuable as a Greenbelt and open space around this major roadway. The town has attempted to acquire several of these parcels in the past, and hearings with the State have been held, but the process appears to be stalled.

LAND OWNED BY THE COMMONWEALTH OF MASSACHUSETTS

PLATE ACRES	PARCEL	LOCATION	TITLE	ACQUISITION	
C-5	089	066-070 Harris Street	8181/354	1953	1.40
	090-02	066R Harris Street	10928/156	1965	.50
E-3	081	060R Washington Drive	7866/367	1952	3.98
	085	083R Charter Road	7866/367	1950	3.00
	093	065R Hayward Road	7650/311	1950	4.90
F-3	016	068 Hayward Road	7653/328	1950	1.00
	016-01	068 Hayward Road	7653/328	1950	.33
	090	349R Main Street	unknown	unknown	2.50
G-3	012	332-338 Mass Ave.	12449/652	1973	1.00
G-4	176	099 Mass Ave.	11703/603	1969	2.22
	184	060 Hosmer Street	12717/213	1974	.92
	185	135-139 Mass Ave.	12731/213	1974	.78
	187	105-125 Mass Ave.	unknown	unknown	4.00
	197	070-088 Hosmer Street	7751/053	1951	13.00
	198	092-126 Mass Ave.	unknown	unknown	21.00
	209	058-076 Wetherbee Street	unknown	unknown	16.00
	G-5	095	066R Wetherbee Street	unknown	unknown
096		end Keefe Road	unknown	unknown	1.10
H-4	005	320-346 School Street	unknown	unknown	42.00
	006	323-347 School Street	unknown	unknown	50.00
					<u>174.23</u>

SECTION 5-B-2

SCHOOL DEPARTMENT LAND

There is one parcel of school owned land which is not associated with an actual school building, but holds value as open space. The parcel is located on Arlington Street, north of Route 2, and is 24.92 acres in size (Town Atlas Place E-3, Parcel 8). This land was acquired in 1962 as a potential school site, but due to low percolation rates, cannot be used for that purpose, nor is it likely that large numbers of residential units could be built here, for the same reason. The area has several isolated wetlands, and sections of exposed ledge, so it is probably unsuitable even for athletic fields.

At some point, this land probably should be transferred to the Town for conservation purposes, which appears to be its' only practical use.

SECTION 5-B-3

CHAPTER 61, 61A AND 61B LANDS

There are 1055.68 acres of open space in Acton listed under these statutes, that allow for reduced real estate taxes. Chapter 61 applies to forest lands, Chapter 61A applies to land in agriculture, and Chapter 61B applies to private recreational lands. Developing these lands is fairly easy, but the Town is given a 120 day right of first refusal to purchase the land if it is about to be developed.

One of the goals of the Master Plan (and this report) is to bring all offers of land under 61, 61A and 61B to Town Meeting for possible acquisition, and the high importance of these lands for possible acquisition is illustrated by their position on the priority list. These open spaces, although not Town owned, have a significant impact upon the environment and aesthetics of the community, and continuing them in an undeveloped state is a very important issue for the Town.

Three large parcels of land covered under these statutes have particular scenic importance to the town, and would be placed at the very top of the priority list if they ever became available. These three sites are: the Conant land, located on Main St. north of the Town Common, Morrison's farm, that is located on Concord Rd., and overlooks Ice House Pond, and Simeone's Farm, which is located on Martin St., and backs up to Fort Pond Brook. However, all parcels under these sections should be considered for acquisition.

CHAPTER 61, 61A, AND 61B LANDS

PRIVATE LAND ELIGIBLE FOR CHAPTER 61, 61A, AND 61B TAX REDUCTION STATUS

AS OF FEBRUARY 25, 1992

PARCEL NUMBER STATUS	STREET NAME	CHAPTER CLASSIFICATION	NO. ACRES UNDER TAX REDUCTION
C-6/11	Carlisle Road	61	14.37
C-6/12	Carlisle Road	61	25.50
B-5/14	Quarry Road End	61	4.50
B-5/20	Quarry Road End	61	1.50
B-5/21	Quarry Road End	61	2.00
B-5/21-1	Quarry Road End	61	3.00
B-5/26	Quarry Road End	61	2.22
B-5/27	Quarry Road End	61	1.30
B-6/12	Carlisle Road	61	11.00
B-6/13	Main Street	61	4.28
B-6/20	Carlisle Road	61	69.50
C-4/24	Nagog Hill Road	61	51.00

PARCEL NUMBER STATUS	STREET NAME	CHAPTER CLASSIFICATION	NO. ACRES UNDER TAX REDUCTION
C-5/104	Wheeler Lane	61	28.00
C-6/9	Carlisle Road (rear)	61	19.00
C-6/9-1	Carlisle Road (rear)	61	1.25
D-3/10	Newtown Road	61	34.20
D-4/16	Main Street (rear)	61	25.50
D-4/17	Great Road	61	27.00
D-4/2	Great Road	61	55.00
D-4/20	Main Street (rear)	61	7.65
D-4/23	Main Street (rear)	61	8.00
D-4/24	Main Street (rear)	61	2.00
D-4/37	Nagog Hill Road	61	15.00
D-4/4	Great Road (Rear)	61	20.00
D-4/7	Main Street (rear)	61	5.60
D-5/12	Wheeler Lane (rear)	61	16.88
D-6/3	Pope Road (rear)	61	73.50
E-4/11	Brook Street	61	11.23
E-4/3	Main Street	61	25.50
E-4/47	Main Street	61	84.41
E-4/9	Main St./Nagog Hill Rd.	61	141.34
E-5/10	Strawberry Hill Road	61	5.00
E-5/15	Strawberry Hill Road	61	46.00
E-5/6	Strawberry Hill Road	61	5.00
C-3/16-3	Newtown Road	61B	4.00
D-3/5	Newtown Road	61A	13.26
C-3/22	Newtown Road	61A	7.45
F-5/12-5	Strawberry Hill Road	61A	12.39
F-5/12-6	Strawberry Hill Road	61A	13.99
E-6/1	Pope Road	61	1.25
G-1/251	Woodchester Drive	61	0.46
G-1/280	Windemere Drive	61	2.10
G-1/280-3	Willow Street	61	0.46
G-1/280-5	Woodchester	61	0.49
G-1/295	Windemere Street	61	1.30
G-1/309	Willow Street	61	10.50
G-4/174	Wetherbee Street	61	27.71
G-4/189	Wetherbee Street	61	1.48
H-1/4	Stow Street	61	1.75
H-1/6	Stow Street	61	4.50
H-2/80	Stow Street	61	2.00
E-6/20	Pope Road	61A	0.75
F-1/109	Summer Street	61A	17.02
F-4/34	Concord Road	61A	31.54
F-4/37	Great Road	61A	16.60
G-2/109	Prospect Street	61A	15.29
H-2/100	Liberty Street	61A	4.44
H-2/101	Martin Street	61A	10.04
H-2/128	Martin Street	61A	26.00
H-2/61	Liberty Street	61A	2.00
H-2/94	Martin Street	61A	3.00
H-2/95	Martin Street	61A	2.50
H-2A/62	Stow Street	61A	7.50
H-2A/66	Stow Street	61A	3.00

H-4/116-2	Parker Street	61A	15.74
I-2/31	Martin Street (rear)	61A	5.00
B-5/35	Main Street	61B	33.90

TOTALS:		<u>Parcels</u>	<u>Acreage</u>
	Chapter 61:	46	901.23
	Chapter 61A:	19	207.51
	Chapter 61B:	<u>2</u>	<u>37.90</u>
	TOTAL:	67.00	1146.64

SECTION 5-B-4

CEMETERY LANDS

There are three cemeteries in Acton: Woodlawn, Located on Concord Rd. in Acton Center, was established in 1738, and is comprised of 80 acres, of which 31 are developed; Mount Hope, located on Central St. in West Acton, was established in 1848, and is comprised of 94 acres, of which 11 are developed, and Forest Cemetery, located on Carlisle Rd. in North Acton, which was established in 1750, which is half an acre in size, and is fully developed.

These three municipal cemeteries have value as open space, both in their undeveloped, and developed, conditions. The undeveloped land provides wildlife habitat, and is useful for the sorts of passive recreation pursuits that commonly occur on Conservation Lands. A portion of Woodlawn is presently in use as a soccer field, although the agreement for this use will expire in 1998. The developed areas of the cemeteries provide beautifully landscaped grounds and wide, paved roadways that are commonly used for walking and bird watching. Finally, the cemeteries provide an aesthetically pleasing, peaceful setting for quiet contemplation and study of the social and cultural history of the town.

At the present rate of use, there will be sufficient room at the two active cemeteries for at least 100 years. Even when fully developed, there will be areas left untouched, such as wetlands and floodplains, that will have value as conservation-type land, and the value of the developed cemeteries will only increase in the years to come.

Mark Twain, when asked for investment advice, once said: "Buy land, they've stopped making it". This is a good concept to keep in mind when looking at the long term needs of the cemeteries. Suitable land that is adjacent to the cemeteries should be actively pursued, and possible land splits with other town boards should be considered that would accommodate the needs of both boards.

A century of room for growth may seem more than sufficient, but considering that the need is constant, and the fact that many cemeteries closer to Boston are almost at capacity, it makes sense to buy up as much surrounding area as possible.



SECTION 6

COMMUNITY GOALS

SECTION 6

COMMUNITY GOALS PROCESS

This list of goals has been derived from the Master Plan. In that document, the items listed below might have been called Goals, Objectives, or Actions, or might have been included in the text, but all have been raised either by the public, staff, board members, or the consultant. Only those items that could be directly implemented or effected by Municipal Properties, Conservation, or Recreation have been included, and the reader is reminded that a more inclusive list of items may be found in the full Master Plan Action Plan.

- Preserve open spaces which have value as aesthetic, recreational, wetland, water, and wildlife resources.
- Inventory and prioritize endangered species and critical habitat for protection.
- Strengthen the Wetlands Bylaw to maintain tight controls on development near wetlands, and to prevent any further loss of wetlands.
- Create and set aside wildlife corridors between wetlands, conservation areas, and remaining open land.
- Clean up Fort Pond Brook and other surface water bodies as needed, to maintain or improve their natural and recreational values.
- Balance sports league activity on playing fields with the need for non-organized recreation, balance cost of maintenance accordingly.
- Adopt a land bank (or other fund) for the purchase of open space.
- Preserve farmland as a resource.
- Bring all offers of land under Chapter 61, 61A, and 61B to Town Meeting for vote.
- Preserve natural and man-made features that contribute to Acton's character such as open fields, woodlands, ponds, country roads, and stone walls.
- Encourage new residential development to preserve open space.
- In new developments, maintain open space corridors and easements for trails and pedestrian walks.
- Connect open space and conservation lands through additional acquisitions or easements.
- Develop a connected network of parks around Fort Pond Brook.
- Improve connectivity between town conservation/recreation lands through acquisition of more land, easements, and trails or paths.

- Maintain present ratio of open space per town inhabitant (80 acres per 1000 residents).
- Improve access to ponds and streams.
- Find and develop an appropriate site or sites for a town park(s).
- Pursue North Acton outdoor swimming area.

SECTION 6A

COMMUNITY GOALS - DESCRIPTION OF PROCESS

Acton has just completed a multi-year Master Plan process. A high priority for the Master Plan process was to obtain the opinion of as many Acton residents as possible regarding a variety of issues, open space, growth and recreational facilities being among the issues of primary interest.

In the initial stages of the Master Plan process, surveys were distributed at Town Meeting and at the Master Plan public meetings; 361 responses were received. A copy of the survey and results is included in the Appendix and it showed that the people who attend Town Meeting, (and thus are the true town decision makers) were in favor of acquisition of open space, development of additional recreational facilities, and zoning initiatives that would preserve open space.

The Master Plan process continued with a series of public meetings, soliciting input from the residents of various sections of town, as well as at a town wide meeting. Finally, a series of community goals, many involving open space and recreation, were developed in the Master Plan document itself, which was accepted by the Planning Council, Planning Board, and Board of Selectmen. The Master Plan goals and objectives were specifically voted on and accepted at Town Meeting in 1990. For the purposes of open space and recreation plan, town staff used the information generated to the Master Plan process, and supplemented those goals with comments from the public and town boards that have been generated since the publication of the Master Plan. The draft open space plan was circulated among town staff, volunteer boards, athletic leagues, and other interested parties, and their comments have been included in the final plan.

The Master Plan has been accepted by both the Planning Board and the Board of Selectmen, and that document should be viewed as having overriding authority when a conflict arises between the two documents. As stated above, the Open Space and Recreation Plan should be viewed as a means to accomplish the Goals, Objectives, and Actions of the Master Plan.

SECTION 6B

STATEMENT OF OPEN SPACE AND RECREATION GOALS

Acton is a suburban Boston town that has experienced tremendous growth since 1950, causing drastic changes to the character and environment of the Town. The vast majority of town residents recognize that this growth is a mixed blessing, and they have supported, and continued to support efforts to preserve open space and provide recreational opportunities for all Acton residents. Acton's citizens have shown, through a series of town meeting votes, bond authorization, and surveys, that they are willing to provide tax money or pass regulations that preserved open space and provide those recreational opportunities.

The system of zoning and environmental regulation that protect and preserve open space in Acton are fairly complete, and local efforts for the next five years will be geared towards enforcement and "fine tuning" these regulations, rather than writing new ones.

The presence of open space for aesthetic beauty; for vegetation and wildlife preservation; for preservation of rural character; for the provision of active and passive recreational opportunities; for groundwater and surface water protection; for the production of agriculture and forestry commodities; for their buffering effect on man made environmental stress such as air, light, noise, and water pollution; and for the maintenance of commercial, industrial and residential property values is a recognized benefit to the Town of Acton.

The townspeople of Acton are committed to maintain the present ratio of open space to residents; to enhancing the use of conservation lands for appropriate purposes; to the continued use and maintenance of existing recreation areas; and to the acquisition of new recreational facilities and conservation areas that will be accessible and of value to all residents.



SECTION 7

ANALYSIS OF NEEDS

SECTION 7A

SUMMARY OF RESOURCE PROTECTION NEEDS

Results of the Master Plan survey conducted in 1989 show that the residents responding felt that stricter growth controls were needed (83.3%); that real estate tax policy should favor the preservation of open space (88.9%), that tax money should be spent for the acquisition of land for open space and recreation (80.3%), and that tax money should be spent to develop more town recreation facilities (63.2%). Subsequent to the completion of the Master Plan, fairly strict growth controls through zoning, aquifer protection bylaws, and local wetlands bylaw rules and regulations were enacted, but due to high land prices and the State's financial crisis, no money has been allocated for the acquisition of new open space or development of additional recreation areas, and funds for maintenance of existing areas have been curtailed sharply.

Enforcement of existing laws and regulations should be vigorously pursued, and minor changes to these laws and regulations should be made as the need becomes apparent.

The existing recreation areas are showing stress due to over use and superannuation of existing equipment. Additional facilities are needed to reduce the over-use, funding is needed to replace aged equipment and provide maintenance of areas, and the demand for additional water-based recreational opportunities has not been fulfilled.

As land is developed, the Town should pursue acquisition of portions of the land, either through outright purchase or through zoning initiatives. Land that is adjacent to existing conservation land, is part of a wildlife corridor, is accessible for a public road, or is available for active recreational uses should receive priority attention.

As the Fort Pond Brook and Nashoba Brook Greenbelt concept is developed, a priority list of land acquisitions should be developed to fill in gaps in the greenbelts. In addition to purchase, donations of land, tax takings, and grants should be pursued.

Lands adjacent to existing conservation lands should be targeted for acquisition, so as to create a larger, more viable habitat for plants and animals, and provide a better sense of wilderness for humans using the lands. Connections to conservation lands in adjacent towns should be pursued.

An additional 600 acres of conservation land, and 100 acres of active recreation land should be acquired by 2030 to fulfill the objectives of the Master Plan as illustrated under "Open Space and Recreation", page 14, Master Plan Executive Summary.

All lands in town should be evaluated for potential use as Open Space or Recreation areas, and a definitive list of such lands should be kept, with frequent updating, so that if land or funds became available, land acquisition could proceed in a logical fashion. Such a list will absorb huge amounts of staff time to develop, and the proposed list then should be circulated around Town Boards in an attempt to achieve consensus. This land list should be considered a high priority project for the Conservation Administrator to undertake with the "Long Range Management" portion of his time. The list should be included in the next update of the Open Space and Recreation Plan.

Until such a list has been finalized, each possible acquisition should be evaluated on an individual basis using the factors shown below. Those parcels that address several of the factors should be considered higher priority than those addressing only one factor. It should also be understood that land that is donated to the Town should always be accepted and used for the stated purpose of the donation, or, if the land is an unrestricted gift with no potential Open Space or Recreation use, it should be held for a possible future land swap. It should also be understood that it is impossible to envision all possible scenarios, and the Town should be ready to respond to the unexpected.

OPEN SPACE AND RECREATION LAND EVALUATION FACTORS

- Land suitable for active recreation facilities
- Chapter 61, 61A, and 61B land that is on the market
- Land adjacent to existing conservation areas
- Land that would be included in a brook Greenbelt
- Land that would create corridors between Conservation Areas
- Land with unique scenic attributes
- High visibility areas that would be left in a natural state
- Individual parcels that are more than five acres in size
- Critical Habitat Areas
- Areas of historic importance
- Land that is left over from subdivisions, where the developers have made no attempt to pay taxes

SECTION 7B

SUMMARY OF COMMUNITY NEEDS

Acquisition of open space for conservation and recreation purposes should be an ongoing process, and the Town should respond quickly to any opportunity to acquire open space that meet the general criteria and priorities set forth in Section 7A. However, there generally is not a constituency for the acquisition of a specific parcel of land for conservation unless the development of the land is imminent.

There is considerable support for creating additional active recreation areas. The athletic leagues, which represent upwards of 1200 Acton households, have been very outspoken regarding the need to provide a variety of athletic fields, ranging from soccer fields, little league fields, to an additional multipurpose illuminated field that is not in a residential area. Based on observed patterns of use, there is also a demand for additional tennis courts and basketball courts. The demand for an outdoor swimming area has been noted in various surveys for over 20 years. The proposed construction of bikeways, especially the South Sudbury - Lowell Rail Trail have always received favorable comment, and 46.3% of the respondents to the Master Plan survey felt that the existing bikeways were inadequate. Many senior citizens use existing open space, especially the community gardens and the Arboretum; actions should be taken to provide additional such opportunities to the seniors. Handicap accessible trails and picnic tables have been installed at the Arboretum, but additional areas should be provided. Playground structures that are appropriate for a wide range of users, including the very young and the disabled, should be provided. Over 300 sets of trail maps have been distributed in the last two years, and a tremendous amount of effort has been put into new conservation area signage, but additional efforts should be made to inform the public of the presence and value of conservation lands. The community gardens have given renewed popularity, so additional areas are needed. There should be a more equitable geographic spread of active recreation areas.

SECTION 7C

MANAGEMENT NEEDS, POTENTIAL CHANGE OF USE

Acton's open space management needs break down into several categories: maintenance, long range management, enforcement, funding, and new acquisitions. Each need has a justification, and the organization of the Town staff and volunteer boards should be flexible enough to adapt to each of these needs.

Maintenance In the years following the reorganization of the town government and the establishment of the Municipal Properties Department a great deal of emphasis has been placed on maintenance of existing conservation lands. These activities include: brush hogging fields, creating and widening trails, building boardwalks and bridges, marking boundaries, upgrading trail heads and parking areas, and installing signage. Dramatic changes are obvious in many conservation areas, although the creation of the Arboretum, as authorized by the 1986 Town Meeting, is most noticeable to the casual observer. The Administrator spends approximately 45% of his time on land maintenance, the Director spends 15% of his time on this work, and approximately 750 additional hours per year are devoted to this work by Municipal Properties and the Highway Department employees, yielding a total of 2000 hours of town staff working on conservation land each year.

Volunteer Activities Approximately 2000 hours of maintenance are donated annually by volunteers, such as scout groups, 4-H, Garden Club, and the Friends of the Acton Arboretum. the Acton Garden Club raises funding, supplies, installs, waters, and maintains all the planters and traffic island plantings throughout town. the Friends of the Arboretum received the George E. Stone Award from the Massachusetts Tree Wardens' and Foresters' Association in recognition of their volunteer efforts. The Conservation Administrator has facilitated over 30 Eagle Scout projects in the last four years. Finally, 600-800 hours of labor are annually "donated" by prisoners from the Northeast Correction Center. The impact of these volunteer efforts cannot be overlooked, as they have made a significant impact upon the maintenance costs of our lands, and have provided numerous amenities that would not have been possible with tax revenue. The level of volunteer participation in maintaining Acton's open space is probably greater than is involved in any other Town function. There are several other areas where this volunteer effort could be used, such as an "Adopt-A-Trail" program, as is the case in Amherst, Massachusetts. However, it should be recognized that a certain level of work will always be done with Town employees, such as those tasks that are dangerous, require heavy equipment, or are of a repetitive nature, such as weekly mowing of athletic fields.

In order to continue the present level of maintenance, the equivalent of two full time employees must be devoted to this task, with volunteers probably not exceeding 50% of the total maintenance hours.

Long Range Management As time and town resources allow, long range planning and management is conducted, but this activity probably only takes up 100-200 hours per year. Activities covered in this category include: trail and boundary mapping, evaluation of possible acquisitions, preparation of grant applications (such as the Robbins Mill Pond dam reconstruction) and special projects, such as the Ice House Pond proposal, children's playground, and North

Acton Recreation Area. Because many of these projects represent a sizable outlay of capital, the level of effort in this area probably will not increase over the next few years, although the greenbelts program will require some effort, and a forest inventory for possible timber production might also be undertaken. The overwhelming priority, and the one objective that should absorb the majority of any additional time allocated towards long range management, is the identification, prioritization, and acquisition of additional parcels of open space. This process is very time consuming, and yields few short term results, except in limited cases, but is essential that a program be in place whenever funding or other means of acquisition becomes available.

Enforcement As noted elsewhere, in the past few years a fairly comprehensive set of environmental regulations that protect open space and natural resources have been developed, so very little effort will be devoted to writing all new regulations. The amount of time the Administrator spends on enforcement activities (principally the Wetlands Protection Act) varies from 600 to 1200 hours per year, based on how much development is going on. Due to the fact that now more and more marginal land is being developed, probably the level of wetlands activities will always be in excess of 600 hours per year. The other major facet of enforcement that should be at least considered is some sort of "Ranger" type position (or add these duties to an existing job description). This "Ranger" would have limited police powers, and would act as an official presence to discourage illegal hunting, pursue boundary encroachments, and regulate improper use of conservation areas. Considering the vast amount of land now controlled by the Conservation Commission, and the fact that the regular police need to be available to respond to more pressing emergencies

rather than hiking miles through the woods, this issue should be debated by town staff. Obviously, there is no reason to try to create a "competing" police force, and this position could only function with the support on the Police Chief. Empowering a present or future employee to act as a Natural Resources Officer might alleviate some of the nuisance complaints the regular police receive, and thus should be considered.

Funding Obviously, any actions taken regarding open space are involved with funding, which is very scarce commodity at this time. In 1989 over 80% of the respondents to the Master Plan survey favored an increased allocation of tax dollars of acquisition and maintenance of open space, yet, due to the impacts of Proposition 2 1/2 and the loss of State Aid, town wide maintenance operations have been cut back and the purchase of open space has not even been considered. It seems unlikely that the overall financial picture on the town will not improve in the next few years, so alternative sources of revenue should be considered.

Land Bank A local bylaw that would have established a land bank for the acquisition and maintenance of open space was proposed and defeated at two successive town meetings in the 1980's. Due to the rapid turn over of property in that era, an opportunity to accumulate a large fund was lost, but the idea still should be pursued. One aspect that scared voters away from the original proposal was that the land bank commission would have been allowed to spend up to \$100,000 without town meeting approval - this was more of a leap of faith than most voters wanted to make. Statewide enabling legislation should be passed that would set standards for local land banks, that would create a substantial, and essentially painless, funding source.

Revolving Funds The Municipal Properties Department is making use of a recreation revolving fund first authorized in 1979. This fund is used to received revenues from, and pay for, trail maps, community garden plots, nature walks, and the like. With present receipts, it will never constitute a major source of revenue, but it would be a way to process user fees if instituted. There is also a small revolving fund set up to handle revenue from conservation filings, but most of that revenue should be earmarked for enforcement and regulatory activities.

Land Leases and Commodity Production - the vast majority of Acton's conservation land is heavily forested, and it is likely that timber and fuel-wood production could take place in an environmentally responsible fashion on some of the lands. The activity could actually improve the wildlife habitat and quality of remaining forest, while yielding some revenue which should then be earmarked for maintenance, staff, and new acquisitions. By the same token, land suitable for agriculture could be leased out, with the revenue being "plowed back" into open space, rather than turned over to the general fund where the majority is allocated for schools.

Override Votes Override votes to pay for bonds to purchase unusually valuable parcels of land should be considered. This type of earmarked, specific override has never been done in Acton, but if the opportunity comes up to buy specific, high visibility parcels, the vote would have a good chance of passing.

Development Rights The Town has never taken any actions related to buying up the development rights to tracts of land. This is a method that has been

pursued with some success in other towns, and has the result of keeping land open, yet still productive in the private sector. This concept might have particular application in relation to lands that are now in Chapter 61, 61A, and 61B. This program should be investigated in the next few years.

New Acquisitions The Town should look seriously at acquiring any parcels of land that become available, or are likely to be developed, especially if the lands meet the criteria set forth in Section 7A.

Tax Takings - There are parcels of land that could be taken by the Town for back taxes, and some of these lands have fairly high conservation and recreation potential. The areas that should receive the highest priority, and that would be easiest to obtain, are landlocked parcels, lands that are primarily flood plain or wetland, and substandard subdivision lots that could be made into neighborhood playgrounds. The most common lands that the Town should look at are those parcels that are left over from previous subdivisions where developers have not paid any taxes for many years, and have shown no willingness to fulfill their responsibilities.

Donation - The Town should target landowners that might be willing to donate land for tax purposes.

Changes of Use - Parcels of state owned land should be acquired if they are likely to cease being open space. The most noteworthy example of the sorts of lands would be the "reformatory fields" on Route Two. All lands that are under Chapter 61, 61A and 61B that come up for sale should be presented to town meeting (this is also mandated by the Master Plan goals and objectives).



SECTION 8

GOALS AND OBJECTIVES

SECTION 8

GOALS AND OBJECTIVES

The list of goals and objectives shown below was synthesized from a variety of sources: the goals shown in the 1985 Open Space and Recreation Plan that are still relevant were carried over, the goals developed in the Master Plan process that have not yet been fulfilled are included, and other goals developed through informal contacts with staff, town boards, community organizations, athletic leagues, and individual citizens have also been factored into the process. No attempt is being made here to rewrite the Master Plan; only those goals and objectives that could be achieved by Recreation, Conservation, or Municipal Properties have been included.

- I. **Preserve open spaces which have value as aesthetic, recreational, wetland, water, and wildlife resources.**
 - A. Adopt a land bank for public purchase of open space.
 - B. Establish a fund for public purchase of open space.
 - C. Prioritize and pursue land available through donations or tax takings.
 - D. Bring all lands under Chapter 61, 61A and 61B to town meeting vote.
 - E. Maintain present ratio of open space per resident 80 acres per 1000 residents.

- II. **Create and set aside corridors for vegetation, wildlife, and human use between wetlands, conservation areas, and remaining open space land.**
 - A. Develop "Greenbelt" concept for Nashoba Brook and Fort Pond Brook.
 - B. Prioritize land acquisitions to create corridors.
 - C. In new developments, maintain open space corridors and easements for trails.
 - D. Improve access to ponds and streams.
 - E. Develop trail connections with conservation lands in abutting towns.
 - F. Create additional trail heads and trail connections between conservation lands.

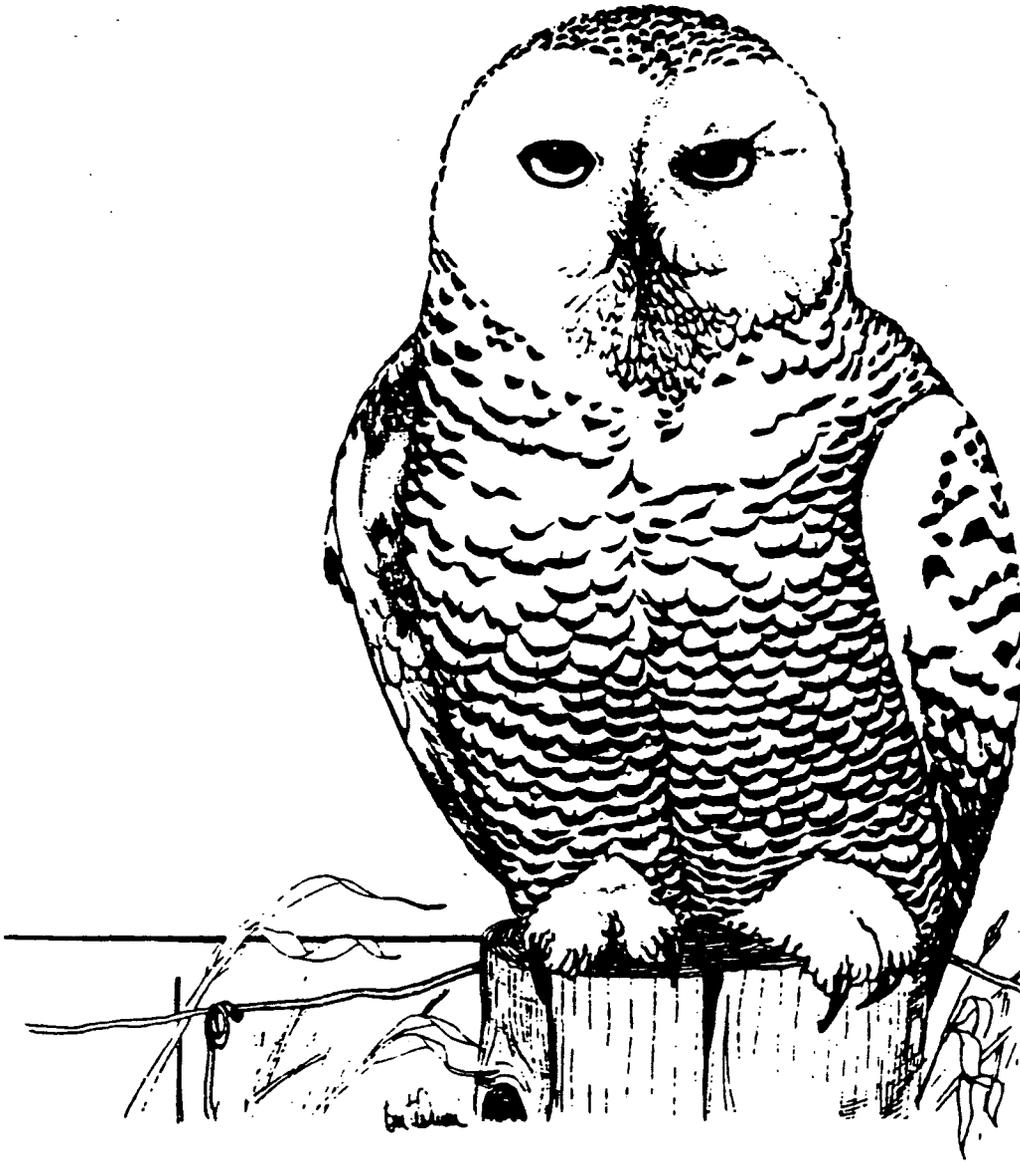
- III. **Prevent environmental degradation of remaining open space.**
 - A. Continue to rigidly enforce the Wetlands Protection Act and Town Wetlands Protection Bylaw.
 - B. Continue to conduct public education efforts on the value of open space, and how the public can minimize human impact on the environment.
 - C. Inventory and prioritize endangered species and critical habitat for protection.
 - D. Develop prioritized inventory of all lands that should be considered for acquisition by the Town.

- IV. **Provide a variety of recreational opportunities for all town residents.**
 - A. Keep all existing athletic fields in service.
 - B. Provide additional fields to meet growth in leagues and to make up for eventual loss of Woodlawn field and School Street field.

- C. Develop a user fee system to mitigate cost of maintenance on taxpayers.
- D. Explore options to provide more water-based recreation.
- E. Upgrade playground equipment and surfaces.
- F. Explore programs and facilities specifically for the disabled, the elderly, and the very young.
- G. Provide areas for informal games and activities and historic and cultural features for non-traditional recreational pursuits.
- H. Increase the visibility of Acton's open space through public education, maps, brochures, and signage.
- I. Closely coordinate the activities of the Community Education Department and Municipal Properties and develop informational packets to clearly define all recreational activities. (i.e., facilities are maintained by the Town, but scheduling is through the Schools).

V. Manage and maintain all public open space to preserve and enhance its value.

- A. Maintain or increase present level of professional and volunteer maintenance activities.
- B. Continue present rate of boundary marking, trail signage, and trail head facilities.
- C. Provide improved access points and fire lanes.
- D. Continue to upgrade trails.
- E. Conduct wildlife habitat enhancement projects.
- F. Manage land to provide a diversity of environments for plants and animals.
- G. Accent cultural, historic, and natural features of lands.
- I. Investigate options for use of lands for timber and agricultural commodities production.
- J. Continue close cooperation with Planning Department and other agencies to develop and enforce regulations to mitigate the impacts of development.



SECTION 9

FIVE YEAR PLAN

SECTION 9

FIVE YEAR ACTION PLAN

Due to the uncertainties of funding and staff allocations, the five year action plan has not been put in a year by year timetable; rather, a matrix has been set up showing relative priority, contrasted against the three major elements required to accomplish a project: capital, labor, and administration. For the purposes of this action plan, it is assumed that there will be no increase or decrease in the staffing configuration from what is in place in FY'92, that small amounts of funding for miscellaneous materials will be available, and that funding for any large purchases of land or development costs would be part of an override package.

When reviewing this list it is important to understand that the Town has to respond to changing circumstances and conditions, which could effect the order in which projects are undertaken. For example, two projects that were shown as second priority projects in the draft plan were completed this spring, just because the staff time and materials became available from another department on very short notice. All portions of the Open Space and Recreation Plan should have the flexibility to respond to challenges and opportunities.

First Priority Projects

Description of Project	Project Requirements		
	Capital	Labor	Administration
- Develop prioritized land acquisition list			X
- Develop swimming facility in North Acton	X	X	X
- Finish boundary & trail markers at Nashoba Brook			X
- Finish boundary marking at Stoneymeade			X
- Build access road at Stoneymeade	in hand	X	X
- Install boundary & trail markers at Great Hill			X
- Install boundary & trail markers at Pratt's Brook			X
- Finish dam reconstruction at Robbins Mill Pond		X	
- Repair or scrap unsafe playground equipment		X	
- Adopt a land bank			X
- Install new signage at Will's Hole		X	
- Mark boundaries at Arboretum			
- Develop trail head & parking area on Jenks Land		X	X
- Develop trail head & parking area on Caccitore land	X	X	

Description of Project	Project Requirements		
	Capital	Labor	Administration

- Mark boundaries at Bulette Road Town Forest			X
- Develop and distribute new trail maps			X
- Construct boardwalk sections on Northbriar Trail			X
- Construct boardwalk sections on Nashoba Brook Trail		X	
- Dredge Ice House Pond	X	X	X

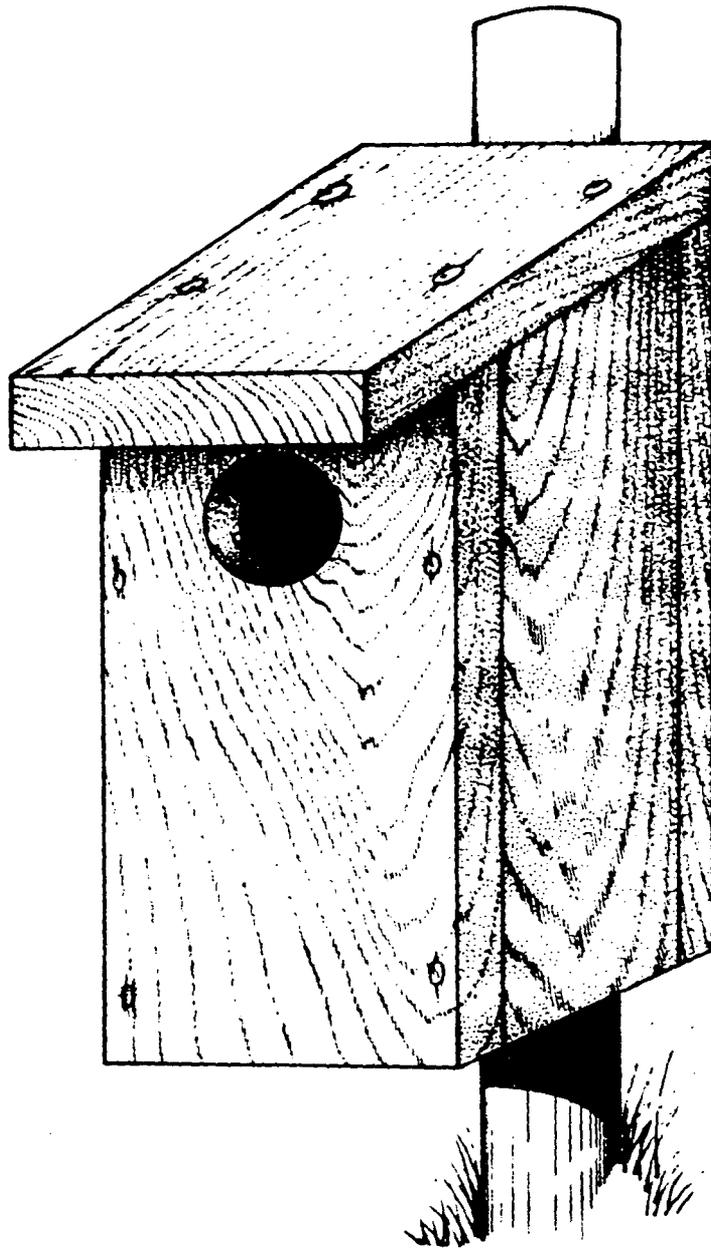
Second Priority Projects

Description of Project	Project Requirements		
	Capital	Labor	Administration

- Repair/replace lights at Elm Street Field	X		X
- Install replacement playground structures	X	X	X
- Develop field to replace Woodlawn Field	X	X	X
- Reconstruct Elm Street tennis courts	X	X	X
- Pave Wheeler Lane Parking lot	X	X	
- Pave Pratt's Brook parking area	X	X	
- Mark boundaries at Heath Hen Meadow			X
- Acquire any high priority land that comes up for sale	X		X
- Inventory lands for agricultural or forestry use			X
- Widen all hiking trails to minimum 6' width		X	
- Develop playground structure for very young children	Donation	X	X

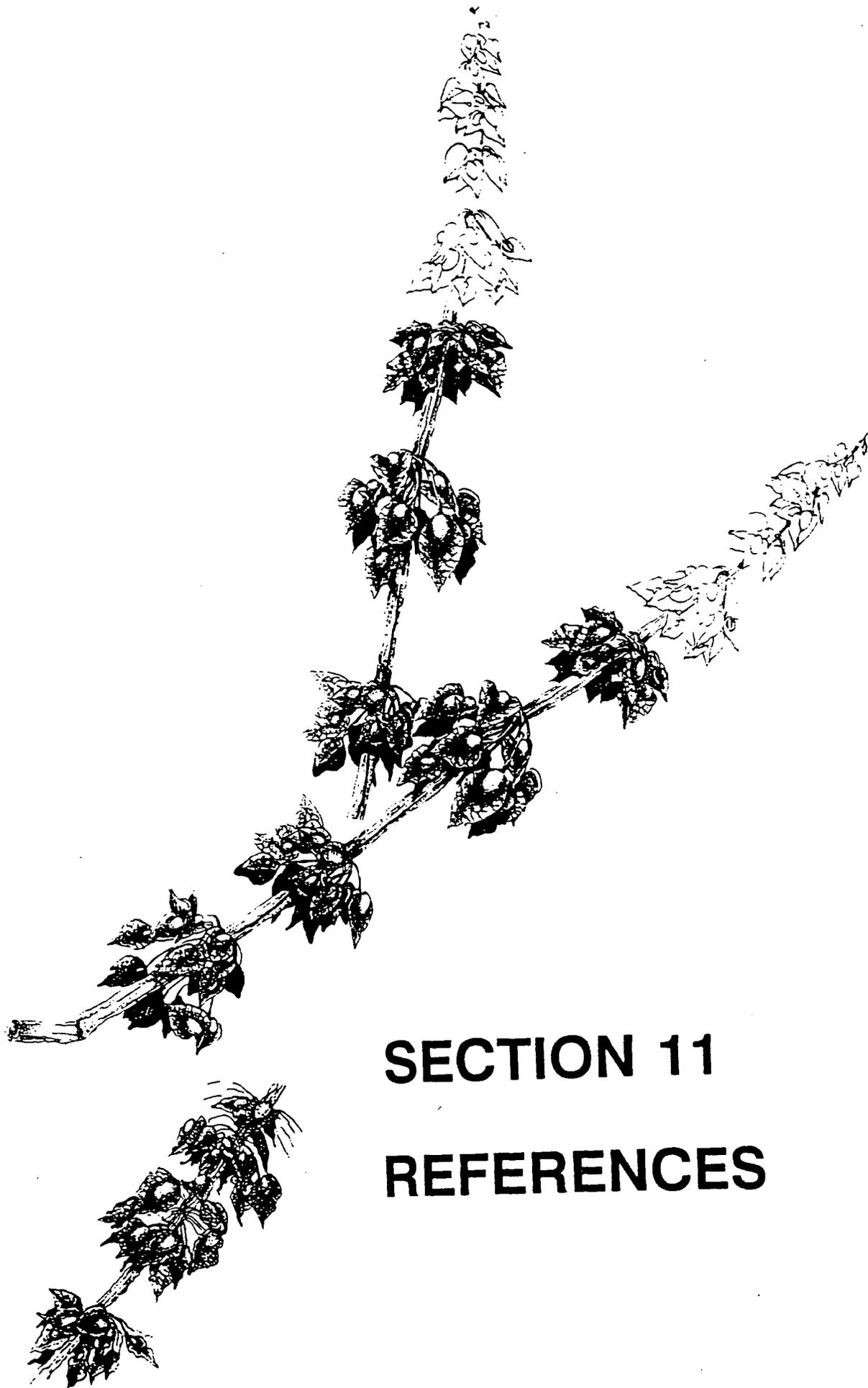
THIRD PRIORITY PROJECTS

Description of Project	Project Requirements		
	Capital	Labor	Administration
- Develop athletic fields at North Acton Recreation Area	X	X	X
- Build additional tennis courts	X	X	X
- Build a second illuminated field	X	X	X
- Obtain "Maynard Spur" rail line near Mill Pond Area	X		X
- Repair/reconstruct Pencil Factory Dam	X	X	X
- Identify and obtain Greenbelt tax taking parcels			X
- Develop historic area at Nashoba Brook	X	X	X
- Develop historic area at Fort Pond Brook	X	X	X
- Expand wildlife and vegetation diversity program		X	X



SECTION 10

PUBLIC COMMENTS

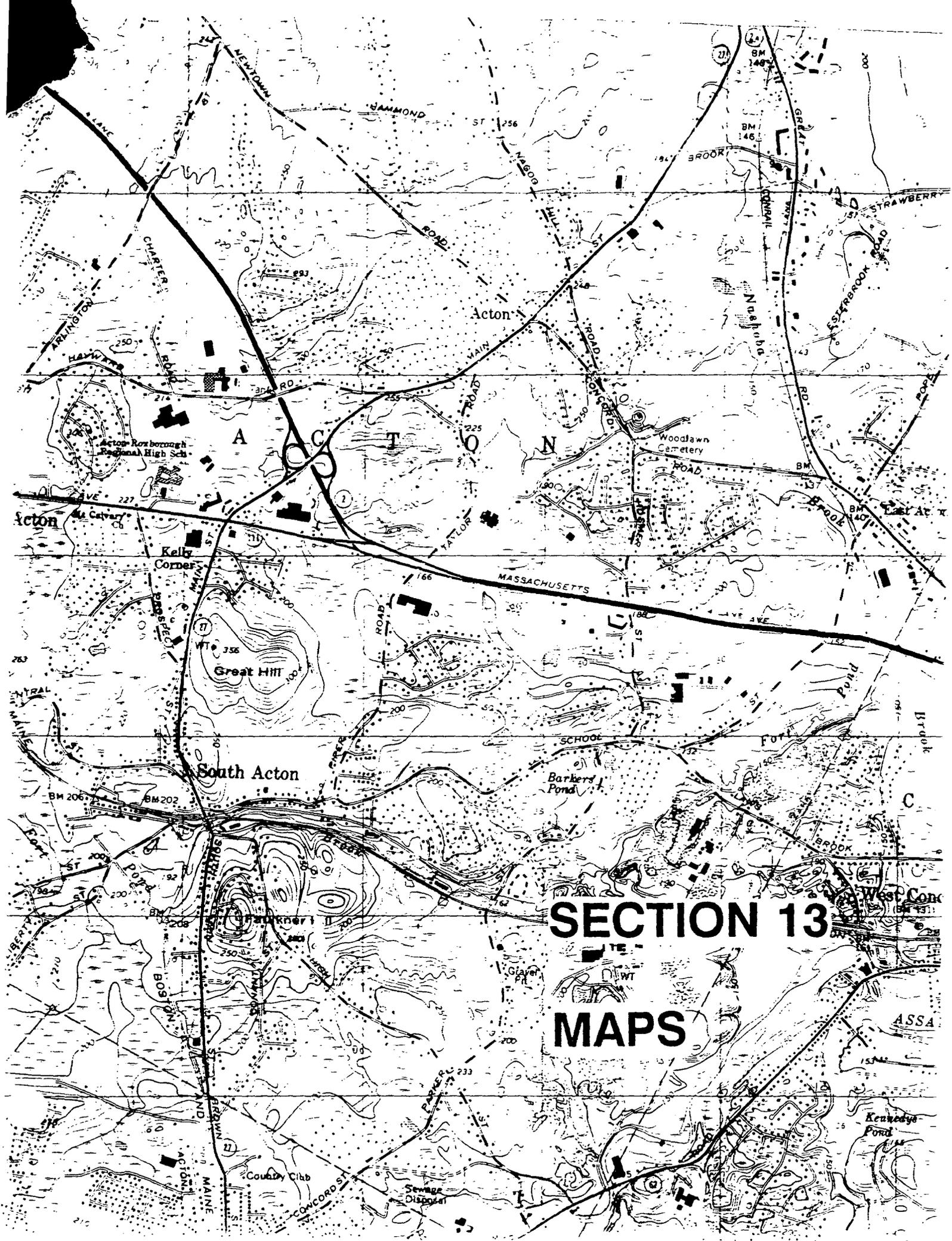


SECTION 11

REFERENCES



SECTION 12
APPENDICES



SECTION 13

MAPS



SCOTT HARSHBARGER
ATTORNEY GENERAL

(617) 727-2200

Don Johnson
J. Murray
The Commonwealth of Massachusetts

Office of the Attorney General

One Ashburton Place,

Boston, MA 02108-1698

JUN 2 - 1992

May 28, 1992

Cornelia O. Huber
Town Clerk
472 Main Street
Acton, MA 01720

Dear Ms. Huber:

I enclose the amendments to the general by-laws adopted under articles 12, 22 and 23, and the amendments to the zoning by-laws adopted under articles 16, 17 and 18 of the warrant for the Acton Annual Town Meeting held April 6, 1992, with the approval of this Office endorsed thereon.

Very truly yours,

Anthony E. Penski
Assistant Attorney General
617-727-2200 ext. 2082

AEP:ccs
Enclosure

cc: BOS
ALL BOARDS & COMMITTEES
ALL DEPARTMENTS

RECEIVED & FILED
DATE June 1, 1992
Cornelia O. Huber
TOWN CLERK, ACTON

Boston, Massachusetts

The foregoing amendments to the general by-laws adopted under articles 12, 22 and 23 of the warrant for the Acton Annual Town Meeting held April 6, 1992, are hereby approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL


Anthony E. Penski
Assistant Attorney General

May 28, 1992

RECEIVED & FILED
DATE June 1, 1992
Conelia O. Huber
TOWN CLERK *CLERK

Boston, Massachusetts

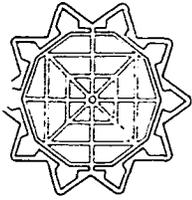
The foregoing amendments to the zoning by-laws adopted under articles 16, 17 and 18 of the warrant for the Acton Annual Town Meeting held April 6, 1992, are hereby approved.

SCOTT HARSHBARGER
ATTORNEY GENERAL


Anthony E. Penski
Assistant Attorney General

May 28, 1992

RECEIVED & FILED
DATE June 1, 1992
Conelia O. Huber
TOWN



**Massachusetts
Municipal
Association**

Sixty Temple Place (800) 882-1498
Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

MAY 22 1992

May 20, 1992

Dear Local Official,

The Massachusetts Municipal Association has initiated a campaign, in cooperation with the state Executive Office of Environmental Affairs, to provide assistance to municipal recycling programs in Massachusetts. Fiscal pressures have made it difficult for cities and towns to fully implement their recycling agendas. It is part of MMA's charge to work with you to support your commitment to recycling. We will do so with a two-pronged approach.

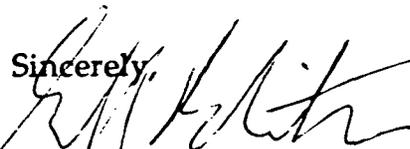
First, we will allocate a total of \$25,000 in technical assistance grants to local recycling programs, in amounts that range from \$100 to \$1,000, averaging \$500. Award decisions will be based on program needs and proposed use of funds. To qualify, you must return the enclosed blue Technical Assistance Grant Application and green Program Survey form, postmarked no later than June 8, 1992. If other factors are equal, decisions will be made on a first-come-first-served basis.

Secondly, we are developing public service announcements (PSA's) to promote community participation in recycling. A thirty-second announcement will be broadcast statewide to generally increase public awareness of the issue. We will also create a PSA for your use on your local cable station, similar to the statewide announcement, but individualized to give information about your local recycling program. You will need to return the yellow Public Service Announcement Information form and green Program Survey form by June 8, 1992 for this to be done.

Information you provide on the green Program Survey form is essential to the grant request evaluation process, the creation of public service announcements and MMA's research of municipal recycling activities in Massachusetts. Whether you request a grant, a PSA, both, or neither, the green Program Survey form must be postmarked no later than June 8, 1992.

We expect this to be an exciting project and believe it will be highly beneficial to recycling work throughout Massachusetts. Please fill out and return the enclosed forms as indicated, or designate a local official to do so (for example, a recycling coordinator). If you have any questions, please contact Laura Prickett, Project Director, at (617) 426-7272.

Sincerely,


Geoffrey C. Beckwith
Executive Director

JOHN -
WE SHOULD RESPOND
UNDER ALL. PLEASE HANDLE.

CC: BOS



7/6/5

**MMA Municipal Recycling Assistance Project
Technical Assistance Grant Application**

_____ Yes, Town/City of _____ would like to apply for a one-time award for its recycling program.

We request an award in the amount of \$ _____ to be used for:
(Explain purpose in space provided; you may continue on other side of page if necessary.)

[Possible uses include advertising, signage, staffing, miscellaneous equipment, facility improvements, mailings, etc.]

Signed by: Chief Local Official* _____

Title: _____

Date: _____

* Chief local officials include, where appropriate, the Mayor, Chair of the Board of Selectmen, City or Town Manager/Administrator/Executive Secretary/or Administrative Assistant.

Return this form to: MMA Municipal Recycling Assistance Project
Massachusetts Municipal Association
60 Temple Place, 2nd Floor
Boston, MA 02111

Please Note: Response must be postmarked no later than June 8, 1992 and completed survey form must accompany this application for your program to be considered for an award.

**MMA Municipal Recycling Assistance Project
Program Survey**

1. Description of recycling services for the Town/City of _____
Check the components your program includes.

___ Curbside - briefly describe: _____

Year established: _____

Pick-up frequency: _____

Materials accepted:

___ aluminum cans ___ aluminum (other than cans) ___ steel/bi-metal cans

___ clear glass ___ colored glass

___ newspaper ___ other paper (specify): _____

___ plastic containers (specify which numbers): _____

___ other: _____

___ Central drop-off facility - briefly describe: _____

Year established: _____

Located in town? ___ yes ___ no

Address: _____

Days/Hours open: _____

Staffed by: ___ Town workers ___ Volunteers

Materials accepted:

___ aluminum cans ___ aluminum (other than cans) ___ steel/bi-metal cans

___ clear glass ___ colored glass

___ newspaper ___ other paper (specify): _____

___ plastic containers (specify which numbers): _____

___ other: _____

2. Estimated annual tonnage of recyclables collected by your program (please break total down by type of material):

_____	_____
_____	_____
_____	_____
_____	_____

3. Has the program been affected by budget cuts? If yes, please explain.

4. List program needs:

Advertising	_____
Signage	_____
Staffing	_____
Equipment purchases	_____
Facility improvements	_____
Other _____	_____

5. If you were to receive a technical assistance award of up to \$1,000 what immediate needs would you meet?

6. City/town official responsible for recycling program:

Name: _____
Title: _____
Address: _____
Telephone: _____

7. City/town official filling out this survey, if different:

Name: _____
Title: _____
Address: _____
Telephone: _____

Return this form to: MMA Municipal Recycling Assistance Project
Massachusetts Municipal Association
60 Temple Place, 2nd Floor
Boston, MA 02111

Please Note: Response must be postmarked by June 8 to be included in the MMA recycling survey, whether or not you request a technical assistance grant or a public service announcement.

**MMA Municipal Recycling Assistance Project
Public Service Announcement Information**

_____ Yes, the Town/City of _____ would like a public service announcement (PSA) to publicize information on its recycling program.

1. What program information should be included in your PSA?

- Curbside: _____ Yes _____ No

Frequency of pick-up: _____

Materials collected: _____

- Dropoff: _____ Yes _____ No

Address: _____

Days/Hours open: _____

Materials collected: _____

- Separate yard waste collection or composting facility: _____ Yes _____ No

Address: _____

Days/Hours open: _____

- Phone number citizens can call for information or to volunteer : _____

- Other: _____

2. How should your PSA be delivered to the local cable station? (Check one.)

_____ Town/City will deliver PSA to the cable station (MMA should send it to us).

Local official who should receive PSA:

Name: _____

Title: _____

Address: _____

_____ MMA can send PSA directly to our local cable station.

Station Name: _____

Address: _____

Return this form to: MMA Municipal Recycling Assistance Project
Massachusetts Municipal Association
60 Temple Place, 2nd Floor
Boston, MA 02111

Please Note: Response must be postmarked no later than June 8, 1992 and completed survey form must accompany this form for us to customize your public service announcement.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 4, 1992

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Preliminary Cherry Sheets

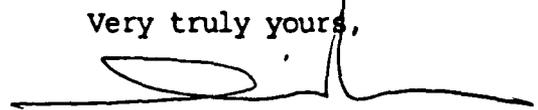
The attached information from the Department of Revenue gives us a preliminary idea of where the State is going with FY93 Local Aid. I have circled the pertinent changes from the Fy92 levels.

It is most important to realize that these numbers are preliminary. History shows that until the State Budget is resolved we can place little or no store in the value of these projections.



Division of Local Services staff are available to answer your questions or provide additional information. You may call or write the Municipal Data Management and Technical Assistance Bureau of the Division of Local Services, P.O. Box 9655, Boston, Massachusetts 02114-9655, (617) 727-2300, Ext. 450. This new address reflects the upcoming move of the Division to the Saltonstall Office Building.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mitchell Adams', is written over a horizontal line. The signature is stylized and somewhat cursive.

Mitchell Adams
Commissioner

MA:rm
Enclosures



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

200 Portland Street
Boston 02114-1715

JUN - 4 1992

MITCHELL ADAMS
Commissioner

(617) 727-2300

LESLIE A. KIRWAN
Deputy Commissioner

June 1, 1992

TO LOCAL GOVERNMENT OFFICIALS:

Following passage of the FY93 Local Aid Resolution which was introduced by the Governor and approved by the Legislature in modified form, and pursuant to the provisions of Chapter 58 of the Massachusetts General Laws, the Department of Revenue is notifying you of the estimated amounts to be received by your municipality during the fiscal year ending June 30, 1993, as detailed on the enclosed green Form C.S. 1-ER. The FY93 Cherry Sheets are based upon the amounts specified in the aforementioned Local Aid Resolution, and the Governor's FY93 budget presented in House 1.

Please note that these estimated receipts do not include the allocation of the \$186 million of increased Education Foundation Aid proposed by the Governor, because the status of this proposal remains uncertain as we prepare the FY93 Cherry Sheets. For the same reason, no specific provisions can be described at this time concerning maintenance of local effort, earmarking of particular local aid funds or any other conditions or procedural requirements that may be associated with the use of education funds.

You will be informed of any changes in the final FY93 appropriations and/or allocations in a notice of Cherry Sheet amendments, which will be sent by the Department of Revenue to each municipality and regional school district after final enactment of the FY93 budget.

The total of FY93 estimated receipts for cities and towns is \$2.023 billion, a decrease of \$34.3 million or 1.7% from the FY92 Cherry Sheet totals. The reduction is caused by the return in FY93 of Highway Aid to a single-year distribution, in contrast to the two-year distribution in FY92. However, if the increased Education Foundation Aid proposal is approved, the final Local Aid figures for FY93 would increase.

Some specific aspects of the FY93 local aid budget are discussed in the enclosed document, "The FY93 Municipal Cherry Sheets: An Analysis." In addition, there is a program by program comparison of the FY92 and FY93 estimates for your municipality.

You also are notified of the estimated FY93 assessments and charges to your municipality, which are detailed on the attached pink Form C.S. 1-EC. The total of estimated charges as listed in that form's Column 1 is \$190.2 million, an increase of \$7.0 million or 3.8% compared to the FY92 total of \$183.1 million.



MASSACHUSETTS DEPARTMENT OF REVENUE

DIVISION OF LOCAL SERVICES

200 Portland Street

Boston 02114-1715

MITCHELL ADAMS
Commissioner

(617) 727-2300

LESLIE A. KIRWAN
Deputy Commissioner

MUNICIPAL DATA MANAGEMENT AND TECHNICAL ASSISTANCE BUREAU

THE FY93 MUNICIPAL CHERRY SHEETS: AN ANALYSIS

The enclosed Cherry Sheet Analysis reflects the changes between your municipality's Cherry Sheet for FY92 and the enclosed Cherry Sheet for FY93, which begins July 1, 1992. In reviewing your Cherry Sheets you should be aware of the following points:

1. Your allocations of Chapter 70, Additional Assistance and Lottery have been level-funded in FY93 as compared to FY92.
2. Your Cherry Sheet does not reflect the allocation of the proposed \$186 million in additional funds for education.

On a related note, you should be aware that Chapter 493 of the Acts of 1991, which authorized emergency educational assistance grants to cities and towns that met certain criteria, requires a partial repayment of these grants over the next five fiscal years. The required repayment is ten per cent of each grant each year, for a total repayment of fifty per cent of each grant.

However, the annual repayment is conditioned upon an annual increase in a municipality's Chapter 70 School Aid by at least ten per cent of the emergency grant. If in any year this condition is not met, the municipality's repayment for that year is forgiven.

Since there is no increase in Chapter 70 funding in the FY93 Local Aid Resolution, and the language of House 1 conditioned repayment on an increase in Education Foundation Aid over the sum of its FY92 components, it is not clear at this date whether the FY93 repayment of emergency educational assistance grants will be in effect. However, that possibility should be taken into consideration in local budgeting for FY93.

Cherry Sheet Programs Deleted

Several receipt programs listed on the FY92 Cherry Sheet (Form C.S. 1-ER) have been deleted from the FY93 Cherry Sheet because they have not been funded in either year. These include:

B-4	School Improvement Council
B-5	Horace Mann Teachers
B-8	Tuition of State Wards
B-9	Special Needs Recreation
B-11	Small Town School Aid

Also, assessment program D-5, Solid Waste Clean-Up, on the FY92 Cherry Sheet (Form C.S. 1-EC) has been deleted in FY93 because funding was never accomplished.

Elderly Lunch

In FY93, the Elderly Lunch program will no longer be included on the Cherry Sheet (Form C.S. 1-ER) as a component of Line B-2. This is because administrative responsibility for this program has shifted from the Department of Education to the Executive Office of Elder Affairs. Notwithstanding this change, participating municipalities will continue to receive state support for lunches provided. Questions about the impact of this shift on local providers should be directed to John A. Waldo, Executive Office of Elder Affairs, 38 Chauncy Street, Boston, MA 02111, (617) 727-7750 Ext. 426.

Chapter 81 Highway Fund

Local officials should be aware that the reduction in FY93 Chapter 81 Highway Fund (Line C-6 on Form C.S. 1-ER) is the result of distributing the estimated gas tax revenues for a single year, in contrast to FY92 when this distribution covered both FY92 and FY91 to make up for the lack of any such distribution in FY91.

County Tax Increases in Excess of 2½%

Cities and towns again may experience a rise in their County Tax (Form C.S. 1-EG, Line A) in excess of the normal 2½% increase, because the state appropriation for county jail costs will again be level-funded in FY93 at \$80.5 million. The state budget allows each county to increase its FY93 county tax to make up the difference between \$80.5 million and what it would have received if there had been an annual 2½% increase in this distribution since FY90.

School Transportation

School transportation reimbursements in FY93 for FY92 expenditures will be based on full K-12 ridership in FY92, as has been the case in prior years. There have been proposals during the past year to limit such aid to K-6 ridership, but none of these proposals have been enacted.



MASSACHUSETTS DEPARTMENT OF REVENUE

DIVISION OF LOCAL SERVICES

200 Portland Street

Boston 02114-1715

MITCHELL ADAMS
Commissioner

(617) 727-2300

LESLIE A. KIRWAN
Deputy Commissioner

MUNICIPAL DATA MANAGEMENT AND TECHNICAL ASSISTANCE BUREAU THE FY93 REGIONAL SCHOOL DISTRICT CHERRY SHEETS: AN ANALYSIS

The enclosed Cherry Sheet Analysis reflects the changes between your district's Cherry Sheet for FY92 and the enclosed Cherry Sheet for FY93, which begins July 1, 1992. It should be noted that your allocations of both Chapter 70 and Chapter 71 are level-funded in FY93 as compared to FY92. Also, your Cherry Sheet does not reflect the allocation of the proposed \$186 million in additional funds for education.

On a related note, you should be aware that Chapter 493 of the Acts of 1991, which authorized emergency educational assistance grants to regional school districts which met certain criteria, requires a partial repayment of these grants over the next five fiscal years. The required repayment is ten per cent of each grant each year, for a total repayment of fifty per cent of each grant.

However, the annual repayment is conditioned upon an annual increase in the combined amount of a district's Chapter 70 and Chapter 71 school aid by at least ten per cent of the emergency grant. If in any year this condition is not met, the district's repayment for that year is forgiven.

Since there is no increase in Chapter 70 and Chapter 71 funding in the FY93 Local Aid Resolution, and the language of House 1 conditioned repayment on an increase in Education Foundation Aid over the sum of its FY92 components, it is not clear at this date whether the FY93 repayment of emergency educational assistance grants will be in effect. However, that possibility should be taken into consideration in local budgeting for FY93.

Cherry Sheet Programs Deleted

Several receipt programs listed on the FY92 Cherry Sheet (Form C.S. 2-ER) have been deleted from the FY93 Cherry Sheet because they have not been funded in either year. These include:

B-4	School Improvement Council
B-5	Horace Mann Teachers
B-8	Tuition of State Wards
B-9	Special Needs Recreation

Elderly Lunch

In FY93, the Elderly Lunch program will no longer be included on the Cherry Sheet (Form C.S. 2-ER) as a component of Line B-2. This is because administrative responsibility for this program has shifted from the Department of Education to the Executive Office of Elder Affairs. Notwithstanding this change, participating regional school districts will continue to receive state support for lunches provided. Questions about the impact of this shift on local providers should be directed to John A. Waldo, Executive Office of Elder Affairs, 38 Chauncy Street, Boston, MA 02111, (617) 727-7750 Ext. 426.

NOTICE TO ASSESSORS OF ESTIMATED RECEIPTS
TO BE USED IN DETERMINING THE TAX LEVY

General Laws, Chap. 58, Sect. 25A, and Chap. 59, Sect. 23

ACTON
Municipality



A. RESOLUTION AID:

1. School Aid Ch. 70	\$	481,047
2. Additional Assistance		37,368
Sub-Total, Resolution Aid	\$	518,415

B. EDUCATION:

OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:

1. Racial Equality Chs. 76, s. 12A; 71, ss. 37 I,J	\$	
2. Lunch Programs Chs. 871; 15, s. 1L; 753		7,796
3. Equal Education Opportunity Ch. 70A		
Sub-Total, Offset Items	\$	7,796

REIMBURSEMENTS:

4. School Transportation Programs Chs. 71, 71A, 71B and 74	\$	141,636
5. School Construction 1948, Ch. 645; 1976, Ch. 511		52,927
6. Retired Teachers' Pensions Ch. 32, s. 20 (2) (c)		

Sub-Total, Reimbursement Items	\$	194,563
Sub-Total, All Education Items	\$	202,359

C. GENERAL GOVERNMENT:

OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:

1. Public Libraries Ch. 78, s. 19A	\$	13,694
Sub-Total, Offset Items	\$	13,694

REIMBURSEMENTS AND DISTRIBUTIONS:

2. Regional Public Libraries Ch. 78, s. 19C	\$	
3. Police Career Incentive Ch. 41, s. 108L		
4. Urban Renewal Projects Ch. 121		
5. Veterans' Benefits Ch. 115, s. 6		6,600
6. Highway Fund Ch. 81, s. 31; 1980, Ch. 577, s. 8		133,728
7. Lottery, Beano & Charity Games Ch. 29, s. 2D		561,997
8. Local Share of Racing Taxes 1981, Ch. 558		
9. Exemptions: Vets, Blind & Surv. Spouse Ch. 59		8,462
10. Exemptions: Elderly Ch. 59, s. 5, Cl. 41, 41B or 41C		12,366

Sub-Total, Non-Offset Items	\$	723,153
Sub-Total, All General Government	\$	736,847

D. TOTAL ESTIMATED RECEIPTS, FISCAL 1993	\$	1,457,621
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NOTICE TO ASSESSORS OF ESTIMATED CHARGES
TO BE USED IN DETERMINING THE TAX LEVY

GENERAL LAWS, CHAPTER 59, SECTION 21. ACTON
Municipality

The following State and County Assessments, as estimated, and the underestimates from the prior year, <u>must</u> be used by the Assessors in determining the "Total Amount to be Raised by Taxation." Overestimates from the prior year <u>must</u> be listed by the Assessors as "Estimated Receipts - State."	Column 1 Estimates to be raised	Column 2 PRIOR YEAR Underestimates to be raised	Column 3 PRIOR YEAR Overestimates to be Used as Estimated Receipts - State
A. County Assessment, County Tax Ch. 35, s. 31.	\$ 48,619	\$	\$
B. STATE ASSESSMENTS AND CHARGES:			
1. Supervision of Retirement Systems Ch. 32, s. 21.	\$	\$	\$
2. Motor Vehicle Excises 1962, Ch. 727.			
3. Retired Employees Health Insurance Ch. 32A.			
4. Retired Teachers Health Insurance Ch. 32A.			
5. Mosquito Control Projects Ch. 252.			
6. Air Pollution Districts Ch. 676.	4,470		
7. Metropolitan Area Planning Council Ch. 40B, 476	3,706		
8. Old Colony Planning Council Ch. 332			
. Parking Surcharge, Ch. 90.		380	
Sub-Total, State Assessments	\$ 8,176	\$ 380	\$
C. TRANSPORTATION AUTHORITIES:			
1. MBTA Chs. 161A, 825	\$	\$	\$
2. Boston Met. Trans. Dist. 1929, Ch. 383; 1954, Ch. 535			
3. Reg'l Trans. Auth's Ch. 161B, ss. 9-10; 1973, Ch. 1141	15,818		
Sub-Total, Transportation Assessments	\$ 15,818	\$	\$
D. ANNUAL CHARGES AGAINST RECEIPTS:			
1. Multi-Year Repayment Programs	\$	\$	\$
2. Spec. Educ. Ch. 71B, ss. 10, 12	6,082	6,082	
3. Energy Conservation 1983, Ch. 700			
4. STRAP Repayments Ch. 637			
Sub-Total, Charges against Receipts	\$ 6,082	\$ 6,082	\$
TAL ESTIMATED CHARGES, FISCAL 1993	\$ 78,695	\$ 6,462	\$

F. NET CHARGES, FISCAL 1993. (Column 1 + Column 2 - Column 3) \$ 85,157

FISCAL 1993 CHERRY SHEET AID ANALYSIS

ACTON

ESTIMATED RECEIPTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	School Aid, Chapter 70	481,047	481,047	
A 2	Additional Assistance	37,368	37,368	
B 1	Racial Equality			
B 1A	Racial Imbalance			
B 1B	Magnet Education			
B 1C	Equal Educ Improvement			
B 2	Lunch Programs			
B 2A	School Lunch	7,613	7,796	183
B 2B	Elderly Lunch			
B 3	Equal Ed Opportunity			
B 4	School Trans Programs			
B 4A	School Trans Programs	131,103	141,636	10,533
B 4B	Trans of Pupils			
B 5	School Construction	52,927	52,927	
B 6	Retired Teachers Pensions			
C 1	Public Libraries	13,675	13,694	19
	Regional Public Libraries			
	Police Career Incentive			
C 4	Urban Renewal Projects			
C 4A	Fed Aid Urban Renewal			
C 4B	Non Fed Urban Renewal			
C 4C	Urban Revitalization			
C 5	Veterans' Benefits	7,060	6,600	-460
C 6	Highway Fund	246,849	133,728	-113,121
C 7	Lottery	561,997	561,997	
C 8	Local Share of Racing Taxes			
C 9	Exemptions:			
C 9A	Veterans	7,201	7,237	36
C 9B	Blind Persons	175		-175
C 9C	Surviving Spouses	1,225	1,225	
C 10	Elderly Exemptions	11,136	12,366	1,230
D	TOTAL ESTIMATED RECEIPTS	1,559,376	1,457,621	-101,755

ACTON

ESTIMATED ASSESSMENTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	County Tax	41,894	48,619	6,725
B 1	Superv. Retirement Syst			
B 2	Motor Vehicles Excise			
B 3	Retirees Health Insurance			
B 4	Retired Teachers Hlth Ins			
B 5	Mosquito Control			
B 6	Air Pollution Control	4,353	4,470	117
B 7	Metro Area Planning Cncl	3,555	3,706	151
B 8	Old Colony Planning Cncl			
B 9	Parking Surcharges			
C 1	MBTA			
C 2	Boston Metro Dist Exp			
C 3	RTA	15,432	15,818	386
D 1	Multi Year Repayments			
D 2	Special Education		6,082	6,082
D 3	Energy Conservation			
D 4	STRAP Repayments			
E	TOTAL ESTIMATED CHARGES	65,234	78,695	13,461

Net Cherry Sheet Aid

	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
Total Estimated Receipts	1,559,376	1,457,621	-101,755
Total Estimated Charges	65,234	78,695	13,461
NET RECEIPTS	1,494,142	1,378,926	-115,216
		<i>Prior Yr. Assessment - 6462</i>	
		<i>ON CHERRY SHEET</i>	<i>-121,678</i>

FISCAL 1993 CHERRY SHEET AID ANALYSIS

ACTON BOXBOROUGH

ESTIMATED RECEIPTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	School Aid, Chapter 70	732,675	732,675	
A 2	Regional School Dist Aid	814,347	814,347	
B 1	Racial Equality			
B 2	Lunch Programs			
B 2a	School Lunch	7,130	7,237	107
B 2b	Elderly Lunch			
B 3	Equal Ed Opportunity			
B 4	School Transportation	53,184	52,606	-578
B 5	School Construction	293,598	293,598	
B 6	Transportation of Pupils	302,503	355,344	52,841
TOTAL ESTIMATED RECEIPTS		2,203,437	2,255,807	52,370

ESTIMATED CHARGES

B 7a Energy Conservation

TOTAL RECEIPTS NET OF CHARGES **2,203,437** **2,255,807**

52,370

Commonwealth of Massachusetts Department of Revenue
NOTICE TO REGIONAL SCHOOL DISTRICTS
OF ESTIMATED RECEIPTS



General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

Name of School ACTON BOXBOROUGH

Member Cities and Towns ACTON, BOXBOROUGH

A. RESOLUTION AID:

1. School Aid Ch. 70	\$	<u>732,675</u>
2. Regional School District Aid Ch. 71, s. 16D		<u>814,347</u>

Sub-Total, Resolution Aid \$ 1,547,022

B. EDUCATION:

OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:

1. Racial Equality Ch. 76, s. 12A	\$	
2. Lunch Programs Chs. 871; 15, s. 1L; 753		<u>7,237</u>
3. Equal Education Opportunity, Ch. 70A		

Sub-Total, Offset Items. \$ 7,237

REIMBURSEMENTS:

4. School Transportation Programs Chs. 71, 71A, 71B and 74.	\$	<u>52,606</u>
5. School Construction 1948, Ch. 645; 1976, Ch. 511.		<u>293,598</u>
6. Transportation of Pupils Ch. 71, s. 16c		<u>355,344</u>

Sub-Total, Reimbursement Items \$ 701,548

Sub-Total, All Education Items \$ 708,785

TOTAL ESTIMATED RECEIPTS, FISCAL 1993 \$ 2,255,807

ESTIMATED CHARGES:

7A. Energy Conservation Programs Repayment 1987, Ch. 584 \$ _____

C. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1993. \$ 2,255,807

FISCAL 1993 CHERRY SHEET AID ANALYSIS

MINUTEMAN

ESTIMATED RECEIPTS

Line Num	Program Description	FY92 Cherry Sheet	FY93 Cherry Sheet	Difference
A 1	School Aid, Chapter 70	1,573,199	1,573,199	
A 2	Regional School Dist Aid	414,535	414,535	
B 1	Racial Equality			
B 2	Lunch Programs			
B 2a	School Lunch	2,169	2,049	-120
B 2b	Elderly Lunch			
B 3	Equal Ed Opportunity			
B 4	School Transportation		6,425	6,425
B 5	School Construction			
B 6	Transportation of Pupils	582,585	529,732	-52,853
TOTAL ESTIMATED RECEIPTS		2,572,488	2,525,940	-46,548

ESTIMATED CHARGES

B 7a Energy Conservation

TOTAL RECEIPTS NET OF CHARGES	2,572,488	2,525,940	-46,548
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Commonwealth of Massachusetts Department of Revenue
NOTICE TO REGIONAL SCHOOL DISTRICTS
OF ESTIMATED RECEIPTS



General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

Name of School MINUTEMAN

Member Cities and Towns ACTON, ARLINGTON, BELMONT, BOLTON, BOXBOROUGH,
CARLISLE, CONCORD, DOVER, LANCASTER, LEXINGTON, LINCOLN, NEEDHAM, STOW

A. RESOLUTION AID:

1. School Aid Ch. 70	\$	1,573,199
2. Regional School District Aid Ch. 71, s. 16D		414,535
Sub-Total, Resolution Aid	\$	1,987,734

B. EDUCATION:

OFFSET ITEMS - RESERVE FOR DIRECT EXPENDITURE:

1. Racial Equality Ch. 76, s. 12A	\$	
2. Lunch Programs Chs. 871; 15, s. 1L; 753		2,049
3. Equal Education Opportunity, Ch. 70A		
Sub-Total, Offset Items	\$	2,049

REIMBURSEMENTS:

4. School Transportation Programs Chs. 71, 71A, 71B and 74.	\$	6,425
5. School Construction 1948, Ch. 645; 1976, Ch. 511.		529,732
6. Transportation of Pupils Ch. 71, s. 16c		
Sub-Total, Reimbursement Items	\$	536,157
Sub-Total, All Education Items	\$	538,206
TOTAL ESTIMATED RECEIPTS, FISCAL 1993	\$	2,525,940

ESTIMATED CHARGES:

7A. Energy Conservation Programs Repayment 1987, Ch. 584	\$	
--	----	--

C. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1993. \$ 2,525,940

New Education and Highway Aid in the FY 1993 Budget of the House of Representatives

Community	EEOG*	\$100/Student	Chapter 90	Community	EEOG*	\$100/Student	Chapter 90
ABINGTON		\$212,300	\$69,328	BOURNE		\$247,300	\$114,379
ACTON		\$180,000	\$119,877	BOXBOROUGH		\$28,900	\$26,943
ACUSHNET		\$100,900	\$55,076	BOXFORD		\$71,100	\$66,768
ADAMS		\$0	\$62,096	BOYLSTON		\$27,600	\$38,210
AGAWAM		\$409,700	\$126,288	BRAINTREE		\$443,800	\$206,658
ALFORD		\$0	\$15,307	BREWSTER		\$71,400	\$53,103
AMESBURY		\$250,600	\$80,927	BRIDGEWATER		\$237,900	\$101,464
AMHERST		\$174,600	\$139,182	BRIMFIELD		\$38,100	\$55,161
ANDOVER		\$491,000	\$235,856	BROCKTON		\$1,427,400	\$397,074
ARLINGTON		\$373,400	\$163,052	BROOKFIELD		\$33,800	\$34,127
ASHBURNHAM		\$0	\$64,879	BROOKLINE		\$565,300	\$192,973
ASHBY		\$0	\$49,775	BUCKLAND		\$0	\$36,861
ASHFIELD		\$0	\$62,659	BURLINGTON		\$332,100	\$175,757
ASHLAND		\$154,400	\$64,231	CAMBRIDGE		\$763,900	\$474,382
ATHOL		\$0	\$104,903	CANTON		\$253,700	\$124,854
ATTLEBORO		\$585,000	\$233,658	CARLISLE		\$54,300	\$46,071
AUBURN		\$208,900	\$110,849	CARVER		\$267,000	\$72,031
AVON		\$68,400	\$37,175	CHARLEMONT		\$0	\$36,502
AYER		\$225,700	\$50,013	CHARLTON		\$0	\$105,461
BARNSTABLE		\$607,600	\$399,872	CHATHAM		\$63,700	\$63,297
BARRE		\$0	\$87,123	CHELMSFORD		\$511,500	\$196,655
BECKET		\$0	\$49,370	CHELSEA		\$367,500	\$93,202
BEDFORD		\$170,300	\$139,178	CHESHIRE		\$0	\$39,112
BELCHERTOWN		\$194,000	\$108,880	CHESTER		\$0	\$50,652
BELLINGHAM		\$255,400	\$88,049	CHESTERFIELD		\$0	\$44,211
BELMONT		\$293,900	\$109,935	CHICOPEE		\$708,500	\$235,743
BERKLEY		\$66,600	\$42,548	CHILMARK		\$4,000	\$13,089
BERLIN		\$17,800	\$37,903	CLARKSBURG		\$25,000	\$14,188
BERNARDSTON		\$0	\$37,879	CLINTON		\$174,300	\$65,609
BEVERLY		\$456,000	\$186,579	COHASSET		\$112,800	\$42,039
BILLERICA		\$583,200	\$193,242	COLRAIN		\$0	\$67,878
BLACKSTONE		\$0	\$43,706	CONCORD		\$160,700	\$131,714
BLANDFORD		\$0	\$53,204	CONWAY		\$17,300	\$55,149
BOLTON		\$42,500	\$50,051	CUMMINGTON		\$0	\$40,837
BOSTON		\$6,092,200	\$2,848,375	DALTON		\$0	\$43,380
				DANVERS		\$304,000	\$153,611
				DARTMOUTH		\$407,600	\$187,509
				DEDHAM		\$272,300	\$124,915
				DEERFIELD		\$43,000	\$76,271
				DENNIS		\$0	\$135,225
				DIGHTON		\$0	\$55,113
				DOUGLAS		\$92,500	\$64,706
				DOVER		\$41,200	\$44,649
				DRACUT		\$369,800	\$127,931
				DUDLEY		\$0	\$81,027
				DUNSTABLE		\$0	\$32,356
				DUXBURY		\$272,300	\$91,231
				EAST BRIDGEWATER		\$219,600	\$41,345
				EAST BROOKFIELD		\$0	\$18,220
				EAST LONGMEADOW		\$229,700	\$100,746
				EASTHAM		\$35,900	\$42,885

Note:

*On Friday, May 29, the House voted to use the most recent 1991 data as the basis for distribution of \$100 million for Equal Education Opportunity Grants. No community-by-community breakdown of these funds was available on the day this report was published.

Source:

The \$100-per-student figures are unofficial calculations of the Massachusetts Department of Education. Chapter 90 distributions are calculated by the MMA. Both are based on the House budget for fiscal 1993.

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Community	EEOG*	\$100/Student	Chapter 90
EASTHAMPTON		\$200,500	\$91,941
EASTON		\$328,200	\$104,302
EDGARTOWN		\$37,700	\$44,753
EGREMONT		\$0	\$31,413
ERVING		\$17,100	\$17,973
ESSEX		\$32,500	\$26,310
EVERETT		\$399,100	\$129,882
FAIRHAVEN		\$223,200	\$92,878
FALL RIVER		\$1,244,100	\$397,084
FALMOUTH		\$469,700	\$213,224
FITCHBURG		\$504,700	\$243,048
FLORIDA		\$12,900	\$33,632
FOXBOROUGH		\$239,800	\$94,698
FRAMINGHAM		\$720,000	\$372,727
FRANKLIN		\$365,000	\$112,520
FREETOWN		\$56,000	\$62,605
GARDNER		\$257,600	\$122,778
GAY HEAD		\$0	\$3,824
GEORGETOWN		\$111,100	\$44,642
GILL		\$0	\$35,417
GLOUCESTER		\$371,500	\$137,141
GOSHEN		\$0	\$23,020
GOSNOLD		\$0	\$1,404
GRAFTON		\$192,700	\$86,739
GRANBY		\$92,800	\$54,188
GRANVILLE		\$21,900	\$55,438
GREAT BARRINGTON		\$0	\$83,176
GREENFIELD		\$254,500	\$129,451
GROTON		\$0	\$75,686
GROVELAND		\$65,600	\$37,423
HADLEY		\$60,400	\$65,068
HALIFAX		\$64,600	\$43,939
HAMILTON		\$0	\$47,984
HAMPDEN		\$59,900	\$47,853
HANCOCK		\$4,000	\$22,757
HANOVER		\$219,100	\$80,769
HANSON		\$131,700	\$52,776
HARDWICK		\$0	\$76,554
HARVARD		\$86,400	\$74,133
HARWICH		\$131,100	\$120,637
HATFIELD		\$48,700	\$47,718
HAVERHILL		\$728,500	\$269,675
HAWLEY		\$0	\$37,267
HEATH		\$0	\$43,786
HINGHAM		\$302,700	\$129,135
HINSDALE		\$0	\$32,080
HOLBROOK		\$143,800	\$48,595
HOLDEN		\$182,100	\$112,568
HOLLAND		\$28,600	\$32,559
HOLLISTON		\$262,700	\$84,070
HOLYOKE		\$736,900	\$227,142
HOPEDALE		\$87,400	\$25,938
HOPKINTON		\$155,000	\$76,205
HUBBARDSTON		\$0	\$65,238
HUDSON		\$242,900	\$95,786
HULL		\$148,700	\$54,988
HUNTINGTON		\$0	\$35,228
IPSWICH		\$161,300	\$77,643
KINGSTON		\$85,500	\$53,842
LAKEVILLE		\$59,500	\$58,980
LANCASTER		\$60,100	\$58,733
LANESBOROUGH		\$33,600	\$41,370

Community	EEOG*	\$100/Student	Chapter 90
LAWRENCE		\$1,084,300	\$251,943
LEE		\$92,100	\$57,974
LEICESTER		\$167,900	\$82,617
LENOX		\$75,000	\$57,680
LEOMINSTER		\$529,400	\$211,108
LEVERETT		\$21,100	\$30,210
LExINGTON		\$458,800	\$182,770
LEYDEN		\$0	\$31,121
LINCOLN		\$123,100	\$54,394
LITTLETON		\$99,700	\$59,665
LONGMEADOW		\$268,400	\$94,757
LOWELL		\$1,374,700	\$390,466
LUDLOW		\$281,400	\$108,490
LUNENBURG		\$154,400	\$77,109
LYNN		\$1,199,800	\$322,650
LYNNFIELD		\$165,700	\$64,845
MALDEN		\$527,700	\$198,486
MANCHESTER		\$71,600	\$30,137
MANSFIELD		\$286,700	\$100,468
MARBLEHEAD		\$245,900	\$89,886
MARION		\$40,700	\$27,002
MARLBOROUGH		\$377,000	\$166,935
MARSHFIELD		\$404,400	\$112,033
MASHPEE		\$113,800	\$108,662
MATTAPOISETT		\$54,800	\$43,715
MAYNARD		\$124,400	\$81,824
MEDFIELD		\$184,600	\$75,169
MEDFORD		\$513,900	\$209,003
MEDWAY		\$182,900	\$61,211
MELROSE		\$364,200	\$112,268
MENDON		\$0	\$37,532
MERRIMAC		\$54,100	\$31,978
METHUEN		\$562,700	\$196,288
MIDDLEBOROUGH		\$333,400	\$153,750
MIDDLEFIELD		\$0	\$31,130
MIDDLETON		\$49,100	\$38,627
MILFORD		\$381,800	\$129,997
MILLBURY		\$150,000	\$73,839
MILLIS		\$107,600	\$51,203
MILLVILLE		\$0	\$18,607
MILTON		\$337,200	\$119,868
MONROE		\$0	\$14,692
MONSON		\$126,800	\$98,602
MONTAGUE		\$0	\$99,156
MONTEREY		\$0	\$39,384
MONTGOMERY		\$0	\$26,215
MOUNT WASHINGTON		\$0	\$14,184
NAHANT		\$26,800	\$19,220
NANTUCKET		\$92,600	\$123,252
NATICK		\$358,100	\$174,747
NEEDHAM		\$363,000	\$178,654
NEW ASHFORD		\$0	\$8,407
NEW BEDFORD		\$1,457,800	\$457,950
NEW BRAintree		\$0	\$42,235
NEW MARLBOROUGH		\$0	\$71,807
NEW SALEM		\$0	\$33,476
NEWBURY		\$58,200	\$48,736
NEWBURYPORT		\$224,000	\$92,257
NEWTON		\$971,800	\$459,478
NORFOLK		\$94,400	\$59,266
NORTH ADAMS		\$240,800	\$83,902
NORTH ANDOVER		\$346,600	\$147,830

Community	EEOG*	\$100/Student	Chapter 90
NORTH			
ATTLEBOROUGH		\$369,300	\$120,499
NORTH BROOKFIELD		\$83,000	\$63,794
NORTH READING		\$183,100	\$69,491
ROTHAMPTON		\$315,900	\$192,136
ROTHBOROUGH		\$153,900	\$80,620
NORTHBRIDGE		\$204,600	\$71,819
NORTHFIELD		\$0	\$58,957
NORTON		\$230,200	\$86,059
NORWELL		\$165,000	\$74,477
NORWOOD		\$342,500	\$174,520
OAK BLUFFS		\$30,300	\$32,861
OAKHAM		\$0	\$37,064
ORANGE		\$84,100	\$81,572
ORLEANS		\$29,400	\$61,726
OTIS		\$14,100	\$37,252
OXFORD		\$210,800	\$90,207
PALMER		\$194,900	\$104,843
PAXTON		\$45,500	\$33,442
PEABODY		\$590,600	\$171,104
PELHAM		\$11,000	\$20,177
PEMBROKE		\$164,300	\$69,577
PEPPERELL		\$0	\$77,380
PERU		\$0	\$28,105
PETERSHAM		\$8,100	\$52,952
PHILLIPSTON		\$0	\$38,139
PITTSFIELD		\$682,900	\$294,071
PLAINFIELD		\$0	\$39,882
PLAINVILLE		\$59,100	\$48,273
PLYMOUTH		\$469,400	\$204,768
PLYMPTON		\$29,300	\$31,006
PRINCETON		\$43,100	\$69,272
ROVINCE TOWN		\$40,900	\$24,598
QUINCY		\$819,900	\$362,481
RANDOLPH		\$393,300	\$138,363
RAYNHAM		\$136,100	\$69,458
READING		\$363,900	\$109,306
REHOBOTH		\$0	\$109,404
REVERE		\$491,500	\$140,825
RICHMOND		\$21,600	\$35,496
ROCHESTER		\$42,300	\$50,955
ROCKLAND		\$271,300	\$75,320
ROCKPORT		\$91,100	\$39,875
ROWE		\$11,600	\$31,283
ROWLEY		\$54,100	\$39,849
ROYALSTON		\$0	\$60,664
RUSSELL		\$0	\$21,361
RUTLAND		\$63,600	\$61,116
SALEM		\$431,100	\$155,994
SALISBURY		\$63,600	\$39,720
SANDSFIELD		\$7,100	\$68,454
SANDWICH		\$298,800	\$99,123
SAUGUS		\$327,900	\$113,952
SAVOY		\$6,800	\$41,398
SCITUATE		\$261,500	\$108,835
SEEKONK		\$218,900	\$99,876
SHARON		\$271,400	\$105,179
SHEFFIELD		\$0	\$72,690
SHELBURNE		\$0	\$45,984
SHERBORN		\$42,000	\$46,644
SHIRLEY		\$60,400	\$46,595
SHREWSBURY		\$333,900	\$130,394

Community	EEOG*	\$100/Student	Chapter 90
SHUTESBURY		\$22,400	\$32,342
SOMERSET		\$277,700	\$101,544
SOMERVILLE		\$631,900	\$218,233
SOUTH HADLEY		\$217,500	\$97,383
SOUTHAMPTON		\$44,600	\$55,326
SOUTHBOROUGH		\$78,100	\$64,803
SOUTHBRIDGE		\$262,300	\$109,796
SOUTHWICK		\$0	\$64,627
SPENCER		\$0	\$100,221
SPRINGFIELD		\$2,407,200	\$736,194
STERLING		\$82,200	\$77,724
STOCKBRIDGE		\$0	\$41,521
STONEHAM		\$266,800	\$96,820
STOUGHTON		\$387,400	\$137,251
STOW		\$64,400	\$45,497
STURBRIDGE		\$87,400	\$83,333
SUDBURY		\$189,700	\$131,082
SUNDERLAND		\$27,700	\$36,016
SUTTON		\$122,100	\$84,399
SWAMPSCOTT		\$204,900	\$52,889
SWANSEA		\$232,900	\$107,773
TAUNTON		\$669,700	\$238,667
TEMPLETON		\$0	\$67,388
TEWKSBURY		\$382,600	\$154,293
TISBURY		\$35,000	\$29,361
TOLLAND		\$0	\$33,398
TOPSFIELD		\$52,800	\$51,930
TOWNSEND		\$0	\$87,752
TRURO		\$12,900	\$34,363
TYNGSBOROUGH		\$145,000	\$53,475
TYRINGHAM		\$0	\$21,076
UPTON		\$0	\$54,929
UXBRIDGE		\$160,200	\$84,003
WAKEFIELD		\$330,200	\$127,093
WALES		\$23,600	\$21,416
WALPOLE		\$302,200	\$122,570
WALTHAM		\$530,300	\$325,171
WARE		\$131,300	\$88,509
WAREHAM		\$301,900	\$129,863
WARREN		\$0	\$60,817
WARWICK		\$0	\$46,783
WASHINGTON		\$0	\$35,643
WATERTOWN		\$254,200	\$152,348
WAYLAND		\$215,300	\$96,081
WEBSTER		\$190,100	\$89,561
WELLESLEY		\$299,100	\$170,320
WELLFLEET		\$19,300	\$45,368
WENDELL		\$0	\$40,842
WENHAM		\$0	\$24,349
WEST BOYLSTON		\$81,100	\$52,900
WEST BRIDGEWATER		\$100,200	\$51,787
WEST BROOKFIELD		\$0	\$47,733
WEST NEWBURY		\$42,500	\$40,934
WEST SPRINGFIELD		\$362,600	\$160,771
WEST STOCKBRIDGE		\$0	\$30,433
WEST TISBURY		\$33,500	\$13,546
WESTBOROUGH		\$207,700	\$124,410
WESTFIELD		\$605,100	\$229,762
WESTFORD		\$296,100	\$97,712
WESTHAMPTON		\$16,100	\$38,811
WESTMINSTER		\$0	\$83,747
WESTON		\$157,500	\$92,882

Community	EEOG*	\$100/Student	Chapter 90
WESTPORT		\$186,300	\$122,202
WESTWOOD		\$176,300	\$96,186
WEYMOUTH		\$654,000	\$224,735
WHATELY		\$13,000	\$28,240
WHITMAN		\$182,100	\$64,464
WILBRAHAM		\$153,600	\$94,098
WILLIAMSBURG		\$23,400	\$39,123
WILLIAMSTOWN		\$56,400	\$60,080
WILMINGTON		\$287,200	\$152,106

Community	EEOG*	\$100/Student	Chapter 90
WINCHENDON		\$160,400	\$83,660
WINCHESTER		\$289,100	\$100,947
WINDSOR		\$0	\$55,980
WINTHROP		\$198,500	\$62,101
WOBURN		\$424,600	\$237,380
WORCESTER		\$2,105,200	\$776,39*
WORTHINGTON		\$0	\$49,736
WRENTHAM		\$92,900	\$68,395
YARMOUTH		\$0	\$169,822

Regional Schools

Community	EEOG*	\$100/Student
ACTON BOXBOROUGH		\$170,800
ADAMS CHESHIRE		\$191,600
AMHERST PELHAM		\$149,900
ASHBURNHAM WESTMINSTER		\$223,800
ASHFIELD PLAINFIELD		\$22,000
ASSABET VALLEY		\$82,500
ATHOL ROYALSTON		\$219,700
BERKSHIRE HILLS		\$168,200
BERLIN BOYLSTON		\$30,500
BLACKSTONE MILLVILLE		\$190,500
BLACKSTONE VALLEY		\$69,900
BLUE HILLS		\$98,700
BRIDGEWATER RAYNHAM		\$135,200
BRISTOL COUNTY		\$29,600
BRISTOL PLYMOUTH		\$76,800
BUCKLAND SHELburne		\$64,100
CAPE COD		\$46,000
CENTRAL BERKSHIRE		\$227,600
CHESTERFIELD GOSHEN		\$21,400
CONCORD CARLISLE		\$85,200
DENNIS YARMOUTH		\$430,300
DIGHTON REHOBOTH		\$271,000
DOVER SHERBORN		\$62,000
DUDLEY CHARLTON		\$339,700
ESSEX COUNTY		\$29,000
FRANKLIN COUNTY TECH SCH		\$39,600
FREETOWN LAKEVILLE		\$176,600
FRONTIER		\$55,400
GATEWAY		\$162,400
GILL MONTAGUE		\$161,800
GREATER FALL RIVER		\$109,300
GREATER LAWRENCE		\$145,500
GREATER LOWELL		\$207,600
GREATER NEW BEDFORD		\$168,900
GROTON DUNSTABLE		\$162,400
HAMILTON WENHAM		\$182,100
HAMPDEN WILBRAHAM		\$85,800
HAMPSHIRE		\$64,800
HAWLEMONT		\$20,100
KING PHILIP		\$141,400
LAWRENCE VOCATIONAL		\$0
LINCOLN SUDBURY		\$88,800
MARTHAS VINEYARD		\$46,500
MASCONOMET		\$112,600

Community	EEOG*	\$100/Student
MENDON UPTON		\$128,900
MINUTEMAN REG VOC TECH		\$58,100
MOHAWK TRAIL		\$70,100
MONTACHUSETT		\$104,200
MOUNT GREYLOCK		\$63,800
NARRAGANSETT		\$142,500
NASHOBA		\$60,900
NASHOBA VALLEY VOC		\$44,400
NAUSET		\$134,600
NEW SALEM WENDELL		\$21,900
NORFOLK COUNTY		\$32,400
NORTH MIDDLESEX		\$443,400
NORTH SHORE REG VOC		\$38,600
NORTHAMPTON SMITH AGRI		\$48,600
NORTHBOROUGH SOUTHBOROUGH		\$85,300
NORTHEAST METROPOLITAN		\$113,800
NORTHERN BERKSHIRE		\$37,800
OLD COLONY REG VOC		\$44,5
OLD ROCHESTER		\$93,500
PATHFINDER		\$57,200
PENTUCKET		\$96,600
PIONEER VALLEY		\$106,100
PLYMOUTH CARVER		\$411,400
QUABBIN		\$245,000
QUABOAG REGIONAL		\$141,900
RALPH C MAHAR		\$76,600
SHAWSHEN VALLEY		\$103,500
SILVER LAKE		\$239,400
SOUTH MIDDLESEX		\$63,200
SOUTH SHORE		\$38,300
SOUTHEASTERN		\$113,700
SOUTHERN BERKSHIRE		\$98,800
SOUTHERN WORCESTER COUNTY		\$96,600
SOUTHWICK TOLLAND		\$168,000
SPENCER EAST BROOKFIELD		\$234,900
TANTASQUA		\$138,800
TRI COUNTY		\$73,100
TRITON		\$111,900
UPPER CAPE COD		\$43,100
WACHUSETT		\$153,000
WHITMAN HANSON		\$102,300
WHITTIER		\$96,700
WORCESTER TRADE		\$95,700