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January 17, 2019

BY FIRST CLASS MAIL

Office of the Clerk
Land Court Department of the Trial Court
3 Pemberton Square
Boston, MA 02108

Re: Town of Concord v. Littleton Water Department
Land Court Civil Action No. 18 MISC 000596

Dear Sir/Madam:

Enclosed for filing in the above matter please find the Town of Concord's Opposition to Intervention by the Acton Water District.

Thank you for your assistance.

Very truly yours,

Peter F. Durning

Enclosure

cc: *via first class mail*

Thomas J. Harrington, Esq., counsel for the Town of Littleton ✓
Jeffrey L. Roelofs, Esq., counsel for the Town of Acton
Mary E. Bassett, Esq., counsel for the Acton Water District
Richard K. Reine, Concord Public Works, Director

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

LAND COURT DEPARTMENT
OF THE TRIAL COURT
NO. 18 MISC 000596 [KCL]

TOWN OF CONCORD,

Plaintiff,

v.

LITTLETON WATER DEPARTMENT,

Defendant.

**THE TOWN OF CONCORD'S OPPOSITION TO
INTERVENTION BY THE ACTON WATER DISTRICT**

The Town of Concord ("Concord") assented to the Joint Motion to Intervene in Concord's declaratory judgment action in the Land Court prepared by the Town of Acton ("Town of Acton") and the Water Supply District of Acton ("AWD") with respect to the Town of Acton, but it respectfully opposes intervention by AWD. Town of Acton, like Defendant Littleton, is expressly named in Chapter 201 of the Acts of 1884 (the "1884 Act"), which is the prior legislative act addressing the use of Nagog Pond that is the focus of this declaratory judgement action. AWD is not named in the 1884 Act and has never had any rights or interests in Nagog Pond under the 1884 Act. In contrast to the overly-broad presentation in the Joint Motion, a closer look at the history of AWD reinforces the conclusion that AWD was created as a distinct and separate legal entity and does not hold the same rights or interests as the Town of Acton. Therefore, AWD does not have an interest relating to the property or transaction which is the subject of this litigation and should not be allowed to intervene. Bolden v. O'Connor Café of Worcester, Inc., 50 Mass. App. Ct. 56, 61 (2000); Mass. R. Civ. P. 24(a)(2).

A. **The Acton Water District Originally Served Only Part of Acton**

The Joint Motion notes the “1884 Act was enacted prior to the creation of the AWD in 1912.” In this intervening time, specifically the 1890s, the some residents of the Town of Acton had an interest in establishing a separate legal entity with control over water supply in Acton. This was after the state legislature granted Concord’s rights to Nagog Pond (by adopting the 1884 Act), but well before Concord performed takings at Nagog Pond and started a water works in 1909.

According to the Report to the Acton Water District Commissioners by the Water Land Management Advisory Committee, dated February 2, 2007 (the “2007 WLMAC Report,” relevant pages of which are attached as **Exhibit A**), in the 1890s the impetus for establishing a water supply district came from the residents of the West Village and South Village. **Exhibit A**, p.7 (“it is apparent that the water supply from private wells had become inadequate for growing domestic and commercial use, particularly in South Acton and West Acton.”)

In 1895, Town Meeting instructed the Town of Acton to convene a Committee on Water Supply. The Committee on Water Supply in turn commissioned a study by an engineer, F.L. Fuller, to investigate potential water supplies. A copy of the 1895 Report of the Committee on Water Supply for Acton, Mass., including the Report of Engineer F.L. Fuller (the “1895 Report”) is attached as **Exhibit B**. The 1895 Report mentions an investigation into Nagog Pond but, because the destination for the water was the West and South Villages, the engineer determined that conveying the water from Nagog Pond through a force main to that section of Acton was impractical. *Id.* Though Nagog Pond was not considered a viable location, F.L. Fuller identified and proposed the land of Isaac Reed as suitable location for a productive groundwater well.

According to the 2007 WLMAC Report, although there was considerable support for the public water supply initiative from residents of the West and South Villages, “the report had insufficient impact to convince Town Meeting to support the development of a public water supply, and the study’s recommendations were ignored in the following years.” **Exhibit A**, p.8. As reported by the 2007 WLMAC Report, the “[r]esidents of Acton Center and other more sparsely populated areas did not want the financial responsibility for a water district that would primarily serve the villages of West Acton and South Acton.” **Exhibit A**, p.8. The extent of the split interests among the town residents is evident in the outcome of the Special Town Meeting on December 17, 1895. During this meeting, the residents of Acton approved and then revoked an article that would have formed a committee to pursue “the necessary legislation to install a water system.” Harold R. Phalen, History of the Town of Acton, 274-275, (Middlesex Printing, Inc. 1954), copy of the relevant pages attached as **Exhibit C**. In his History of the Town of Acton, Harold Phalen stated “[a]n affirmative vote was passed and then, after considerable argument, a motion to rescind prevailed.” *Id.* Mr. Phalen also observed that while “Acton’s first serious attempt [to establish a public water supply system] was abortive[,] the size of the minority vote presaged eventual action.” *Id.*

The divide among the interest of the more commercial portions of town in the West and South Villages located close to the railway and the more rural central, eastern and northern parts of town continued into the early 20th century. Eventually, the residents of the West and South Acton villages decided to petition the General Court for authorization to establish a “self-funding water district that was independent from the Town.” The state legislature authorized the creation of the “West and South Water Supply District of Acton” through Chapter 326 of the Acts of 1912 (the “1912 Act”); the West and South Acton villages accepted the 1912 Act and the District

was established. **Exhibit D** is a copy of the 1912 Act. The “West and South Water Supply District of Acton” is the predecessor to the present-day AWD. Once it was established, AWD “obtained financing to build a system based on the study prepared for the town by Frank Fuller 16 years earlier.” **Exhibit A**, p.8. AWD eventually took the land of Isaac Reed through an eminent domain proceeding and that land is the current headquarters of AWD. *Id.*

In contrast to the assertion in the Joint Motion that “AWD [was] the entity established by the inhabitants of Acton...for the purpose of securing and supplying water throughout the town of Acton,” it is apparent from its history and the text of the 1912 Act that the purpose of AWD was more limited. Section 1 of the 1912 Act provided that the “inhabitants of the westerly and southerly part of the town of Acton liable to taxation in that town and residing within the territory enclosed by the following boundary lines... – shall constitute a water supply district, and are hereby made a body corporate.”¹ See Cohen v. Board of Water Com’rs, Fire Dist. No. 1, South Hadley, 411 Mass. 744, 747-748 (1992) (concluding that a statutorily-created “body corporate” such as a fire and water supply district is a quasi-municipal corporation, which is “analogous, but not identical, to municipal corporations,” because it “does not have general powers to regulate the internal affairs of its defined area; it has only specific and limited responsibilities for fire protection and public water supply”).

The 1912 Act set forth the possible sources for water supply as well as the process for taking the sources. Section 2 of the 1912 Act describes the area where AWD may take water as extended to “the waters of any pond or stream or of any ground sources of supply by means of drive, artesian or other wells within the town of Acton,” as opposed to just within the designated boundaries of the West and South Water Supply District of Acton. Section 2 conditioned AWD’s

¹ The boundaries also encompassed a portion of Central Acton, as described in Section 13 of the 1912 Act.

ability to use these sources by further stating: “provided, however, that no source of water supply and no lands necessary for preserving the quality of the water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board.” It is beyond dispute that AWD never sought and never obtained approval from the state board of health, which today would be the Massachusetts Department of Environmental Protection (“MassDEP”), to use Nagog Pond as a source of water supply.

In 1909, under the authority of the 1884 Act and a few years before the creation of the West and South Water Supply District of Acton, Concord performed taking at Nagog Pond – including land owned by the Town of Acton. Concord established a dam, intake pipe, water works, and water main to deliver water from Nagog Pond through East Acton to Concord. In March 1912, just as the West and South Villages received authorization from the General Court to create AWD, Acton Town Meeting voted to authorize the Selectmen to contract with Concord for the provision of eight (8) hydrants in East Acton, along the line of the main pipe from Nagog Pond. **Exhibit E.** This action demonstrates how the Town of Acton was not initially looking for a water supply district to provide for the needs of the entire town. This portion of the town in East Acton, located along what is today Great Road, still receives water service from the Town of Concord. Even though, as will be discussed below, the General Court expanded the West and South Water Supply District to cover all of Acton in Chapter 667 of the Acts of 1962, AWD still does not provide public water service to Concord’s service area in East Acton.

Thus, during the early history of AWD, the interests of North, Central, and East Acton were distinct, which reinforces the legal separateness of the two public entities, the Town of Acton and the AWD.

B. The Expansion of AWD Did Not Align It with the Town's Interests

While the original extent and operation of AWD in the Western and Southern portions of Acton held for decades, over time, more Acton residents sought to tie into AWD's system. Though AWD added some streets and neighborhoods incrementally, a big change came in 1962, when residents of Acton outside of AWD's service area sought and obtained legislative approval to incorporate all of Acton into the District. **Exhibit B**, p.10. On February 18, 1963 Acton Water District's Annual Meeting voted to accept the provisions of Chapter 667 of the Acts of 1962 (the "1962 Act") to extend its area to the entire town. **Exhibit F**, a copy of relevant pages from AWD's 1963 Annual Meeting.

The expansion of AWD to include the full extent of the Town of Acton theoretically ended the potential for the Town of Acton and AWD to have distinct interests with respect to water supply. A thorough history suggests otherwise. In 1972, Acton Town Meeting considered an article to direct the Selectmen to petition the General Court for legislative authority to dissolve AWD and transfer its functions to the Town of Acton. **Exhibit G** is a copy of the report of the Water District Study Committee from the Town of Acton's 1972 Annual Reports. The Article was not endorsed by Town Meeting. Instead, Acton Town Meeting only supported a measure to appoint a committee to plan for closer coordination between the two entities. Thus, even when the constituents of the two bodies were the same, the inhabitants of the Town of Acton elected to preserve the legal separateness of the Town and AWD.

C. No Legal Authority Extends the Town of Acton's Interests in the 1884 Act to AWD

Neither the 1912 Act nor the 1962 Act contained an explicit reference to the 1884 Act and its provisions regarding the Town of Acton's interest in Nagog Pond. Thus, there was no transfer of any of the Town of Acton's interests under the 1884 Act to AWD, including the

provisions in Section 10 regarding the circumstance of multiple towns using the same resource, which are the subject of this litigation. As noted above, Nagog Pond was already appropriated to Concord and was actively being used as a public water supply throughout the entire period AWD existed. There is nothing in the historic record to suggest that AWD obtained the ability to exercise whatever interests the Town of Acton may have had under the 1884 Act *vis-à-vis* Concord's use and control of Nagog Pond.

D. AWD Does Not Satisfy the Criteria for "Permissive Intervention" under MRC P 24(b)

AWD's alternative grounds for intervention under Mass. R. Civ. P. 24(b) is similarly not a viable. As articulated in the Joint Motion, AWD claims to meet the standard for "permissive intervention," because its "claim or defense and the main action have a question of law or fact in common" – namely, the ongoing validity and enforceability of the 1884 Act" but, as demonstrated above, AWD has no legal interest in the validity or enforceability of the 1884 Act. Therefore, AWD's claim for "permissive intervention" under Rule 24(b) also fails.

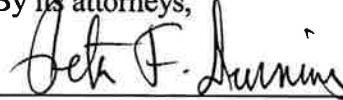
E. Conclusion

In sum, Concord does not agree with the assertion in the Joint Motion that AWD has any "interest" in Nagog Pond under the 1884 Act or otherwise. Thus, while Concord assented to the Joint Motion to the extent required to permit the Town of Acton to intervene in this matter, Concord requests that the Court deny the Joint Motion with respect to AWD's request to intervene in this matter under Mass. R. Civ. P. 24(a) or 24(b).

Respectfully submitted,

TOWN OF CONCORD

By its attorneys,



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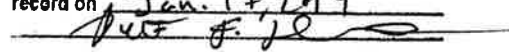
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Date: January 17, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail, postage prepaid, (hand delivering a copy of same) to all counsel of record on Jan. 17, 2019



EXHIBIT

A

CONDITIONS FOR POSSIBLE DISTRICT EXPANSION

A Report to the Acton Water District Commissioners

Water Land Management Advisory Committee

**John Cipar
Margaretha Eckhardt
Paul Malchodi
Charles Olmstead
Barry Rosen**

Conditions For Possible District Expansion:
A Report to the Acton Water District Commissioners

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EXECUTIVE SUMMARY

The Water Supply District of Acton (usually called the Acton Water District or AWD) was formed in 1912 as an independent government body to supply water for domestic and fire fighting purposes in South and West Acton. Since then, District boundaries have been expanded to include the entire geographic boundaries of the Town. While its goal of providing safe, adequate water has remained constant, the District now faces new challenges, such as population growth, limits of water resources, and the impact of environmental pollutants.

In recent years, AWD has received occasional requests for water service to properties in adjacent towns. The Commissioners for the Acton Water District have reestablished the Water-Land Management Advisory Committee (WLMAC) to recommend the conditions, if any, under which the District should consider expansion.

How can expansion of water service be consistent with the fact that the availability of groundwater is limited? In this report, WLMAC will present concepts that support the idea that, under some circumstances, expansion will help the District address the limits of its resources.

Future Expansion of the Acton Water District

During the past year, WLMAC has considered three major types of expansion:

Expansion Within-District: AWD is chartered by the state to provide water to the residents and businesses within District boundaries. Anticipation of build-out demand for water must be central to its planning and development activities.

Expansion Outside-District: In considering extension of water service across current District boundaries, AWD must make certain that there is adequate benefit to the District in serving such properties. Possible benefits include:

- Improved protection of groundwater recharge areas that extend beyond current District boundaries, by control over the nature of the development and the amount of withdrawal allowed.
- Potential for development of new water supplies.
- Spread fixed costs of District over a larger number of ratepayers.

Regionalization: Combining water supply and service with one or more contiguous municipalities may offer AWD a way to share both resources and risks. In addition to the benefits listed above, regionalization could offer the following:

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- Larger range of possibilities for increased water supply.
- Application of uniform control of land use in groundwater recharge zones.
- Combined resources for monitoring water quality and quantity-related issues.
- Risk of major supply problem reduced by spreading likelihood over a larger area.

Strategies

The merit of any proposed expansion should be measured by its positive impact on the efforts of the District to continue its present level of excellent service. WLMAC has identified four strategies that will be critical to those efforts.

Water Source Protection: The District's water supply is vulnerable to the loss of any of its wells due to contamination. Even if it did not force a well to be closed, groundwater contamination would increase treatment costs. To protect the quality of existing water resources, control of activities is critical on land above groundwater recharge areas. Because portions of groundwater recharge areas for several AWD wells lie within neighboring towns, AWD benefits from maintaining cooperative working relationships with those towns. By expanding water service to properties above recharge areas, the District could increase its opportunities to control activities on that land. WLMAC recommends the purchase of land and establishment of conservation restrictions in recharge areas.

Water Conservation: While the current water supply meets present needs, both expected and unpredictable increases in use could place additional stress on existing resources. Water conservation is the most cost-effective way to optimize use of those resources. WLMAC recommends that AWD enhance its efforts to promote and reward water conservation, by public education programs and by using the rate structure as an incentive. Such incentives would also apply to any rate payers with service beyond current District boundaries and extend the District's conservation authority to a larger portion of the land above the aquifer.

New Water Supplies: Protection and conservation of existing water resources are essential to the future of the water supply, but by themselves may not be sufficient. AWD should pursue new water supply sources to allow for a margin of safety as well as for new growth. Because of the expense of developing new water sources, AWD should consider combining efforts with neighboring towns. Extension of AWD water service to properties in those towns will enhance options for finding new sources.

Collaboration: Cooperative efforts between AWD and Town planning and zoning departments already make a positive contribution to the future of our water supply. WLMAC recommends a formal process linking the AWD and the Town when making decisions about development and long range planning. Recognizing the value of their political separation, AWD and the Town must work together to ensure that new development does not impose demands that exceed a prudent safety margin for available water.

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Conclusions

In responding to requests for expansion of water service, the Acton Water District must determine whether there are benefits in terms of the four strategies outlined above. The Committee recommends taking this approach one step further, to consider proactive exploration of expansion scenarios that offer benefits to the District.

WATER LAND MANAGEMENT ADVISORY COMMITTEE BACKGROUND

The Commissioners for the Water Supply District of Acton reestablished the Water-Land Management Advisory Committee (WLMAC) to define the conditions, if any, under which the District should consider expanding its service area beyond its present boundaries. The members of the Committee were selected after applications were reviewed and interviews conducted. Two members were appointed by the Acton Water District; two members were appointed by the AWD Moderator and one member was appointed by the Acton Town Selectmen. Not long after the WLMAC began meeting, Arthur Gagné, one of the original members resigned and was replaced by Charles Olmstead. The Committee would like to acknowledge the early contributions made by Art.

Meetings of the WLMAC were open to the public (except for very rare executive sessions) and were held two times per month on average. The Committee consulted publications and information available to it through the Internet, and conducted interviews with various Acton officials as well as with people in the AWD and Littleton Electric Light and Water District and with others. In addition, the WLMAC spent many hours discussing and refining points of view during its numerous and open meetings.

In an effort to make the public aware of a few of the issues the WLMAC was researching and discussing, the Committee contacted the local periodicals and asked them to publish a series of articles that the WLMAC would write. A number of them did publish some or all of the articles. Finally, on December 7, 2005, the Committee conducted a "Public Discussion Meeting" at the new Acton Public Safety Facility to let the citizens of Acton know about the WLMAC, explain our thinking up to that point and to elicit opinions and ideas from those in attendance. Many of the ideas expressed have directly influenced the thinking and therefore the conclusions articulated in this document.

This report summarizes the findings and opinions of the committee which are based on a review of all pertinent literature, technical reports, discussions with experts in the field and opinions of interested citizens.

HISTORY OF WATER SUPPLY IN ACTON

The concept of a public water supply district for Acton had its beginnings in the nineteenth century. Records of the 1895 Acton Town Meeting indicate that a committee was formed to study potential sources for water supply. While the specific reason for studying this topic was not stated, it is apparent that the water supply from private wells had become inadequate for growing domestic and commercial use, particularly in South Acton and West Acton. The study committee included members with names that are still well-known in Acton: H.A. Littlefield, D. J. Wetherbee, William D. Tuttle, D. H. Hall and Francis Conant.

Frank L. Fuller of Boston was hired by the committee to serve as engineer for the study. One of his recommendations was to use Great Hill, with an altitude of 361 feet, as a

**Conditions For Possible District Expansion:
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standpipe. His study also examined a variety of possible sources for public water supply. Initially, Fort Pond Brook appeared to offer adequate supply for the populated districts in town, but subsequent test wells yielded very little water. After testing a number of other sites, a productive well site was found on land owned by Isaac Reed, the site of the present-day Acton Water District headquarters. Of this site, the committee stated that "it is an ideal location... free from anything likely to contaminate the water. The quality of the water is excellent." Furthermore "Although 10 acres are not needed for driving the wells, it would be better for the town to control it, and thereby keep building or other things away that might tend to pollute the water."

The committee's final report to the Town Meeting of 1896 states that residents of the "villages" (West Acton and South Acton) would benefit from a public water supply and for that reason the Town should move forward with this project, since "anything that helps the villages must correspondingly help the town." It is evident from the wording in the report that the committee had concerns about the politics surrounding their recommendations. In fact, the report had insufficient impact to convince Town Meeting to support the development of a public water supply, and the study's recommendations were ignored in the following years. Residents of Acton Center and other more sparsely populated areas did not want the financial responsibility for a water district that would primarily serve the villages of West Acton and South Acton.

It was not until 1912 that a public water supply district was formed in Acton. The State Legislature established "The West and South Water Supply District of Acton" in response to requests from the residents of the two villages for a self-funding water district that was independent from the Town. The District obtained financing to build a system based on the study prepared for the town by Frank Fuller 16 years earlier. The District could not reach agreement with Isaac Reed on the value of the land for the well site. The final value of the land (\$800) was eventually determined through an eminent domain proceeding. Once begun, the system was built quickly. During this process, the residents of Acton Center changed their collective view and successfully petitioned the State to amend the District boundaries to include an additional strip connected to their neighborhood. Over the course of the next several decades, the District was enlarged several times until it eventually encompassed the entire Town of Acton. It was re-named "The Water Supply District of Acton" although it is most commonly referred to as the "Acton Water District."

Following completion of the initial water supply system, the District operated for many years without much change other than slow expansion of its service area. George Clapp served as superintendent, hiring local workers for "ditch digging" and other work as required to construct and maintain the infrastructure. Each year the District met its financial obligations and steadily paid off its loans. During this period, District income was derived from property taxes, water rates and hydrant fees charged to the Town. For a number of years in the early 20th century, the same bookkeeper served both the Town of Acton and the Acton Water District. Unfortunately this situation led to shuffling of funds between the two municipalities. When this treasurer died while in office, the water district was forced to absorb a discrepancy of \$1,800. Much of this was recovered through insurance after several years of wrangling.

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The District survived the economic Depression of 1930's, and during that time was able to fund replacement of original pumps while it continued to extend new service lines. Maintenance and growth of the system were halted by the advent of World War II. During the war, concern about the security of the well site led to employment of a night watchman.

Once the war was over, the District experienced a sharp rise in demand for water to serve many types of development. In the late 1940's there were several years of debate at District meetings because those households that had originally been part of the District did not want additional addresses connected to the system without those new addresses paying additional fees equal to the original assessment taxes, in addition to guaranteeing revenue to pay for the mains extensions. At the same time, industry was attracted to the town. In 1947, a company called Dewey and Almy established a chemical industry on land that appeared to offer abundant clean water for its use. The following excerpt from Harold Phelan's encyclopedic 1954 *History of Acton* is ironic in light of the fact that the Dewey and Almy property would be acquired by W. R. Grace in 1954 and become a Super Fund site less than 25 years later.

Within recent years Acton has felt the impact of an entirely new trend in the industrial world. Due in part to prohibitive taxes in the completely urban areas...but certainly in major measure because of Acton's superior supply of cool water, new plants have come to town. These are not the architectural horrors that congregated along the railway in previous eras, but are located in unsettled areas, in some cases in the forest far away from residences and even from the highway. They are neat compact, modernistic structures, run by electricity and having none of the offensive attributes of the smoke belchers of the past.

Early among these newcomers was the Dewey and Almy Chemical Company, which, seeking to expand its Cambridge plant and needing location remote from dwellings where the more hazardous of its projects could be carried on, found the abandoned two hundred and fifty acre tract of the former smokeless powder mills particularly attractive since it had a sandy gravel soil, abundant water supply and was on the main line of the Boston and Maine Railroad. Here in 1946 they started the manufacture of solvent solutions of rubbers and resins.

As a result of expansion after the war there are now twenty two buildings in which are produced sealing compounds, soldering fluxes, and machinery used in the canning industries; similar compounds for the steel drum and pail manufacturers' insoles, cements, adhesives, and synthetic and reconstructed leather for the shoe trade, bags, shipping cases, and adhesives for the paper container market; sealing compounds, soldering fluxes and storage battery appurtenances for the automotive industry; and various products that are utilized in the rubber, paint and plastic industries.¹

¹ Phelan, Harold R. (1954), *History of the Town of Acton*, Middlesex Printing, Inc., Cambridge, Massachusetts.

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Throughout the 1950's the District continued to expand service in small increments to existing streets at the edges of the service area. In addition significant housing development started in earnest in the 1950s and the developers connected their new neighborhoods to the system.

Up to this time, the Acton Water District had provided reliable water service at a reasonable cost to rate payers throughout the town. The actions of the District appeared to be centered on minimizing water rates, which encouraged both residential and commercial development.

1960 through 1985—a time of complete transformation

Great change occurred in the Water District between 1960 to 1985. In 1960, the District operated in much the same manner as it had 45 years earlier, serving about 2000 homes and businesses with about 150 million gallons of water pumped. The annual District budget was a little under \$100,000. These numbers are about 10 times what they were in 1915, but the original system infrastructure was still the majority of the system. By 1986, the District served approximately 4,000 customers, pumped 650 million gallons and had an operating budget over \$1 million. Through the efforts of the District managers and commissioners during this time, the District transformed itself from what was essentially a village well to a modern, complex, municipal water system which acts after giving careful consideration to the relationships between itself, the local environment and the community of people it serves. Many of the changes in this period are worth noting.

District name and boundaries

In 1962, after receiving a petition from residents in unincorporated areas, and with clear understanding that many land owners in Acton would convert their land into subdivisions and create water demand away from the railroad station areas in West and South Acton, the Commissioners asked District voters to approve a petition to the state legislature to incorporate all of the land in the Town of Acton into the District. The enabling legislation also changed the name of the District to reflect its increased size. Subsequent to this expansion, and with awareness that long time Superintendent Ray Harris would retire at the end of 1965, the commissioners reviewed with Town selectmen, in 1964, the possibility of merging the District into the Acton Town government. This idea apparently was not well received as it is not mentioned at all in subsequent annual reports.

Boxborough working framework

Through the early 1960's the District held discussions with Boxborough officials and residents about parallel issues of water supplies and water service in Boxborough. Boxborough residents were aware that there was substantial water supply available along the Acton/Boxborough town line near the site of the Whitcomb well and very little water supply in the rest of Boxborough. The result of these discussions was State legislation which allows the District to provide water service to homes in Boxborough and to develop wells in Boxborough, provided that the water from these wells can be used only in Boxborough.

EXHIBIT

B

REPORT
OF
Committee on Water Supply
FOR
ACTON, MASS.

With Report of Engineer F. L. FULLER.

1895.

ACTON, MASS.:
THE ENTERPRISE PRINTING COMPANY.

REPORT OF COMMITTEE.

The Committee appointed at the annual town meeting held in April, 1895, herewith submit their report as per instructions given in the adoption of the following vote :

Voted, That H. A. Littlefield and D. J. Wetherbee be added to present committee — (Wm. D. Tuttle, D. H. Hall and Francis Conant,) and this Committee is instructed to employ a competent engineer to examine the sources of water supply, make plans and estimate of cost, also to ascertain the number of persons in town who will take water, and submit their report to the town in print as soon as ready.

Pursuant to these instructions your Committee met on May 10th and organized as follows : Wm. D. Tuttle, Chairman, H. A. Littlefield, Secretary, D. H. Hall, Treasurer, and voted to proceed at once in the discharge of their duties, the first and most important of which was the location of a reservoir and where to obtain a supply of water. For this purpose we employed Mr. Frank L. Fuller, of Boston, an engineer of repute, and acting on his recommendation decided on Great Hill as the best place for a reservoir or stand pipe, on account of its height and its being so near the centre of the district to be supplied. This hill is 361 feet above the sea level, which gives adequate pressure in any part of the district. The pressure in Acton Centre would be 86 pounds, in East Acton 138 pounds, in South Acton 111 pounds and in West Acton 100 pounds. See table of elevations and pressures.

Having decided on the disposal of the water our next move was to obtain it, and for this purpose visited, with the engineer, several points, among them Nagog Pond and the valley below, and the Fort Pond valley in the west part of the town. Mr. Fuller reported that the most favorable indications were in the Fort Pond valley between South and West Acton, and we decided to make tests there.

A proposal from Mr. Fuller to make a complete survey, plans, estimate of cost and a report on a water system for the town of Acton, including superintending the driving of the wells, for the sum of four hundred dollars, was accepted, and Mr. Daniel Russell was employed to do the work, which was commenced on June 12. Forty-two wells were driven in all, a statement respecting which will be found in the engineer's report following.

The expense of making these tests has been \$799.03, which is about double what the Committee expected to expend ; but the first tests proving unsatisfactory, we proceeded up the valley, driving wells at intervals, until an expense of some four hundred dollars had been made, and as the prospect was improving, we concluded that it would be more satisfactory to everyone to carry the work on till certain lands had been tested, than to stop with nothing accomplished. We therefore made tests further up the valley till we reached the land of Isaac Reed, where we found an abundant supply of good water, from clean, coarse gravel, at a depth of from twenty to forty feet. This location is about one-fourth of a mile west of Wright's hill in West Acton. It is an ideal location, being part of a reclaimed meadow, free from anything likely to contaminate the water. The quality of the water is excellent, as shown by the analysis hereto attached. This tract of land covers about ten acres, and can be bought at a reasonable price. Although the whole ten acres are not actually needed for driving the wells, it would be better for the town to control it, and thereby keep buildings or other things away that might tend to pollute the water.

We have made a canvass of the district covered by the pipes and have assurance of an income to start with of \$2000, and judging from what we have been told by property owners, we have no doubt that the rentals from faucets would start at \$2500, and in less than five years the rentals would amount to \$3000, and would steadily increase.

The cost of running the water department might be estimated as follows:

Engineer,	\$ 650 00
Collector,	100 00
Fuel,	500 00
Incidental expense,	50 00
Contingent expense,	50 00
Interests on Bonds, \$100,000 at 3 1-2 per cent.,	3,500 00
	<hr/>
	\$4,850 00
Revenue from faucet rentals,	2,500 00
	<hr/>
Deficiency,	\$2,350 00

All towns credit the water department for hydrant rentals and for public buildings, etc. Or if a town is supplied by a private company they are paid by the town, rentals ranging from fifteen dollars to fifty dollars per hydrant. Our estimate includes one hundred hydrants and rentals from them should be credited as revenue for the water department.

Should we estimate —	
100 hydrants at \$25 each,	\$2,500 00
Public buildings, etc.,	185 00
Faucet rentals,	2,500 00
	<hr/>
Total income,	\$5,185 00
Total expense,	4,850 00
	<hr/>
	\$ 335 00

The Water Act provides for towns to issue bonds or to pay a certain amount annually to adjust the financial part of the plan. If payments are made annually we would suggest making the annual proportionate payments small amounts for a few years, say ten, after which time the income from the works would warrant larger proportionate payments for the remaining time.

In conclusion, we find the inhabitants of the village generally in favor of a town water supply. It is impossible to run a pipe

by every man's house in town so as to give them direct benefit, but anything that helps the villages must correspondingly help the town. We have covered very nearly all the villages, and but little extension would be needed for some time.

There are three places not included in the estimate by inadvertance:—Maynard street in South Acton, a distance of about 1800, feet and in West Acton from house of H. E. Gates on Summer street, to house of I. S. Getchell, 1100 feet, and 300 feet on Highland street, of 6 inch pipe, which we recommend including, and which would not make the sum total \$100,000.

For details of plan, location of pipes and estimate, we refer you to the engineer's report.

Respectfully submitted,

WILLIAM D. TUTTLE,
DELETTE H. HALL,
FRANCIS CONANT,
HANSON A. LITTLEFIELD,
DANIEL J. WETHERBEE,

Committee on Water Supply.

Acton, Mass., Nov. 22, 1895.

EXPLANATORY:—The streets of West Acton have recently been named and may not be familiar to the town. To aid in locating the streets so named:—Massachusetts avenue is the turnpike, Arlington street is the Leland Stevens road, Willow street is the Stow road, Central street from Littleton to South Acton, Summer street is the Boxboro road.

ENGINEER'S REPORT.

To the Committee on Water Supply, Acton, Mass.

GENTLEMEN :—At your request I have investigated the question of a Water Supply for the Town of Acton, and would respectfully present the following report:

On May 25th the various parts of the town were visited with your committee and all the possible sources of supply examined. Two sources seemed possible, but only one appeared of reasonable cost, viz: a ground water supply from the valley of Fort Pond Brook. The other supply which has been suggested is Nagog Pond, which lies partly in Acton and partly in Littleton.

The water shed of this pond, as measured on the State topographical map is about 1.75 square miles. It is about four miles from the pond to Great Hill, the most suitable elevation for a stand pipe. The surface of the water in the pond is of about the same elevation as the ground at South Acton. Water taken from this source would therefore require to be pumped. The force main from Nagog Pond to the stand pipe would pass through very ledgy streets and the cost for rock excavation would be very great. The pumping station would naturally be located at the south westerly end of the pond. This would require a long haul for coal and would be a long distance from either village of the town.

For these reasons attention was directed to a ground water source for supplying the town. The valley of Fort Pond Brook, just below the junction of the Heathen Meadow Brook, appeared favorable and five 2 1-2 inch test wells were driven in this locality by Daniel Russell of Boston.

One of these wells was driven to a depth of 56 feet. The results obtained were not satisfactory, the material being too fine to contain much water.

Wells were also driven near West Acton on land of W. H. Teele, west of Arlington street. Tests were also made on the east side of the same street. These wells were all within a short distance of Fort Pond Brook. A few of the wells yielded considerable water, but all were shallow on account of a ledge a short distance below the surface.

Three wells were driven on land of Andrew Hapgood, but were not satisfactory. Two wells were driven on H. A. Gould's land but no water obtained. Test wells were also driven on land of J. Barker, I. C. Knowlton and E. C. Parker, without satisfactory results. Twelve test wells driven on land of Isaac Reed, north of Massachusetts avenue gave much better results. Three of these wells struck ledge or boulders at from 17 to 18 feet below the surface. In other cases what appeared to be ledge was reached at a distance of from 25 to 48 feet. Four wells encountered no ledge. Nearly all the wells yielded 50 gallons per minute with a diaphragm pump.

Two wells were driven in the same vicinity, but in the town of Buxboro. One was on land of E. Parker and one on land of I. S. Getchel.

In all forty-two test wells were driven. Samples of the material through which the pipes were driven were taken every five feet and oftener where necessary, and preserved for reference.

Samples of water from three of the wells were taken and sent to the State Board of Health for analysis. Their return indicates that when the water has been pumped clear, it will be of excellent quality. In appearance this ground or spring water will be much superior to any surface or pond water. The same will be true of the taste. It is virtually spring water and being

pumped to a covered stand pipe, its quality will be preserved and it will prove entirely satisfactory for drinking and all other purposes.

The land upon which these wells were driven is a nearly level area, extending northerly from Massachusetts avenue to Fort Pond and Guggins Brooks.

The water shed above the junction of these two brooks is about 9.9 square miles, as given on the State topographical map. The level area referred to is of considerable extent and is evidently composed of fairly coarse sand and gravel. As before stated, the yield of water is good. There is no doubt that an ample supply of excellent water can be obtained at this point.

The water would be taken from a large collecting well properly located, or from a system of driven wells. A suitable pumping plant would be located near the well or wells and the water forced through a ten inch pipe, by way of Massachusetts avenue, Central and Acton streets to a stand pipe 25 feet in diameter by 100 feet high, located on Great Hill. This stand pipe would have a capacity of 367,000 gallons.

The head and pressure exerted at various parts of the town is shown in the table of elevations included in this report.

From the stand pipe the water is distributed through the town as shown on the map of the town accompanying this report. The population of the town is somewhat scattered, but the pipe system will extend to a large proportion of the houses and other buildings. The matter of fire protection has been carefully provided for. Such a system as the one proposed will be a great benefit to the town.

By the census of 1895 the town of Acton had a population of 1,979, an increase of a little over 4 per cent. over the population in 1890. The town is well provided with railroad accomoda-

tions and is naturally attractive. It seems to need more general business, and additional manufacturing industries would be a great advantage. To secure these, a town must be progressive and offer inducements equal to those of other towns. Chief among other inducements, is a good water supply. Most towns are obtaining them, not so much as a luxury as a necessity.

The estimated cost of the system is shown in detail upon the estimate sheet accompanying this report.

Respectfully submitted,

F. L. FULLER,

Civil Engineer.

Acton Water Works.

TABLE OF ELEVATIONS.

	Elevation above Sea Level.	Head, in feet.	Head, in lbs.
High water in Stand Pipe, Great Hill,	461	0	0
Top of Great Hill,	361	100	43
Isaac Reed's meadow, Pumping Station,	210	251	109
Top of Wright's Hill (W. Acton),	314	147	64
Intersection of Mass. ave and Central street,	230	231	100
Hapgood's crossing, Central street. (W. A.),	215	246	106
R. R. crossing, Central st., (between W.A.&S.A.)	210	251	109
R. R. tracks at S. Acton,	204	257	111
Summer st., at H. Gates, (W. Acton),	232	229	99
Intersection of Stow and Martin sts., (S. A.)	202	259	112
Maynard st., at Jos. Evans,	240	221	96
Intersection of School and South sts., (S. A.)	191	270	117
" " Mass. ave and South street,	168	293	127
" " Cross st. " " "	228	233	101
" " Gravel Pit road and Acton st.	263	198	86
" " Poor Farm road and Lowell rd.	242	219	95
Poor Farm road at Poor Farm barn,	340	121	52
Concord street at Sudbury road,	183	278	120
" " " Main street (E. Acton),	143	318	138
Main st., opposite Henry Worden's, (E. A.)	144	317	137
" " " Hayes, (E. A.)	136	325	141
Mass. ave. at School street, (E. A.)	156	305	132
School street at street to Reformatory,	134	327	142
River street at Merriam street (S. A.)	165	296	128

ESTIMATE OF COST.

Pipe.	3,048,773 lbs. cast iron pipe at \$0.011 per lb.,	\$33,536 50
Pipe laying.	3,650 ft. 12 in. at \$0.33,	
	26,578 " 10 in. " 0.28,	\$1,204 50
	16,771 " 8 in. " 0.24,	7,441 84
	18,623 " 6 in. " 0.20,	4,025 04
		<u>3,724.60</u>
	65,622 " = 12.43 miles.	
Stand pipe, 25 ft. diam., 100 ft. high, capacity 367,000 gallons,		16,395 98
Foundation for same,		
Roof, (wood) " "	\$9,500 00	
	700 00	
	300 00	
	<u>10,500 00</u>	
(Pumping Station and Chimney, brick),		4,500 00
Wells,		5,000 00
Pumping plant,		4,500 00
Special castings,		1,700 00
Gates. 6 12 in. at \$35 00,	\$210 00	
32 10 in. " 26 00,	832 00	
30 8 in. " 18 00,	540 00	
28 6 in. " 12 00,	336 00	
	<u>1,918 00</u>	
96 Gate boxes at \$ 3 50,	336 00	
100 Hydrants " 26 00,	2,600 00	
Rock Excavation,—Estimated,	7,500 00	
	<u>\$88,486 48</u>	
Add 10 per cent. for Engineering and Contingencies,	8,848 65	
	<u>\$97,335 13</u>	

F. L. FULLER, Civil Engineer.

Boston. Oct. 12, 1895.

COMMONWEALTH OF MASSACHUSETTS.—STATE BOARD OF HEALTH.
WATER ANALYSIS.—ACTON.—PARTS IN 100,000.

No.	DATE OF		APPEARANCE.		ODOR.		RESIDUE ON EVAPORATION.			AMMONIA.			NITROGEN AS		Oxygen consumed.	Hardness.	Iron.	REMARKS.		
	Collection.	Examination.	Turbidity.	Sediment.	Color.	Cold.	Hot.	Total.	Loss on Ignition.	Fixed.	Free.	Total.	In Solution.	In Suspension.					Chlorine.	Nitrates.
1895.	1895.	Aug. 13.	Slight.	Heavy.	Filt.	None	None	5.80	—	—	.0004	.0004	—	—	.22	.0100	.0000	.0624	2.6	Filt.
14797	Aug. 10.	Aug. 13.	Clayey.	Sandy.	0.02	None	None	5.80	—	—	.0004	.0004	—	—	—	—	—	—	2.6	.0030 Filt.
14798	Aug. 10.	Aug. 13.	Dist'ct.	Heavy.	0.04	None	None	5.50	—	—	.0002	.0000	—	—	.22	.0040	.0000	.0783	2.6	Filt.
			Clayey.	Sandy.																.0050

No. 14,797. 2 1-2 in. driven well, 24 ft. deep.

No. 14,798. 2 1-2 in. driven well, 29 ft. 4 in. deep.

The color of water is expressed by numbers which increase with the amount of color. Boston water, as drawn from a tap at the Institute of Technology, had an average color in 1894 of 0.69. Other water supplies in the State have an average color of from 0 to 1.45.

All waters containing suspended matter, excepting ground waters which contain a large quantity of iron, are filtered through filter paper before determining the color and residue on evaporation. Occasionally those determinations are also made on the unfiltered water, the results in such cases being indicated by an asterisk.

EXHIBIT

C

HISTORY
OF THE
TOWN OF ACTON



By
HAROLD R. PHALEN
//

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**Middlesex Printing, Inc.
Cambridge, Mass.**

Wright and Arthur F. Blanchard, having purchased the property of the first Universalist Society of West Acton, offered to deed the property, land, building and contents, free and clear of all encumbrances and without expense to the club contingent upon its acceptance and incorporation.

The incorporation took place November 10, 1925 at which time the club received an additional gift of fifteen hundred dollars from the original donors.

In 1928 the bronze tablet that at present appears over the main entrance of the Club building was given by Mr. Arthur F. Blanchard and Mr. George V. Mead.

During the decade just previous to 1900 there began stirrings in several directions along lines of civic improvement. Not all of these came to early fruition but evidence of a working leaven were obvious. The desire for a modernized water supply was a case in point. Isolated individuals had cried in vain now and then but the era of the pump, the roof-water cistern, and the open well, although on its last legs, was by no means ended. Even the die-hards, however, had reached the point where they were willing to concede that cranking up the old oaken bucket on a biting February dawn had become a questionable pleasure. Those who were affluent enough or sufficiently forehanded to have a rainwater cistern in the cellar felt very smug about their beautiful soft water suds on wash day but no amount of complaisancy could ignore the omnipresent tank attached to the cook stove. Neither could it eliminate the annual chore of spending a whole day to dip out the gallons of slime that had accumulated through the months.

Upon occasion a group of volunteers, for a bit of fun and a serving of more or less potent refreshments, would drag out the old hand pump fire engine, and do the initial emptying. This technique caused some eyebrow raising now and then among the more virulent temperance group but to the casual observer all hands had a good time and in the attendant horseplay usually received a somewhat compensating baptism of sorts.

It had been assumed by the general public that if and when Acton installed town water Lake Nagog would be the logical source of supply. To that end a committee was chosen to protect the interests of the town since there were rumors that Concord was casting a yearning eye in that direction.

In April of 1895 a committee consisting of William D. Tuttle, Delette H. Hall, Francis Conant, Hanson A. Littlefield and Daniel J. Wetherbee was appointed to employ competent engineers and investigate the possible sources of water and the most feasible location for a standpipe. Nagog Hill, although the highest point in town by a

few feet, was not favorably located from the standpoint of requisite piping. Great Hill was the obvious choice and it would provide, with the stand-pipe envisioned, pressures of 138 pounds at East Acton, 86 pounds at the Centre, 111 pounds at South Acton and 100 pounds in the West village.

Test drilling started in June of 1895. Numerous wells, forty two in fact, were sunk all up and down the valley of Fort Pond Brook but without satisfactory success. Finally persistence paid off on the land of Isaac Reed about a quarter of a mile west of Wright's Hill in West Acton on a swamp area that geologically has all the earmarks of having been in some far distant age an open lake. This is substantiated by the fact that at depths of from twenty to forty feet excellent water was found whereas at lower strata quick sand was sucked up in quantity.

On December 17, 1895 a special town meeting was held to hear the results of the survey and to ascertain whether a committee should be chosen to secure the necessary legislation to install a water system. An affirmative vote was passed and then, after considerable argument, a motion to rescind prevailed. The one great spectre that seemed to overawe the minds of the opposition was ledges. Acton is full of ledges and it appeared to many that no financial estimate on piping cost would be worth the paper it was on, and they had no intention to go into the thing on a gamble. During the progress of the debate Mr. Frank Hayward of Whitman and Mr. Fuller, the engineer, were called upon to address the meeting and at the conclusion of their remarks a motion to choose the aforementioned committee failed by a vote of 132 to 126.

Thus Acton's first serious attempt was abortive but the size of the minority vote presaged eventual action. For several years the matter lay officially dormant but always in the minds of forward looking citizens in West Acton there lay the thought that just at their doors, so to speak, lay excellent water in plentiful volume with Wright's Hill immediately at hand as a possible disbursing point. In the meantime Great Hill was not escaping the notice of South Acton residents. In consequence on April 16, 1912 the act of incorporation was accepted and Edgar H. Hall, Charles W. Fairbanks, and Waldo E. Whitcomb began to function as commissioners with Charles H. Mead as clerk.

Additional trial wells were put down and eventually twenty permanent wells, each two and a half inches in diameter, were installed. On June twenty fourth the pumping test started with most encouraging results. A three hundred gallon pump on a test extending from June 24th to July 1st averaged 272 gallons per minute. The water level in the wells sunk twenty five inches in the first six hours and then

EXHIBIT

D

AN ACT RELATIVE TO THE EVIDENCE OF DEFENDANTS IN TRIALS OF CRIMINAL CASES IN THE SUPERIOR COURT. *Chap. 325*

Be it enacted, etc., as follows:

At the trial of a criminal case in the superior court, upon indictment or appeal, the fact that the defendant did not testify at the preliminary hearing or trial in the lower court, or that at such hearing or trial he waived examination or did not offer any evidence in his own defence, shall not be used as evidence against him, nor be referred to or commented upon by the district attorney or other prosecuting officer.

Certain acts not to be used as evidence in trials of criminal cases.

Approved March 25, 1912.

AN ACT TO ESTABLISH THE WEST AND SOUTH WATER SUPPLY DISTRICT OF ACTON AND TO PROVIDE FOR SUPPLYING SAID DISTRICT WITH WATER. *Chap. 326*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the westerly and southerly part of the town of Acton, liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at a stone monument, said monument marking the corner of the towns of Littleton, Boxborough and Acton; thence south twenty-six degrees fifty-eight minutes west, on the boundary line between Boxborough and Acton, about fourteen thousand eight hundred and fifty-five feet to a stone monument marking the corner of the towns of Boxborough, Stow and Acton; thence south sixty-two degrees one minute east on the boundary line between Stow and Acton, ten thousand four hundred and fifty-six feet to a stone monument marking the corner of the towns of Stow, Maynard and Acton; thence south sixty-one degrees fifty-seven minutes east on the boundary line between Maynard and Acton about three thousand and forty-eight feet to a stone monument on said boundary line and on the westerly side of the highway leading from South Acton to Maynard, known as Maynard street; thence north fifty-six degrees fifteen minutes east about five thousand nine hundred and eighty-four feet to a stone monument on the highway leading from the Edwin Barker place, so-called, to the Old Stow road, now known as the Sudbury road, said monument being near the point where said Sudbury road crosses the Fitchburg division of the

The West and South Water Supply District of Acton established.

Boston and Maine Railroad, known as Parker's crossing; thence north thirty degrees forty-five minutes west about eighteen thousand eight hundred and fifty feet to the bound first mentioned, — shall constitute a water supply district, and are hereby made a body corporate by the name of the West and South Water Supply District of Acton, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and other easements for the purposes mentioned in this act, and to prosecute and defend all actions relating to the property and affairs of the district.

May acquire
and hold cer-
tain waters,
etc.

SECTION 2. Said water supply district, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold, the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the town of Acton or in the town of Boxborough, and the water rights connected with any such water sources. Said district may also take, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of the water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands acquired and held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works, and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in Acton and Boxborough, in such

Proviso

manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways in Acton and Boxborough; and all things done upon any such way shall be subject to the direction of the selectmen of the towns of Acton and Boxborough, respectively.

SECTION 3. Said water supply district shall, within ninety days after the taking of any lands, water rights, water sources, rights of way, or other easements under the provisions of this act, file and cause to be recorded in the registry of deeds for the county or district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in said West and South Water Supply District of Acton, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said district.

Taking of
lands, etc., to
be recorded.

SECTION 4. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, water, water source, water right, right of way, or other easement, or by anything done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years; and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages

Damages.

caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in that event said district shall be liable further only for the additional damage caused by such additional taking.

West and
South Water
Supply Dis-
trict of Acton
Water Loan.

SECTION 5. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, West and South Water Supply District of Acton Water Loan; shall be payable at the expiration of periods not exceeding thirty years from their respective dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the district and countersigned by the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value. The town of Acton may, at its annual town meeting or at a legal meeting called for the purpose, guarantee the payment of such bonds, notes or scrip.

Proviso.

Payment of
loan.

SECTION 6. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than one year after the first issue of the said securities, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the securities issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be raised annually by taxation in the manner hereinafter provided.

Certified copy
of vote to
assess a tax to
be sent to the
assessors, etc.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Acton, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes.

and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes: *provided*, that the district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof. Proviso.

SECTION 8. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Acton, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. The said justice of the peace, or one of the selectmen, shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant. First meeting.

SECTION 9. The West and South Water Supply District of Acton shall, after the acceptance of this act as aforesaid, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may by vote impose. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bonds to the district in such an amount and with such sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water supply district at any legal meeting called Water commissioners,
election, term,
etc.

for the purpose. No money shall be drawn from the district treasury on account of the water works except upon a written order of said commissioners or a majority of them.

Water rates,
etc.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the district appropriates and provides money therefor. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

By-laws, etc.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

Penalty for
corrupting
etc., water.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

The central
part of the
town of Acton
added to the
district, etc.

SECTION 13. The inhabitants of the central part of the town of Acton liable to taxation in that town and residing

within the territory enclosed by the following boundary lines, to wit: — Beginning at a stone monument marking the corner of said towns of Littleton, Boxborough and Acton; thence south seventy-five degrees east about twelve thousand eight hundred and eighteen feet to a stone monument on the northerly side of the Lowell road, so-called, between the residences of Henry H. Hawley, Jr., and Luther Conant; thence south eleven degrees fifty minutes west about thirteen thousand one hundred and ninety-five feet to a stone monument near the point where the Fitchburg division of the Boston and Maine Railroad crosses the Sudbury Road, so-called, being the northeasterly corner of the West and South Water Supply District of Acton as described in this act; thence north thirty degrees forty-five minutes west along the northerly line of said West and South Water Supply District of Acton about eighteen thousand eight hundred and fifty feet to the place of beginning, — shall be added to and become a part of the body corporate of the West and South Water Supply District of Acton. The territory hereby annexed to said district and the inhabitants residing therein shall have all the rights, powers, and privileges, and be subject to all the liabilities and duties, pertaining to said district according to the provisions of this act, except as hereinafter provided. Upon the acceptance of this act by the voters of that part of the district described in this section, as provided for in section fifteen of this act, the water system shall, within a period of two years thereafter, be extended into and the water be distributed therein, and thereupon that part of the district shall be bound to return an income which, for a period of ten years, will yield annually an amount equal to six per cent of the cost and expense incurred or sustained in making such extension, and in the event that such income proves insufficient therefor, then a sum sufficient to make up the deficit shall be added to the amount of the tax to be annually assessed upon that part of the district. The treasurer of said district shall keep a separate account showing in detail the cost and expense incurred in making the said extension, and in the event of any dispute, difference, or question arising as to the amount of such cost and expense said commissioners shall have full power and authority to determine and fix the amount thereof.

Act to be
accepted by
voters.

SECTION 14. Sections one to twelve, inclusive, of this act shall take effect upon their acceptance by a majority vote of the voters of said district described in section one,

Time of taking
effect of sec-
tions one to
twelve.

present and voting thereon at a district meeting called in accordance with the provisions of section eight, within two years after the passage of this act; but the said sections shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of said sections as aforesaid.

Time of taking
effect of sec-
tion thirteen.

SECTION 15. Section thirteen of this act shall take effect upon its acceptance by a majority of the voters of that part of the district described therein, present and voting thereon at a district meeting called in accordance with the provisions of section eight within two years after the acceptance of said sections one to twelve as provided in section fourteen of this act.

Approved March 27, 1912.

Chap. 327 AN ACT TO AUTHORIZE THE TAKING OF FLOUNDERS BY MEANS OF DREDGES AND TRAWLS IN THE WATERS OF THE TOWN OF EDGARTOWN.

Be it enacted, etc., as follows:

Taking of
flounders in
the waters of
Edgartown.

SECTION 1. It shall be lawful to take flounders in the waters of the town of Edgartown by means of dredges, beam trawls or otter trawls.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twentieth day of March, 1912, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 328 AN ACT TO AUTHORIZE THE TOWN OF ASHBURNHAM TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Water supply
for the town
of Ashburn-
ham.

SECTION 1. The town of Ashburnham may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May acquire
and hold cer-
tain waters.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with

EXHIBIT

E

Proceedings of the Annual Meeting March 25, 1912

Article 1. To choose a moderator to preside at said meeting.

Allen Brooks Parker was chosen moderator.

Article 2. To bring in their votes on one ballot for town officers.

The following town officers were chosen:

Town Clerk—Horace F. Tuttle.

Selectmen—Edgar H. Hall, James P. Brown, Willis L. Holden.

Assessor—James B. Tuttle.

Overseers of the Poor—Edgar H. Hall, Willis L. Holden, William F. Kelley.

Treasurer—Frank W. Hoit.

Collector of Taxes—William F. Stevens.

Auditor—William T. Merriam.

Constables—Albert S. Bradley, William C. Coughlin, James Kinsley, William F. Stevens.

Road Commissioner—Albert H. Perkins.

Field Drivers—George W. Daniels, Daniel H. Farrar, J. Alfred Goding, Fred S. Whitcomb.

Fence Viewers—James P. Brown, Edgar H. Hall, Willis L. Holden.

School Committee—Samuel A. Christie.

Cemetery Commissioner—Julian Tuttle.

Board of Health—Frank E. Tasker.

Trustee of Memorial Library—Lucius A. Hesselton.

Tree Warden—William H. Kingsley.

On the question, "Shall licenses be granted for the sale of intoxicating liquors in this town," the vote was:

Whole number of ballots cast	288
Yes	86
No	180
Blanks	22

Voted: To pay the town accountant thirty cents per hour employed.

Voted: To appropriate a sum of money sufficient to pay said accountant.

Article 19. To see what action the town will take in regard to the extermination of the elm leaf beetle.

Voted: To appropriate five hundred dollars.

Article 20. To see what action the town will take in reference to the extermination of the gypsy and brown tail moth.

Voted: To raise the sum of money required by the state law.

Voted: That the selectmen be instructed to appoint the tree warden superintendent of moth work.

Article 21. To see what amount of money the town will vote to raise and appropriate for the support of schools, the purchase of school books and supplies, the expense of operating the school plants, repairs and improvements upon school grounds and buildings, the transportation of scholars and for any other expense relating to the maintenance of the school department, or do or act anything thereon.

Voted: To raise the sum of sixteen thousand one hundred dollars for the purposes specified in the school committee's estimates for the support of schools for the fiscal year 1912-1913, to be found on pages 13 and 14 of the annual report of the school committee for the year ending January 31, 1912.

Voted: To allow the committee to transfer any unexpended balance of any appropriation to any other which may become exhausted and have proven insufficient.

Article 22. To see if the town will vote to contract with the Town of Concord for a certain number of hydrants in East Acton, or act anything thereon.

Voted: That the selectmen be authorized to contract with the Town of Concord for the erection and maintenance of not more than eight hydrants in East Acton along the line of the main pipe from Nagog Pond, for a term of ten

years at an annual rental of twenty-three dollars per hydrant.

Article 23. To see what amount of money the town will raise for town charges.

Voted: To appropriate five thousand dollars to be expended as follows:

Town farm	\$600.00
Outside poor	1,000.00
Soldiers' aid	100.00
Printing	300.00
Buildings and grounds	300.00
Police	100.00
Board of health	350.00
Salaries of town officers	1,500.00
Salary of town accountant	200.00
Miscellaneous	550.00

Article 24. To see what action the town will take in regard to the collection of taxes.

Voted: That the collector charge interest at the rate of five percent per annum on all taxes remaining unpaid after the first day of November next.

Voted: That poll and personal taxes only be payable on demand.

Voted: That the collector shall issue summons for all personal and poll taxes only remaining unpaid September 1st. That the collector shall collect all taxes committed to him within the municipal year in which they are assessed.

Article 25. To see if the town will vote to place a two-cell steel cage in the fire house at West Acton, for a lockup, or act anything thereon.

Voted: To dismiss the article.

Voted: To adjourn.

STATE ELECTION, NOVEMBER 5, 1912

Party designations: P., Prohibition; S., Socialist; S. L., Socialist Labor; Prog., Progressive; R., Republican; D., Democratic.

EXHIBIT

F

ANNUAL REPORT
OF THE
WEST AND SOUTH
WATER SUPPLY DISTRICT
OF
ACTON, MASSACHUSETTS

*Incorporated by the Acts of Legislature of 1912
Chapter 326, and accepted by the
District, April 12, 1912*

The Center District Accepted Section 13 of Said Act



FOR THE YEAR
ENDING DECEMBER THIRTY-FIRST

1962

MURPHY & SNYDER, INC.

MAYNARD, MASS.

Tellers:- Earl W Tuttle } Sweeney 66
 John Foley } Christofferson 167
 Albert Jones
 Arthur W. Lee

ORGANIZATION — 1962

Clerk

MRS. BERYL B. SILVA

Term expires 1963

Water Commissioners

DONALD L. LORING, Chairman

Term expires 1965

HARLAN E. TUTTLE

Term expires 1964

ROBERT E. SWEENEY

Term expires 1963

Commissioners meet second Wednesday of the month
 8 P. M.

Whitcomb Station, Mass. Avenue, West Acton

Treasurer

ORMAL S. LAFFIN

Term expires 1963

Appointments by the Water Commissioners

Superintendent

RAY L. HARRIS

(tenure of office)

Collector

HAROLD M. RICHARDSON

Term expires 1963

Accountant

MRS. BERYL B. SILVA

Term expires 1963

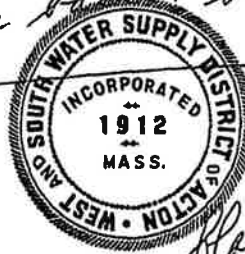
13 $\frac{9.52}{1.11}$ 239
 0.52
 0.01
 0.51

*Notice: An Election Laws of Town of
Acton for this meeting*
3 *man vote*

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

Vote to close ballot box: 9:03 PM



233

Blank 3

To the Clerk of the West and South Water Supply District of
Acton: GREETINGS:

You are directed to notify and warn the inhabitants of the
Town of Acton residing in the Water Supply District as
bounded and defined by Chapter 826 of the Acts of 1912,
Section 1 and 18 of said Act, and new extensions accepted by
the District qualified to vote in election and town affairs to
assemble in:

Town Hall, Acton Center

MONDAY, FEBRUARY 18, 1963

AT 8:00 O'CLOCK P.M.

Then and there to act on the following articles:

Article 1. To choose a Moderator to preside at said
meeting. *J. & K. elected, sworn by Clerk.*

Article 2. To elect by ballot a Clerk for one year, a
Treasurer for one year, and one member of the Board of
Water Commissioners to serve for the term of three years,
and to fix the salaries of same. *same as last year*

Article 3. To hear and act on the report of the Com-
missioners, the Treasurer, and other officers of the District.
man vote

Article 4. To see if the District will vote to accept the
provisions of Chapter 667 of the Acts of 1962, relative to the
change of name of the District and to the extension of the
area of the District to cover the whole of the territory of the
Town of Acton, viz:

WATER SUPPLY DISTRICT OF ACTON

An Act changing the name of the West and South Water Supply District of Acton and extending the Boundaries of said District.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 326 of the Acts of 1912 is hereby amended by striking out section 1 and inserting in place thereof the following section:

Section 1. The inhabitants of the Town of Acton, liable to taxation in that town and residing therein, shall constitute a water supply district, and are hereby made a body corporate by the name of the Water Supply District of Acton, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, *the* and to relocate and ~~discontinue~~ same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and other easements for the purposes mentioned in this act and to prosecute and defend all actions relating to the property and affairs of the district.

Section 2. Section 3 of said Chapter 326 is hereby amended by striking out, in line 11, the words "West and South."

Section 3. Section 5 of said Chapter 326 is hereby amended by striking out, in line 6, the words "West and South."

Section 4. Section 9 of said Chapter 326 is hereby amended by striking out, in line 1, the words "West and South," and by striking out, in line 2, the words "as aforesaid."

Section 5. Section thirteen of said Chapter 326 is hereby repealed.

Section 6. Chapter 258 of the Acts of 1946 is hereby repealed.

Section 7. All the powers, and duties and obligations vested in the West and South Water Supply District of Acton shall, on the effective date of this act, vest in the Water Supply District of Acton and when used in any statute, rule, regulation or instrument acknowledging indebtedness or other obligation the phrase West and South Water

amended: to insert words, the & to

5

Supply District of Acton shall mean the Water Supply District of Acton.

Section 8. Upon acceptance of this act, all persons now in the service of the West and South Water Supply District of Acton shall continue to serve in the same capacity ~~with-~~ *to* out loss of any rights, including, but not limited, seniority, civil service, retirement and group insurance rights.

Section 9. This act shall take effect upon its acceptance within two years from the date of its passage by a majority vote of the voters of the West and South Water Supply District of Acton present and voting thereon at a district meeting called for such purpose.

to do or act thereon.

(unanimous vote) →

Article 5. To see if the District or its successor will authorize the Treasurer with the approval of the Water Commissioners, to borrow money if necessary, in anticipation of revenue of the current year.

Voted (unan)

Article 6. To see if the District or its successor will vote to instruct the Commissioners to have an annual audit of the various accounts of the District or act anything thereon.

Voted (unan)

Article 7. To see what sums of money the District or its successor will vote to raise and appropriate to defray the usual expenses of the District, or act anything thereon.

Voted

Article 8. To see if the District or its successor will vote to transfer from surplus revenue to the Salaries account the sum of \$17.76, to close out said account for 1962 or act anything thereon.

Voted: To transfer ✓

Article 9. To see if the District or its successor will vote to transfer from surplus revenue to the Arlington Street Extension account the sum of \$1,500.00, or act anything thereon.

Voted: To Transfer ✓

Article 10. To see if the District or its successor will vote to transfer from surplus revenue to the Maintenance-Whitcomb Station account the sum of \$1,200.00, or act anything thereon.

Voted: To Transfer ✓

Article 11. To see if the District or its successor will vote to transfer from surplus revenue the sum of \$2,500.00, to the Survey-New Water Supply account, or act anything thereon.

Voted: To transfer (unan.) ✓

*Voted to take up
Article 14 after art 11*

6

Article 12. To see if the District or its successor will vote to raise and appropriate a sum of money to extend an 8-inch water main a distance of three thousand feet (3,000) from the end of existing main on Parker Street, and to install hydrants and necessary fittings, and to authorize the Treasurer with the approval of the Commissioners to borrow such sums as may be necessary to meet said appropriation, or act anything thereon. (Inserted at the request of Kennedy Bros., of Lincoln.)

20,000.00

Voted: Unanimous

Article 13. To see if the District or its successor will vote to instruct the Board of Water Commissioners to be recorded in favor of the passage of House Bill No. 2960 for the 1963 session of the Legislature, relating to the mutual interest of the District and the Town of Boxborough concerning water supplies in said Town of Boxborough, reading substantially as follows:

AN ACT RELATIVE TO THE WEST AND SOUTH
ACTON WATER SUPPLY DISTRICT AS IT RELATES TO
THE SOURCE OF WATER SUPPLY IN THE TOWN OF
BOXBOROUGH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any provisions of chapter three hundred twenty-six of the acts of nineteen hundred and twelve, as most recently amended by chapter fifty-one of the acts of nineteen hundred and sixty-two, no ground water sources in the Town of Boxborough shall be used by said district until it is first determined by the Water Resources Commission that there exists in Boxborough a source of sources of ground water adequate for the future needs of Boxborough. If such an adequate supply is found within Boxborough, said District may use the excess for said district as in this act provided. The provisions of this section shall not prohibit any agreement by said town and said district to the contrary.

Section 2. The Town of Boxborough and said district are hereby authorized to enter into agreements for the joint investigation and use of ground water sources in the Town of Boxborough and to appropriate funds for said purpose and to do all acts and things necessary and convenient for carrying out such investigation. Said investigation may be carried out in conjunction with any agency of the state or federal government.

Section 3. The said district shall make available to any residents of Boxborough, excluding industries whose

*Voted to take up
(14) recorded 9-20-67
Unanimous*

EXHIBIT

G

No special permit shall be required hereunder for parking a trailer in a Business or Industrial District."

Total vote: 465.

Yea - 376.

Nay - 89.

Needed to carry - 310+.

Article 22. ZONING BYLAW

VOTED UNANIMOUSLY: To amend the Protective Zoning Bylaw by striking out the heading "Side Yard" under "Minimum Yard Dimensions (Setback)" in the Intensity Regulation Schedule in Article V-B and substituting therefor the words "All Other Yards", by striking out the heading "Rear Yard" in the same schedule and the figures opposite 1-2 under "Rear Yard", and by inserting three asterisks adjacent to the words "Front Yard" in said Intensity Regulation Schedule and inserting the following footnote: "*** Front Yard shall include all areas between any building or structure on a lot and each street upon which the lot abuts.".

Article 23. ZONING BYLAW

MOTION: To amend the Acton Protective Zoning Bylaw and the Zoning Map by rezoning from Residence 2 District (R-2) to General Business District (B-1) the land situated on the Northerly side of Main Street (Route 27) containing 7.07 acres, more or less, and being more particularly described as follows:

Beginning at a point on the Easterly side of land of Saganich Bros., Inc. and the Southerly corner of land of Frances K. Spencer and continuing in a Northeasterly direction by land of said Frances K. Spencer for a distance of 725.0 feet, more or less; thence turning in a Southeasterly direction through land of Paul and Adelaide Cornwall for a distance of 425.0 feet, more or less, to said Main Street (Route 27); thence turning in a Southwesterly direction by said Main Street (Route 27), in two courses, for a distance of 456.27 feet, more or less, and for a distance of 631.0 feet, more or less, to a point being the Southerly corner of land of said Saganich Bros., Inc.; then turning in a Northwesterly direction along the land of said Saganich Bros., Inc. and Hennessey Drive, and again by land of Saganich Bros., Inc., 556.0 feet, more or less, to the point of beginning.

Being also the same premises bounded on the South by said Main Street; on the West by land now or formerly of said Saganich Bros., Inc. and Hennessey Drive, on the North by land of said Frances K. Spencer; and on the East by land of said Paul and Adelaide Cornwall. (Presently zoned for General Business (B-1).)

MOTION LOST.

Article 24. WATER DISTRICT

MOTION: That the Selectmen be directed to petition the General Court to enact special legislation providing for the consolidation of the Water Supply District of Acton with the Town of Acton and that such legislation be in the following form or such other form as the General Court deems appropriate:

AN ACT DISSOLVING THE WATER SUPPLY DISTRICT OF ACTON AND TRANSFERRING ITS FUNCTIONS TO THE TOWN OF ACTON.

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the Authority of the same, as follows:

Section 1. Thirty days after this act takes effect the Water Supply District of Acton (hereinafter called the "district") shall be dissolved, unless the selectmen (hereinafter called the "selectmen") of Acton (hereinafter called the "town") during such thirty day period shall vote to postpone the dissolution of the district until a date determined by them which shall not be more than one year after the date this act takes effect. By virtue of this act and without further conveyance or other action, all the assets of the district wherever located shall be transferred to the town and all obligations, indebtedness and liabilities of the district shall be assumed by the town on the date the district is dissolved.

Section 2. The dissolution of the district shall be deemed to be the establishment of a water system by the town under section thirty-nine A of chapter forty of the General Laws. In addition to the powers with respect to its water system which are granted to the town by the General Laws, the town shall have all the powers which were possessed by the district at the time of its dissolution.

Section 3. All rules, regulations and rates established by the district and in force at the time of its dissolution shall remain in force until changed or repealed by or on behalf of the town. All assessments and taxes levied by the district which are unpaid upon the dissolution of the district shall remain in force as assets of the town, and all contracts of the district which are outstanding on such date shall remain in force as contracts of the town.

Section 4. Debt which has been authorized by the district but not incurred prior to the dissolution of the district may be incurred as town debt by the town treasurer with the approval of the selectmen.

Section 5. Upon the dissolution of the district, and except as may be determined by the selectmen, all employees of the district shall become employees of the town to perform functions and duties essentially equivalent to those which they performed for the district. Length of service for the district shall be treated as service for the town for the purposes of determining seniority, pension, retirement and other similar rights. The selectmen may provide for the continuation of any employee benefits or insurance coverage formerly provided by the district until former district employees are entitled to equivalent benefits or coverage, if any, provided by the town for its employees.

Section 6. Unless otherwise provided under chapter two hundred and fifty-five of the acts of nineteen hundred and sixty-six, or by bylaw or vote of the town, upon the dissolution of the district, operation of the town's water supply system shall be under the direction and control of the town manager, who shall have all the powers and duties of water commissioners, or selectmen authorized to act as such under the General Laws.

Section 7. This act shall take effect upon its passage.

VOTED: To substitute the following for the original motion:

VOTED: That the Board of Selectmen be directed to appoint a committee of five residents of the Town to be known as the Town Government-Water District Committee, one of whom shall be a nominee of the Water Commissioners and one of whom shall be selected from among those who signed the petition that is the basis for Article 24, said committee to be directed to devise a plan for the closer coordination of the Acton Water District and the Government of the Town of Acton and to submit such plan, together with appropriate organizational and financial studies and drafts of any required Warrant articles, to the Board of Selectmen and the Water Commissioners prior to December 15, 1972, so that the plan may thereafter be acted upon at the next Annual Town Meeting or at the next Annual Water District Meeting, or both.

Adjourned at 11:27 P.M.

Monday, April 3, 1972. Moderator called the meeting to order at 7:30 P.M.

Article 25. LANDFILL

VOTED: To authorize the Board of Selectmen to purchase, take by eminent domain or otherwise acquire for landfill, or other municipal purposes, a parcel of land located on Forest Road, which parcel is a portion of Parcel 167 shown on Map G-4 of the Town Atlas (as amended to January 1, 1971), believed to belong to Donald B. and Ruth Ann Jackson, containing approximately 1.7 acres (See deed recorded with the Middlesex South Registry of Deeds, in Book 7670, Page 372) and to raise and appropriate the sum of \$8,100.00 therefor, and for expenses incidental thereto.

Total vote: 194. Yea - 160 Nay - 34 Needed to carry - 129.

Article 26. SOLID WASTE DISPOSAL

MOTION: To raise and appropriate the sum of \$7,612.00 as the Town's member share for use by the Assabet Regional Refuse Disposal Planning Board to retain engineering consultant services for the purpose of further investigation of the possible sites for sanitary landfill described in the final report, "Solid Waste Disposal for Assabet Regional Solid Waste Disposal Planning Board" of May 27, 1971, by Sutcliffe and Dunkerley, Engineers, for the Region comprising the Towns of Acton, Boxborough, Maynard, and Stow, with the provision that should the other Towns comprising the Region fail to act favorably on a similar article that such funds be returned to the General Funds.

Total vote: 264. Yea - 116 Nay - 148

MOTION LOST.