




**Town of Arlington
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel 

Date: February 20, 2020

Re: Draft Votes and Comments re: Articles 7 & 8

I write to provide the Board Draft Votes and Comments regarding the above-referenced 2020 Annual Town Meeting Warrant Articles. As the Board will recall, new or additional bylaw language is underscored, while removed language is provided in "strikethrough."

ARTICLE

**BYLAW AMENDMENT/REGULATION OF OUTDOOR
LIGHTING – UPLIGHTING**

VOTED: That Title V, Article 14, Section 3D of the Town Bylaws be and hereby is amended as follows:

3(D). Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, Town, School, public building façades, buildings used for religious purposes, buildings used for commercial purposes, or a public monument. For any up-

lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.

(4 – 0) Mr. Dunn was absent.

COMMENT: During the 2019 Annual Town Meeting, revisions were made to the Town’s “Outdoor Lighting” Bylaw, including revised provisions for the regulation of so-called “uplighting.” These revisions may have had the unintended effect of regulating houses of worship and commercial buildings in a way not contemplated by Town Meeting. The instant motion proposed by the Outdoor Lighting (or “Dark Skies”) Bylaw’s chief proponent Mr. Paul Schlichtman, affords Town Meeting the opportunity to correct any unintended regulations by adding buildings used for religious or commercial purposes to the list of properties exempt from uplighting restrictions. The Select Board endorses positive action on this motion for the purposes of such a discussion at Town Meeting.

ARTICLE BYLAW AMENDMENT/MINUTEMAN BIKEWAY HOURS

VOTED: That that Title III, Article 1, Section 10 of the Town Bylaws (“Minuteman Bikeway Hours”) be and hereby is amended as follows:

Section 10. Minuteman Bikeway Hours

The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 A.M. and such evening hour as set and posted by the Town Manager no earlier than 9:00 P.M. Anyone found on said premises between the posted evening hours of 9:00 P.M. and 5:00 A.M. shall be considered trespassers and subject to a fine of up to \$20.

(4 – 0) Mr. Dunn was absent.

COMMENT: The Select Board strongly supports this effort to increase Minuteman Bikeway hours beyond 9:00 p.m. in recognition of the Bikeway’s increased use in later evening hours. Rather than affix a specific time in the Bylaws, the Board urges Town Meeting to vest discretion in the Town Manager to set and post evening hours (with a curfew no earlier than 9:00 p.m.) as appropriate for conditions. For example, if summer month conditions are appropriate, the Bikeway could be open for longer periods than in winter months. It bears noting that several Bikeway communities, including Lexington and Bedford have no hour restrictions whatsoever. This proposal would maintain control of Bikeway hours, but afford appropriate flexibility as seasonal or infrastructure conditions allow.