



## **Town of Arlington Select Board**

### **Meeting Agenda**

July 7, 2020

6:00 PM

Conducted by Remote Participation

1. Executive Order on Remote Participation

#### **APPOINTMENTS**

2. Board of Registrar of Voters (to fill unexpired term)  
Term to expire 3/31/2022

#### **CITIZENS OPEN FORUM**

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

#### **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

3. Discussion and Vote: Extension of Local State of Emergency  
Douglas W. Heim, Town Counsel
4. Select Board Letter to ZBA Regarding Oaktree 40B Application  
Douglas W. Heim, Town Counsel

#### **NEW BUSINESS**

#### **EXECUTIVE SESSION**

Next Scheduled Meeting of Select Board July 20, 2020

You are invited to a Zoom webinar.

When: Jul 7, 2020 06:00 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/96455262891>

Or iPhone one-tap :

US: +13017158592,,96455262891# or +13126266799,,96455262891#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or +1 346 248 7799 or +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 964 5526 2891

International numbers available: <https://zoom.us/j/abnbXESY15>

**\*Notice to the Public on meeting privacy\*** In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for *each meeting* and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Members of the public are asked to send written comment to [amaher@town.arlington.ma.us](mailto:amaher@town.arlington.ma.us) by July 7, 2020 at 3:00 p.m.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>



## **Town of Arlington, Massachusetts**

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### **Executive Order on Remote Participation**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Executive_Order_on_Remote_Participation.pdf	Executive Order on Remote Participation



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

**WHEREAS**, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.


(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a horizontal line underneath it.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts



## **Town of Arlington, Massachusetts**

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### **Board of Registrar of Voters (to fill unexpired term)**

#### **Summary:**

Term to expire 3/31/2022



## **Town of Arlington, Massachusetts**

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### **Discussion and Vote: Extension of Local State of Emergency**

#### **Summary:**

Douglas W. Heim, Town Counsel

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Declaration_of_Emergency_Renewal.pdf	Renewal of Declaration of Emergency



## **ARLINGTON SELECT BOARD**



### **TOWN OF ARLINGTON, MASSACHUSETTS DECLARATION OF EMERGENCY RENEWAL**

**WHEREAS**, the Coronavirus Disease 2019 (COVID-19), is a novel, acute respiratory disease, which poses an immediate public health risk and has been deemed a pandemic by the World Health Organization as of March 11, 2020;

**WHEREAS**, on March 10, 2020, the Governor of the Commonwealth of Massachusetts declared a State of Emergency throughout the Commonwealth, directing the agencies of the State government among other measures, to take appropriate actions to mitigate transmission of the COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a “National Emergency Concerning the Novel Coronavirus Disease” and authorized and directed the agencies of the Federal Government to take appropriate actions; and

**WHEREAS**, COVID-19 is a highly contagious disease, and as of July 3, 2020, there are 109,338 confirmed cases of COVID-19 infection in the Commonwealth of Massachusetts, including 307 confirmed within the Town of Arlington; and

**WHEREAS**, the Select Board’s first Declaration of a State of Emergency expired on June 30, 2020, but the Commonwealth’s State of Emergency and the Arlington Board of Health’s State of Emergency remain active, and the Town of Arlington continues to follow the Commonwealth’s directives and plans relative to such State of Emergency; and

**WHEREAS**, the Select Board of the Town of Arlington, upon the advice of the Town Manager, Director of Health and Human Services, and other advisors, has determined that COVID-19 continues to pose a present, reasonable and imminent danger to public health, safety, or general welfare of the people of Arlington and/or their property such that it has become necessary for the Town Manager, with such assistance and staff as he deems necessary, to

- utilize the services, equipment, supplies, and facilities of existing departments, and offices;
- coordinate with agencies of the community, the region, the Commonwealth and the Federal government; and if necessary,
- take both ordinary and extraordinary actions for the purposes of emergency management and emergency functions to protect the public;

**NOW THEREFORE**, the Select Board of the Town of Arlington, Massachusetts, pursuant to powers conferred under c. 639 of the Acts of 1950 (the “Civil Defense Act”) hereby proclaims that as of **March 23, 2020** a State of Emergency is declared to exist in the Town of Arlington; that such a State of Emergency has continued through and past **June 30, 2020**; and authorizes and directs to the full extent permitted and required under the Arlington Town Manager Act and the General Laws of the Commonwealth, that the Town Manager, in consultation with the Chair of the Select Board, and all Town personnel and agents take action appropriate to respond to this emergency, and ratifies, confirms and adopts any related action taken prior to the formal adoption of this Declaration. This Declaration of Emergency shall remain in effect until                     , unless earlier notice is given to the Select Board by the Town Manager or the Select Board votes to determine that the State of Emergency no longer exists before such date.

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**John V. Hurd, Chair**

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**Joseph A. Curro, Jr., Vice-Chair**

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**Diane M. Mahon**

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**Stephen W. DeCoursey**

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**Lenard Diggins**

**Arlington Select Board**

**July 7, 2020**



## Town of Arlington, Massachusetts

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### Select Board Letter to ZBA Regarding Oaktree 40B Application

#### Summary:

Douglas W. Heim, Town Counsel

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Draft_Letter_to_ZBA_Re_Thorndike_Place.pdf	Draft Letter to ZBA

RE: Application for a comprehensive permit for “Thorndike Place”

Dear Members of the Zoning Board of Appeals:

As requested, contained herein are the Select Board’s revised comments to the Zoning Board of Appeals (“ZBA”) for your consideration pursuant to G.L. c.40B, s.20 relative to the updated comprehensive permit application submitted by Arlington Land Realty, LLC (“the Applicant”) earlier this year.

As an initial matter, we note that the Applicant have primarily updated its architectural, existing conditions, and existing environmental resource plans, including revised floodplain delineations. However, other areas of the concern to this Board in terms of vetting potential impacts of the proposed project have not been updated, including any updated traffic study. We therefore reserve our rights to submit additional comments in this matter as warranted, particularly with respect to traffic studies as discussed further below.

At the outset, the Select Board notes that enhancing access to affordable housing is an important goal in Arlington, codified in the Arlington Master Plan and Housing Production Plan. This Board supports this goal by among other things, its support of affordable housing development and improvements in Community Development Block Grant distributions.

However, as the ZBA will recall, on August 18, 2015, the Select Board wrote a detailed comment letter to MassHousing urging it to deny project eligibility approval for the instant application because little information had been provided to assuage straightforward concerns about specific issues raised by this Board and the public – flooding, traffic, and ecological impacts chief among them. Although MassHousing opted to grant project eligibility to the Applicant despite such substantial concerns and objections, we continue to request the ZBA scrutinize the application strenuously based upon the same grounds this Board previously articulated. Notwithstanding the Applicants revisions to some of its submissions, our prior comments remain relevant.

More specifically, the Select Board continues to hold serious concerns about the placement of 219 dwelling units on less than 6 acres of uplands, especially given the constraints of the specific site at issue and historic flooding in East Arlington. While the BSC Group has provided some additional detail within the submitted revised plans, it remains unclear how the Applicant will dramatically increase the amount of impervious surfaces in the uplands without exacerbating flooding conditions experienced throughout East Arlington. In addition, the Board is troubled by the Applicant’s continued to request for wholesale waivers of Arlington’s Wetland Bylaw and Regulations, which if allowed could prevent consideration of important environmental issues of local concern. Accordingly, we respectfully urge the ZBA to continue to deny such requests to waive the requirements of Arlington Wetlands Bylaw and Regulations and other relevant requirements of its own Comprehensive Permit Rules and Regulations.

Similarly, Select Board and resident concerns regarding traffic remain acute. During the Project Eligibility discussions before the Select Board, the Applicants represented and referenced potential access to the site via Rt. 2 to ease strain on local roadways. However, per the revised plans the only access to the site appears to continue to be via Dorothy Road and Edith Street, two modest residential streets with approximately 33 and 9 two-family or single-family homes respectively at present. The proposed project would add nearly 300 parking spots to support its 219 residential units in the area, likely dramatically increasing the traffic load in a residential neighborhood on top of existing high traffic demands on Lake Street.

It is our understanding that the ZBA has retained the BETA Group, Inc. to serve as its peer review consultant for both of the aforementioned concerns, and we look forward to their analyses of the Applicant's submissions and examination of the concerns of this Board, other Town officials and entities and the community at-large.

As with our previous comments to the ZBA, we affirm our respect for both the authority of the ZBA and the process it must undertake. As such we submit these additional comments as an expression of our opinion as a body in the interests of informing your questions and process and supporting your development of the best decision possible. We trust that you will continue to avail yourselves of all the resources needed to support your process and your eventual decision, and continue to direct Town officials, through the Town Manager, to provide whatever you need in furtherance of same as appropriate.

In conclusion, mindful that this matter is not before the Select Board, but instead must follow the process and parameters of G.L. c. 40B, we respectfully register our continued concern that the Applicant's original and revised submissions do not satisfy common sense skepticism that a project of this scope on such a problematic site is feasible or appropriate for Arlington. We therefore chiefly urge the ZBA to continue to enforce all applicable rules and regulations to ensure that the laudable goal of increasing access to affordable housing is consistent with the health and safety needs of the Town.

Thank you for your consideration of the above comments and your continued service to the Town.



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## **Town of Arlington, Massachusetts**

**NEW BUSINESS**



## Town of Arlington, Massachusetts

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