



## **Town of Arlington Select Board**

### **Meeting Agenda**

March 22, 2021

7:15 PM

Conducted by Remote Participation

1. Executive Order on Remote Participation

#### **CONSENT AGENDA**

2. For Approval: Blue Jean Ball Lawn Signs through 4/10/2021  
Tom Formicola, ACA Executive Director  
Aneleise Ruggles, ACA Communications Director

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

3. Review and Approve Outdoor Performance Regulations  
Jennifer Raitt, Director of Planning and Community Development  
Ali Carter, Economic Development Coordinator  
Cristin Bagnall, Commission for Arts and Culture

#### **WARRANT ARTICLE HEARINGS**

4. Articles for Review:  
Article 11 Bylaw Amendment/Stormwater Management  
Article 14 Bylaw Amendment/Gutters in Historic Districts  
Article 19 Vote/Establishment of Town Committee on Auto and Property Insurance Claims and Losses  
Article 20 Vote/Public Remote Participation  
Article 24 Home Rule Legislation/Ranked Choice Voting (tabled from 3/8)  
Article 26 Endorsement of CDBG Application

#### **FINAL VOTES & COMMENTS**

Articles for Review:

Article 8 Bylaw Amendment/Canine Control Fees & Fines  
Article 9 Bylaw Amendment/Display of Notice Fines  
Article 10 Bylaw Amendment/Street Performance Definitions  
Article 17 Vote/Establishment of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee  
Article 18 Vote/Establishment of Town Committee on Residential Development  
Article 22 Vote/Provision of Town Email Addresses for Town Meeting Members  
Article 70 Vote/Town Clerk Study  
Article 91 Resolution/Declare Climate Emergency in the Town of Arlington

## **CORRESPONDENCE RECEIVED**

5. Traffic Concerns Re Road, Utility and Repair Work to New Food Link Building and 108 Summer Street  
Eugene Downing, 5 Montrose Avenue
6. Court Street Parking Meter Enforcement  
Guy Morello via Request/Answer Center

## **DISCUSSION**

7. Discussion: Future Select Board Meetings  
John V. Hurd, Chair

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

To Discuss Strategy With Respect To Litigation Against Itron, Inc.

Douglas W. Heim, Town Counsel

Michael Cunningham, Deputy Town Counsel

Next Scheduled Meeting of Select Board April 5, 2021

You are invited to a Zoom webinar.

When: Mar 22, 2021 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

[https://town-arlington-ma-us.zoom.us/webinar/register/WN\\_Gjl9feTSHaVbI5icnaBew](https://town-arlington-ma-us.zoom.us/webinar/register/WN_Gjl9feTSHaVbI5icnaBew)

After registering, you will receive a confirmation email containing information about joining the webinar.

*\*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.

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 cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts



## **Town of Arlington, Massachusetts**

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**For Approval: Blue Jean Ball Lawn Signs through 4/10/2021**

**Summary:**

Tom Formicola, ACA Executive Director

Aneleise Ruggles, ACA Communications Director

**ATTACHMENTS:**

	Type	File Name	Description
▣	Reference Material	BJB_2021_Select_Board_Signage_Proposal.pdf	Blue Jean Ball Lawn Sign Proposal
▣	Reference Material	BJB_2021_Lawn_Sign_Rendering_.jpg	Lawn Sign

**Appeal to Arlington Select Board**  
*by the Arlington Center for the Arts*  
Lawn Signage Request



**WHAT:** The Arlington Center for the Arts is requesting permission from the Arlington Select Board to display **24** coroplast 18"x24" signs at proposed locations around the town of Arlington.

**WHEN:** March 23 - April 10, 2021

**WHERE:** We are proposing signs be displayed at the following locations--



*Above: Proposed Sign Rendering (Double-Sided)*

- 2 @ Mass Ave/Pleasant St/Mystic Ave Intersection
- 1 @ Uncle Sam Plaza
- 1 @ Median by Robbins Library crosswalk
- 1 @ Fire Station/Memorial
- 1 @ Entering Arlington sign on Lexington border
- 1 @ Entering Arlington sign on Cambridge border
- 1 @ Medford St/Mass Ave
- 1 @ Swan Place/Mass Ave
- 1 @ Lake St near Rt 2 entrance
- 1 @ Lake St near Bike Path Intersection
- 8 Along Bike Path
- 1 @ Entrance to Menotomy Rocks Park
- 1 @ Medford St Rotary by Parallel Park
- 1 @ Robbins Farm Water Tower
- 1 @ Mass Ave/Lake St in front of Lotus Yoga Studio/Arlington Bakery
- 1 @ Lowell St Entrance to Arlington Reservoir

A VIRTUAL CELEBRATION  
OF TRUE COMMUNITY!

ACA

ARLINGTON  
CENTER  
FOR THE ARTS

BLUE JEAN Ball

*Our Town*

APRIL 10, 2021

BUY TICKETS AT [ACARTS.ORG](https://acarts.org)



## Town of Arlington, Massachusetts

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### Review and Approve Outdoor Performance Regulations

#### Summary:

Jennifer Raitt, Director of Planning and Community Development  
Ali Carter, Economic Development Coordinator  
Cristin Bagnall, Commission for Arts and Culture

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	DRAFT_Arlington_Economic_Development_Recovery_Task_Force_Memo_Outdoor_performance.pdf	Memo Draft Outdoor Performance Regulations
Reference Material	Outdoor_Performance_letters_of_support.pdf	Letters of Support



# TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: Adam Chapdelaine, Town Manager  
From: Jennifer Raitt, Director of Planning & Community Development  
Ali Carter, Economic Development Coordinator  
Date: March 16, 2021  
Re: Economic Development Recovery Task Force Recommendations for Outdoor Performance

The Department of Planning and Community Development (DPCD) and the Arlington Commission for Arts and Culture (ACAC) are working together with the Arlington Economic Development Recovery Task Force to develop a framework, including draft regulations, for the Town to allow outdoor performance in 2021. The framework will align with concurrent phasing of the State's Reopening Guidelines and, if approved, create a process by which local businesses, musicians, and artists can provide entertainment in a limited number of Arlington's public spaces. Performance dates, times, and spaces will be limited and determined in advance by the Department of Health and Human Services, Recreation, DPCD, and the ACAC.

Our goal is to translate, for individual artists and for arts organizations, the state and local regulations into one set of requirements for approving outdoor performances in Arlington. With Massachusetts cultural organizations reporting over \$483 million in lost revenue, and individual artists reporting over \$20 million in lost revenue, over the last year, it is imperative that this sector be given every opportunity to get back to work safely. (Findings reported in Mass Cultural Council surveys, further details available here: <https://massculturalcouncil.org/blog/survey-shows-continued-staggering-impacts-of-covid-19-on-states-cultural-sector/>)

Incorporated throughout this document are the Commonwealth's current Phase 3, Step 2 sector-specific reopening guidelines for Theater and Performance Venues, which govern outdoor performances of all kinds. We propose that these regulations align with current state Reopening Guidelines as they continue to evolve. Underlined text indicates what is required of the local presenting individual/organization to meet those standards.

## DRAFT Arlington Outdoor Performance Regulations

### Section I: Venues and Capacity

Venue capacity must be limited to the maximum allowed group size in alignment with Massachusetts Reopening Plan sector-specific guidelines for Theaters and Performance Venues and concurrent phasing. Each outdoor venue must monitor customer entries and exits and limit occupancy at all times to:

- 50% of the venue's maximum permitted occupancy as documented in its occupancy permit on record with the municipal building department or other municipal record holder, but in no event shall the venue admit or host more than 500 persons.
- Venues for which no permitted occupancy limitation is on record may allow up to 10 persons per 1,000 square feet of accessible space, and never more than 500 persons. All occupant counts must include all customers, patrons, and attendees, but may exclude workers and performers.
- Limit group sizes to no more than 6 people per group attending together for outdoor theaters and performance venues.

The presenting organization will be responsible for establishing occupancy and entrance and exit paths, and marking, signage, and monitoring and enforcing audience behavior during events. Producers of events on privately owned property would be required to follow Town's Outdoor Performance regulations or, in the case of drive-in movie screenings, must follow the [State's sector-specific guidance for Drive-in Movie Theaters](#). Per the State Reopening Guidelines, [restaurants](#) that wish to have musicians perform for their guests must also follow the State's Theater and Performance Venue guidance, and therefore would be subject to the town's Outdoor Performance Regulations.

#### Public Outdoor Performance Locations:

Crosby Field  
Robbins Farm Park  
Hurd Field  
Summer Street Field  
Hill's Hill  
Pierce Field  
Robbins Memorial Garden  
Spy Pond Park (subject to Conservation Commission permission)  
Whittemore Robbins House lawn  
Mill Pond Park  
Arlington Farmer's Market at the Russell Common Parking Lot  
Public parklets as designated and approved by the Town

### Section II: Public Health Guidelines for Performers

Health guidance for performers must comply with Massachusetts Reopening Plan sector-specific guidelines for Theater and Performance Venues and concurrent phasing. The following special protocols shall be followed for close contact between live performers:

- Performers are to wear face coverings during performances whenever feasible.
- Performers should remain at least 6 feet apart even if wearing masks. Any activity requiring performers to be closer than 6 feet must be as brief as possible.
- Prohibit direct interaction between performers and audience before, during or after performances. No backstage or post-performance meet and greets.
- Disinfect shared equipment before use by another worker.

- Prohibit any mutual touching of customer or worker equipment without sanitation between uses.
- For live performances, singing and the playing of brass and wind instruments is discouraged. Singing is not permitted in indoor performance venues. For performances involving singing or brass or wind instruments, special distancing must be followed:
  - At least 10 feet between performers
  - At least 25 feet between performers and first row of the audience

### Section III: Public Health Guidelines for Guests; Signage and Communications

Public Health measures for outdoor performance must comply with Massachusetts Reopening Plan sector-specific guidelines for Theater and Performance Venues and concurrent phasing. Communicating, monitoring, and enforcing all the responsibility of the presenting organization.

- Post clearly visible signage regarding the need to maintain 6 feet of social distancing and not to enter a room until that distancing can be maintained.
- Post visible signage throughout the site to remind customers and workers of hygiene and safety protocols.
- Require face coverings for all workers and customers, except where unsafe due to medical condition or disability. Audience members may remove face coverings while seated and eating or drinking but must otherwise wear face coverings.
- Establish directional pathways to manage visitor flow for foot traffic, to minimize contact (e.g., one-way entrance and exit to shows, one-way pathways). Post clearly visible signage regarding these policies.

This requires that the presenting organization make and post signs and monitor and enforce behavior during the event.

Ensure separation of 6 feet or more between individuals where possible:

- Install visual social distancing markers to encourage customers to remain 6 feet apart (e.g., lines for equipment if applicable, checkout lines, lines to use the restroom)
- Reconfigure seating areas to ensure 6 feet distancing between customers not in the same group.
- Distance shall be measured from the closest boundary of one customer recreation or seating area to the closest boundary of another customer recreation or seating area.

This requires that the presenting organization mark seating areas, and stage, to ensure social distancing.

- Contactless payment methods and / or digital ticketing are encouraged.
- Performances that are shorter in duration are encouraged.
- Intermissions should be avoided in order to limit time of performance and to prevent congregating and close contact with others.
- Encourage the use of electronic versions or no-touch displays in place of commonly touched physical materials (such as menus and playbills) where possible. All commonly touched physical materials must be discarded or sanitized between use.

Producer is responsible for either providing no touch displays or making sure that commonly touched physical materials are discarded or sanitized between use.

- Alcohol-based hand sanitizers with at least 60% alcohol shall be made available at entrances, exits and throughout floor areas for workers, performers, and customers.

Presenting organization is responsible for making hand sanitizer available.

Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:

- Social distancing, handwashing, proper use of face coverings

- Self-screening at home, including temperature and symptom checks.
- Importance of not coming to work if ill.
- When to seek medical attention if symptoms become severe
- Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus

ACAC/DPCD will provide for download a flyer using Board of Health approved language to presenting organizations and performer(s) upon application for license.

Venues must screen workers at each shift by ensuring the following:

- Worker is not experiencing any symptoms such as fever (100.0 and above) or chills, cough, shortness of breath, sore throat, fatigue, headache, muscle/body aches, runny nose/congestion, new loss of taste or smell, or nausea, vomiting or diarrhea.
- Worker has not had “close contact” with an individual diagnosed with COVID-19. “Close contact” means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19.
- Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official.
- Workers who fail to meet the above criteria must be sent home.

Presenting organization must provide form for workers, volunteers, and performers to self-certify, including all above and questions about out-of-state travel. Presenting organization responsible for saving forms for contact tracing.

DRAFT



March 17, 2021

Town of Arlington  
Select Board  
Arlington Town Hall  
730 Massachusetts Ave.  
Arlington, MA 02474

Dear Select Board,

On behalf of the Arlington Chamber of Commerce, I am pleased to support the proposed Arlington Outdoor Performance Regulations as drafted and submitted by the Department of Planning and Community Development (DPCD) and the Arlington Commission for Arts & Culture (ACAC). I believe the proposed regulations are comprehensive and thoughtful in their compliance with the State's current reopening guidelines.

In my position at the Chamber, as well as a Commissioner of the ACAC and a member of the Economic Recovery Task Force, I am reminded daily of the loss of revenue that has been experienced by artists and performers. The Chamber supports business and their business is art and performance. They need to be allowed to safely get back to business. The return of outdoor performance will benefit all segments of the Arlington community and provide a welcome sense of a return to normalcy.

DPCD and ACAC have put tremendous effort into translating the State's regulations to a framework that is easy to understand and should be easy to enforce. I urge you approve their proposal and allow these folks to get back to work.

Sincerely,

Beth Locke  
Executive Director  
Arlington Chamber of Commerce

March 18, 2021



Select Board  
Arlington Town Hall  
730 Massachusetts Avenue  
Arlington MA 02476

Dear Select Board Members,

I am writing on behalf of Arlington Center for the Arts (ACA) to help illuminate the COVID-related challenges of program planning in light of the framework proposed by the Economic Development Recovery Taskforce, Arlington Commission for Arts & Culture (ACAC), and Department of Planning & Community Development (DPCD).

Porchfest is a good example of the kind of community celebration that people are hungry for right now. This town-wide event is presented annually in June by ACA. Planning and outreach typically begin 4-6 months in advance. The community's enthusiasm for Porchfest runs deep and wide. Typically, we have an estimated audience totaling 6,000-8,000 participants – including 200 musical acts on 120 porches located across town.

The popularity of Porchfest has much to do with the fact that ACA serves more as a facilitator than presenter. ACA defines the shape of the event; connects volunteer porch hosts to interested bands; provides a map/timeline of performances; and promotes the event. The rest is up to the hosts, bands, and audiences. ACA provides the opportunity, but citizens manage the details and logistics of the performances themselves.

In a recent Porchfest survey by ACA of previous porch hosts, musicians, and audiences – responses ranged from “wait until 2022 when things are back to normal” to “we should conduct the event as usual and trust participants to follow the rules” – and everything in between. But the overriding preference is for a live in-person event in a COVID-safe setting (as opposed to something virtual).

A full-scale Porchfest event in 2021 seems impractical, and the prospect of a scaled-down event is problematic. COVID-related protocols and restrictions, thrust ACA into the role of hands-on presenter -- choosing some limited number of locations and bands, managing performances, and coralling audiences. It's at odds with the community spirit of the event and threatens to frustrate everyone involved. Also, ACA doesn't currently have the resources or bandwidth for the hands-on management such an event would require.

To keep the spirit of the event alive and on everyone's radar screen, ACA has considered the possibility of presenting “A Taste of Porchfest” in spring or fall in partnership with local restaurants which would play the management role traditionally held by porch hosts. ACA would play its normal role of facilitator – laying some ground rules, connecting restaurant hosts to area musicians, and promoting the event to audiences.

The overall scope of “A Taste of Porchfest” would be organically limited by the relatively small number of local restaurants that would be able to accommodate performances. Outdoor and indoor performances would be scaled to suit the venues and meet state/town guidelines. Audiences would be limited by the mandated capacity of the individual restaurants who already have social distancing protocols and controls in place. Perhaps smaller restaurants in close proximity would collaborate to host a performance in a nearby parklet or like-space. An added

**ARLINGTON CENTER FOR THE ARTS**

20 Academy Street, Arlington, MA 02476 | 781.648.6220 | [www.acarts.org](http://www.acarts.org)

bonus is that the partnership would drive business to local restaurants where audiences could enjoy food, drink, and music.

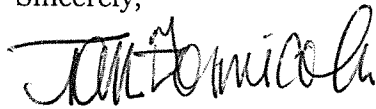
Apart from Porchfest, ACA is also weighing its prospects in 2021 of presenting:

- a free outdoor public performance by Boston's Queen of the Blues Toni Lynn Washington and her band as a sort of post-COVID celebration; and
- our annual open studios event – indoors at ACA, Town Hall, and the First Parish UU Church in November

Like many arts & culture organizations in the community, ACA needs concrete information in order to answer important questions about how we can responsibly balance community needs and expectations in the face of COVID-related transitions that will continue to roll-out through 2021 and beyond.

A clear and evolving understanding of what's possible and on what timeline is essential to planning as organizations like ours try to regain footing and put the crisis behind us. Thank you in advance for your support and feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Formicola". The signature is fluid and cursive, with the first name "Tom" being more prominent and the last name "Formicola" following in a similar style.

Tom Formicola  
Executive Director  
he/him/his

Robert E. Bowes  
26 Lake View  
Arlington, MA 02476

March 17, 2021

Select Board  
Town of Arlington  
Town Hall  
Arlington, MA 02476

Dear Select Board,


I am writing in support of the outdoor performance recommendations of The Arlington Business Recovery Task Force.

As a member of the Arlington Chamber of Commerce Advisory Committee, Board Member of the Arlington Tourism and Economic Development Committee and member of the Arlington Business Recovery Task Force, it is clear to me that the initiatives outlined in this recommendation are timely, thorough, well-conceived and well presented.

The Arlington business community, performing arts groups and all our residents look forward with great expectations to a 2021 which is significantly better and different than 2020. Our citizens have a clearer understanding of what it takes to conduct ourselves in a safe manner and are more than willing to abide by fair and reasonable guidelines.

Many groups, committees and organizations are working tirelessly to enhance the quality of life in Arlington during the pandemic and restoring some of the many benefits provided by the performing arts community is one giant step in the right direction.

Sincerely,



Bob Bowes

March 15, 2021

Dear Select Board:

I am writing to you in great support of the proposed *Economic Development Recovery Task Force Recommendations for Outdoor Performances in Arlington*. I am a current member of the Arlington Economic Development Recovery Task Force, a Member of the Arlington Center's Whittemore Park Revitalization Planning team, and the Co-Founder of Support Arlington Center—a citizens' group dedicated to keeping Arlington Center thriving with diverse, successful small businesses.

COVID has been extremely difficult for small businesses in Arlington—they are working tirelessly and thinking creatively to stay alive. Residents and visitors of Arlington have been supporting the businesses by buying take-out meals, participating in outdoor dining, and purchasing goods at local shops. The arts and performances however have greatly suffered due to the pandemic—this is mostly due to the limitations and restrictions of opening to the public. While the community has supported the limited offerings of Zoom/virtual performance venues, it is not the same as physically seeing a live performance in a safe environment among neighbors and friends. The arts has been stifled due to COVID, and the community in Arlington is here to bring it back and participate in all its offerings.

The Department of Planning and Community Development (DPCD) and the Arlington Commission for Arts and Culture (ACAC) have worked hard to create a clear plan laying out how performances can happen in Arlington in a safe environment. Their document clearly details how Arlington can revive its venues with appropriate capacity numbers. They have outlined the public health guidelines for performers and guests, and have suggestions for signage and communications.

Arlington needs to bring back individual artists, arts organizations, venues and performances to the public community.

Thank you for considering the proposal provided by the Department of Planning and Community Development (DPCD) and the Arlington Commission for Arts and Culture (ACAC), and thank for supporting our cherished town of Arlington.

Warmly,

A handwritten signature in cursive script that reads "Alyssa K. Clossey".

Alyssa K. Clossey

Co-Founder, Support Arlington Center

Member, Arlington Economic Development Recovery Task Force

Member, Arlington Center's Whittemore Park Revitalization Planning team

Dear Select Board,

As the owner of Morningside Studio and the director of the Arlington Jazz Festival, I very much support the idea of live music outdoors in Arlington. I would like to get my students performing as well as organizing an outdoor jazz concert with professional musicians. Last summer I was able to do a couple of concerts in Lexington that the town agreed to. Safety measures were in place and the audience was very respectful of the rules. Numerous other towns also went through with their gazebo/town green concerts with restrictions in place.

Dan Fox

[www.morningsidemusicstudio.com](http://www.morningsidemusicstudio.com)

[danfox1@verizon.net](mailto:danfox1@verizon.net)



## Town of Arlington, Massachusetts

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### Articles for Review:

#### Summary:

Article 11 Bylaw Amendment/Stormwater Management

Article 14 Bylaw Amendment/Gutters in Historic Districts

Article 19 Vote/Establishment of Town Committee on Auto and Property Insurance Claims and Losses

Article 20 Vote/Public Remote Participation

Article 24 Home Rule Legislation/Ranked Choice Voting (tabled from 3/8)

Article 26 Endorsement of CDBG Application

#### ATTACHMENTS:

	Type	File Name	Description
▣	Reference Material	W.A._Text.pdf	Warrant Article Text
▣	Reference Material	Town_Counsel_Comments.pdf	Town Counsel Comments
▣	Reference Material	10_Registered_Voter_Letters.pdf	10 Registered Voter Letters
▣	Reference Material	W.A._11_E._Sullivan_Comments.pdf	W.A. #11 E. Sullivan Reference
▣	Reference Material	W.A._14_AHDC_Comments.pdf	W.A. #14 AHDC Reference
▣	Reference Material	W.A._19_A._Fisher_Comments.pdf	W.A. #19 A. Fischer Reference
▣	Reference Material	W.A._20_E._Dray_Comments.pdf	W.A. #20 E. Dray Reference
▣	Reference Material	W.A._24_G._Dennis_Reference.pdf	W.A. #24 G. Dennis Reference
▣	Reference Material	W.A._26_CDBG_Comments.pdf	W.A. #26 CDBG Reference

**ARTICLE 11** **BYLAW AMENDMENT/STORMWATER MANAGEMENT**

To see if the Town will vote to amend Title V, Article 15 of the Town Bylaws (“Stormwater Mitigation”) to update such bylaw so as to add, remove or amend definitions, clarify the bylaw’s procedures and applicability to certain projects, and adjust fees; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 14** **BYLAW AMENDMENT/GUTTERS IN HISTORIC DISTRICTS**

To see if the Town will vote to amend Title VII, Historic Districts, in Article 4, by adding a provision whereby the replacement of existing gutters with fiberglass gutters, made by an approved manufacturer, may be allowed administratively, without the necessity of notice or hearing; or take any action related thereto.

(Inserted by the Select Board at the request of the Arlington Historic Districts Commission)

**ARTICLE 19** **VOTE/ESTABLISHMENT OF TOWN COMMITTEE ON AUTO AND PROPERTY INSURANCE CLAIMS AND LOSSES**

To see if the Town will vote to establish a committee to learn the annual cost of auto and property insurance premiums and insurance claims in the Town of Arlington; or take any action related thereto.

(Inserted by the Select Board at the request of Andrew Fischer and ten registered voters)

**ARTICLE 20** **VOTE/PUBLIC REMOTE PARTICIPATION**

To see if the Town will vote to establish parameters for interactive, simultaneous remote participation by members of the public in meetings of all public bodies in the Town of Arlington; or take any action related thereto.

(Inserted at the request of Elizabeth Dray and ten registered voters)

**ARTICLE 24** **HOME RULE LEGISLATION/RANKED CHOICE VOTING**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting; or take any action related thereto.

(Inserted by the Select Board at the request of the Election Modernization Committee)

**ARTICLE 26** **ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2022 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Select Board and at the request of the Town Manager)



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

To: Arlington Select Board

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel

Date: March 18, 2021

Re: Annual Town Meeting Warrant Articles ## 11, 19, 20, 24, and 26

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I write to provide the Board a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on March 22, 2021. In the interests of clarity, articles are presented in the order in which they appear on the Warrant. Please note that warrant article numbers have been revised following re-ordering of articles in the final warrant.

**ARTICLE 11**

**BYLAW AMENDMENT/STORMWATER MANAGEMENT**

To see if the Town will vote to amend Title V, Article 15 of the Town Bylaws ("Stormwater Mitigation") to update such bylaw so as to add, remove or amend definitions, clarify the bylaw's procedures and applicability to certain projects, and adjust fees; or take any action related thereto.

(Inserted by the Select Board)

This Article returns from the truncated 2020 Annual Town Meeting, following positive recommendation by the Select Board. As members of the Board may recall, the purpose of this Article, jointly sought by the Town Engineer and the Environmental Planner, is to update the Town's "Stormwater Mitigation" bylaw to clarify the purpose and goals of the ordinance, and provide for a suite of changes to improve coordinated administration between departments in administration of same. The changes contemplated in a draft motion provided below include, but are not limited to:

- Providing clear goals of the bylaw (including rebranding the bylaw) and specific objectives as well as statutory bases for authority;
- Improving definitions;
- Clarifying applicability within the context of different kinds of projects;
- Explicitly allowing for the promulgation of detailed rules and regulations consistent with the bylaw; and
- Ensuring compatibility with EPA permitting.

There are further modest updates to the 2020 proposal, adding language mandated by the so-called "MS4" permits required by the EPA and revising definitions for consistency with Conservation Commission regulations. Should the Board be inclined to endorse this article, appropriate revised language has been provided by Emily Sullivan, Environmental Planner in your reference materials.

## **ARTICLE 19                    VOTE/ESTABLISHMENT OF TOWN COMMITTEE ON AUTO AND PROPERTY INSURANCE CLAIMS AND LOSSES**

To see if the Town will vote to establish a committee to learn the annual cost of auto and property insurance premiums and insurance claims in the Town of Arlington; or take any action related thereto.

(Inserted by the Select Board at the request of Andrew Fischer and ten registered voters)

This article returns to Town Meeting following its postponement from further discussion on the 2020 Annual Town Meeting Warrant (the Board conducted a warrant article hearing, but substantively tabled the matter thereafter). While I expect Mr. Fischer will again provide further

detail on his proposal, to my understanding, this article seeks to create a committee of Town Meeting to canvass residents about costs of their auto insurance and claims. Mr. Fischer is not necessarily proposing to start a Town automotive insurance program for residents, but would like to report findings to Town Meeting.

At the 2009 Annual Town Meeting, both the Select Board and the Town Meeting voted to support Article 68 – a resolution to support the creation of a Task Force for of the Attorney General’s Office to study the issue of municipalities as auto-insurers , following a bill submitted to the Legislature on the same score.

At that time, support was afforded to exploring whether or not a municipal auto-insurance operation could serve a source of revenue for the Town as well as providing an alternative to private insurance carriers. Among the myriad issues the Committee would need to assess should the Board be inclined towards favorable action, is how the Town would organize an auto-insurance arm of the government, determine and raise the initial amount of money necessary to write and back up insurance policies, market and sell policies, and project the subsequent staff needed to operate a municipal insurance agency.

## **ARTICLE 20**

### **VOTE/PUBLIC REMOTE PARTICIPATION**

To see if the Town will vote to establish parameters for interactive, simultaneous remote participation by members of the public in meetings of all public bodies in the Town of Arlington; or take any action related thereto.

(Inserted at the request of Elizabeth Dray and ten registered voters)

To my understanding, the purpose of this article is to establish a set of uniform parameters for public bodies conducting meetings by “Zoom” or other videoconferencing technology by town bylaw or special legislation depending on the final parameters of what is proposed. By default, significant discretion is afforded to the chairs of public bodies with respect to how they will administer meetings of such bodies so long as they meet the requirements of the open meeting law. A town bylaw likely could establish further terms by which remote participation is to be conducted.<sup>1</sup> If however, the article’s proponent proposes to amend any

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<sup>1</sup> The Open Meeting Law affords municipalities the ability to further restrict the use of remote participation beyond the requirements of 940 CMR 29.10. While the intent of the proponent does not appear to be to restrict the use of remote participation, setting mandatory criteria for

requirements of the Open Meeting Law relative to Arlington public bodies, special legislation would be required.

#### Remote Participation by Public Body Members

As an initial matter, it is important for the Board and the public to recognize that in ordinary time, remote participation by members of public bodies is only permitted under limited circumstances under the Open Meeting Law as detailed in c. 30A sec. 20(d) and 940 CMR 29.10. It is only by operation of the March 11, 2020 Executive Order of Governor Baker that the general requirement for public bodies to meet in person is suspended during the COVID-19 Pandemic.

Absent the Executive Order's suspension of such requirements, in order to have any remote participation by members a municipality's executive body must first vote to authorize remote participation by its public bodies (which this Select Board has done).<sup>2</sup> Second, because the Attorney General's Office believes that in person participation is more transparent than remote participation, the law encourages members of public bodies to physically attend all meetings. Thus, there are only five permitted reasons for remote participation:<sup>3</sup>

- 1) Personal Illness;
- 2) Personal Disability;
- 3) Emergency;
- 4) Military Service; and
- 5) Geographic Distance.<sup>4</sup>

Third, remote participation is further limited to those circumstances where:

1. A quorum of the public body are physically present at a physical meeting location;

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employing remote participation and would *likely* be construed as additional requirements and approved by the Attorney General's Office.

<sup>2</sup> The sole exception to this requirement is a local disability commission, which shall be discussed further below.

<sup>3</sup> These reasons should be provided by the Chair at the start of the meeting.

<sup>4</sup> The Attorney General's Office has consistently advised that geographic distance cannot be a mere inconvenience. In person attendance must be "unreasonably difficult."

2. Remotely participating members *and all persons present at the meeting location must be clearly audible to each other*;<sup>5</sup> and
3. All votes taken during a meeting in which a member participates remotely must be by roll call vote.

Furthermore, if videoconferencing is utilized, the remotely participating member (not members of the public, applicants, etc.) must be both audible and *visible* to all persons present at a meeting.

Disability Commissions are afforded more latitude with respect to remote participation in two respects. They can adopt remote participation for their business without Select Board authorization (which is moot in Arlington), and the in-person quorum requirement does not apply (though the Chair, or a member acting on behalf of the chair must be physically present at a meeting location).

On a final note, members of public bodies cannot be compelled to participate remotely (as opposed to missing a meeting or participating in person).

#### Members of the Public & Applicants

The Open Meeting Law does not set forth requirements for public participation beyond the requirements relative to members (i.e. the public in attendance at a physical location must be able to hear, or in a video conference context, hear *and* see the remotely participating members); nor does it require public bodies to allow for remote public participation.<sup>6</sup> As stated in the Division of Open Government's Open Meeting Law Guide:

*Note that the Attorney General's regulations enable members of public bodies to participate remotely if the practice has been properly adopted, but do not require that a public body permit members of the public to participate remotely. If a public body chooses to allow individuals who are not members of the public body to participate remotely in a meeting, it may do so without following the Open Meeting Law's remote participation procedures.*

Open Meeting Law Guide, January 2018, pp. 15-16.

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<sup>5</sup> For example, a web-based messenger or chat function is not considered an acceptable means of remote participation;

<sup>6</sup> Indeed the Open Meeting Law itself does not mandate any public participation. Formal legal hearings typically require opportunity public comment as discussed further herein.

The Open Meeting Law's requirements should however be differentiated from *hearing requirements* within public meetings, which typically have additional metrics in order to constitute a legal hearing. For example, in-person attendance by applicants and certain interested parties is typically required in ordinary time under c. 40A for zoning hearings, or for a dangerous dog hearing, or an alcohol licensing hearing. There is likely more latitude with respect to general public comment in many hearings, but of course, in hearing contexts, written comments have conventionally presented the primary option for testimony by persons who cannot attend a live meeting.

If the petitioner intends to require remote participation be made available to members of the public, it is not immediately clear whether such a bylaw would survive scrutiny from the Attorney General's Office. At a minimum, it would be important to understand the logistical requirements of implementing such a requirement across all Town public bodies and ensure that required hearing parties are present in person.

Finally, any discussion of parameters of participation by members of the public should not be conflated positively or negatively with accommodations under the Americans with Disability Act. While the ADA's primary requirement is that public meetings be held in an accessible physical location, disabled parties, members of the public, and public body members may request reasonable accommodations through or in conjunction with the Town's ADA Coordinator. Such requests can be highly varied and adopting a specific mode of remote participation would not relieve the Town of its responsibility to provide appropriate reasonable accommodations.

## **ARTICLE 24 HOME RULE LEGISLATION/RANKED CHOICE VOTING**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election Modernization Committee)

See previous materials submitted under formerly numbered Article 26.

## **ARTICLE 26 ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2022 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Select Board and at the request of the Town Manager)

This article presents the annual vehicle for consideration and endorsement of Community Development Block Grant expenditures. Should the Board approve the CDBG proposal, a draft vote and comment have been prepared for your review below.

**VOTED:** That the Town hereby endorses the application for Federal Fiscal Year 2022 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

**COMMENT:** This article represents the annual vote to endorse the annual application for Community Development Block Grant funds, a summary of which Town Meeting may find attached to this report.

## OFFICE OF THE SELECT BOARD

JOHN V. HURD, CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
TELEPHONE

781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 3, 2021

Dear Registered Voter:

The Select Board Warrant Article Hearing for the petition that you signed, originally scheduled for Monday, March 8th at 7:15 p.m. has been rescheduled to Monday, March 22nd at 7:15 p.m. The meeting will take place virtually via Zoom.

### Article 21      Vote/Public Remote Participation

Information which includes the link to the Select Board meeting will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Thursday, March 18, 2021 by 7:00 p.m.

Please feel free to contact my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,  
SELECT BOARD

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:lc

# OFFICE OF THE SELECT BOARD

JOHN V. HURD, CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 16, 2021

Dear Registered Voter:

The Select Board will meet virtually on Monday, March 22, 2021 at 7:15 p.m. to discuss the Warrant Article petition that you signed. The meeting will take place virtually via Zoom.

Article 19      Vote/Establishment of Town Committee on Auto and Property Insurance  
Claims and Losses

Information which includes the link to the Select Board meeting will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Thursday, March 18, 2021 by 7:00 p.m.

Please feel free to contact my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,  
SELECT BOARD

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:lc

**Vote/Public Remote  
Participation**

Anne Marie Hilbert  
126 Jason Street  
Arlington, MA 02476

Elizabeth Dray  
130 Jason Street  
Arlington, MA 02476

Jeff Katsiaficas  
126 Jason Street  
Arlington, MA 02476

Steven Dray  
130 Jason Street  
Arlington, MA 02476

Rodica Woodbury  
124 Jason Street  
Arlington, MA 02476

Katie Stencik  
201 Pleasant Street  
Arlington, MA 02476

Lynette Culverhouse  
24 Draper Avenue  
Arlington, MA 02474

Kristin Bosson  
100 Brantwood Road  
Arlington, MA 02476

Amy Keating  
106 Brantwood Road  
Arlington, MA 02476

Thomas Keating  
106 Brantwood Road  
Arlington, MA 02476

Maryanna Foskett  
101 Brantwood Road  
Arlington, MA 02476

**Vote/Establishment of Town  
Committee on Auto and  
Property Insurance Claims and  
Losses**

Michael Garrity  
275 Park Avenue  
Arlington, MA 02476

Andrew Fischer  
25 Lombard Road  
Arlington, MA 02476

Marin Fingerle  
26 Norfolk Road  
Arlington, MA 02476

William Bradley  
19 Lombard Road  
Arlington, MA 02476

Rachel Albert  
19 Lombard Road  
Arlington, MA 02476

Amelia Turner  
6 Lombard Terrace  
Arlington, MA 02476

John M. Rossi  
6 Lombard Terrace  
Arlington, MA 02476

Louise Strayhorn  
25 Lombard Road  
Arlington, MA 02476

Jessica Watson  
9 Addison Street  
Arlington, MA 02476

Ira Kuznick  
108 Decatur Street #4  
Arlington, MA 02474

Jeffrey Roberts  
4 Winslow Street #302  
Arlington, MA 02474



**TOWN OF ARLINGTON**  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: John Hurd, Chair, Select Board

From: Emily Sullivan, Environmental Planner & Conservation Agent

CC: Jennifer Raitt, Director, Department of Planning and Community Development  
Erin Zwirko, Assistant Director, Department of Planning and Community Development  
Michael Rademacher, Director, Department of Public Works  
Wayne Chouinard, Town Engineer  
Bill Copithorne, Assistant Town Engineer

Date: March 18, 2021

RE: Bylaw Amendment/Stormwater Management Warrant Article for 2021 Annual Town Meeting

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A Warrant Article to amend Article 15 Stormwater Mitigation of Town Bylaw Title V Regulations Upon the Use of Private Property has been submitted by the Arlington Engineering Division of the Department of Public Works (DPW) and Department of Planning and Community Development (DPCD). The Warrant Article was originally submitted for 2020 Annual Town Meeting but was postponed due to the COVID-19 pandemic. The Warrant Article has been refiled for 2021 Annual Town Meeting.

The Engineering Division and DPCD are proposing amendments to the Stormwater Mitigation Bylaw for a number of reasons, but first and foremost in order to maintain compliance with the Environmental Protection Agency's (EPA) new Municipal Separate Storm Sewer System (MS4) permit. The MS4 permit regulates nonpoint source pollution into local bodies of water, particularly through the regulation of stormwater management. The MS4 permit was updated in 2016 to include stricter regulations and became effective on July 1, 2018. The Engineering Division and DPCD are working together to develop policies, procedures, and schedules to meet the requirements of the MS4 permit. One such requirement of the MS4 permit is to update local bylaws and regulations that support better Town-wide stormwater management on public and private property, based on prescribed criteria established by the EPA with guidance from the Massachusetts Department of Environmental Protection (MassDEP).

The Engineering Division and DPCD has provided staff support for the background of this Warrant Article, including research into the requirements of the MS4 permit; research into other municipalities' stormwater bylaws and regulations; and facilitating discussion with the Inspectional Services Department (ISD), the DPW, the Arlington Redevelopment Board (ARB),

and the Arlington Conservation Commission (ACC). The Engineering Division and DPCD worked with the Mystic River Watershed Association (MyRWA) and Horsley Witten, a stormwater technical consultant hired by MyRWA, to ensure that all proposed amendments comply with the MS4 permit. Finally, the Engineering Division hired Weston & Sampson, another stormwater technical consultant, for additional assistance reviewing the update.

Additional consideration relative to this Warrant Article includes:

- **Compliance with the MS4 permit is critical.**

Due to the stricter regulations of the MS4 permit, Arlington has been mandated to assess and amend its local stormwater bylaw, regulations, and policies to remain in compliance with the permit. Non-compliance could result in violation orders or decrees with associated fines.

- **The Town's current permitting processes can be improved and coordinated.**

The Engineering Division currently administers a Stormwater Review Permit promulgated by the Stormwater Mitigation Bylaw. The proposed amendments would formalize the current stormwater permitting process, as well as better establish and integrate into Arlington's current permitting processes, especially those permits issued by ISD, the Zoning Board of Appeals, the ARB, and the ACC. Please see the enclosed "Other Permitting Jurisdictions Certification Form".

- **Arlington is a stormwater role model and wants to continue to be a stormwater role model for other communities.**

In Fall 2018, Arlington was selected to be one of two municipalities to work with the EPA and MassDEP to enhance stormwater management through a community support collaborative. The goal of this collaborative was to work with the state and federal stormwater regulatory agencies to improve compliance with the recently updated MS4 permit and reduce the eutrophication and degradation of water quality in the Mystic River. Arlington has a great professional relationship with the EPA and MassDEP stormwater divisions and has been highlighted as a role model community. In Fall 2019, the Engineering Division was featured on an EPA webinar because of the professional relationship and stormwater insight shared with the EPA and MassDEP. Additionally, Town Engineer Wayne Chouinard was awarded a New England Stormwater Collaborative "Stormy Award" in 2020 for his commitment to stormwater management in Arlington. Mr. Chouinard was nominated by the EPA for this award.

In addition to being a role model for stormwater, Arlington is also a role model community for implementing green infrastructure interventions that support improved stormwater management. Between 2019 and 2020, Arlington was awarded over \$300,000 by the Massachusetts Office of Coastal Zone Management (CZM) to install rain gardens and infiltration trenches in East Arlington.

- **An amended Stormwater Management bylaw supports Arlington's ongoing resilience efforts.**

Arlington is actively engaged in efforts to improve climate change preparedness and

resiliency by reducing known vulnerabilities. In 2018, Arlington was awarded funding to create a Municipal Vulnerability Preparedness (MVP) Plan which included a Community Resilience Building Workshop. This workshop enabled Arlington to better understand its greatest opportunities to improve resilience, including reducing flooding along Mill Brook and addressing heat hazards along Arlington's major corridors. After completion of the plan, Arlington was awarded an MVP Action grant to improve the flood storage capacity at Wellington Park.

Arlington is not only invested in local resilience, but is also an active participant in strengthening regional resilience. Arlington is currently a member of three regional collaborative efforts established for the purpose of improving climate change and natural disaster resilience. These three collaborative efforts include the Metropolitan Area Planning Council Metropolitan Mayors Coalition Climate Preparedness Taskforce, MyRWA's Resilient Mystic Collaborative, and the Charles River Watershed Association's Climate Compact. All three of these collaborative efforts are opportunities for municipalities to share best resilience practices. These three collaborative efforts have prioritized stormwater management as a scalable and effective resilience building tactic because stormwater flooding has become a major vulnerability issue in urbanized areas.

ARTICLE 15

STORM WATER MITIGATION STORMWATER MANAGEMENT

(ART. 10, ATM – 04/25/07)

**Section 1. Purpose**

The purpose of this bylaw is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction and post-development stormwater runoff, decreased groundwater recharge, climate change impacts, and nonpoint source pollution associated with new development, redevelopment, and other land alterations. Stormwater runoff can be a major cause of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater, and drinking water supplies;
- (2) Contamination of drinking water supplies;
- (3) Contamination of downstream coastal areas;
- (4) Alteration or destruction of aquatic and wildlife habitat;
- (5) Overloading or clogging of municipal stormwater management systems; and
- (6) Flooding.

The objectives of this bylaw are to:

- (1) Protect wetland and water resources;
- (2) Mitigate climate change impacts;
- (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
- (3) Prevent and reduce pollutants from entering Arlington's municipal separate storm sewer system (MS4);
- (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
- (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and the control of sedimentation and erosion on disturbed sites;
- (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed, and pose no threat to public safety; and

Article 15 Stormwater Management Bylaw Proposed Amendments for 2021 Annual Town Meeting  
March 22, 2021 Select Board Hearing

- (7) Establish Arlington's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

**Section 1. Section 2. Definitions**

A. The following terms, when used whether or not capitalized in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires. Additional definitions may be set forth in the Rules and Regulations promulgated by the Department of Public Works under Section 6.C of this bylaw.

"Building footprint" – The outline of the total area covered by a building's perimeter at the ground level.

"Development" – The modification of land to accommodate a new use or expansion of use, usually involving construction.

"Impervious surface" – A hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools, and play areas.

"Land Alteration" – Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

"Predevelopment" – The status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot.

"Runoff" – Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

"Runoff Rate" – The speed and volume of stormwater which flows over the surface of the land.

"Stormwater" – storm water, snow melt; the flow of water which results from precipitation and which occurs following rainfall or snowmelt. Runoff from precipitation or snow melt and surface water runoff and drainage.

**Section 3. Authority**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

**Section 2. Section 4. Applicability**

This bylaw is applicable to the following development or redevelopment:

Article 15 Stormwater Management Bylaw Proposed Amendments for 2021 Annual Town Meeting  
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A. All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;

B. Alteration of a developed property resulting in an increase to the impervious area of a lot by more than 350 square feet.

This bylaw shall not apply, however, to the paving of private ways that are owned in common with abutting lot owners, and that serve purposes similar to that of public ways, and that are not driveways entirely located on a single lot or on multiple lots under the same ownership.

This bylaw shall be applicable to all new development, development, redevelopment, or land alteration activities resulting in either an increase in impervious surface of 350 square feet or more, or land alteration of 1 acre or more, including such activities that may also require a permit issued by the Redevelopment Board, Conservation Commission, Zoning Board of Appeals, and/or the Inspectional Services Department. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. This bylaw shall also apply to land alterations or disturbances that are less than one acre but are part of a larger plan of development disturbing one acre or more.

Project Categories. The Permitting Authority may by regulation establish categories of projects ranging from "minor" to "major" based on project size, scope, nature, or location. Project Application requirements and submittals, fees, and criteria for permit issuance shall be scaled appropriately based on project category.

#### Section 3. Standard

No project subject to this bylaw may increase the surface water runoff rate relative to the predevelopment runoff rate.

#### ~~Section 4.~~ Section 5. Procedure

A. Application: Prior to the issuance of a building permit for any activity subject to this bylaw, a grading and drainage plan shall be submitted to the Engineering Division, consistent with specifications to be developed by the Arlington Department of Public Works. A fee of \$25.00 shall be assessed to cover the costs of review of the plan.

B. Review: The Engineering Division will review the application, and within 14 days approve, approve subject to conditions, or reject the plan.

C. Relief: The applicant may request relief when strict adherence to this bylaw can be shown to constitute significant hardship due to unique topographical aspects of the site or due to serious financial hardship. Relief may be granted by the Director of Public Works, after consultation with the Engineering Division which decision shall be made within 14 days after the request for same is made. Further relief from the decision of the Director of Public Works may be sought from the Zoning Board of Appeals, which will make a de novo determination after a hearing on the merits. The Zoning Board will convene such hearing within 21 days of a request for relief from the applicant and make a decision within 14 days of the hearing.

Article 15 Stormwater Management Bylaw Proposed Amendments for 2021 Annual Town Meeting  
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D. Prior to project completion, the Town Engineer or the Engineer's representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.

E. Any attempt to occupy the premises by the applicant or anyone else without compliance with the provisions of this bylaw shall be punishable by a fine of \$200 each day of noncompliance to be considered a separate offense.

Permit procedures and requirements shall be defined in the Rules and Regulations promulgated pursuant to Section 6.C. of this bylaw.

**Section 5. Section 6. Administration**

A. The Engineering Division, subject to approval by the Director of public Works and the Town Manager, shall establish administrative procedures for the review and approval of storm water management plans. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.

B. The Engineering Division shall utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw.

A. The Town Engineer or its Designee shall administer this bylaw.

B. The Engineering Division may designate additional authorized agents (Designees) of the Conservation Commission, Redevelopment Board, Zoning Board of Appeals, or Building Inspector to issue Stormwater Permits concurrent with other permitting processes for projects when the land alteration or change in impervious cover is wholly under their jurisdiction.

C. The Engineering Division, subject to approval by the Director of Public Works and the Town Manager, shall adopt, and may periodically amend, Stormwater Management Rules and Regulations including terms, conditions, definitions, enforcement, fees, delegation of authority, procedures and administration of this Bylaw. A public hearing must be held at least 2 weeks prior to the adoption or amendment of such Rules and Regulations, and a draft of the proposed Rules and Regulations must be made publicly available at least 2 weeks prior to the public hearing. Failure of the Engineering Division to issue such Rules and Regulations or legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

D. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority shall define stormwater management standards within the Rules and Regulations. These standards shall incorporate into the Rules and Regulations the minimum standards of the EPA National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4 Permit) and the specifications and standards of latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks, or approved local equivalents. The stormwater management standards may be updated

**Article 15 Stormwater Management Bylaw Proposed Amendments for 2021 Annual Town Meeting  
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and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience.

- E. The Department of Public Works or its Designee has the authority to resolve illicit connections by the means necessary. This authority may be set forth by this Bylaw and is stated in the Rules and Regulations as stated in the Rules and Regulations Relating to Use of Public and Private Sewers.

**Section 7. Enforcement**

The Engineering Division or its Designee shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

A. Civil relief. If a person violates the provisions of this Bylaw, or any associated Regulations, permit, notice, or order issued thereunder, the Engineering Division or its Designee may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders. If the Engineering Division or its Designee determines that a person's failure to follow the requirements of this Bylaw, any regulatory provision issued hereunder, or any authorization issued pursuant to this Bylaw or Regulations is creating an adverse impact to a water resource, then the Engineering Division or its Designee may issue a written order to the person to remediate the adverse impact, which may include requirements to:

- (1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;
- (2) Maintain, install, or perform additional erosion and sediment control measures;
- (3) Perform monitoring, analyses, and reporting;
- (4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
- (5) Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems;
- (6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or
- (7) Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or

Article 15 Stormwater Management Bylaw Proposed Amendments for 2021 Annual Town Meeting  
March 22, 2021 Select Board Hearing

property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division or its Designee within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Engineering Division or its Designee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30th day at which the costs first become due.

**Section 8. Fee Schedule**

A. Permit fees are payable at the time of Application and are nonrefundable.

B. Permit fees shall be calculated by the Engineering Division and shall be approved by the Director of Public Works and Town Manager. Fees shall be outlined within the Rules and Regulations.

C. Town, County, State, and Federal projects are exempt from fees.

D. Consultant Fee. Upon receipt of a Stormwater Permit Application the Engineering Division is authorized to require an Applicant to pay a fee for the reasonable costs and expenses borne by the Engineering Division for specific expert engineering and other consultant services deemed necessary by the Engineering Division to come to a final decision on the Application. The fee is called the consultant fee. The consultant shall be chosen by, and report only to, the Engineering Division. The exercise of discretion by the Engineering Division in making its determination to require payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. The Engineering Division shall return any unused portion of the consultant fee to the Applicant. Any Applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provision of the Massachusetts General Laws.

**Section 9. Severability**

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

**DRAFT**  
**ARLINGTON STORMWATER MANAGEMENT RULES & REGULATIONS**  
**Effective Date: xx/xx/xxx**  
**Revised: N/A**

**SECTION 1: AUTHORITY**

- A. The Rules and Regulations contained herein are in effect in accordance with Article 15 of the Town of Arlington Stormwater Management Bylaw (hereinafter called Article 15).
- B. Nothing in these Rules and Regulations is intended to replace or be in derogation of the requirements of the Town of Arlington Wetlands Protection Bylaw, the Town of Arlington Floodplain District Section 5.7 of the Zoning Bylaw, Arlington Inland Wetland District Section 5.8 of the Zoning Bylaw, or any other Bylaw adopted by the Town of Arlington or any Rules and Regulations adopted thereunder. Any project or activity subject to the provisions of the above-cited Bylaws or Rules and Regulations must comply with the specifications of each. In case of conflict, the more stringent provisions shall apply.
- C. These Rules and Regulations may be periodically amended by the Engineering Division in accordance with the procedures outlined in Article 15.
- D. The Engineering Division may make revisions to the fee schedule presented in Appendix B periodically upon the approval of the Director of Public Works and the Town Manager, and in accordance with Article 15.
- E. Waivers. The Engineering Division may waive strict compliance with any of the requirements of Article 15 or the Rules and Regulations promulgated hereunder, if it finds that:
  - 1. Application of some of the requirements is unnecessary or impracticable because of the size or character of the development project or because of the natural conditions at the site;
  - 2. The project is consistent with the purposes and intent of Article 15, and;
  - 3. The project provides substantially the same level of protection to the public health, safety, environment, and general welfare of the Town as required by Article 15.

Any Applicant for a waiver must submit a written request for such a waiver to the Engineering Division. Such a request shall be accompanied by an explanation or documentation supporting the waiver request. The Engineering Division shall provide a written response to any such waiver request within ten (10) business days of receipt of the request. Should the Engineering Division require additional time or information to review a waiver request, a notice shall be provided to the Applicant in writing informing them of the delay and additional information, if any, required. In the event the Applicant fails to provide requested information, the waiver request shall be denied. Applicants may appeal a rejected waiver to the Director of Public Works, who shall provide a written response to any such waiver request within ten (10) business days of receipt of the request. Approval of a waiver from the requirements of Article 15 by the Engineering Division or the Director of Public Works does not constitute a release of the Applicant's responsibility to adhere to the rules and regulations of other permitting authorities.

**SECTION 2: PURPOSE**

- A. The purpose of these regulations is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction and post-development stormwater runoff, decreased groundwater recharge, climate change impacts, and nonpoint

source pollution associated with new development, redevelopment and other land alterations, as more specifically addressed in Article 15.

### **SECTION 3: DEFINITIONS**

- A. All definitions are provided in Article 15 or Appendix A of the Town of Arlington Stormwater Management Rules and Regulations.

### **SECTION 4: APPLICABILITY**

These Rules and Regulations apply to all projects or activities subject to the Applicability section of Article 15. Projects and/or activities subject to Article 15 must obtain a Stormwater Management Permit (SMP) from the Engineering Division or its Designee in accordance with the permit procedures and requirements defined in Sections 5 through 9 and Appendix B of these Rules and Regulations.

No work on a project meeting or exceeding threshold requirements under the jurisdiction of Article 15 may commence without written approval of the Engineering Division or its Designee confirming that the project or activity is in compliance with the Design Standards of these Regulations. If work commences without approval, enforcement action and/or fines may be pursued.

A. Exempt Projects - No Permit Required

Notwithstanding Section 4.B, no permit shall be required by the Engineering Division or its Designee for:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and G.L.C. 40A, § 3.
2. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of these Rules and Regulations.
3. Projects creating less than 350 square feet of new impervious cover and disturbing less than one acre of land.
4. Repairing, repaving, or replacing an existing driveway or parking area. See Section 4.C.2. of this section for expansion regulations.
5. Repair or replacement of an existing roof.
6. Normal maintenance of existing lawn, landscaping, or garden areas.
7. Construction of any fence that will not alter existing terrain or drainage patterns.
8. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage that will not permanently alter the site.
9. The maintenance or surfacing of any unpaved public or private way.
10. Such other projects as the Engineering Division or its Designee may find, at its discretion, to meet the standards for a waiver, provided that erosion control measures such as those listed in the most recent versions of the Massachusetts Stormwater Management Standards and Technical Handbooks and the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas are used appropriately and the project or activity will not result in

an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

B. All projects or activities not falling under an exception listed in Section 4.A shall require a Stormwater Management Permit in accordance with Sections 4.C to 4.E. The installation of porous pavers shall not negate the need for a stormwater mitigation review

C. Projects or activities that require a Minor Stormwater Management Permit:

1. Any land alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 350 square feet up to 1,000 square feet, except for work that requires a building permit (see Section 4.D. below).
2. The expansion of a driveway or parking area with a resultant increase in impervious area between 350 and 1,000 square feet.

D. Projects or activities that require a Major Stormwater Management Permit:

1. Any project or activity effectuating an alteration, disturbance, development, or redevelopment of land that increases impervious area and is ineligible for a Minor Stormwater Management Permit requires a Major Stormwater Management Permit.
2. Any land alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 1,000 square feet or more and/or disturbs one acre of land or more.
3. Any alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 350 square feet or greater and requires a building permit from Inspectional Services.

E. An Emergency Stormwater Permit (ESP) may be issued in cases where a delay or failure to perform work poses an imminent danger to public health or safety. The Engineering Division or their Designee may, at their sole discretion, issue an ESP. Any person to whom an ESP is issued shall submit the materials described in Sections 5 through 9 and Appendix B of these Rules and Regulations as soon as practical thereafter for review and ratification.

## SECTION 5: DESIGN STANDARDS

A. Minor Stormwater Management Permits (mSMPs)

At a minimum all projects subject to a Minor Stormwater Management Permit shall be designed to the following standards:

1. Stormwater management systems requiring minor stormwater permits shall be designed to meet the minimum storage requirements presented in the following table.

Increase in Impervious Area (s.f.)	Minimum Storage Required (gal.)
350 to 450	440
451 to 550	540
551 to 650	640

Increase in Impervious Area (s.f.)	Minimum Storage Required (gal.)
651 to 750	730
751 to 850	830
851 to 950	930
950 to 999	980

2. All projects must consider and, unless infeasible, propose and implement Low Impact Development (LID) BMPs listed in the Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods. LID BMPs should be considered for their impact on overall site climate change resilience, improvements to water quality, and ability to handle water quantity.
3. All projects must include sufficient sediment and erosion controls throughout the duration of the project. Sediment and erosion controls shall meet the requirements of the most recent versions of the Massachusetts Stormwater Management Standards and Technical Handbooks and the Massachusetts Runoff, Erosion and Sediment Control Field Guide.

#### **B. Major Stormwater Management Permits (MSMPs)**

At a minimum all projects subject to a Major Stormwater Management Permit shall comply with the performance standards of the most recent version of the Massachusetts Stormwater Management Standards and Technical Handbooks, and these Rules and Regulations, with the following differences from the Handbook noted:

1. Stormwater management systems requiring major stormwater permits shall be designed to:
  - a) Retain the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the redeveloped site, including any directly connected impervious area draining onto the redeveloped site; and
  - b) Remove 90% of the average annual load of Total Suspended Solids generated from the impervious area on the site; and
  - c) Remove 60% of the average annual load of Total Phosphorus (TP) generated from the total area on the site;<sup>1</sup> and
  - d) Maintain or reduce peak flows from the project area for the 2-, 10-, 25-, and 100-year, 24-hour frequency events.
2. Stormwater management systems designed on commercial and industrial land use area draining to Alewife Brook or the Charles River shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill.
3. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways shall improve existing conditions unless infeasible and are exempt from Section 5.B.2. Such activities include the following:

- a. Roadway widening by less than a single lane width;
  - b. Adding shoulders to roadways;
  - c. Correcting substandard intersections;
  - d. Improving existing intersections; and
  - e. Repaving projects.
  - f. Roadway widening or improvements that increase the amount of impervious area by greater than or equal to a single lane width shall meet the requirements of Section 5.B.2.
4. The rainfall amounts used for design and analysis shall be based on the NOAA Atlas 14+ Volume 10 Point Precipitation Frequency Estimates for Arlington.
  5. All projects must consider and, unless infeasible, propose and implement Low Impact Development (LID) Best Management Practices listed in the Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods. LID BMPs should be considered for their impact on overall site climate change resilience, improvements to water quality, and ability to handle water quantity.
  6. All projects must include sufficient sediment and erosion controls throughout the duration of the project.

## **SECTION 6: ADMINISTRATION**

### **A. Administration of Rules and Regulations**

The Engineering Division shall administer, implement, and enforce these Rules and Regulations, except as otherwise noted. The Engineering Division may designate in writing any authorized Town employee, board, or agent for the purposes of reviewing stormwater submittals and issuing stormwater management permits.

The Applicant shall submit all Stormwater Management Permit Application submittals in compliance with these Rules and Regulations to the Engineering Division.

The Engineering Division will review the submittal for administrative completeness and compliance with the requirements and standards of these Rules and Regulations. If the proposed project is administratively complete and complies with these Rules and Regulations, the Engineering Division may grant a Stormwater Management Permit, in addition to any other approval or permit for which they are authorized. The Engineering Division or its Designee shall have authority to enforce Article 15 and these Rules and Regulations. The Engineering Division or its designee may reject an Application if it is not administratively complete.

### **B. Right of Entry**

Filing an Application for a permit grants the Engineering Division or its Designee permission to enter a project site from the time of Application until a Stormwater Certificate of Compliance is issued as necessary to verify the information in the Application and to inspect the site for compliance with the resulting permit.

### **C. Minor Stormwater Management Permit Approval Process**

1. The Engineering Division or its Designee shall review the permit Application within ten (10) business days of receipt.
2. The Engineering Division or its Designee shall provide a written response to the Applicant within the review period indicating one of the following:
  - (1) Disapprove the Application for being incomplete and require the submission of additional information and/or deny the Permit;
  - (2) Approve the Permit Application;
  - (3) Approve the Permit Application with conditions, modifications, and/or restrictions that are required to ensure that the project will protect water resources and meet the objectives and requirements of Article 15;
  - (4) Deny the Permit Application due to non-compliance with Design Standards or insufficient information to make a determination;
  - (5) Determine that a Minor Stormwater Management Permit is inappropriate and require the submission of a Major Stormwater Management Permit.
3. If a Minor Stormwater Management Permit Application is denied, the Applicant may choose to take one of the following actions:
  - (1) Make required changes to the Application and resubmit to the Engineering Division. The Application shall be treated as a new submittal upon receipt, and the Engineering Division shall complete the review in accordance with the requirements of Section 6.C.
  - (2) Appeal the determination to the Director of Public Works.
  - (3) Request a waiver from the Engineering Division as detailed in Section 1, provided the Design Standards cannot be met due to site conditions or the Applicant wishes to propose an alternative design not consistent with the Design Standards.

**D. Major Stormwater Management Permit Approval Process**

1. The Engineering Division or its Designee shall review the permit Application within fifteen (15) business days of receipt.
2. The Engineering Division or its Designee shall provide a written response to the Applicant within the review period indicating one of the following:
  - (1) Disapprove the Application for being incomplete and require the submission of additional information and/or deny the Permit.
  - (2) Approve the Permit Application;
  - (3) Approve the Permit Application with conditions (see Standard Conditions, Appendix C), modifications, and/or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of Article 15;
  - (4) Deny the Permit Application due to non-compliance with Design Standards or insufficient information to make a determination.

3. If a Major Stormwater Management Permit Application is denied, the Applicant may choose to take one of the following actions:

- (1) Make required changes to the Application and resubmit to the Engineering Division. The Application shall be treated as a new submittal upon receipt, and the Engineering Division shall complete the review in accordance with the requirements of Section 6.D.
- (2) Appeal the determination to the Director of Public Works.
- (3) Request a waiver from the Engineering Division as detailed in Section 1, provided the Design Standards cannot be met due to site conditions or the Applicant wishes to propose an alternative design not consistent with the Design Standards.

**E. Coordinating with Other Permitting Authorities, Jurisdictions, and Regulations**

Should a project require a Minor or Major Stormwater Management Permit and also be located within the jurisdiction of another permitting authority such as the Conservation Commission, the Redevelopment Board, the Inspectional Services Department, the Zoning Board of Appeals, or another authority, the Applicant shall obtain approval of the Minor or Major Stormwater Management Permit in addition to the issuance of a permit from the other required permitting authority. Should changes be required to stormwater management per the permit conditions issued by another permitting authority, the Engineering Division will not require additional Stormwater Management Permit review and approval, provided the changes to the design and conditions are at least as stringent, if not more so, than those contained in the original Stormwater Management Permit, unless so requested by the other permitting authority. Any such changes shall be reflected in an As-Built Plan to be provided to both the Engineering Division and the other permitting authority at the completion of the project.

**F. Deadline for Action**

Failure of the Engineering Division or its designee to take final action upon a Stormwater Management Permit within ten (10) business days of the receipt of a Minor Stormwater Management Application and within fifteen (15) business days of the determination of receipt of a Major Stormwater Management Application shall be deemed to be approval of said Application, unless extension of the deadline date is requested in writing by the Engineering Division prior to the applicable deadline date.

If desired, Applicants shall submit a written Appeal for a Stormwater Management Permit Application that has been denied to the Director of Public Works within thirty (30) business days of the original date of submission of the Stormwater Management Permit Application. The Director of Public Works shall issue a decision within fifteen (15) business days of receipt of the Appeal, unless an extension has been mutually agreed upon in writing by the Applicant and the Director of Public Works.

**G. Plan Changes**

The Applicant or their legal designee must notify the Engineering Division or its Designee, in writing, of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Engineering Division or its Designee determines that the change or alteration is significant, based on the Design Standards in Section 5 and accepted construction practices, the Engineering Division or its designee may require that an amended Application be filed.

#### H. Appeals of Actions of the Engineering Division

A final decision by the Engineering Division made under these Rules and Regulations shall be reviewable in a court of competent jurisdiction by an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch. 249. § 4. An appeal of an action by a board, commission, or department that has concurrent regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission, and/or department of the Town of Arlington. An appeal shall result in suspension of any Permit so appealed as described in these Regulations, until such time as the appeal process of the applicable board, commission, and/or department has been resolved.

#### I. Project Delay

If the project associated with an approved Stormwater Management Permit granted under Article 15 has not been completed within three (3) years of permit issuance, the Permit shall expire. At the request of the Applicant, the Engineering Division may extend the Permit or require the Applicant to apply for a new permit. Any request for extension shall be submitted to the Engineering Division in writing no later than 30 days prior to the expiration of the Stormwater Management Permit. The Engineering Division may require updates to the project to comply with current regulations and standards as a condition of the permit extension.

#### J. Project Completion

A Stormwater Management Certificate of Completion (SMCC) is required for completion of Stormwater Management Permits as further detailed in Section 9. The Engineering Division will issue a SMCC upon review and approval of the required documents and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with Article 15.

### SECTION 7: SITE MEETINGS

#### A. Construction Commencement

1. Pre-Construction Meeting: The Engineering Division or its Designee may require a pre-construction meeting prior to starting clearing, excavation, construction, or land-disturbing activity by the Applicant. The Applicant's technical representative, the general contractor, or any other person with authority to make changes to the project shall meet with the Engineering Division or its representative to review construction sequencing and the permitted plans and their implementation.
2. Notice of Construction Commencement: The Applicant must notify the Engineering Division two (2) days prior to the commencement of construction. In addition, the Applicant must notify the Engineering Division two (2) days prior to construction of critical components of any stormwater management structural Best Management Practices (BMPs).
3. The Engineering Division may require the submission of periodic inspections and reporting by the Applicant as dictated by site conditions.
4. A copy of the approved and signed plans and permits for a SMP shall be kept on the construction site at all times.

#### B. Construction Observations

1. Upon issuance of any Stormwater Management Permit, and until issuance of a SMCC, the Engineering Division shall be granted the right to enter the property per Section 6.B. at reasonable times and in a reasonable manner for the purpose of observation.
2. The Engineering Division shall require the Applicant or its Designee to schedule the following observations by the Engineering Division and its Designee, at a minimum:
  - a) Stormwater Management System Bottom Excavation Observation: An observation may be made of the bottom of excavation for the stormwater management system to ensure adequate separation of the stormwater system from groundwater and to confirm the presence of approved soil type.
  - b) Stormwater Management System Installation Observation: An observation may be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.
- C. The Engineering Division shall be provided with a minimum of 24-hours notice prior to the desired observation time. The Engineering Division shall not be responsible for any project delays related to the Applicant's failure to provide the Engineering Division with appropriate notice.
- D. Should the Applicant neglect to schedule the required observations, the Engineering Division may find the Applicant in violation of the Permit Conditions and require any work completed while in violation to be removed so that the appropriate observations can be completed.
- E. The Engineering Division may waive in-person construction observations in favor of the Applicant providing construction photos adequately showing the conditions that would be witnessed during an observation. The decision to waive an observation is at the sole discretion of the Engineering Division and such decision shall be requested by the Applicant prior to the start of excavation.
- F. Notes indicating the required observations are to be added to the Site Plan(s).

## **SECTION 8: RECORDKEEPING AND REPORTING REQUIREMENTS**

- A. Annual inspection and maintenance reports shall be submitted to the Engineering Division by June 1st annually. Inspection reports for stormwater management systems shall include:
  1. The date of inspection.
  2. Name of inspector.
  3. The condition of each BMP, including components such as:
    - a) Pretreatment practices or devices.
    - b) Vegetation or filter media.
    - c) Spillways, valves, or other control structures.
    - d) Embankments and slopes.
    - e) Inlet and outlet channels and structures.
    - f) Underground drainage structures.

- g) Sediment and debris accumulation in storage and forebay areas (including catch basins).
  - h) Any nonstructural practices.
  - i) Any other item that could affect the proper function of the stormwater management system.
- 4. Description of the need for maintenance.
  - 5. Observations of any physical changes to system in comparison with the approved as-built plan.
- B. The owner(s) of the stormwater management systems shall notify the subsequent owner(s) of the system(s) location, maintenance requirements, and reporting requirements.

## **SECTION 9: STORMWATER MANAGEMENT CERTIFICATE OF COMPLETION (SMCC)**

### **A. Stormwater Management Certificate of Completion for Minor Stormwater Management Permit**

- 1. The Applicant or their designee shall submit the following in order to obtain a SMCC for a Minor Stormwater Management Permit:
  - a. As-Built Site Plan/Sketch, signed and dated by the Applicant, Contractor, or other Designee, showing at a minimum the location of, dimensions of, and swing-ties to the installed stormwater management system and associated observation ports, as well as all newly installed impervious areas and the corresponding as-built increase in impervious area;
  - b. Statement of Compliance, signed and dated by the Applicant, Contractor, or other Designee, stating that the stormwater management system and impervious areas were constructed in accordance with the approved design package and meet the requirements set forth in Article 15.
  - c. Written Request for a SMCC.
- 2. After receipt of the Request for a SMCC and prior to the issuance of a SMCC, the Engineering Division may inspect the stormwater management system to confirm its features. If the installed conditions are found to differ from the approved Minor Stormwater Management Permit and/or the As-Built Plan/Sketch, the Engineering Division shall have the right to require corrections or improvements to the as-built system before issuing a SMCC.
- 3. It is the responsibility of the Applicant to request, in writing, the issuance of a SMCC from the Engineering Division upon completion of the work approved under a Stormwater Management Permit. An Applicant who fails to request a SMCC prior to the expiration of the SMP may be found in noncompliance with Article 15, and face applicable fines for each day of noncompliance.

### **B. Stormwater Management Certificate of Completion for Major Stormwater Management Permit**

- 1. The Applicant or their designee shall submit the following in order to obtain a SMCC for a Major Stormwater Management Permit:

- a. As-Built Site Plan, stamped, signed and dated by a Professional Engineer or Land Surveyor licensed in Massachusetts, produced to scale, showing at a minimum the location of, dimensions of, and swing-ties to the installed stormwater management system and associated observation ports, as well as all impervious areas (buildings, patios, walks, driveways, sheds, etc.) present on the site and the corresponding increase in impervious area;
  - b. Statement of Compliance, stamped, signed and dated by the Design Engineer, stating that the stormwater management system and impervious areas were constructed in accordance with the approved design package and meet the requirements set forth in Article 15.
  - c. Written request for a SMCC.
2. After receipt of the Request for a SMCC and prior to the issuance of a SMCC, the Engineering Division may inspect the stormwater management system to confirm its features. If the installed conditions are found to differ from the approved Major Stormwater Management Permit and/or the As-Built Plan, the Engineering Division shall have the right to require corrections or improvements to the as-built system before issuing a SMCC. Further, a system will be deemed inadequate if issues including, but not limited to, errors in the infiltrative capability, the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges are found. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Permit, the Engineering Division shall also have the right to require corrections or improvements to the as-built system before issuing a SMCC.
3. It is the responsibility of the Applicant to request, in writing, the issuance of a SMCC from the Engineering Division upon completion of the work approved under a Stormwater Management Permit. An Applicant who fails to request a SMCC prior to the expiration of the SMP may be found in noncompliance with Article 15, and face applicable fines for everyday of noncompliance.

## **SECTION 10: ENFORCEMENT**

The Engineering Division or its Designee may enforce Article 15, Rules and Regulations, orders, permits, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief: If a person violates the provisions of Article 15, these Rules and Regulations or any associated rules and regulations, permit, notice, or order issued there under, the Engineering Division or its Designee may seek injunctive relief in a court of competent jurisdiction restraining the person.
- B. Orders: If the Engineering Division or its Designee determines that a person has failed to follow the requirements of Article 15, these Rules or Regulations or any other regulatory provision issued hereunder, or any authorization issued pursuant to Article 15 or these Rules and Regulations then the Engineering Division may issue a written order to the person to remediate the adverse impact, which may include requirements to:
  1. Cease and desist from land-disturbing activity until there is compliance with the Article 15 or these Rules and Regulations or provisions of an approved Stormwater Management Permit;
  2. Maintain, install or perform additional erosion and sedimentation control measures;
  3. Perform monitoring, analyses, and reporting;

4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
  5. Comply with requirements of the Stormwater Management Permit for operation and maintenance of stormwater management systems;
  6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or
  7. Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, it may issue an order setting forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Engineering Division affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30<sup>th</sup> day on which the costs first become due.
- D. Criminal and Civil Penalties: Any person who violates any provision of the Stormwater Management Bylaw, these Rules and Regulations, or the terms or conditions in any permit or order prescribed or issued there under, may be subject to a fine not to exceed \$200 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- E. Noncriminal Disposition: As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c.40, § 21D and § 1-6B of the Town of Arlington General Bylaws, in which case any police officer of the Town of Arlington, the Town Engineer, and such other persons as are authorized by the Engineering Division shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Entry To Perform Duties Under This Bylaw: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Engineering Division, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under Article 15 and these Rules and Regulations and may make or cause to be made such examinations, surveys, or sampling as the Engineering Division deems reasonably necessary.
- G. Appeals: The decisions or orders of the Engineering Division or its Designee shall be final unless appealed to the Director of Public Works successfully. Further relief shall be available only in a court of competent jurisdiction.

- H. Remedies Not Exclusive: The remedies listed in Article 15 and these Rules and Regulations are not exclusive of any other remedies available under any applicable federal, state, or local law.

### **SECTION 13: SEVERABILITY**

The invalidity of any section, provision, paragraph, sentence, or clause of these Rules and Regulations shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

**END OF ARLINGTON STORMWATER MANAGEMENT BYLAW RULES AND REGULATIONS**

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## APPENDIX A: DEFINITIONS

The following definitions supplement those included in the Town of Arlington Stormwater Management Bylaw (Article 15)

1. ABUTTER

For the purpose of Arlington Article 15 and these Rules and Regulations, an abutter is any property owner whose property physically abuts the property upon which work is being proposed.

2. ALTER

To change the conditions of any area subject to protection by this Bylaw, and shall include but not be limited to one or more of the following actions:

- A. Fill, removal or excavation of soil, sand, gravel or aggregate of any kind;
- B. Changing of pre-existing drainage characteristics, sedimentation patterns, flow patterns, and flood storage retention areas;
- C. The dumping, discharging, or filling with any material which could degrade water quality;
- D. Driving of pilings, erection of buildings or structures of any kind;
- E. Removal, addition, or relocation of an impervious surface of any kind;
- F. Placing of any object or obstruction, whether or not it interferes with the flow of water;
- G. Destruction, extensive trimming, or removal of natural or planted plant life, vegetation, or trees.

3. APPLICANT

A property owner or agent of a property owner who has filed an Application for a Stormwater Management Permit.

4. BEST MANAGEMENT PRACTICE (BMP)

Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

5. BUILDING FOOTPRINT

The outline of the total area covered by a building's perimeter at the ground level.

6. CLIMATE CHANGE

Change in the state of the earth's climate that can be identified by statistical changes of its properties that persist for an extended period, typically decades or longer, whether due to natural variability or as a result of human activity. Climate change impacts can adversely impact stormwater runoff and stormwater management.

7. CONSTRUCTION WASTE

Waste that may come into contact with stormwater on construction sites, including but not limited to discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

8. CONVEYANCE

- A. Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.
- B. Any impervious surface, including pavement, where surface/sheet flow is utilized to convey rainfall.

9. DEVELOPMENT

The modification of land to accommodate a new use or expansion of use, usually involving construction.

10. ARLINGTON DRAINAGE AND STORMWATER DESIGN STANDARDS

The Drainage and Stormwater Design Standards promulgated by the Department of Public Works of the Town of Arlington.

11. DISTURBANCE

See "ALTER".

12. EMERGENCY STORMWATER PERMIT (ESP)

An Emergency Stormwater Permit may be issued in cases where a delay or failure to perform work poses an imminent danger to public health or safety.

13. EROSION CONTROL

The prevention or reduction of the movement of soil particles or rock fragments.

14. EROSION CONTROL PLAN

A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

15. EXISTING LAWN

Grass area which has been maintained and mowed in the previous two years.

16. FILL

The placement or deposit of any material that raises, either temporarily or permanently, the elevation of any area subject to Article 15.

17. FLOODING

A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

18. GRADING

Changing the level or shape of the ground surface.

19. GROUNDWATER

All water beneath any land surface including water in the soil and bedrock beneath water bodies.

20. HOODED CATCH BASIN

A catch basin that is fitted with an inverted elbow over its outlet pipe or similar structure that is designed to retain oils and other floatables within the catch basin sump and prevent them from flowing into the drainage system.

21. INFEASIBLE

Not technologically possible, or not economically practicable and achievable in light of best industry practices.

22. IMPERVIOUS SURFACE

A hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools, and play areas.

23. LAND ALTERATION

Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

24. LOW-IMPACT DEVELOPMENT (LID)

Systems or practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and the associated aquatic habitat.

25. NEW DEVELOPMENT

Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by activities.

26. NORMAL MAINTENANCE OF LAWN/YARD

Maintenance of existing developed or landscaped yards or structures that do not result in any net loss of native vegetation or permanently alter the soil surface other than for planting of vegetation. Examples include but are not limited to: trimming of branches and shrubs, pruning (but not removing) trees (can prune up to 20% of canopy), and removal of invasive species.

27. OWNER

A person with a legal or equitable interest in a property.

28. PERSON

Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Arlington, and any other legal entity, its legal representatives, agents, or assigns.

29. PERVIOUS MATERIAL

Soil Types that are listed as Class I, II and III soils as defined in 310 CMR 15.243 and 15.244 based upon the general soil classification used by the U.S. Department of Agriculture and depicted in the Soil Textural Triangle. Decking shall also be considered a pervious material provided one of the aforementioned soil types is located below the decking. "Pervious pavers", "pervious asphalt", and other similar materials will only be considered pervious if a suitable design for the system as a whole is submitted to and approved by the Engineering Division. Otherwise these materials will be considered impervious.

30. POINT SOURCE

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

31. PREDEVELOPMENT

The status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot.

32. REDEVELOPMENT

Any construction or land disturbance of a parcel of land that does not meet the definition of new development above.

33. RESOURCE AREA

Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Arlington Wetlands Protection Bylaw.

34. RUNOFF

Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

35. RUNOFF RATE

The speed and volume of stormwater which flows over the surface of the land.

36. SEDIMENTATION

A process of depositing material that has been suspended and transported in water.

37. SLOPE

The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance (e.g. a 4:1 slope). It can also be expressed as a percentage of the vertical rise divided by the horizontal distance (e.g. a twenty-five (25) percent slope).

38. STORMWATER

Runoff from precipitation or snow melt and surface water runoff and drainage.

39. STORMWATER MANAGEMENT CERTIFICATE OF COMPLETION (SMCC)

A document issued by the Engineering Division after all construction activities have been completed which states that all conditions of an issued Stormwater Management Permit (SMP) have been met and that a project has been completed in compliance with the conditions set forth in a SMP.

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## APPENDIX B: APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS

Applications for a Stormwater Management Permit (SMP) shall include the materials as specified in this section.

- A. Fees: The Engineering Division or its designee shall obtain with each submission an Application fee to be collected at the time of Application according to the Fee Schedule. After-the-fact Applications shall submit fees at triple the rate set in the Fee Schedule.

PERMIT TYPE	FEE
Minor Stormwater Management Permit	\$100
Major Stormwater Management Permit	\$200

- B. Signature: The Applicant must sign the Application.

C. Minor Permit Submission Requirements

One (1) hard copy of the original Minor Stormwater Management Permit Application, including all applicable submittal items, shall be submitted to the Engineering Division. An electronic copy (pdf) of all Minor Stormwater Management Permits and applicable submittal items shall also be submitted to the Engineering Division by email to [engineering@town.arlington.ma.us](mailto:engineering@town.arlington.ma.us). The submitted applications shall adhere to the following requirements:

1. One (1) completed Minor Stormwater Management Permit Application Form with the following:
  - a) Name, contact information, and original signatures of owner(s), Applicant(s), and, if applicable, representative.
  - b) Address of property as well as assessor map and parcel ID.
  - c) Project description.
  - d) Site plan reference(s).
  - e) Operation and Maintenance (O&M) Plan.
2. Payment of the Application and review fees.
3. A Stormwater Management Site Plan that may be prepared by drafting or hand sketching. Required elements, depending on site-specific conditions, might at the discretion of the Engineering Division, include:
  - a) General Information
    - (1) Title.
    - (2) Date.
    - (3) Name and address of record owner and if applicable the name, address, and telephone number of the engineer or surveyor.

- (4) When prepared by a professional, plans shall be stamped by a Registered Professional Engineer, Professional Land Surveyor, or other recognized professional acceptable to the Engineering Division.

(b) Existing Conditions

- (1) The site's existing topography with approximate contours at 2 foot intervals for the work area.
- (2) Locations of existing buildings, driveways, walls, etc.
- (3) Locations of soil tests including test pits, borings, groundwater determinations, and percolation tests with the soil logs and percolation testing results, and/or other soil testing procedures, when available

(c) Proposed Conditions

- (1) Proposed grading plan for work area.
- (2) Proposed improvements including location of structures, impervious surfaces, utilities, and easements, if applicable.
- (3) Locations of all erosion and sedimentation control measures and BMPs.
- (4) Construction details for all erosion and sedimentation controls proposed to be utilized.
- (5) For engineered systems designed to provide drainage or stormwater management including, but not limited to, culverts, drainage outfalls, catch basins and pervious pavement provide an appropriate plan detail, along with an Operation and Maintenance plan required to maintain the design element.

4. Any other information requested by the Engineering Division.

**D. Major Permit Submission Requirements**

One (1) hard copy of the original Major Stormwater Management Permit Application, including all applicable submittal items, shall be submitted to the Engineering Division. An electronic copy (pdf) of all Major Stormwater Management Permits and applicable submittal items shall also be submitted to the Engineering Division by email to [engineering@town.arlington.ma.us](mailto:engineering@town.arlington.ma.us). The submitted applications shall adhere to the following requirements.

1. One (1) completed Major Stormwater Management Permit Application Form with the following:
  - a) Name and contact information, of owner(s), Applicant(s), and, if applicable, representative.
  - b) Address of property as well as assessor map and parcel ID.
  - c) A brief project description.
  - d) Site plan reference(s).
  - e) Operation and Maintenance (O&M) Plan.

2. Payment of the Application and review fees.
3. A Project Narrative that includes a description of the proposed project and a description of how and where stormwater will be controlled and erosion and sedimentation controls implemented, and an explanation of why the Applicant believes the plans:
  - a) Meet the Design Standards enumerated in Section 5;
  - b) Employ, to the maximum extent practicable, environmentally sensitive site design as outlined in the most recent edition of the Massachusetts Stormwater Handbook;
  - c) Attempt to reproduce natural hydrologic conditions with respect to groundwater and surface water<sup>2</sup>;
  - d) Include square footage summaries indicating square footage of limit of work as well as existing, proposed and net changes in impervious surface areas.
4. A Stormwater Management Site Plan prepared as follows:
  - a) General Information:
    - (1) Sheet size: Sheets shall have a maximum dimension of 24" x 36" and a minimum dimension of 11" x 17".
    - (2) Scale: Not more than 1" = 50'. If project sites are large, an overall site plan at 1" = 100' is acceptable, but detailed plans must be at or less than 1" = 50'. Include graphical scales on all plans. Coordinate system shall be 1983 North American Datum, Massachusetts State Plane, feet, and North American Vertical Datum (NAVD) of 1988.
    - (3) Title Block: A title block shall be included on all plans, located at the lower right hand corner, oriented to be read from the bottom when bound at the left margin. Include:
      - (a) Plan title.
      - (b) Original date plus additional space to reference the title and dates of all plan revisions.
      - (c) Name and address of record owner and engineer and/or surveyor.
      - (d) Address of property, Assessor Map and Parcel ID.
    - (4) Legend: Include legend identifying line types and symbols used in plan set
    - (5) Locus Map.
  - b) An Existing Conditions Plan containing the following:
    - 1) Property lines.
    - 2) The existing zoning, and land use at the site and abutting properties.
    - 3) The location(s) of existing easements.
    - 4) The location of existing utilities (water, sewer, natural gas, etc.).

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<sup>2</sup> Guidance on these practices is provided in Appendix C of these Regulations and the MA Stormwater Management Handbook.

- 5) Existing contours at 2-foot minimum vertical increments. Spot grades for proposed conditions are required when 2-foot contour intervals do not provide sufficient detail to show stormwater flow path and /or more specific detail is needed to demonstrate stormwater flow path.
- 6) Existing landscaping and vegetation including all existing trees within 25 feet of the work area that are over 6 inches in diameter breast height (dbh) and major vegetative cover types, including wooded areas defined by tree line drip line, shrub communities, limits of lawn, and edge of tree canopy.
- 7) Locations of existing structures, pipes, swales and detention ponds.
- 8) Locations of bodies of water, including wetlands.
- 9) A delineation of FEMA Special Flood Hazard areas and calculation of FEMA flood elevation, if applicable. Floodplain elevation data shall be based on 1988 NAVD (North American Vertical Datum) and reference the appropriate National Flood Insurance Rate Map and/or Flood Study.
- 10) Delineation of other relevant areas of concern, including but not limited to wetlands, Wetlands Buffers, Riverfront Areas, Endangered Species Habitat, and Natural Heritage and Endangered Species Program (NHESP) Vernal Pools.
- 11) Location of existing septic systems and private wells, if present.
- 12) The location(s) of soil tests and description of soil from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil description, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information shall be based on site test pits logged by a Massachusetts Title 5 Soil Evaluator.
- 13) The existing vegetation and ground surfaces with runoff coefficients for each.
- 14) Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts or Professional Land Surveyor (PLS).

4. A Proposed Conditions Plan containing the following:

- a) Property lines, building envelope restrictions and/or easement areas, including areas affected by conservation restrictions, if applicable.
- b) Proposed improvements including location of buildings or other structures, utilities, easements, etc., if applicable, and impervious surfaces. For single family homes plans shall show, at a minimum, house footprint, decks, garages, sheds, sewage disposal systems, roof drainage and stormwater drainage structures, as applicable, and all areas of existing and proposed impervious areas including tennis courts, patios, driveways, etc.
- c) FEMA Special Flood Hazard areas, if applicable.
- d) Proposed erosion controls and materials to be used (i.e. straw bales, silt fence and straw wattles, compost filter mitts, etc.) must be indicated on the plan. In projects anticipated to encounter or manage groundwater, provide dewatering contingency plans, details and location(s). Hay bales may not be used as these have been found to introduce invasive species.

- e) Limit of work.
  - f) Proposed grading for work area. Proposed contours at 2-foot minimum vertical increments. Spot grades for proposed conditions are required when 2-foot contour intervals do not provide sufficient detail to show stormwater flow path and /or more specific detail is needed to demonstrate stormwater flow path.
  - g) Locations for storage of materials, equipment, soil, snow and other potential pollutants.
  - h) Location(s) and description of existing stormwater conveyances, impoundments, wetlands, drinking water resource areas, or other critical environmental resource areas on or adjacent to the site or into which stormwater flows.
  - i) Proposed drainage facilities (plan view and details) including drawings of all components of the proposed stormwater management system including:
    - (1) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization.
    - (2) All measures for the detention, retention or infiltration of water.
    - (3) All measures for the protection of water quality.
    - (4) For engineered systems designed to provide drainage or stormwater management including, but not limited to, culverts, drainage outfalls, catch basins and pervious pavement 'systems'; provide an appropriate plan detail with notes on drawings specifying materials to be used, and construction specifications.
    - (5) Notes indicating the required inspections for the site and the stormwater drainage facilities during construction.
  - j) Proposed landscaping, vegetation and ground surfaces with runoff coefficients for each. Proposed tree removal/plantings and landscaping activities shall be completed in accordance with the requirements of the Department of Public Works and/ or the Conservation Commission as applicable.
  - k) Locations where stormwater discharges to surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or offsite).
  - l) A general construction note that states the Engineering Division shall be notified prior to work in accordance with project permits.
  - m) Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater Regulations; a stamp and signature of a Professional Land Surveyor (PLS) is acceptable if no drainage facilities are proposed and they have the experience and capability to prepare the required Site Plan and to provide the required existing and proposed grading and erosion control provisions.
5. A Stormwater Management Plan Report shall be prepared in conformance with the Design Standards contained in Section 5 and contain the following elements:
- a) Description of the existing site hydrology.

- b) A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater time of concentration (Tc) flow paths, including drainage system flows.
- c) Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
  - (1) Description of the design storm frequency, intensity and duration.
  - (2) Time of concentration.
  - (3) Soil Runoff Curve Number (CN) based on land use and soil hydrologic group.
  - (4) Peak runoff rates and total runoff volumes for each watershed area.
  - (5) Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed.
  - (6) Infiltration rates, where applicable.
  - (7) Culvert capacities.
  - (8) Flow velocities.
  - (9) Data on the increase in rate and volume of runoff for the specified design storms.
  - (10) Documentation of sources for all computation methods and field test results.
- l) If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges from Construction Activities (applicable to construction sites that disturb one or more acres of land), then the Applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter) as part of its Application for a SMP.

7. Post Construction Operation and Maintenance Plan (O&M)

- a) The Post-Construction O&M Plan shall be included that shall be designed to ensure compliance with the Permit, Article 15 and these Rules and Regulations and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The O&M Plan shall be a stand-alone document, and shall remain on file with the Engineering Division and shall be an ongoing requirement. The O&M Plan shall apply to the entire project site, not just the disturbance area.
- b) The Post-Construction O&M Plan shall include, at a minimum:
  - (1) The name(s) of the owner(s) for all components of the system and emergency contact information.
  - (2) The signature(s) of the owner(s).
  - (3) The names and addresses of the person(s) currently responsible for O&M. If O&M responsibility is contracted to a third party; a copy of the maintenance agreement(s) must be provided. If the responsible party is not the owner of the property where the

BMP is located then a copy of the legal instrument that establishes the terms of and legal responsibility for the O&M of the project site BMPs as well as a plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions must be included.

- (4) An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.
- (5) A reduced size plan or map clearly showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices.
- (6) If applicable, a list of easements necessary for the construction and O&M of the stormwater system, with the purpose and location of each. Easements shall be recorded with the Middlesex South County Registry of Deeds prior to issuance of a Stormwater Management Certificate of Compliance by the Engineering Division.
- (7) Estimated annual O&M budget.
- (8) O&M inspection schedule and log form.
- (9) The final O&M Plan shall be signed by the property owner and shall be provided at the time of sale/property transfer to any subsequent property owners to ensure that the transfer of responsibilities is understood by future owners.
- (10) Provisions for the Engineering Division or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

## APPENDIX C: STANDARD CONDITIONS FOR STORMWATER MANAGEMENT PERMITS

Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Permit.

1. This Permit does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
2. This Permit does not relieve the Applicant or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
3. The work authorized hereunder shall be completed within three years from the date of this Permit unless the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Permit.
4. This Permit may be extended by the issuing authority for one or more periods of up to three years each upon Application to the issuing authority at least 30 days prior to the expiration date of the Permit.
5. No work shall be undertaken until all appeal periods from this Permit have elapsed or, if such an appeal has been filed, until all proceedings before the Court have been completed.
6. A copy of the Approved Permit shall be kept on-site at all times during construction. All contractors and subcontractors engaged during construction shall be provided with a copy of this Permit and all supporting documents before commencing work.
7. The Applicant shall provide the Engineering Division a forty-eight (48) hour notice, in writing, before starting any work authorized or required by this Permit.
8. Prior to the start of work, the Applicant shall install erosion and sedimentation controls in accordance with approved design.
9. After installation of erosion and sedimentation controls, but prior to the conduct of any other site work authorized or required by this Permit, the Applicant shall contact the Engineering Division to determine if a pre-construction meeting will be required. Should a pre-construction meeting be required, the Applicant, and the person and/or contractor engaged to install the stormwater management system shall be present to insure that all aspects of the Permit are fully understood, particularly the necessity to install the system in accordance with the approved design details. The Applicant is required to schedule two observation visits (the bottom excavation observation and system installation observation). The Engineering Division or its Designee has the authority to schedule additional observations if needed (e.g. erosion control observation and final as-built observation).
10. Accepted engineering and construction industry standards of workmanship, materials, and procedures shall be followed to the completion of the project in a proper, substantial, and workman-like manner. Engineering and construction shall be provided in a manner consistent with the level of care and skill ordinarily exercised by those providing services under similar circumstances, and all work must abide by all current Federal, State, and Local regulations and codes regarding engineering and construction.
11. In the event of any spill of hazardous materials (including gasoline, fuel oils, lubricants and hydraulic fluids), the Arlington Fire Department (781-316-3800), the DEP's Spill Response Unit (617-556-1133), the Arlington Board of Health (781-316-3170), the Arlington Conservation Commission Office (781-316-3012), and the Arlington Engineering Division (781-316-3320) shall be contacted immediately.

12. The Contractor shall clean up at least daily, all refuse, rubbish, scrap and surplus materials, debris, and unneeded construction equipment resulting from the construction operations. The site of the work and the adjacent areas shall be kept in a neat and orderly condition. Sediments that might be deposited on streets adjacent to the site shall be swept up daily.
13. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
14. All loam to be used in the landscaped areas of the site shall be from sources certified to be free from weed seeds, especially those of invasive species.
15. All excavated earth material not used during the course of this project and all construction waste and debris shall be removed from the site and disposed of in accordance with applicable regulations. No construction waste or debris may be discharged to the drainage system.
16. The Applicant shall immediately control any erosion problems that occur on-site, and shall notify the Engineering Division of said problems. If any erosion problems occur it may become necessary to install additional erosion and sedimentation controls in association with this project.
17. Following completion of work, the Applicant shall request, in writing, that a Stormwater Management Certificate of Completion be issued. The request shall state that stormwater management system has been satisfactorily installed and the site has been adequately stabilized.
18. After completion of construction, fertilizers utilized for landscaping and/or lawn care shall be organic in nature and of the low phosphorus content variety.
19. The owners of the project and their successors in title, in the event they proceed to alter areas subject to the Engineering Division's jurisdiction under this Permit, agree that the Town of Arlington shall have no responsibility to maintain the proposed drainage system and that said Town shall not be liable for any damages in the event of failure. By acceptance of this Permit, the owners indemnify and hold harmless the Town of Arlington and its residents for any damages attributable to alterations undertaken on this property pursuant to this Permit. Issuance of this Permit does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage.



Engineering Division

TOWN OF ARLINGTON  
Department of Public Works  
51 Grove Street  
Arlington, Massachusetts 02476  
Office (781) 316-3320 Fax (781) 316-3281

## Stormwater Management Permit Other Permitting Jurisdictions Certification Form

### Projects or activities that require a Minor Stormwater Management Permit:

- 1) Any land alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 350 square feet up to 1,000 square feet, except for work that requires a building permit.
- 2) The expansion of a driveway or parking area with a resultant increase in impervious area between 350 and 1,000 square feet.

### Projects or activities that require a Major Stormwater Management Permit:

- 3) Any project or activity effectuating an alteration, disturbance, development, or redevelopment of land that increases impervious area and is ineligible for a Minor Stormwater Management Permit requires a Major Stormwater Management Permit.
- 4) Any land alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 1,000 square feet or more and/or disturbs one acre of land or more.
- 5) Any alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 350 square feet or greater and requires a building permit from Inspectional Services.

Please refer to Section 4.A of the Arlington Stormwater Management Rules and Regulations for a list of projects that are exempt from a stormwater management permit.

Name:	Email:	Phone:
Project Location:		
Project Summary:		

Select one of the following:

- ☐ Based on the project description and the thresholds above, this project does not require a stormwater permit.
- ☐ Based on the project description and the thresholds above, this project requires a Minor Stormwater Permit.
- ☐ Based on the project description and the thresholds above, this project requires a Major Stormwater Permit.

This project also requires the following permits:

- ☐ Environmental Design Review Special Permit (Arlington Redevelopment Board)
- ☐ Conservation Permit (Conservation Commission)
- ☐ Special Permit or Variance (Zoning Board of Appeals)
- ☐ Building Permit (Inspectional Services)
- ☐ Demolition Permit (Inspectional Services)

I certify that I have received the requisite Stormwater Permit, as applicable, and that I am pursuing all other Town of Arlington permits that are required for this project.

Signature

Date



## **ARLINGTON HISTORIC DISTRICT COMMISSIONS**

Carol Greeley, Executive Secretary  
c/o Department of Planning & Community Development  
730 Massachusetts Avenue  
Arlington, MA 02476

**March 5, 2021**

### **Memorandum to the Select Board re: Article 14**

The Arlington Historic District Commissions filed Article 14 to make it easier for homeowners in our Districts to deal with the issue of gutter replacement. On most houses in our seven Districts, the gutters are considered an integral part of the style and fabric of the building, and thus any changes to them other than like with like replacement requires formal Commission review. Unfortunately, most modern wood replacement gutters are not available in the same high-quality materials originally used and, due to their exposure to the elements, tend to fail relatively quickly. After much consideration, the Commissions have found certain alternative gutters made of fiberglass (similar to boat hulls) can be made such that, when painted and installed appropriately, they replicate the appearance and dimensions of original wooden gutters, also having the advantage of being lighter to work with and greater water handling capacity.

Since fiberglass gutters from approved manufacturers were introduced a few years ago and were successfully installed in numerous instances, the Commissions have invariably allowed their use subject to reasonable conditions. However, under the current bylaw such approval continues to require an application, publication and mailing of legal notices, a formal hearing, and the issuance of a certificate. We filed the following article with the goal of simplifying things for both homeowners and the Commissions:

To see if the Town will vote to amend Title VII, Historic Districts, in Article 4, by adding a provision whereby the replacement of existing gutters with fiberglass gutters, made by an approved manufacturer, may be allowed administratively, without the necessity of notice or hearing, or take any action related thereto:

Here is the proposed text which the Commissions unanimously approved at their meeting on February 25:

VOTED to amend the Town B-Laws in Title VII, Article 4, Section 3, by adding a new subsection as follows:

H. The replacement of existing wood or aluminum gutters with fiberglass gutters, provided that the fiberglass replacements shall be 1) substantially similar in size, design, and installation to those being replaced and 2) subject other such conditions as to manufacturer, installation details [including paint], documentation requirements, and similar matters as the relevant Commission may reasonably specify.

To provide more context, the existing lettered paragraphs of Article 4, Section 3 begins with the following words:

Except to the extent specifically prohibited by General Laws Chapter 40C the authority of the Commissions shall be limited in that they shall not have power to review the following: *[there follows paragraphs A through G listing various things that do not require formal review]*.

For all such items, the Commissions can administratively issue a Certificate of Non-Applicability (CONA) to the Applicant, thus dispensing with the notice and hearing process.

We would appreciate your support and positive recommendation on our proposed vote.

Stephen Makowka, Chair  
Historic District Commissions

March 18, 2021

Andrew Fischer

[Andrew.Fischer25@gmail.com](mailto:Andrew.Fischer25@gmail.com)

781 439 2600 cell

Dear Select Board,

Thank you for your time considering this article about Arlington's insurance premiums and claims.

The purpose of this article is to learn the facts about Arlington's homeowner and auto insurance costs, including the costs and causes of claims as well as premiums.

**Below is a discussion of estimated insurance costs, based on information from the Insurance Information Institute and US World News. Insurance commands an enormous cash flow that comes straight out of our pockets. Information about costs and causes of claims seem cordoned off from public knowledge, and the process appears extremely inefficient. The public has grown too sophisticated to tolerate this apparent waste without question.**

**Therefore I am asking the Town to vote for an examination of our insurance costs. Should the insurance process be consolidated?**

I hope to begin a discussion to reimagine how insurance is managed. Perhaps the mission statement of insurance should be "to inform and motivate people about causes of claims, and to provide revenue to pay for both claims **and prevention services**.

There is in fact a real possibility that insurance could become a source of revenue. The rationale is that insurance dollars should pay for at least some of our prevention expenses, such as the police and fire departments.

Several sources, such as US World News, report that the average cost of auto insurance in our State is over \$1000, suggesting that Arlington's aggregate auto insurance cost of our 32,000 cars might be about \$32 million. Where does all this money go? What are the main causes of accidents?

Regarding homeowner insurance:

Arlington has about 8000 single family houses, three thousand two family houses, and about 210 three family houses. Their total insurance cost may be around \$15 million, if the average cost for each unit is \$1000. But who really knows? It is just not the norm for the public to be aware of what is really rather basic information.

In the information age, there is no need to be left in the dark about such questions.

Let's look at the information I have been able to find.

The next page summarizes the reports to the Town of property insurance claims over \$1000, for the year 2016. The State of Massachusetts requires each insurance company to file these reports with each town in the Commonwealth.

### Summary of property insurance claims for Arlington MA: calendar year 2016

Insurance Company	Total Claims	# specified type of loss	% specified
Amica	4	4	100%
Arbella Insurance Group	18	0	0%
Commerce Insurance Company	31	28	90%
Mapfre	18	0	0%
Integon National Insurance Company	1	0	0%
Main Street America Group	2	2	100%
Merrimac Mutual Fire Insurance Company	3	2	67%
Met Life	11	0	0%
MPIUA (Massachusetts Property Insurance Underwriting Association)*	15	12	80%
NLC Insurance Companies	3	0	0%
Norfolk and Dedham Mutual Fire Insurance Company	9	9	100%
Providence Mutual	1	0	0%
Safety Insurance	18	0	0%
Travelers Casualty Insurance Company	18	0	0%
USAA Casualty Insurance Company	4	0	0%
Vermont Mutual Insurance Company	4	4	100%
New England Claims Service**	10	10	100%
Samuel F McCormack Company**	22	22	100%
<b>Total</b>	<b>192</b>	<b>93</b>	<b>48%</b>
<b>Total Claims not specified</b>		<b>99</b>	<b>52%</b>

\* Insurer of last resort in Mass for high risk property or individuals filing many claims

\*\* insurance adjuster; do not specify insurance company

<b>Specified Losses by Type</b>	<b>#</b>
Water	37
Water related to plumbing	13
Mold	2
Ice and snow	4
Wind	13
Collapse	1
Fire	1
Theft & vandalism	2
Losses related to vehicles	3
Sewerage	3
Freeze	5
Building/other structural damage	9
<b>Total Losses specified</b>	<b>93</b>

**Explanation:** For example, Amica reported to the Town of Arlington a total of four property insurance claims for over \$1000 during 2016. Amica reported the cause of each of these claims, so that 100% of Amica’s claims featured the cause.

In contrast, Arbella reported 18 such claims, and did not report the cause for any of them.

All of the reported causes are of very few words - - the 37 reports recorded here as water, only say that one word - “water.”

This summary only shows one insurance claim caused by “fire.” There likely were other fire-related claims among the 99 reports that omitted the cause.

For there to be only one reported incidence of fire loss is remarkable, because the fire department responded to “129 calls for fires,” according to the 2016 Report to Town Meeting. I wonder how many of the 129 “calls for fire” included the beginnings of fires that the department extinguished, how many were for calls that turned out to be an oil furnace doing a “puff back” {my furnace did that once, and I called the fire department}, and so on.

By literally putting out so many fires, how many insurance claims were prevented?

It is noticeable that of these 192 reports, 99 do not include the cause. I do not know if the law requires the cause to be included.

**Clearly the insurance companies are not motivated to share more specific information, such as total costs, or the actual causes of losses.**

**The police and fire department provide interesting information about their work in the Annual Report to Town Meeting.** From page 38 of the 2016 Report to Town Meeting:

“During 2016 the AFD {Arlington Fire Department} responded to 5205 calls for assistance, increase of 3% from 2015. **Reported dollar loss for 2016 totaled \$3,186,677. This includes structure and hazardous condition incidents.** Of these 5205 calls, 3177 were for medical emergencies. Medical emergencies include emergency medical responses and emergency medical assists. Rescue 1, the AFD ambulance, transported 1792 patients to area hospitals.

**Note the contrast: “reported dollar loss totaled \$3,186,677 “- - compared to the total that we paid as a community in premiums, which was.....who knows? \$15 million is a very low guess.**

Immediately after this paragraph is a table of “Reponses Fire Call Type.” For each of the years 2013 to 2016, several categories are reported, such as, in 2016: 129 calls to fires, 111 to carbon monoxide activations, 75 for water hazards, 31 for mutual aid {I think this means sending help to other towns,} 44 lock out/in, 218 electrical hazards/down lines, 174 for motor vehicle accidents, 44 smoke scares, 107 natural gas emergencies, 36 flammable liquid hazards, 77 hazardous conditions, 235 other, 3,068 emergency medicals, and two others.

The Police Department chapter of the Annual Report of 2016 includes similar information, but without a financial valuation of loss. On page 32:

#### **Traffic Unit**

During 2016, the Police Department responded to 807 motor vehicle crashes. That represents a decrease of 14% from 942 crashes responded to in 2015. Of that number 86 were hit and runs (-33%), 595 were crashes without injuries (-11%), and 96 were crashes with injuries (-9%).

There were no motor vehicle crashes that resulted in a fatality during 2016.

Over 2,500 motor vehicles were stopped by the Department. This resulted in citations being issued for 2,737 violations. The most common violations cited were for speeding, failure to stop at red lights/stop signs, crosswalk violations, and motor vehicle equipment violations.

Again, thank you for your time considering this first step to learn the facts about insurance in the Town of Arlington.

Andrew Fischer

Pct 6

[andrew.fischer25@gmail.com](mailto:andrew.fischer25@gmail.com)

781 439 2600

1355 Massachusetts Ave  
Lexington, MA 02420  
March 12, 2021

Dear Chair Hurd and Select Board Members of the Town of Arlington,

My name is Cindy Steinberg. I wrote to you back in the Spring of 2019 regarding a parking waiver program to the overnight street parking ban for disabled people. I have recently been alerted that there has been a warrant introduced to Town Meeting this spring that would ensure remote options post-COVID for access to Town government-affiliated events and meetings, including the ability of Town Meeting representatives to participate virtually. I am in strong support of this warrant as a way to include disabled people in policy-making in their own community.

I am the founder of the Arlington, MA Chronic Pain Support Group, a free community resource which I have been running monthly for 20 years. Over that time period, more than 450 people have come to this group. We meet at the Arlington Robbins Library the second Friday of every month all year around. However, that changed when the pandemic hit. Our meetings have been virtual since March, 2020.

I am also the National Director of Policy and Advocacy at the U.S. Pain Foundation and Chair of the Policy Council of the Massachusetts Pain Initiative. In 2019, I was an invited witness before the U.S. Senate for a hearing on chronic pain and was appointed by Massachusetts Governor Charlie Baker to serve on his Opioid Working Group.

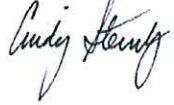
As someone with chronic pain who has been leading meetings for those with chronic pain for two decades, I can attest that attending government meetings and forums can be extremely painful and difficult, often preventing many from our community from participating. I myself must lay down flat every hour for 25 minutes and cannot stand or sit for more than an hour at a time. It is more difficult to accommodate this need in public spaces. For many, it may not even be feasible at all. Those who live with moderate to severe chronic pain on a daily basis tend to experience serious limitations to their mobility. Even things like sitting on hard wooden benches or metal folding chairs, for the many hours government meetings can often take--can be excruciating if not impossible. In fact, doing so for some, can seriously trigger symptoms that can endure for days or weeks. Since the pandemic caused us to shift our meetings to a virtual forum, our monthly attendance has notably increased and our members have voiced their support of continuing remote options post-COVID. I intend even after in-person meetings resume, to employ a hybrid remote option, to ensure access to those of our members who cannot attend in-person. If we can do it, we believe the Town can as well.

Our ability to contribute to the formation of local policies--from housing, to healthcare access, to parking--that directly impact us and impact us in ways that may not occur to others without chronic pain or disability--makes it very important that local governments do what they can to ensure we have a seat at the table. To that end, I think continuing to offer remote options to disabled people when the Town of Arlington commences with in-person meetings, is vital to democratizing local government and including the perspective of all residents. Further, there is a strong argument to make that access to Town government, including remote options, would qualify as a reasonable accommodation under the Americans with Disabilities Act.

I believe the Town should seriously consider ensuring remote options to their meetings post-COVID. By doing so, it will be sending a clear message that it welcomes residents who have chronic pain and

disability and does not wish to erect barriers to those who want to be a part of governing the community they live in. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Steinberg". The signature is fluid and cursive, with the first name "Cindy" being more prominent than the last name "Steinberg".

Cindy Steinberg  
National Director of Policy & Advocacy  
U.S. Pain Foundation  
Chair, Policy Council  
Massachusetts Pain Initiative  
cindycssteinberg@gmail.com  
cindy@uspainfoundation.org  
781-652-0146

**From:** Elizabeth Dray <elizabethdray7@gmail.com>  
**To:** John Hurd <JHurd@town.arlington.ma.us>, Ashley Maher <amaher@town.arlington.ma.us>  
**Date:** 03/18/2021 12:38 PM  
**Subject:** Please include in 3/22 agenda documents related to Article #21

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**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear Arlington Select Board Members,

As a longtime disability and medical advocate for those with rare health disorders, the President of the Massachusetts Chapter of the Marfan Foundation, and the Founder and Co-Leader of the Ehlers Danlos Syndrome and CTD (Connective Tissue Disease) New England/Massachusetts Support Group, I am writing you today in support of a warrant that would enable remote options post-COVID for those wishing to participate in Arlington Town government, including as a representative Town Meeting Member.

Those of us with disability are often excluded from public spaces where we can contribute valuable and critical input to the policies and practices that most impact us. This is especially the case in the age of COVID, where we disproportionately absorb the brunt of risk and mortality of exposure to the virus should we attend in-person events. As such, it is paramount that governments work to ensure access to their spaces in ways that maximize equity and diversity. Prior to COVID, many disabled folks were denied telecommuting and remote options, whether in the workplace, or when it comes to accessing healthcare (i.e., telehealth appointments), or attending government commission and committees in their hometowns and cities. We were told that it wasn't feasible or practical to offer us remote options. Yet, when the pandemic hit, the disability community watched as society pivoted in a matter of days and weeks to embrace the remote options we'd been asking for years. In other words, once health risks and access problems became an issue for everyone, society was willing to make changes. Now that the precedent has been set and expectations have also been established, denying disabled people remote options for participation in town government would be nothing less than exclusionary and prejudicial.

If those of us are denied options for participating in town government post-COVID, it would not be for a lack of ability to accommodate our needs, but because of a lack of will to create more equitable spaces and a failure to value our participation. If anything good can come out of this pandemic, it should be the ability to maintain expanded access to spaces that many disabled people were previously denied. We should be able to participate in our local governments in ways that accommodate our access needs, and maintaining remote options is one key way to do this. Therefore, I hope the Town will consider taking steps to ensure those us with extenuating medical circumstances are able to resume with hybrid remote options for government participation if and when the Town of Arlington commences with in-person meetings again. Thank you for your consideration.

Sincerely,

Jonathan Rodis, MBA

National Disability and Medical Advocate for Rare Disorders  
President-Massachusetts Chapter of the Marfan Foundation  
Founder and Co-leader-Ehlers-Danlos and CTD New England/Massachusetts Support Group

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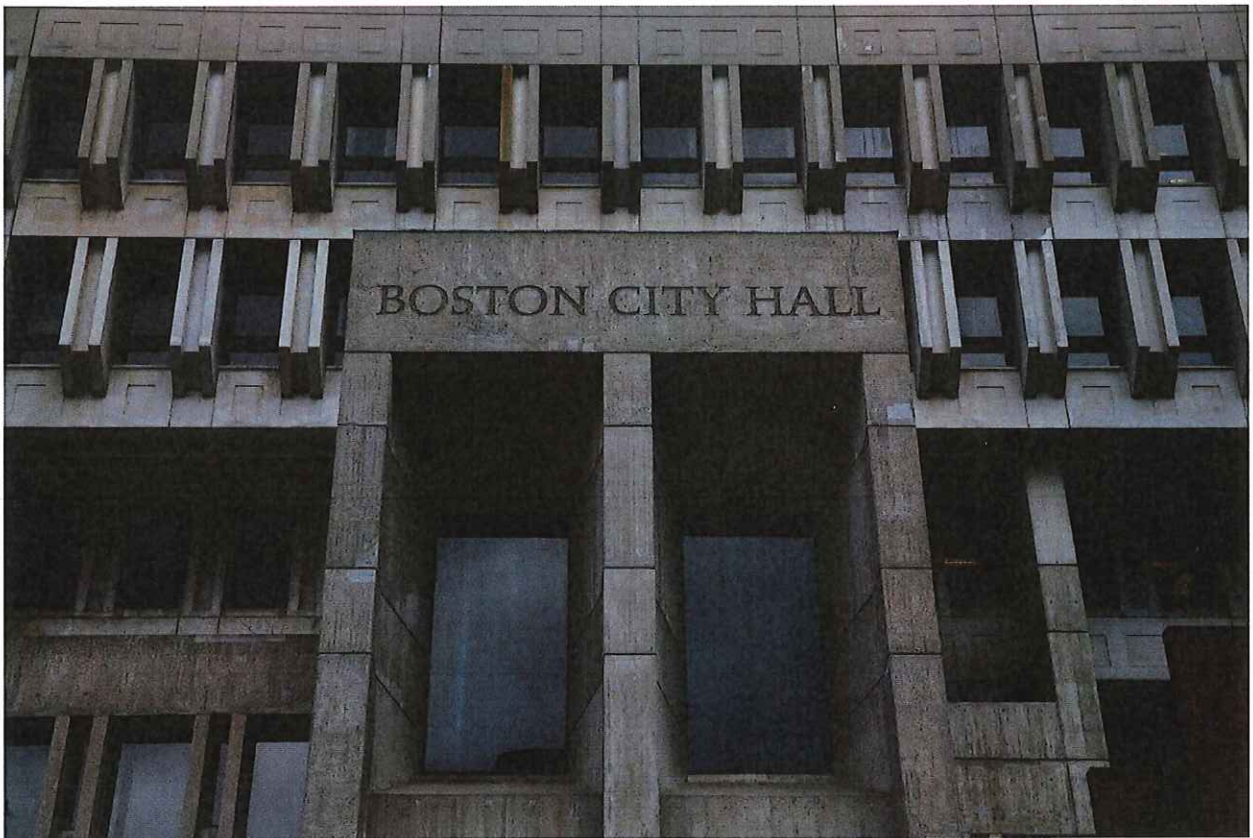
*she/her/hers*

*Living on the ancestral lands of the Massachusett Tribe, the tribe of Indigenous peoples from whom the Colony, Province, and Commonwealth have taken their names. I pay my respects to the ancestral bloodline of the Massachusett Tribe and their descendants who still inhabit historic Massachusett territories today.*

# Boston councilors want to make remote participation in meetings permanent

By [Danny McDonald](#) Globe Staff, Updated March 15, 2021, 4:02 p.m.

9



Boston City Hall CRAIG F. WALKER/GLOBE STAFF

Looking to the end of the COVID-19 pandemic, a pair of Boston city councilors are pushing to make remote, virtual participation in public hearings and meetings a permanent fixture of city government.

Councilors Lydia Edwards and Liz Breadon will introduce an ordinance at the council's Wednesday meeting, with the proposal noting that "resident engagement in local democracy in Boston has meaningfully increased due to remote participation allowances during the pandemic."

Many cannot attend-in person meetings because of other obligations, and residents with disabilities face additional challenges in accessing in-person meetings, Edwards and Breadon said in their proposal. The councilors argued that allowing residents to participate in open meetings remotely makes government more effective and accessible.

Advertisement

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"The inaccessibility of most government meetings is a pre-pandemic inequity that we can't go back to," said Edwards in a statement. "As we come out of the pandemic I'm focused on ensuring our city's government is as transparent and accessible as possible. Permanently allowing

residents to participate virtually would make it easier for a wider range of voices to be heard and bring our city's government one step closer to the standards residents expect from us."

Breadon pointed out that during the past year of pandemic living, the city has seen productive local meetings that are held entirely online.

"Digital access to government and civic meetings makes our city more democratic," she said. "We cannot miss this opportunity to bring in the voices of caregivers and others who are not able to attend in-person meetings."

The proposal has the backing of the ACLU of Massachusetts, which also supports a measure introduced in the state Legislature that would update the state's open meeting law to guarantee that remote access to public meetings outlives the current public health emergency.

"Local democracy works best when all of us are able to engage," said Carol Rose, the organization's executive director. "Providing Bostonians with the option to remotely participate in city government meetings makes local government more accessible for residents with disabilities, and those who may not have access to reliable transportation, have caretaking responsibilities, or are unable to take a leave of absence from work, among other daily challenges."

Dianna Hu, the chairwoman of the Boston Center for Independent Living, also supports the measure, saying "extending virtual participation is a way to amplify the voice of the disability community in government."

"This general movement, from being in-person, in the office, to remote work, that's actually been an accessibility accommodation that the disability community has been asking for, for a long time," said Hu, who uses a motorized wheelchair.

Boston has seen more than 60,000 cases of COVID-19 in its residents, a caseload that includes a death toll of more than 1,300.

On Monday, Mayor Martin J. Walsh said that 13 percent of Boston residents were fully vaccinated against COVID-19 as of March 10.

## **WARRANT ARTICLE #21 PUBLIC REMOTE PARTICIPATION**

To see if the Town will vote to establish parameters for interactive, simultaneous remote participation by members of the public in meetings of all public bodies in the Town of Arlington; or take any action related thereto.

Elizabeth Dray

## **The intention of this warrant article is:**

- to support hybrid, interactive remote public participation in all of the town's public bodies in accordance with Open Meeting Law, the Town Manager Act and at the discretion of the Chair of each public body.
- It is not the intention of this warrant article to influence a public body's policy on public comment or engagement as this remains at the discretion of the Chair.

## **What this article does:**

- Allows hybrid (both in person and remote) public participation in all public bodies in Arlington
- Lowers barriers to access for all residents, including but not limited to: caretakers, parents with young children, Seniors, those without reliable transportation, residents with disabilities, single parents, residents with varied work schedules and caretakers
- Provides increased equity and inclusivity of residents of all ages and abilities
- Allows for more vibrant and diverse input

## **What this article does not do:**

- violate Open Meeting Law -
  - AG regulations “enable members of public bodies to participate remotely if the practice has been properly adopted.” and may do so “without following the Open Meeting Law’s remote participation procedures.”
  - “The decision regarding forms of accessibility is under the discretion of the public body”  
Division of Open Government
- infringe on the Town Manager Act
- influence a public body’s policy on public comment or engagement as this remains at the discretion of the Chair.
- change the Open Meeting Law requirement that the public body itself will need to meet in person and satisfy quorum

## **Survey of Arlington's public bodies regarding their experience with public remote participation during the pandemic.**

- An informal 6 question survey was sent out to 47 of the Town's Boards, Committees and Commissions. (all public bodies with an available email)
- Questions asked about whether they saw an increase in public participation, their experience, who would benefit from continued hybrid public participation and any concerns about hybrid (in person and remote) public participation in the future.
- 14 Public bodies responded as of Thursday

## Survey Results

1. **Since moving to remote meetings last Spring have you seen public attendance at your meetings:** 50% increase 50% Stay the same
2. **If you have experienced increased public attendance at your meetings, do you see this as:** 100% of responders who had increased attendance saw it as positive
3. **When the Governor's orders allowing remote meetings end, would you like to see the current practice of allowing remote participation of the general public continue?** Yes 64% No 0% Unsure 36%
4. **When the Governor's orders allowing remote meetings end, would you like to be able to continue to attend public meetings remotely?** Yes 64% No 7% (1) Unsure 29%

**1. In your opinion, do you think that allowing the public to attend meetings remotely has**

**lowered barriers to access for:**

● parents with young children	88.89%
● Seniors	66.67%
● residents with visual impairments	33.33%
● single parents	77.78%
● women	44.44%
● residents without cars or reliable transportation	77.78%
● men	44.44%
● Students	44.44%
● residents with hearing impairment	55.56%
● residents with mobility impairment or limited mobility	55.56%
● Caretakers	55.56%
● residents with lower income	55.56%

**What is your biggest concern about holding hybrid (remote and in person) meetings in the future?**

- Appropriate technology to ensure that meetings can run smoothly and that all feel they are seen and heard
- Effectively and equally including the remote participants in the meeting.
- The moderators and facilitators of such meetings must be of the proper temperament and skillset to manage this greater level of democratic participation.
- Issues of parity across experiences of those attending in person vs those attending remotely. If we support public remote participation, it should be integrated thoughtfully into the meeting's proceedings.
- I don't have a concern. I have been conducting business this way for years.
- Potential challenges integrating technology that enable a smooth meeting experience for individuals attending both online and in person need to be addressed.

## Additional survey comments

- I don't know if I'd want to come back to in-person meeting until I feel it is safe, even if the governor allows it. Restaurants are open for inside dining, but I will not be doing that for quite a while, for example
- Utilizing Zoom for our monthly committee meetings allowed us to adjust the meeting time to better accommodate parents of young children. Also, we didn't have to fight over limited conference room space. Weather, of course, becomes a non-issue.
- Speaking to my experience with other boards and committees, I do think overall having the opportunity to simply dial in or join via device makes these meetings more accessible to a wider range of participants.
- G-R-E-A-T idea to bring this to the town now! Our committee members have had the chance to attend many other town committee/boards' meetings which have to do with trees than we would have pre-pandemic. This has broadened our reach to other decision-makers exponentially!
- I would be curious to know the costs of doing this.
- I think is a very worthy endeavor and, if managed well, can enhance equitable participation.
- I would generally prefer to attend meetings in person in the future, but I would also like the option of participating remotely given personal commitments at home.

## Endorsements

- Envision Arlington Diversity Task Group
- Arlington chapter of the National Pain Foundation
- The Boston Center for Independent Living
- Jonathan Rodis, MBA of the National Disability and Medical Advocate for Rare Disorders and president of the Massachusetts Chapter of the Marfan Foundation.

## **ARTICLE 21 PUBLIC REMOTE PARTICIPATION**

### **Presenter - Elizabeth Dray**

#### **Background**

The one silver lining of COVID is that it pushed us to move to online and remote meetings, showing us what was possible and making town government more accessible to all residents. Arlington has done an incredible job rising to meet this challenge. The success of these meetings offers us an incredible opportunity as a town to continue this inclusive and more equitable public participation in the workings of the public bodies in Arlington. I urge Arlington to seize on this momentum and to continue to offer hybrid remote public participation beyond the pandemic. I acknowledge that it will be additional work for the Town and may involve start up costs, but I strongly believe it is worth it. Arlington can be a leader for our neighboring communities in the way we continue to reach out and engage residents in town government in a more inclusive and equitable way.

Since becoming a TMM last year, I have focused on encouraging and facilitating greater resident engagement in local town government, committees and commissions. I regularly email my constituents to let them know about important town events and meetings. For three months I held monthly zoom sessions to explain how town government works, to explain Town Meeting and warrants, to share ways to get involved and stay informed and to encourage residents to become Town Meeting members or attend/volunteer with Arlington's many volunteer groups. I also initiated precinct 8 & 10 monthly meetings and worked with other TMMs to create and distribute a leaflet to all precinct 8 & 10 residents sharing our contact info and asking them to voluntarily subscribe to a googlegroup so we can invite them to Precinct meetings and share town related information. It is very exciting and the reception from residents has been great. We have had over 40 participants at each monthly meeting. Residents have been very appreciative of our outreach.

Personally, being able to attend meetings on Zoom from my home has greatly widened the number and type of meetings I attend and has engaged me in many different areas of town government. These are meetings that pre-pandemic I would not have dragged myself out of the house to go to- too cold, too late, too inconvenient, too many easy excuses. I'm even able to attend two meetings at one some nights! Something that will not be possible after the pandemic without some serious advances in cloning in the next 6 months! All this to say that I am much more engaged in and aware of town government. I am not alone. I have heard from many friends and neighbors that Zoom has also made them able to attend more meetings. They can wash the dishes while listening or be in their pajamas, they don't need to find a babysitter and it's a short commute home to bed!

More important than convenience is equity. The ability to participate remotely is more inclusive and equitable for residents of all ages and abilities. Obstacles such as stairs, narrow doorways, icy sidewalks, lack of transportation and inaccessible meeting locations disappear on Zoom. This warrant article has received the endorsement of the Arlington chapter of the National Pain Foundation, the Boston Center for Independent Living and Jonathan Rodis, MBA of the National Disability and Medical Advocate for Rare Disorders and president of the Massachusetts Chapter of the Marfan Foundation. Please see his letter of endorsement below.

I have heard many Chairs of different boards comment that they have never had so many residents come to their meetings before Covid. At the precinct level, I believe almost all the precincts held a meeting before the last special town meeting and some are also holding them on an on-going basis. This is amazing and it is due to the convenience of technology and how it lowers the barriers to make participation and engagement easier and more equitable for all residents.

I would like to see Arlington continue down this road. That is why I am here to ask you to vote to support Article 21.

### **Recommended vote**

#### **ARTICLE 21 PUBLIC REMOTE PARTICIPATION**

To see if the Town will vote to: appropriate a sum or sums of money to support the purchase and maintenance of audio and visual technology needed to allow remote public participation in the meetings of public bodies, including any costs incidental and related thereto, after assessing the technology needs of the Town's eight primary public body meeting spaces and determined and expended under the direction of the Town Manager; work with each public body to support the interactive participation of both in person and remote public in public comment opportunities as defined by Open Meeting Laws, the Town Manager Act and at the discretion of the Chair of each public body; or take any action related thereto.

(submitted by Elizabeth Dray)

### **Expectations for implementation**

The intent of this warrant article is to support hybrid, interactive remote public participation in the town's public bodies in accordance with Open Meeting Law, the Town Manager Act and at the discretion of the Chair of each public body. It is not the intention of this warrant article to influence a public body's policy on public comment or engagement as this remains at the discretion of the Chair. That is, if the public body does not currently allow unscheduled public comments then that would remain the policy. If the public body does allow unscheduled public comments or more informal public participation, then that would remain the policy.

The Town currently has eight spaces that are most often used for public meetings, not including the Select Board chambers and the School Committee Conference room. Those eight primary

meeting spaces are the Town Hall Annex first floor and second floor, the Charles Lyons room, the Jason Cutter Housie, the Senior Center, the Town Manager's conference room, the O'Neill room in the Community Safety Building and the Whittemore Robbins House Double Parlor room. In looking at the meeting calendar for the last year, the number of meetings per night is generally 4, and only one time exceeded seven (on one evening there were 8). Therefore I suggest that the town focus on the seven most used of these spaces and assess what technology currently exists and what is needed to support a hybrid public participation model. This assessment should also be informed by the individual needs of the public bodies, as they vary in size, formality and manner of public participation. Upon completion of that assessment and the assessment of what technology the Town currently owns, the Town Manager would then purchase the audio visual technology needed to equip the meeting space for hybrid remote public participation.

For equity reasons, a survey of public body members will need to be completed to determine if they are able to provide a personal computer/tablet for use during a meeting or will need to borrow one from the town or share a device with a colleague. Lack of access to a personal device should not be a barrier to participation on a public body.

### **Organizational impact**

There will be some impact on the individual public bodies. After assessing their public participation policy they will need to work with a town employee to determine what the best set up is for them. Other possible impacts may be a need to change meeting locations, individual members may need to bring in personal devices (if they have them), individuals who do not have a personal device available may need to borrow one from the town, individuals may need IT training to run the technology and someone will need to monitor the online meeting to mute microphones and monitor the waiting room etc, (as is currently practiced). It is not the intention of this warrant article to influence a public body's policy on public comment or engagement as this remains at the discretion of the Chair.

### **Possible costs**

An estimation of costs is between \$10,000 - \$20,000. A more accurate picture will be available after an assessment of the technology needs of the public bodies, of individual public body member's access to a personal device and of the meeting rooms. Some of these meeting spaces are already equipped with audio/video equipment including microphones, speakers, TV screens and internet and cable access.

Possible costs for each meeting room include microphone, bluetooth speaker, projector screen, wifi and a camera. One option is that Zoom offers Zoom Rooms which cost \$500 year. Currently we pay 200-250/year. That would be an increase of approximately \$1,400.00 per year. Another option would be to buy the needed equipment. An online search of recommended audio visual equipment for such a hybrid meeting found results that averaged \$1,070.00 to completely

outfit one meeting space that currently has no equipment. The total to fully equip seven meeting spaces would be \$7,490.00. Estimate costs are per unit - projector screens \$70, Bluetooth//camera/speaker \$1,000. One example is the Meeting Owl Pro - 360 Degree, 1080p Smart Video Conference Camera, Microphone, and Speaker (Automatic Speaker Focus & Smart Meeting Room Enabled) found on Amazon.

A survey of public body members will need to be completed to determine if they are able to provide a personal computer/tablet for use during a meeting or will need to borrow one from the town or share a device with a colleague. The online cost of a ASUS chromebook, a brand used by APS, is \$269.00. If we assume that 30 individuals will need to borrow a town owned device, that brings us to \$8,070. The town can follow the process that APS follows to assess need and lend out and maintain the devices.

Zoom licenses are currently paid for and Deputy Town Manager Sandy Pooler does not anticipate the need to appropriate any additional money to pay for new accounts to support this warrant article. ( Zoom accounts currently cost \$200.00 - \$250.00 per year.)

The total estimate including the chromebooks and brand new audio visual equipment is \$15,560.00. This estimate is extremely rough and will be impacted by the needs of the town.

#### **Parameters of this warrant article**

1. All public bodies that are currently open to the public.
2. Meetings will be recorded for the public to access after the meeting without requiring a public records request.
3. The public, both remote and in person, will be able to see and hear each other and the members of the public body for the duration of the meeting.
4. Both in person and remote public will be able to actively participate in public comment opportunities as defined by Open Meeting Law and by the discretion of the Chair of each public body.
5. The town will continue their practice of making the zoom accounts available for the public bodies to use for their meetings.
6. The town will assess meeting locations to determine what the technology needs are.
7. The town will provide training, as needed, to a member or members of each public body so that they know how to use the equipment.
8. Each public body has the discretion to decide if other business before the public body such as but not limited to, applicants for licenses, permits, petitions, appointments and/or Committee reports, can do so remotely or are required to attend in person.

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Dear Arlington Select Board Members,

As a longtime disability and medical advocate for those with rare health disorders, the President of the Massachusetts Chapter of the Marfan Foundation, and the Founder and Co-Leader of the Ehlers Danlos Syndrome and CTD (Connective Tissue Disease) New England/Massachusetts

Support Group, I am writing you today in support of a warrant that would enable remote options post-COVID for those wishing to participate in Arlington Town government, including as a representative Town Meeting Member.

Those of us with disability are often excluded from public spaces where we can contribute valuable and critical input to the policies and practices that most impact us. This is especially the case in the age of COVID, where we disproportionately absorb the brunt of risk and mortality of exposure to the virus should we attend in-person events. As such, it is paramount that governments work to ensure access to their spaces in ways that maximize equity and diversity. Prior to COVID, many disabled folks were denied telecommuting and remote options, whether in the workplace, or when it comes to accessing healthcare (i.e., telehealth appointments), or attending government commission and committees in their hometowns and cities. We were told that it wasn't feasible or practical to offer us remote options. Yet, when the pandemic hit, the disability community watched as society pivoted in a matter of days and weeks to embrace the remote options we'd been asking for years. In other words, once health risks and access problems became an issue for everyone, society was willing to make changes. Now that the precedent has been set and expectations have also been established, denying disabled people remote options for participation in town government would be nothing less than exclusionary and prejudicial.

If those of us are denied options for participating in town government post-COVID, it would not be for a lack of ability to accommodate our needs, but because of a lack of will to create more equitable spaces and a failure to value our participation. If anything good can come out of this pandemic, it should be the ability to maintain expanded access to spaces that many disabled people were previously denied. We should be able to participate in our local governments in ways that accommodate our access needs, and maintaining remote options is one key way to do this. Therefore, I hope the Town will consider taking steps to ensure those us with extenuating medical circumstances are able to resume with hybrid remote options for government participation if and when the Town of Arlington commences with in-person meetings again. Thank you for your consideration.

Sincerely,

Jonathan Rodis, MBA  
National Disability and Medical Advocate for Rare Disorders  
President-Massachusetts Chapter of the Marfan Foundation  
Founder and Co-leader-Ehlers-Danlos and CTD New England/Massachusetts Support Group



**Subject:** Further Comment on Article 26 / Ranked Choice Voting

**To:** SDeCoursey@town.arlington.ma.us, LDiggins@town.arlington.ma.us, "Daniel J. Dunn"  
<DDunn@town.arlington.ma.us>, JHurd@town.arlington.ma.us, DMahon@town.arlington.ma.us, Ashley Maher  
<AMaher@town.arlington.ma.us>

**From:** Greg Dennis <gdennis@alum.mit.edu>

**Date:** 03/15/2021 08:01 AM

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear members of the Arlington Select Board,

The Election Modernization Committee would like to thank you for taking the time to understand our proposal for Ranked Choice Voting ("RCV") in Arlington, and we would like to address the amendment offered by Adam Auster. While our committee believes that the method we proposed ("proportional RCV") is the better approach for town elections, we also believe that the Auster proposal ("majoritarian RCV") is better than the system we have today and would address the objections raised by Mr. Schlichtman. Recognizing that 64% of Arlington voters voiced their support for RCV on the November statewide ballot, we strongly believe that it is important to place one of these two proposals before this April Town Meeting.

Both proportional and majoritarian RCV offer the same ballot and voter experience, and they are identical when applied to single-seat elections. In addition, they share numerous benefits: 1) voters can express their real preference without fear of vote-splitting; 2) they encourage more people to run for office and increases voter participation; 3) they encourage candidates to run positive campaigns; and 4) they produce results that better reflect the will of the voters. As such, they would both greatly improve upon the system we have today.

The two proposals differ only in their application to multi-seat elections. Proportional RCV is intended to better represent the political diversity of the voters. Imagine the town is divided 60:40 on a particular issue and there is a two-seat Select Board election. Under proportional RCV, regardless of the number of candidates, one seat will likely go to a candidate representing the 60% position and the other will likely go to a candidate representing the 40% position. Under majoritarian RCV, both seats would go to candidates reflecting the 60% position. Under our current system, the seats could be won by anyone depending on factors having nothing to do with the actual preferences of the voters.

To reiterate, our preference is still for proportional RCV, the original proposal. However, if the Select Board prefers the majoritarian proposal, we will strongly support that as preferable over a vote of No Action.

Thank you,  
Greg Dennis  
Clerk, Election Modernization Committee

**BLUE TEXT: APPEARS ONLY IN ORIGINAL, PROPORTIONAL PROPOSAL**

**RED TEXT: APPEARS ONLY IN AMENDED, MAJORITARIAN PROPOSAL**

**ARTICLE: HOME RULE LEGISLATION/RANKED CHOICE VOTING**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting, or take any action related thereto.

**MOTION:** "VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO RANKED CHOICE VOTING"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by inserting a new Section 8B "Ranked Choice Voting" as follows:

*Section 8B. Ranked Choice Voting*

*The offices of Select Board, School Committee, Town Clerk, Moderator, Housing Authority, and Assessor shall be elected by ranked choice voting at the annual election. "Ranked choice voting" shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds two and to a multi-seat office when the number of candidates exceeds the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds as follows.*

*(a) For the purposes of this section, the following terms have the following meanings:*

- 1. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.*
- 2. "Concluded ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.*
- 3. "Continuing candidate" means a candidate who has not been defeated or elected.*
- 4. "Election threshold" means the number of votes above which a candidate is elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one and the number of seats to be elected.*
- 5. "Highest-ranked continuing candidate" means the continuing candidate with the highest ranking on a voter's ballot.*
- 6. "Last-place candidate" means (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.*
- 7. "Overvote" means a circumstance in which a voter ranks more than one candidate at the same ranking.*
- 8. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.*
- 9. "Skipped ranking" means a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.*
- 10. "Surplus fraction" is a number equal to the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total.*

11. "Transfer value" means the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot begins with a transfer value of one. If a ballot counts to the election of a candidate under subsection (c)(1), it receives a lower transfer value.

(b) In any single-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts as one vote for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. Each round then ends with one of the following two outcomes:

1. If there are more than two continuing candidates, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.
2. Otherwise, the candidate with the fewest votes is defeated, the candidate with the most votes is elected, and tabulation is complete.

(c) In any multi-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. In the first round only, the election threshold is then calculated. Each round then ends with one of the following three outcomes:

1. If at least one candidate has more votes than the election threshold, then all such candidates are elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate is deemed to have a number of votes equal to the election threshold in all future rounds, and a new round begins.
2. If no candidate has more votes than the election threshold and the sum of the number of elected candidates and continuing candidates is more than the sum of one and the number of seats to be elected, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.
3. Otherwise, the continuing candidate with fewest votes is defeated, all other continuing candidates are elected, and tabulation is complete.

(c) In any multi-seat election, the first seat is filled by the tabulation in subsection (b). The remaining seats are filled by repeated application of subsection (b); provided, however, that all choices marked for candidates who have already been elected shall be disregarded and votes for an elected candidate shall instead count for the next highest-ranked continuing candidate.

(d) A candidate is defeated in "batch elimination" if the number of elected and continuing candidates with more votes than that candidate is greater than the number of seats to be elected, and if one of the following applies: (i) The candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds is not enough to equal or surpass the candidate with the next-higher current vote total; or (ii) the candidate has fewer votes than a candidate described in (i).

(e) If two or more last-place candidates are tied and batch elimination does not apply, the candidate with the fewest votes in the prior round is defeated. If two or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of candidates, in terms of votes, in the second-prior round. This principle shall be applied successively as many times as necessary, a tie shown in any prior round being decided by referring to the standing of the candidates in the round immediately preceding the tie.

*(f) The Town Clerk shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the smallest number of changes are made to achieve such purpose.*

Section 2. This Act shall take effect upon approval of the majority of Arlington voters by local ballot question."

# TOWN OF ARLINGTON



*DRAFT*

## Report to Annual Town Meeting 2021 Article 57 Endorsement of CDBG Application

We are pleased to submit the Community Development Block Grant (CDBG) application for Program Year 47 (July 1, 2021 through June 30, 2022). Applications were due on January 15, 2021 and reviewed at the January 25, 2021 Select Board meeting. The CDBG Subcommittee met on February 17, 2021, February 24, 2021, and March 10, 2021 to review the applications and develop the following budget for the use of CDBG funds. This report describes each of the requests and the recommended budget allocations.

The Town of Arlington expects to receive **\$1,090,533** in new grant funds from the U.S. Department of Housing and Urban Development (HUD) for the period July 1, 2021 through June 30, 2022. This is a decrease of **\$31,070** from the current year's allocation. The Town anticipates new program income approximated to be in the amount of \$60,000 and reprogrammed prior year's CDBG funds in the amount of \$49,982 that will increase the final amount available to be programmed to Program Year 47 CDBG activities. Please refer to the attached spreadsheet for further details. The following proposed allocations would expend a total anticipated amount of **\$1,200,515**. Additional funds will be programmed during the next quarter of 2021.

The following is a summary of the requests for funds and the corresponding recommended allocations. Each request has been placed into one of six categories: *Affordable Housing, Economic Development, Public Services, Public Facilities, Infrastructure and Parks, Planning, and Administration.*

Projects/activities must meet one of the following HUD National Objectives:

**Low/Moderate Income Area Benefit (LMA):** the project/activity meets the needs of persons residing in an **area** where at least 33.67% of the residents make a low or moderate income.

**Low/Moderate Income Clientele (LMC):** the activity benefits a group of persons (rather than residents in a particular area) 51% of whom make a low- or moderate-income. The following groups are presumed to make a low- to moderate-income: abused children, battered spouses, elderly persons, and adults meeting the U.S. Bureau of Census' Current Population Reports definition of "severely disabled," homeless persons, illiterate adults and persons living with AIDS.

**Low/Moderate Housing (LMH):** the project will provide or improve permanent residential structures which, upon completion, will be occupied by households that make a low- to moderate-income. This includes but is

not limited to acquisition or rehabilitation. Housing can be either owner or renter occupied units in one family or multi-family structures.

**Slum or Blighted Area (SBA):** the project is in a designated slum/blighted area as defined under State or local law and will address conditions that qualified the area as slum or blighted.

**Spot Blight (SBS):** the project will prevent or eliminate specific conditions of blight or physical decay outside a slum area. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

#### CDBG Subcommittee

Adam Chapdelaine, Town Manager

John Hurd, Select Board Chair

Sarah Lee, Resident

Diane Mahon, Select Board Member

Christopher Potter, Resident

Jennifer Raitt, Director of Planning and Community Development

Antonette Sacco, Resident

Mallory Sullivan, CDBG Administrator

**Community Development Block Grant  
Annual Action Plan  
July 1, 2021- June 30, 2022**

**AFFORDABLE HOUSING**

**Affordable Housing Capital Improvements, Caritas Communities:** This request for \$220,860 would be for improvements to enhance the safety, accessibility, functionality, and longevity of two Caritas Communities properties at 22 Fessenden Road and 12 Russell Terrace. This program is expected to benefit 35 individuals and complies with the national objective LMH. Funding is recommended at \$220,860.

**Affordable Housing Predevelopment Reports and Surveys, Housing Corporation of Arlington (HCA):** This request for \$50,000 would be used to fund predevelopment costs including environmental reports and investigations, title review, land survey and examination of floodplain issues in order to support HCA in making informed decisions regarding potential development of affordable housing. This project is expected to benefit 36 households and complies with the national objective LMH. Funding is recommended at \$50,000.

**ECONOMIC DEVELOPMENT**

**Technical Assistance Program, Town of Arlington/Department of Planning & Community Development:** This request for \$50,000 would enable the Town to continue efforts to make education and training available to Arlington small businesses with a purpose of increasing business resiliency to changes in the economy, technology, and commerce. The program will provide local businesses with individualized and group training. This program is expected to benefit ten (10) Arlington businesses and create or retain at least one (1) low- to moderate-income job. This program complies with national objective LMC. Funding is recommended at \$50,000.

**Small Business Recovery Grant Program, Town of Arlington/Department of Planning & Community Development:** This request for \$300,000 will enable the Town to continue to provide working capital grants to small businesses with twenty or fewer employees and a brick-and-mortar location currently or formerly (prior to the pandemic) patronized by customers in-person. It is expected to assist 25 small businesses and to retain or create six (6) low- to moderate-income jobs. This activity meets the national objective LMJ. Funding is recommended at \$300,000.

**PUBLIC SERVICES**

**Scholarship Program, Arlington Boys & Girls Club:** This request for \$25,000 would provide scholarships to income-eligible households who participate in Boys & Girls Club activities. The program provides financial assistance to households with limited resources for such activities as after school care, summer camp, instructional classes, and preschool. Each recipient is also required to share in the cost of the program, based on their ability to pay. This project is expected to benefit 50 individuals and complies with national objective LMC. Funding is recommended at \$19,000.

**Jobs, Jobs, Jobs Program, Arlington Boys & Girls Club:** This request for \$5,000 would fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding would pay for the teens to be employed as recreation assistants at the club and would provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit seven (7) individuals and complies with national objective LMC. Funding is recommended at \$4,000.

**Athletic Scholarships, Arlington High School:** This request for \$8,000 would provide athletic scholarships for Arlington High School students. The funds would be used for income-eligible students who cannot afford to pay the annual activity fee for various athletic programs offered. This project is expected to benefit 50 individuals and complies with national objective LMC. Funding is recommended at \$3,800.

**Operation Success Learning Center, Arlington Housing Authority:** This request for \$6,000 would pay for the operating costs of a homework support program for junior high school students living in Menotomy Manor, an Arlington Housing Authority property. Trained volunteers and active and retired teachers from the community provide homework tutoring. This project is expected to benefit 30 individuals and complies with national objective LMC. Funding is recommended at \$6,000.

**Mental Health Counseling and Support Services, Arlington Youth Counseling Center (AYCC):** This request for \$20,000 would subsidize the costs of counseling services to income-eligible households including free and reduced-fee mental health counseling and medication treatment, case management services for vulnerable Arlington residents, and therapeutic groups and support services for victims and survivors of domestic violence. The CDBG allocation defrays the cost of out-of-pocket expenses that are not covered by a client's insurance or is used for children and families that are without support or cannot afford the fee scale. This project is expected to benefit 120 individuals and complies with national objective LMC. Funding is recommended at \$19,000.

**Adult Day Health Services, Council on Aging:** This request for \$6,000 would provide scholarships for elderly to utilize the Adult Day Health Services, through the Cooperative Elder Services, Inc. The program provides a safe and therapeutic adult day care service, meals and other social programs at a very low cost for those who, due to physical and/or psychological limitations, cannot be left alone at home. This project is expected to benefit 20 individuals and complies with national objective LMC. Funding is recommended at \$6,000.

**Transportation Program, Council on Aging:** This request for \$31,540 would fund the transportation services that are offered to Arlington seniors. The transportation program brings seniors to medical appointments and local stores, helping seniors remain independent and active in the community. This project is expected to benefit 500 individuals and complies with national objective LMC. Funding is recommended at \$31,540.

**Volunteer Coordinator, Council on Aging:** This request for \$52,922 would fund the position of Volunteer Coordinator. The coordinator supervises and coordinates volunteers and manages the van and transportation program and is essential to the Council on Aging's mission to engage senior citizens in community participation. The funds received would be used for the base salary of the staff person

plus all fringe benefits. This project is expected to benefit 5000 individuals (through a network of 300 volunteers) and complies with national objective LMC. Funding is recommended at \$52,922.

**Jobs, Jobs, Jobs Program, Fidelity House:** This request for \$5,000 would fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding would pay for the teens to be employed as recreation assistants at Fidelity House and would provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit five (5) individuals and complies with national objective LMC. Funding is recommended at \$4,000.

**Menotomy Manor Outreach Program, Fidelity House:** This request for \$20,000 would help to defray the cost of programs that Fidelity House manages for the low-income families of Menotomy Manor. This program, created to directly address the developmental needs of Arlington's low-income youth, includes transportation to and from Fidelity House, memberships, participation in all youth programs, on-site programming, and camp memberships for summer day camp. The program's goal is to continue to provide a quality program for 6- to 18-year-olds. This project is expected to benefit 100 individuals and complies with national objective LMC. Funding is recommended at \$20,000.

**Program Scholarships, Recreation Department:** This request for \$13,000 would provide scholarships for activities offered by the Recreation Department. The program provides income-eligible households an opportunity to participate in recreation programs by providing financial assistance to offset the cost of program fees. This project is expected to benefit 100 individuals and complies with national objective LMC. Funding is recommended at \$11,700.

**Outreach and Stabilization Program, Somerville Homeless Coalition:** This request for \$38,201 would increase access to critical resources for the unsheltered population in Arlington. The ultimate goal of the Outreach and Stabilization Program is to identify and secure housing and transition homeless clients to suitable living environments that are affordable and linked with ongoing tenancy stabilization services. This project is expected to benefit 35 individuals and complies with national objective LMC. This activity is fully funded in the Town Manager's FY22 Annual Budget. Accordingly, CDBG funding would be duplicative and thus is not recommended for this project.

## **PUBLIC FACILITIES AND IMPROVEMENTS**

**Capital Funding, Food Link, Inc.:** This request for \$46,667 would fund the purchase and installation of a generator and air filtration system for the generator at Food Link's new hub, located at 108 Summer Street. The addition of a generator will ensure continuity of services to clientele facing food insecurity in the event of an extended power outage due or other community-wide event. This project is expected to benefit 6,500 individuals and complies with national objective LMC. Funding is recommended at \$46,667.

**ADA Compliance Program-Curb Cuts Ramp Project, Arlington Commission on Disability:** This request for \$125,000 would construct and reconstruct ADA-compliant sidewalk ramps for the purpose of improving access and pedestrian safety for the elderly and disabled. 54 curb cuts would be installed

utilizing these funds. This activity complies with national objective LMA. Funding is recommended at \$125,000.

## PLANNING

**Planners, Department of Planning and Community Development:** This request for \$52,335 will fund a portion of the salary and fringe benefits of Department staff working on CDBG-related activities. Duties and responsibilities involve data gathering and analysis, survey creation and implementation, land use planning and zoning activities, affordable housing studies and implementation. All positions serve under the Director of Planning and Community Development. Funding includes salary plus fringe benefits, which are reimbursed to the Town. This activity is exempt from meeting a national objective. Funding is recommended at \$52,335.

**Planning Studies, Department of Planning and Community Development:** This request for \$79,700 will fund activities to help in the creation and preservation of affordable housing and minimize displacement. These activities will include a nexus study to inform future amendments to the inclusionary zoning bylaw; anti-displacement strategies; studying the needs of extremely low-income and underhoused individuals and families to inform future funding applications and allocation of resources; study senior non-housing needs to maximize resources and services that enable seniors to continue living in the community, and coordinate with other non-housing services to support aging in community; identify resources to preserve homes that are on track to lose affordability due to expiring deed restrictions; and other activities which advance affordable housing planning. This activity is exempt from meeting a national objective. Funding is recommended at \$79,700.

**Annual Town Survey, Envision Arlington:** This request for \$2,200 would continue the annual town Census Insert Survey. Data collected from this survey informs policy-setting for the town and other planning activities. This activity is exempt from meeting a national objective. Funding is recommended at \$2,200.

## ADMINISTRATION

**Community Development Block Grant Administrator, Department of Planning and Community Development:** This request for \$78,291 would fund the salary and fringe benefits of the CDBG Administrator position. This staff person is responsible for the daily financial administration of the CDBG program and coordination of grant activities with program directors. The Administrator is also responsible for maintaining all records and completing the reporting requirements of the CDBG program as required by HUD. This activity is exempt from meeting a national objective. Funding is recommended at \$78,291.

**General Administration, Department of Planning and Community Development:** This request for \$17,500 would fund administrative costs related to overall program development, management, coordination, monitoring, and evaluation. This line item also includes funding legal advertising and training and travel costs for the Administrator. This activity is exempt from meeting a national objective. Funding is recommended at \$17,500.

**TOWN OF ARLINGTON**  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**  
**CDBG Funding Recommendations, Program Year 47**

<b>CDBG Program Activity</b>	<b>Organization/Department</b>	<b>PY47 Recommendation</b>
<b>REHABILITATION/HOUSING</b>		
Improving 22 Fessenden and 12 Russell Terrace	Caritas Communities	\$220,860
Affordable Housing Pre-Development Reports & Surveys	Housing Corporation of Arlington	\$50,000
<b>Sub-total</b>		<b>\$270,860</b>
<b>PUBLIC SERVICES</b>		
Scholarship Program	Arlington Boys and Girls Club	\$19,000
Jobs, Jobs, Jobs Program	Arlington Boys and Girls Club	\$4,000
Athletic Scholarships	Arlington High School	\$3,800
Operation Success Learning Center	Arlington Housing Authority	\$6,000
Mental Health Counseling and Support Services	Arlington Youth Counseling Center (AYCC)	\$19,000
Adult Day Health	Council on Aging	\$6,000
Transportation Program	Council on Aging	\$31,540
Volunteer Coordinator	Council on Aging	\$52,922
Jobs, Jobs, Jobs	Fidelity House	\$4,000
Menotomy Manor Outreach Program	Fidelity House	\$20,000
Outreach and Stabilization Program	Somerville Homeless Coalition	\$0
Program Scholarships	Recreation Department	\$11,700
<b>Sub-total (PY47 estimated statutory limit: \$177,965)</b>		<b>\$177,962</b>
<b>PUBLIC FACILITIES AND IMPROVEMENTS</b>		
Curb Cut Ramp Project	Arlington Disability Commission + DPW	\$125,000
Facility Capital Improvements: Environmental Efficiency	Food Link, Inc.	\$46,667
<b>Sub-total</b>		<b>\$171,667</b>
<b>ECONOMIC DEVELOPMENT</b>		
Arlington Small Business Technical Assistance Program	Planning and Community Development	\$50,000
Arlington Small Business Recovery Program	Planning and Community Development	\$300,000
<b>Sub-total</b>		<b>\$350,000</b>
<b>PLANNING</b>		
Planners	Planning and Community Development	\$52,335
Planning Studies	Planning and Community Development	\$79,700
Annual Town Survey	Envision Arlington	\$2,200
<b>Sub-total</b>		<b>\$134,235</b>
<b>ADMINISTRATION</b>		
Grants Administrator (salary + benefits)	Planning and Community Development	\$78,291
General Administration	Planning and Community Development	\$17,500
<b>Sub-total</b>		<b>\$ 95,791</b>
<b>Planning &amp; Admin. Sub-total (PY47 estimated statutory limit: \$230,107)</b>		<b>\$230,026</b>
<b>TOTAL</b>		<b>\$1,200,515</b>

**TOWN OF ARLINGTON  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
CDBG Funding Sources, Program Year 47**

HUD Entitlement Allocation	\$1,090,533.00
Estimated Program Income	\$60,000.00
Prior Year Reprogrammed Funds	\$49,982.00
TOTAL	<b>\$1,200,515.00</b>



## Town of Arlington, Massachusetts

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### Articles for Review:

#### Summary:

Article 8 Bylaw Amendment/Canine Control Fees & Fines

Article 9 Bylaw Amendment/Display of Notice Fines

Article 10 Bylaw Amendment/Street Performance Definitions

Article 17 Vote/Establishment of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee

Article 18 Vote/Establishment of Town Committee on Residential Development

Article 22 Vote/Provision of Town Email Addresses for Town Meeting Members

Article 70 Vote/Town Clerk Study

Article 91 Resolution/Declare Climate Emergency in the Town of Arlington

#### ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Draft_Final_Votes_and_Comments_Re_Articles_8__9__10__17__19__22__and_91.pdf	Draft Votes & Comments



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

**MEMORANDUM**

TO: Select Board

FROM: Douglas W. Heim

DATE: March 19, 2021

RE: **Draft Votes and Comments for Articles: 8, 9, 10, 17, 19, 22, and 91**

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I write to provide the Board the following as draft Final Votes and Comments for your consideration at the March 22, 2021 Select Board meeting regarding the previously heard, above-referenced warrant articles.

**ARTICLE 8 BYLAW AMENDMENT/CANINE CONTROL  
FEES & FINES**

**VOTED:** That Title VIII, Article 2 (“Canine Control”) Section 4 (“Licensing”) be and hereby is amended throughout to establish clearer and more efficient deadlines and penalties for annual dog licensing, enhance clarity for residents, and provide for minor grammar and syntax adjustments as follows:

**ARTICLE 2  
CANINE CONTROL**

## **Section 4. Licensing**

**(ART. 25, ATM – 04/27/88)**

**(ART. 23, ATM – 05/04/2009)**

**(ART. 13 -04/29/13)**

### **A. Licensing Requirement.**

- 1. License required.** The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.
- 2. Annual renewal.** Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk. Licenses are issued for the calendar year and must be renewed every on or before January 31st, although there is a grace period established in sub-section F before fines are assessed.
- 3. Transfer.** Within 30 days of moving into the Town ~~within a licensing period~~, the owner or keeper of a dog must apply to the Town Clerk ~~to transfer the dog's~~ for a license. ~~The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.~~

### **B. Conditions.**

- 1. Rabies vaccination.** The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Arlington Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the General Laws.
- 2. Control.** Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
- 3. Previous conviction of animal cruelty.** Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

### **C. License Forms.**

- 1. Symptoms of rabies.** Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
- 2. Description of dog.** The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

#### **D. Tags.**

**1. Issuance.** ~~Along with the~~ As proof of license licensure, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Arlington, and the year of issue.

**2. Affixed to dog.** The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.

**3. Lost tags.** If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

**E. Exemptions.** The requirements of this section shall not apply:

(1) to a person to whom the applicable kennel license has been issued under this Bylaw and remains in force; or (2) to a dog housed in a research institution.

**F. Fees.** (ART. 10, ATM – 04/23/18)

**1. Annual license fees.** The annual license fees are as follows:

- a. female: \$20
- b. spayed female: \$15
- c. male: \$20
- d. neutered male: \$15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

**2. Failure to comply; penalties.**

a. **Penalty for failure to comply with licensing requirements.**

Failure to comply with this section shall be punishable by a fine of ~~\$50~~ \$25.

**Grace period.** ~~Failure to comply with this section within~~ satisfy licensing requirements before the first Thursday following 45 business days of the 31<sup>st</sup> of January each year ~~date that the licensing or re-licensing obligation arises~~ will constitute failure to comply with licensing requirements.

**b. Additional late fees.**

**Missed year.** An additional ~~\$50~~ **\$25** fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, **and the license fee for the missed year must be paid in full.** These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

**Multiple penalties.** **If the owners fail to register a dog for an entire calendar year and apply for registration outside of the grace period, the fine will consist of the \$25 late fee and the \$25 skipped year fee, due upon registration in the current year.**

**3. Waiver of fees.**

**a. Service animal.**

No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. **Late fees apply.**

**b. Owner aged 70 and over.**

If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older. **Late fees apply.**

**4. No refund of fees.** No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.”~~”;~~ ~~and~~

**(5 – 0)**

**COMMENT:** The Select Board supports these straightforward amendments to the Town’s dog licensing bylaw provisions requested by the Town Clerk. The proposed changes make the bylaw easier to understand and enforce by clarifying timelines, reducing initial registration penalties, and better empowering the Clerk’s Office to pursue late fees for failure to pay the reduced fines.

## **ARTICLE 9**

## **BYLAW AMENDMENT/DISPLAY OF NOTICE FINES**

To see if the Town will vote to amend the Town Bylaws, Title V, Article 1 Section 2 to reduce fines for violations greater than twenty days from \$500 to \$300 in accordance with state law; or take any action related thereto.

(Inserted at the request of the Town Manager)

**VOTED: That Title V, Article I (“Display of Notices”), Section 2. Fines for Violations be and hereby is amended by striking the word and number “five” and “500” respectively and replacing them with the words “three,” and “300” respectively so as to read as follows as follows:**

### **ARTICLE 1 DISPLAY OF NOTICES**

#### **Section 2. Fines for Violations**

**Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such notice for twenty (20) days thereafter shall be punished by a fine of not more than five three hundred dollars (~~\$500~~300).**

**(5 – 0)**

**COMMENT:** The proposed changes constitute administrative corrections to the amount of fines allowed under Title V, Article I (“Display of Notices”), Section 2 of the Town Bylaws following 2019 Town Meeting’s successful updates to Arlington signage regulations. A side effect of moving most signage regulation into the Zoning Bylaw is that the Town Bylaws’ regulation of temporary of “Notices,” such as lost-pet, yard sale, and Town committee temporary flyers and signs are no longer tethered to state laws governing outdoor advertising, which authorized higher levels of fines that state law affords for Bylaw violations. Accordingly, the Town’s fine for violations of the Display of Notices Bylaw cannot now exceed \$300. Therefore, the Select Board recommends Town Meeting adopt this administrative change to accurately reflect the maximum cap on Bylaw fines under the law.

## **ARTICLE 10**

## **BYLAW AMENDMENT/STREET PERFORMANCE DEFINITIONS**

**VOTED: That no action be taken on Article 10.**

**(5 – 0)**

**COMMENT:** The Select Board recommends no further action on this article during the 2021 Town Meeting as its proponents inform us that further examination of the issues is necessary to developing any appropriate updates and revisions to street performance definitions.

**ARTICLE 17            VOTE/ ESTABLISHMENT OF YOUTH AND YOUNG ADULT  
ADVISORY BOARD, COMMISSION, OR COMMITTEE STUDY  
COMMITTEE**

**VOTED:** That Town Meeting hereby establishes a “Youth and Young Adult Advisory Board Study Committee” to be structured, organized, and charged as follows:

**Youth and Young Adult Advisory Board Study Committee**

**I.        Committee Membership and Organization**

**A. The Committee shall consist of the following members:**

- Four (4) Arlington students appointed by the Town Moderator, two (2) of whom shall be currently enrolled Arlington Public Schools student; and two (2) of who shall be Arlington residents presently enrolled in middle school or high school’
- One (1) member of the Select Board, or their designee;
- One (1) member of the School Committee, or their designee;
- One (1) member of the Library Board of Trustees as determined by such commission;
- The Director of Diversity, Equity and Inclusion or their designee from the Health and Human Services Department,
- One (1) member of the Board of Youth Services; as determined by such Board;
- One (1) member of the Park & Recreation Commission; as determined by such commission; and
- One (1) member of Envision Arlington Standing Committee or their designee; as determined by such committee.

**B. Quorum**

**A majority of voting members shall constitute a quorum, and decisions shall be based on the vote of a simple majority of those committee members present and voting.**

### **C. Organization and First Meeting**

**The initial meeting of the Study Committee shall be convened by the designee of the Select Board, and the first order of business shall be the self-organization of the study committee through the election of one or more chairs, whose responsibility shall be to convene and preside over all future meetings, as well as a clerk, whose duties shall include the proper posting of meeting agendas and minutes. The Study Committee shall designate any other officers as it sees fit.**

### **II. Committee Charge & Reporting**

- A. The Study Committee shall study the need, value, and options for the creation and operation of a permanent board or committee aimed towards fostering youth and young adult involvement in governance and youth and young adult input on all issues facing the town.**
- B. The Study Committee shall be encouraged to examine and compare models for obtaining youth and young adult input and feedback as well as the overall structures and functions of a Youth and Young Adult Advisory Board or similar entity.**
- C. The Study Committee shall report its recommendations to the 2022 Annual Town Meeting.**

### **III. Dissolution**

**The study committee will be dissolved concurrent with the dissolution of the 2022 Annual Town Meeting, unless there is a vote of Town Meeting to effectuate an earlier dissolution or other amendment.**

**(5 – 0)**

**COMMENT:** The Select Board recommends positive action on the establishment of a committee of Town Meeting to explore the options for creation of an “Arlington Youth and Young Adult Advisory Board” or similar entity. The primary goal of such a Board would be proactively garnering youth perspectives on a wide array of Town policies, practices and issues, and to foster engagement that flows from including Arlington Youth in our government. It is the expectation of the Select Board that the proposed study committee would evaluate the scope and parameters for operation of similar boards in other communities; determine whether or not such a body would be effective and useful in Arlington; and make recommendations at a future Town Meeting for the creation of such an advisory board or other actions as dictated by their collective findings.

## **ARTICLE 19**

### **VOTE/ESTABLISHMENT OF TOWN COMMITTEE ON RESIDENTIAL DEVELOPMENT**

**VOTED:** That no action be taken on Article 19.

**(5 – 0)**

**COMMENT:** The Select Board commends Mr. Parise and other proponents of this article for continued advocacy on issues of residential development in Arlington. As the Select Board understands it, the goal of this article is to re-establish a version of the “Residential Study Group” created at the 2016 Town Meeting, but with a more limited membership. The Select Board’s primary concern is that subject of the proposed committee’s work is precisely the role of the ARB as the Planning Board. Hence, the proposal is essentially to create a new committee to engage already existing boards and committees like the ARB and the Zoning Bylaw Review Committee.

## **ARTICLE 24**

### **VOTE/TOWN CLERK STUDY**

**VOTED:** That the Select Board supports to Finance Committee’s Appropriation under this article.

**(4 – 1) Ms. Mahon voted in the negative.**

**COMMENT:** The instant warrant article was inserted at the request of the Town Clerk, and the balance of the Board supports the Finance Committee’s vote to the appropriate up to \$10,000 to conduct a community study on the conversion of the office of the Town Clerk from elected to appointed. The majority of the Board believes that the issue is worth study to evaluate potential benefits of professionalizing the elected position, noting some of the benefits of an converting the Town Treasurer to an appointed office several years ago. Several Board members stressed that supporting study does not guarantee a given outcome. The minority view expressed concerns about consideration of taking a directly-elected office away from voters and disappointment with facets of the prior conversion of the Treasurer’s position.

## **ARTICLE 22**

### **VOTE/PROVISION OF TOWN EMAIL ADDRESSES FOR TOWN MEETING MEMBERS**

**VOTED:** That no action be taken under this Article.

**(4 – 1) Mr. Diggins voted in the negative.**

**COMMENT:** While the article raises several valuable ideas for increasing engagement with Town Meeting Members and securing certain privacy interests, on balance, the majority of the Select Board believes creating Town administered email addresses for Meeting Members poses significant challenges that can be addressed with greater autonomy and customization by Members themselves. There may be some Town Meeting Members who do not make themselves accessible via email, but in the Board’s experience, many if not most Members establish a “TMM” email address for Meeting business separate from their personal or work email addresses. Some members of the Board expressed interest in exploring the issue further, including whether or not “alias” addresses would be technically feasible.

However, as Town Meeting knows, Meeting Members are not “municipal employees” in the same manner as town staff, other committee and commission members, or elected officials. The conflict-of-interest and open meeting laws do not apply to Town Meeting or its membership. In a similar vein, public records laws do not necessarily apply to Meeting Member communications while using personal email addresses. Using a Town administered email address could make communications between members or members and precinct residents public records. Moreover, providing Meeting Member Town email accounts would not require Meeting Members to necessarily utilize them, and may require significant tech support. Thus, the Select Board is not convinced that the benefits of this Article’s proposal outweigh new issues created by it.

## **ARTICLE 91**

### **DECLARATION OF CLIMATE EMERGENCY**

**VOTED:** That Town Meeting hereby adopts the following resolution:

**WHEREAS, on April 22, 2016, in the Paris Agreement, world leaders from 174 countries and the European Union agreed to keep warming well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C; and**

**WHEREAS, on October 8, 2018, the United Nations International Panel on Climate Change (“IPCC”) projected that limiting warming to the 1.5°C target this century will**

**require an unprecedented transformation of every sector of the global economy over the next 12 years, and ongoing research suggests even greater urgency; and**

**WHEREAS, on November 23, 2018, the United States Fourth National Climate Assessment (“NCA4”) reported the massive threat that climate change poses to the American economy, our environment and climate stability, and underscores the need for immediate climate emergency action at all levels of government; and**

**WHEREAS, in August, 2008, the Massachusetts Global Warming Solutions Act (GWSA) established 1990 as the statewide baseline for measuring greenhouse gas (GHG) emissions, with a target of reducing emissions from all sectors of the economy by 25% in 2020 and at least 80% in 2050; and**

**WHEREAS, per 192nd MA General Court (1-28-2021) S.9 SEC.10 - sec.4(h) “The interim 2030 statewide greenhouse gas emissions limit shall be at least 50 percent below the 1990 level, and the interim 2040 statewide greenhouse gas emissions limit shall be at least 75 percent below the 1990 level.” and**

**WHEREAS, the Commonwealth of Massachusetts and the Town of Arlington are vulnerable to the effects of climate disruption and have already been subjected to devastating disasters caused by global warming, including increasingly severe Nor’easters, blizzards, droughts, heatwaves, and coastal and inland flooding; and**

**WHEREAS, the economic costs of weather and climate disasters are immense, as indicated by the National Oceanic and Atmospheric Administration (NOAA) report that in 2020 (as of October 7) there have been 16 U.S. weather/climate disasters with losses exceeding \$1 billion each (tied with 2011 and 2017 for the highest number ever), including fires, hurricanes, droughts, and heatwaves; and**

**WHEREAS, the marginalized populations in Arlington, the Commonwealth of Massachusetts and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, homeless persons, and people with disabilities, are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase; and**

**WHEREAS, the Town of Arlington acknowledges the need for climate action through the Select Board’s establishment of Envision Arlington (formerly Vision 2020), the Town’s greenhouse gas inventory, its 2018 commitment to becoming carbon neutral by 2050 through the establishment of the Clean Energy Future Committee, and the drafting of the Net-Zero Planning Roadmap; and**

**WHEREAS, the National and state governments have acted too slowly to address the climate emergency, so Arlington and other Massachusetts communities are being called to step forward and take bold action now, just as our town has done in history.**

**THEREFORE, THE ARLINGTON TOWN MEETING HEREBY RESOLVES AS FOLLOWS:**

- 1. Declares Emergency. Declares a climate emergency and calls for an immediate urgent mobilization to protect the climate, reducing the pace of warming and slowing down ecological collapse to the maximum extent possible.**
- 2. Tells the Truth. Speaks plainly in high-profile public communications about the climate crisis; and commits to providing a periodic report of our community's complete annual greenhouse gas emissions, using a reputable accounting protocol.**
- 3. Acts Now. Initiates immediate action wherever possible, in matters within Town authority. Agrees (a) to explicitly consider climate impact in major town decisions to the maximum extent permitted by law, reliably supporting actions that increase climate resiliency while reducing pollution and opposing actions that increase greenhouse gas emissions; and (b) to appoint a community liaison with the responsibility of actively working with the media, annual carbon reporting, and constituent communication, to support rapid greenhouse gas reductions.**
- 4. Promotes Climate Action in Matters Beyond Town Authority. All Town of Arlington input, influence, and lobbying with state and federal governments and with regional entities responsible for energy and utilities supports rapid greenhouse gas reductions.**
- 5. Promotes Climate Justice. Preserves and protects the rights, well-being, autonomy, and power of people at greatest risk, including people of color, immigrants, climate refugees, indigenous communities, low-income individuals, the very young and very old, homeless persons, and people with disabilities.**

**(5 – 0)**

**COMMENT:** The Select Board unanimously urges Town Meeting to adopt this Climate Emergency Resolution to convey and reflect upon the urgency and centrality of the threat of climate change to the Town's policies and commitments. While the resolution largely speaks for itself, the Board specifically wishes to highlight that the five "action steps" set forth in the resolution build upon the work and goals of the Town's present Climate & Resiliency Planning and the Town Manager's "Net Zero Plan," while also reaffirming our convictions to build climate change into Town decision making within the respective boundaries of duties and authorities of various town bodies and officials. Further, this resolution follows previous efforts such as special legislation seeking to allow the Town to limit installation of fossil fuel infrastructure by urging the Town to continue to vigorously pursue new and additional tools and resources for greenhouse gas emission reductions and elimination. Finally, this resolution recognizes the fundamental role of equity and justice in attacking climate change and its impacts both locally and globally.

The Board also encourages members of Town Meeting to avail themselves of the many resources on this resolution and subject developed and published by “Emergency Arlington” on their website.



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## Town of Arlington, Massachusetts

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### Traffic Concerns Re Road, Utility and Repair Work to New Food Link Building and 108 Summer Street

#### Summary:

Eugene Downing, 5 Montrose Avenue

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CR_Eugene_Downing.pdf	Reference

Eugene Downing  
5 Montrose Avenue  
Arlington, MA. 02474-2918

March 3, 2021

The Town of Arlington  
Select Board  
Town Hall  
Arlington, MA 02476

RE: Road, utility and repair work to the New Food Link Building and 108 Summer Street.

Dear Select Board:

I am writing to complain about the repeated diversion of traffic from Summer Street onto **Richfield St., Orlando Ave., Montrose Ave and Cutter Hill Road** because of closure of Summer Street due to construction and utility repair work to the property, and way.

There have been at least 8 days that the road way has been closed diverting traffic to the side street, many of which are Private ways and which are not in good condition.

It has become intolerable that the traffic from Summer Street has been sent to residential side streets creating noise and doing further damage to the streets. I am especially concerned about **Cutter Hill Road and Montrose Avenue to Summer Street**. The roadways are full of potholes and lack sidewalks for pedestrians. During heavy rains, the storm drain at Summer and Cutter Hill becomes blocked with sand, stones and debris.

Would you please have the Road department inspect this roadways and make necessary repairs. I also wonder if mitigation funds are available to repair these road from the re-construction of the Food Link building and or utility companies which have caused Summer Street to be closed.

Thank you for your attention to this important matter

Sincerely yours,  
Eugene Downing





## Town of Arlington, Massachusetts

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### Court Street Parking Meter Enforcement

#### Summary:

Guy Morello via Request/Answer Center

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CR_G._Morello.pdf	Reference

# Ask a Question (W128291-031621)

## ▼ Ask a Question Details

Category: Other

Sub Category: Other

Subject: Parking meter enforcement

Provide details here: Due to covid restrictions residents are encountering long waits at the undermanned Court Street Post office. The wait time exceeds the courtesy 15 minutes provided by the parking meters. While the state has a mask mandate enforcement of parking on court street should be suspended. The Post Office is an essential service. Please consider suspending parking enforcement while a mask mandate is in place.

Is this request COVID-19 related?: No

## ▼ Notes

Note	Created	Modified
In corresponding with him earlier he didn't like my response that there is no requirement that parking does not have to be free to go to the post office (let alone give 15 mins free at the meters). Gave him options of the closest post offices he could go to if he wanted free parking (East Arlington, Concord Ave, Belmont, and if he's lucky one of the handful of spaces in the lot at W. Medford Sq) otherwise he's paying the meter at every other nearby city and town location. Also told him he could go after hours and use the 24 hour self-service kiosk.	3/16/2021 2:52:00 PM by Corey Rateau	3/16/2021 2:52:00 PM by Corey Rateau
He's done with me and wants the Select Board now to declare that parking should be free on Court Street. I'm going to assume he also wants an exclusive parking attendant to ensure that everyone that parks there only goes to the post office and no other business.		

## ▼ Message History

Date
On 3/16/2021 1:07:21 PM, System Generated Message: <b>Subject:</b> Arlington Request/Answer Center Request :: W128291-031621 <b>Body:</b> Thanks for using the Town of Arlington's Request/Answer Center. We have received your question. For most questions you should hear back within one business day (some employees work part-time).  You can check the status, and make updates, to all your Requests and Questions on your Account page.
Track the issue status and respond at: <a href="https://ARLINGTONMA.mycusthelp.com/WEBAPP/_rs/RequestEdit.aspx?rid=128291">https://ARLINGTONMA.mycusthelp.com/WEBAPP/_rs/RequestEdit.aspx?rid=128291</a>
On 3/16/2021 1:07:20 PM, Mr. Guy Morello wrote: Request was created by customer

## ▼ Request Details

Reference No: W128291-031621

Create Date: 3/16/2021 1:07 PM

Update Date: 3/16/2021 2:55 PM

Completed/Closed: No

Status: Assigned  
Priority: Medium  
Assigned Dept: Select Board  
Assigned Staff: Lauren Costa

Customer Name: Mr. Guy Morello  
Email Address: gmorello@yahoo.com  
Phone: 7816480154  
Group: answers

Source: Web



## Town of Arlington, Massachusetts

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### Discussion: Future Select Board Meetings

#### Summary:

John V. Hurd, Chair

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	March_-_April_Calendar.pdf	March - April Calendar

# MARCH 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> Select Board Meeting	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> Select Board Meeting	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Select Board Meeting	<b>16</b>	<b>17</b> St. Patricks Day	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> Select Board Meeting	<b>23</b>	<b>24</b>	<b>25</b> Warrant Inserted in Advocate	<b>26</b>	<b>27</b>
<b>28</b> Passover	<b>29</b>	<b>30</b>	<b>31</b>			

# APRIL 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 Good Friday Town Hall Closed	3
4 Easter	5 Select Board Meeting	6	7	8	9	10 Annual Town Election
11	12 Select Board Meeting	13	14	15 Town Meeting Packet Distribution	16	17
18	19 Patriots Day Town Hall Closed	20	21	22	23	24
25	26 Town Meeting Begins	27	28	29	30	



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## **Town of Arlington, Massachusetts**

**NEW BUSINESS**



## **Town of Arlington, Massachusetts**

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### **To Discuss Strategy With Respect To Litigation Against Itron, Inc.**

#### **Summary:**

Douglas W. Heim, Town Counsel

Michael Cunningham, Deputy Town Counsel



## **Town of Arlington, Massachusetts**

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### **Next Scheduled Meeting of Select Board April 5, 2021**

#### **Summary:**

You are invited to a Zoom webinar.

When: Mar 22, 2021 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

[https://town-arlington-ma-us.zoom.us/webinar/register/WN\\_Gjl9feTSHaVbl5icnaBew](https://town-arlington-ma-us.zoom.us/webinar/register/WN_Gjl9feTSHaVbl5icnaBew)

After registering, you will receive a confirmation email containing information about joining the webinar.

\*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.

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>