



## Town of Arlington Select Board

### Meeting Agenda

March 26, 2024

7:15 PM

Members of the public may access the hybrid meeting via Select Board Chambers, Zoom, or ACMI

1. Legislative Provision for Remote Participation
2. Community Preservation Act Committee Presentation  
Clarissa Rowe, Chair

#### **CONSENT AGENDA**

3. Minutes of Meetings: February 21, 2024; March 4, 2024
4. Request: Special (One Day) Beer & Wine License, 04/20/2024 @ Robbins Memorial Town Hall for Private Event  
Rennie Zimmerman
5. Heights Spring Fling Festival, Saturday, May 18th, 2024  
Janet O'Riordan, Heights Community Association
6. Request: Contractor/Drainlayer License  
A. Cierri & Sons, Inc.  
Tony Cierri  
Woburn, MA
7. Request: Contractor/Drainlayer License  
North Heritage Construction Corp.  
Adriano Mendes  
North Chelmsford, MA 01863
8. Reappointments: Affordable Housing Trust Fund Board  
Philip Tedesco (term to expire: 03/31/2025)  
Eric Helmuth (term to expire: 03/31/2025)  
Karen Kelleher (term to expire: 03/31/2026)  
Neal Mongold (term to expire: 03/31/2026)  
Jaclyn Pacejo (term to expire: 03/31/2026)  
Beth Elliot (term to expire: 03/31/2025)

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

9. Discussion & Approval: Fiscal Year 2025 Water/Sewer Rates

Jim Feeney, Town Manager  
Mike Rademacher, Director of Public Works

### **WARRANT ARTICLE HEARINGS**

10. Articles for Review:

Article 15 Bylaw Amendment/Prohibition of Fair-Trade Restrictions - Fur Products  
Article 16 Bylaw Amendment/Pet Sale Restrictions/Retail Pet Sales  
Article 17 Bylaw Amendment/Right to Pet Companionship  
Article 18 Bylaw Amendment/Historic Building Demolition Delay  
Article 19 Vote/ Extend Time for Artificial Turf Study Committee and Report

### **FINAL VOTES & COMMENTS**

Articles for Review:

Article 6 Bylaw Amendment/Vacant Store Front Maintenance Registry  
Article 8 Bylaw Amendment/Annual Town Meeting Start Date  
Article 9 Bylaw Amendment/Revised Town Meeting Start Time  
Article 10 Bylaw Amendment/Start Time for Annual Town Meeting  
Article 11 Bylaw Amendment/Fossil Fuel Free Bylaw Language Changes

### **NEW BUSINESS**

Except in cases of emergency, the Board will neither deliberate nor act upon topics presented in New Business.

Next Scheduled Meeting of Select Board April 1, 2024

You are invited to a Zoom webinar.

When: Mar 26, 2024 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\\_iPtnLNT\\_T4GGBpc3JFvStA](https://town-arlington-ma-us.zoom.us/webinar/register/WN_iPtnLNT_T4GGBpc3JFvStA)

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.



## **Town of Arlington, Massachusetts**

---

**Legislative Provision for Remote Participation**



## Town of Arlington, Massachusetts

---

### Community Preservation Act Committee Presentation

#### Summary:

Clarissa Rowe, Chair

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CPAC_2025_-_Final.pdf	Presentation



# Community Preservation Act Committee

Clarissa Rowe, chair  
Sue Doctrow, David Swanson  
vice chairs  
Alexander Franzosa,  
presentation preparation



# Fiscal Year 2025

# Community Preservation Act (CPA)



**Historic  
Preservation**



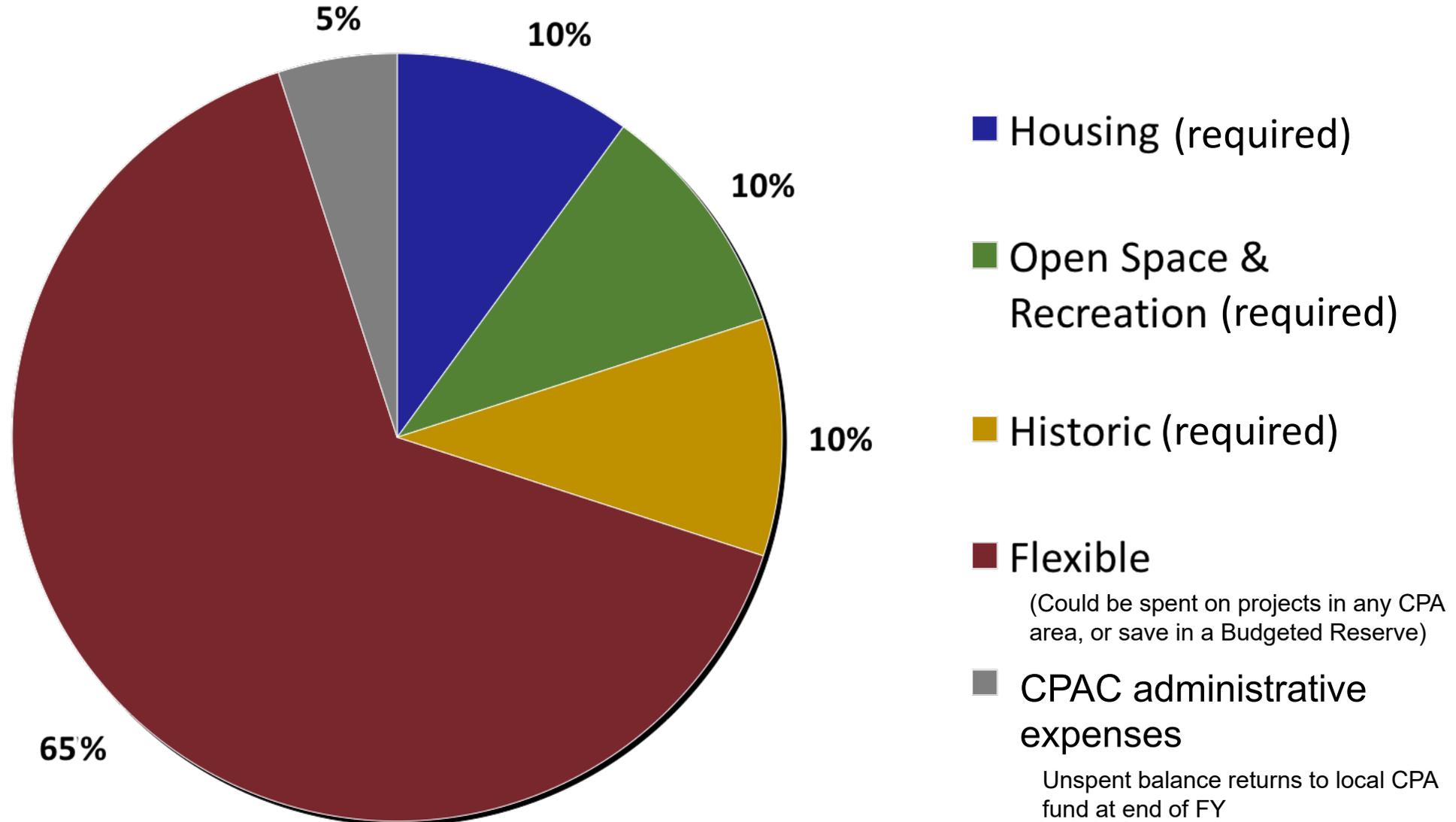
**Open Space &  
Recreation**



**Community  
Housing**



# Annual CPA Spending Targets





# Ch. 689-2 Special Needs Home Creation

Arlington Housing Authority

**\$200,000**



# 10 SUNNYSIDE

Housing Corporation of Arlington

**\$500,000**



# HOMELESSNESS PREVENTION PROGRAM

Housing Corporation of Arlington

**\$50,000**



# LEASING DIFFERENTIAL PROGRAM

Somerville Homeless Coalition

**\$16,800**



# SHEA HOUSE ROOF REPAIR: WELLINGTON STREET

**\$30,000**

Salvation Army, Cambridge Corps



# **DIGITIZING AND PRESERVING ARLINGTON'S MARRIAGE RECORDS**

Arlington Town Clerk

**\$77,597**



# WINFIELD ROBBINS MEMORIAL GARDEN RESTORATION PLANTING

Friends of the Robbins Garden

**\$115,506**



# FOOT OF THE ROCKS BATTLEFIELD MEMORIAL

Foot of the Rocks Project Working Group

**\$450,000**



# MCCLENNEN DETENTION POND SURVEY

**\$40,000**

Department of Planning and Community Development



# PUBLIC LAND MANAGEMENT ADDENDUM

Department of Planning and Community Development

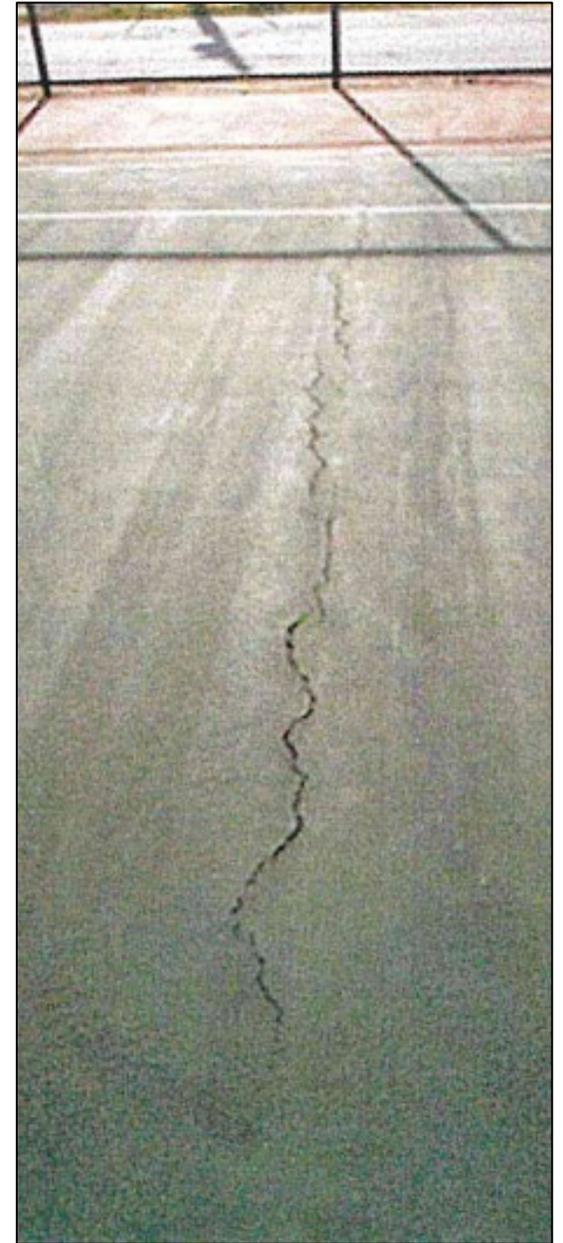
**\$25,000**



# MINUTEMAN BIKEWAY REDESIGN: RYDER STREET AND ED BURNS ARENA

Department of Planning and Community Development

**\$50,000**



# CROSBY PARK COURT AND PARK RENOVATION

**\$150,000**

Arlington Parks and Recreation



# MENOTOMY ROCKS PARK PLAY AND PICNIC AREA

**\$400,000**

Arlington Parks and Recreation

FY 25 Community Preservation Act, Final Applications		
Project Title	Applicants	Application
<b>Community Housing</b>		
Ch. 689-2 Special Needs Home Creation	Arlington Housing Authority	\$ 200,000
10 Sunnyside	Housing Corporation of Arlington	\$ 500,000
Homelessness Prevention Program	Housing Corporation of Arlington	\$ 50,000
Leasing Differential	Someville Homeless Colation	\$ 16,800
Shea House Roof Repair	Salvation Army (Cambridge Corps)	\$ 30,000
<b>Community Housing Subtotal</b>		<b>\$ 796,800</b>
<b>Open Space/Recreation</b>		
McClennen Detention Pond Survey	Department of Planning & Community Development	\$ 40,000
Public Land Management Addendum	Department of Planning & Community Development	\$ 25,000
Minuteman Bikeway Redesign at Ryder Street and Ed Burns Arena	Department of Planning & Community Development	\$ 50,000
Crosby Park Court and Park Renovation	Arlington Parks and Recreation	\$ 150,000
Menotomy Rocks Park Play and Picnic Area	Arlington Parks and Recreation	\$ 400,000
<b>Open Space/Recreation Subtotal</b>		<b>\$ 665,000</b>
<b>Historic Preservation</b>		
Digitizing and Preserving Arlington's Marriage Records	Arlington Town Clerk	\$ 77,597
Winfield Robbins Memorial Garden Restoration Planting	Friends of the Robbins Garden	\$ 115,506
Foot of the Rocks Battlefield Memorial	Working Group: Foot of the Rocks Project	\$ 450,000
<b>Historic Preservation Subtotal</b>		<b>\$ 643,103</b>
<b>Subtotal, FY25 CPA Applications</b>		<b>\$ 2,104,903</b>
	CPAC Administrative Expenses Account	\$ 74,181
<b>Grand Total</b>		<b>\$ 2,179,084</b>

Estimated CPA Funds for FY25 Appropriation		
Total Town CPA Tax Revenue Estimate for FY25	\$ 1,926,780	
State Match Estimated for FY 25	\$ 192,678	State Match, 10% of anticipated 2025 CPA Collections
Anticipated End of FY24 CPA Fund Balance	\$ 400,000	
<b>Total CPA Estimate Available for Distribution</b>	<b>\$ 2,519,458</b>	



## Town of Arlington, Massachusetts

---

### Minutes of Meetings: February 21, 2024; March 4, 2024

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	2.21.2024_draft_minutes.pdf	Draft 2.21.2024 Minutes
▢	Reference Material	3.4.2024_draft_minutes.pdf	Draft 3.4.2024 Minutes



## Select Board Meeting Minutes

Date: Wednesday, February 21, 2024

Time: 7:15PM

Location: Members of the public may access the hybrid meeting via the Select Board Chambers, Zoom, or ACMI

Present: Mr. Helmuth, Chair, Mr. Hurd, Vice Chair, Mrs. Mahon, Mr. DeCoursey, Mr. Diggins

Also Present: Mr. Feeney, Mr. Cunningham, Ms. Maher

### 1. Legislative Provision for Remote Participation

Mr. Helmuth opened the meeting by stating that tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. Because all members are present, votes will be taken by voice unless a roll call is required. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both Zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

A moment of Silence for Corinne Rainville, who tragically lost her life in a house fire in Vermont was taken. Ms. Rainville was the Town Clerk for Arlington for 16 years. On behalf of the Board and the Town Mr. Helmuth expressed his deepest condolences to her family during this difficult time.

2. Approval of Sale of \$200,000 Sewer Bond dated March 4, 2024, to the Massachusetts Water Resources Authority for Inflow and Infiltration Local Financial Assistance Program; and Approval of Sale dated March 11, 2024, of \$2,600,000 Water Bond to the Massachusetts Water Resources Authority for Local Water System Assistance Program

Alex Magee, Deputy Town Manager / Finance Director

Mr. Magee appeared before the Board and stated that they are seeking approval for the sale of bonds that have been authorized by Town Meeting. The bonds are for \$200,000



6. Request: Special (One Day) Beer & Wine License, 03/09/2024 @ Robbins Library Reading Room for Private Event  
Lizzi Weyant

Mr. DeCoursey moved to approval.

A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:           yes

Mr. DeCoursey:       yes

Mrs. Mahon:           yes

Mr. Helmuth:                 yes

SO

VOTED (4-0)

### **APPOINTMENTS**

7. Historic District Commissions (Jason/Gray Historic District)

Kenneth Lubar (term to expire: 01/31/2027)

Mr. Lubar did not appear. The Board was in receipt of Mr. Lubar's resume and stated that they felt comfortable moving forward with his appointment with the request he appear at a future Select Board Meeting.

Mrs. Mahon moved to approval with a condition to appear at a future meeting.

A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:           yes

Mr. DeCoursey:       yes

Mrs. Mahon:           yes

Mr. Helmuth:                 yes

SO

VOTED (4-0)

8. Tree Committee

Marina Popova

(term to expire: 01/31/2026)

Ms. Popova appeared before the Board stating that she is very interested in joining the Tree Committee as she is an avid nature lover and looks forward to being able to serve on this committee.

The Board thanked Ms. Popova for her willingness to serve and looks forward to working with her in the future.

Mr. DeCoursey moved approval.

A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:           yes

Mr. DeCoursey:       yes

Mrs. Mahon:           yes



Mrs. Bongiorno along with Ms. Lucazi appeared before the Board for a brief presentation stating that the 250<sup>th</sup> anniversary of the American Revolution is coming up next year. The Select Board has established a committee on which John Hurd and Angela Olszewski are the co-chairs. Arlington is a member of a four-community process in which we have joined Lexington, Concord and Lincoln to coordinate the events happening and have selected Sunday, April 14, 2024, as a dress rehearsal for the communities for next year. Ms. Bongiorno noted that they are before the Board for a conditional approval to move this forward so the Emergency Planning Team which includes a number of inter departments to look at the logistics of the plans that have been proposed. The conditional approval would be to close Massachusetts Avenue from Grove Street to Medford Street from 12:00p.m. - 5:00p.m.

Mr. Hurd moved to conditionally approve the closure of Mass Ave from Grove Street to Medford Street on Sunday, April 14, 2024, from 12:00p.m. -5:00p.m.

A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:            yes

Mr. DeCoursey:        yes

Mrs. Mahon:            yes

Mr. Hurd:                yes

Mr. Helmuth:            yes

SO

VOTED (5-0)

#### 11. Vote: Placement of Historic Marker

Katie Luczai, Economic Development Coordinator

Ms. Luczai appeared before the Board and noted that this is a conditional approval based on a final location for the placement of the marker indicating general Lafayette's visit to Arlington. This is part of a larger organization who is responsible for creating these markers and putting them along different places on the Lafayette Trail. Ms. Luczai noted that the markers are fully paid by the William C. Pomeroy Foundation and although they have final say on the verbiage, the location is up to the Town. Ms. Luczai noted the history of General Lafayette's visit through West Cambridge on September 2, 1824 and this year marks the 200<sup>th</sup> commemoration of the visit. Ms. Luczai stated that our marker for Arlington would read as follows:

"LAFAYETTE'S TOUR

On Sept. 2, 1824, General

Lafayette was welcomed

In this Town. Local citizens

Greeted him in front

Of the meeting house.

William c. Pomeroy Foundation 2024"

Ms. Luczai noted that the exact location needs to be approved by the Select Board but will ideally be located at the intersection of Mass Ave / Mystic Street. At this time Ms.



*Article 24 Revolving Funds*

Mr. Magee explained that this is an annual warrant article to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law. Mr. Magee explained that these funds must be reauthorized annually in order to enable expenditures from them, and as such, must be included in our abbreviated Town Meeting session.

Mr. DeCoursey moved favorable action to reauthorize Revolving Funds.

A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:           yes

Mr. DeCoursey:       yes

Mrs. Mahon:           yes

Mr. Helmuth:                   yes

SO

VOTED (4-0)

*Article 36 Endorsement of Parking Benefit District Expenditures*

Mr. Magee stated that they are seeking endorsement for the Parking Benefit District Expenditures Budget noting that this is an annual budget that is prepared with a specific focus of the revenues that are generated by the Parking Benefits District which essentially is the bounce along Mass Ave as metered parking. Mr. Magee noted that the Parking Benefit District is broken down into five categories: Seasonal Plantings, Watering of Seasonal Plantings, Seasonal Decorations, Trash Management and other. Mr. Magee noted that this is prepared by the Town Manager and the Parking Advisory Committee for endorsement by the Finance Committee and Capital Planning Committee respectively.

The following member of the public spoke regarding this warrant article:

Paul Schlichtman, 47 Mystic Street

Steve Moore, 64 Piedmont Street

Mrs. Mahon moved favorable action.

A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:           yes

Mr. DeCoursey:       yes

Mrs. Mahon:           yes

Mr. Helmuth:                   yes

SO

VOTED (4-0)

*Article 66 Resolution/MBTA Service*

Mr. Schlichtman appeared before the Board stating that Town Meeting passed a similar resolution through Town Meeting last year but feels as though things have not improved but worsened and stated that re voting the resolution this year would prove to be helpful. Mr. Schlichtman noted that the resolution before the Board tonight has been refreshed with a few changes to include that on January 29. The Arlington School Department

began running a parallel yellow school bus service in the mornings. Additionally, on October 25, 2023, Town Meeting voted 189 – 39 to approve the transit-oriented housing zoning changes.

The majority of the Select Board supports the resolution, but Mr. Diggins questioned the utility and impact of the resolution. Mr. DeCoursey and Mrs. Mahon viewed the resolution as part of a larger worthwhile discussion regarding the fairness of the MBTA assessment process and its disproportionate impact upon Arlington. Members of the Board support the movement to revisit the historical statutory formula by which assessments are determined so that all current MBTA communities pay their fair share.

The Board questioned whether the Select Board is the best forum for voting on such resolutions, with Mr. Diggins and Ms. Mahon noting that the Town Meeting may be better suited to develop its language. Mr. Decourcey and Mrs. Mahon suggested that it should be considered whether resolutions should be sent directly to Town Meeting so that petitioners are not faced with the prospect of having to submit a substitute motion at Town Meeting if their resolution language is amended by the Select Board. Mrs. Mahon noted that such a change may “streamline the process” and Mr. Helmuth suggested that the resolutions are properly the “voice of Town Meeting.”

The following members of the public spoke regarding this warrant article:  
Adam Auster, 112 Park Avenue  
Rebecca Gruber, 215 Pleasant Street

Mrs. Mahon moved favorable action with final language to be voted later.  
A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:	no	
Mr. DeCoursey:	yes	
Mrs. Mahon:	yes	
Mr. Helmuth:	yes	SO
VOTED (3-1)		

Mr. Diggins voted in the negative.

### **CORRESPONDENCE RECEIVED**

15. Broadway Crosswalk Request  
John Alessi, Senior Transportation Planner

Mrs. Mahon moved receipt.  
A roll call vote was taken on the motion by Ms. Maher.

Mr. Diggins:	yes
Mr. DeCoursey:	yes
Mrs. Mahon:	yes



7	K Lubar Reference
8	O Aries Reference M Popova Reference
9	Quilos Taqueria Inspection Reports Quilos Taqueria Application
10	Memo from Planning Department Presentation
11	Lafayette Marker Presentation
12	
13	
14	Warrant Article Text Memo from Town Counsel Article 23 Reference Article 24 Reference Article 66 Reference Article 36 Reference
15	Broadway Crosswalk Request Memo



## Select Board Meeting Minutes

Date: Monday, March 4, 2024

Time: 7:15PM

Location: Members of the public may access the hybrid meeting via the Select Board Chambers, Zoom, or ACMI

Present: Mr. Helmuth, Chair, Mr. Hurd, Vice Chair, Mrs. Mahon, Mr. DeCoursey, Mr. Diggins

Also Present: Mr. Feeney, Mr. Cunningham, Ms. Maher

### 1. Legislative Provision for Remote Participation

Mr. Helmuth opened the meeting by stating that tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. Because all members are present, votes will be taken by voice unless a roll call is required. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both Zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

### 2. Update: Key Minuteman High School School Committee Initiatives

Sarah Montague, Arlington Representative on Minuteman High School Committee

Ms. Montague appeared before the Board to give a high-level update on both the budget process and the superintendent search. Ms. Montague stated that she is a member of the finance subcommittee in which she has seen four versions of the budget as it has been developed. Ms. Montague noted that the MMHS School Committee approved the budget on January 31, 2024. Ms. Montague noted that she will be attending the Arlington Finance Committee Meeting on March 11, 2024.

Ms. Montague further stated that the School Committee interviewed three final candidates for Superintendent in which the recordings for all three finalists have been posted on the MMHS School Committee YouTube site. Ms. Montague stated that during

their deliberation they successfully selected a candidate; Heidi Driscoll who is currently the Assistant Superintendent for Scituate.

The Board thanked Ms. Montague for the updates and for serving on the MMHS School Committee as the Town of Arlington's representative.

### **FOR APPROVAL**

#### 3. Storm Drain Mural Painting Project

Laurie Bogdan Co-chair ACAC Community Engagement

Ms. Bogdan appeared before the Board and stated that she is working with David Morgan the Environmental Engineer for the Town of Arlington on a mural painting project to create awareness to storm drains and the waterways they drain to. Ms. Bogdan stated that they are looking for approval to paint 5 storm drains roughly 4x4 in size. The final designs for the project have not been selected. If approved by the Board Ms. Bogdan will solicit artists and the designs will be selected.

Mr. Diggins moved approval.

SO VOTED (5-0)

#### 4. Patriots Day Celebration in Whittemore Park, April 15, 2024

Heather Leavell, Director and Curator, Cyrus Dallin Art Museum

Ms. Leavell appeared before the Board to request the use of Whittemore Park on April 15, 2024, from 9:00a.m. - 12:30p.m. for the Patriots Day Celebration. At the event they will have poetry readings as well as museum tours.

Mr. Hurd moved approval.

SO VOTED (5-0)

#### 5. Placement of Two Monitoring Wells on Town Property

Christopher M. Leich Arlington Land Trust, President

Mr. Leich appeared before the Board to request the permission to place two monitoring wells on Town property that abuts the Mugar site where the proposed Thorndike Development is. Mr. Leich stated that the purpose of the monitoring wells would be to provide an objective reference point for accurately measuring the groundwater levels. This is extremely important to have accurate measurements in order to ensure that the project does not exacerbate area flooding and damage adjacent wetlands. Mr. Leich noted that Land Trust is concerned that the measurements provided by the developer are not reliable and do not comply with state requirements. The wells would be constructed with 6-inch PVC pipe and would not protrude from the ground. The wells would be placed approximately three feet from the curb on Dorothy Road and would continuously be monitored during the seasonal high groundwater months.

Mr. Feeney noted that as the Board consider this proposal there is a baseline requirement that the contractor perform a dig safe and mark it out, so the Town is able to ensure there are no conflicts with underground utilities. Longer term, when the monitoring wells are no

longer needed that the Land Trust be responsible for helping, they be decommissioned or abandoned in place so there is no future confusion about what exists under the access hatch that will be installed at grade.

The Board thanked Mr. Leich and the Land Trust for their advocacy for the Mugar site over the years and noted the importance of the monitoring wells on this site.

Mr. DeCoursey moved approval.

SO VOTED (5-0)

### **CONSENT AGENDA**

6. Minutes of Meeting: February 5, 2024
7. Request: Contractor/Drainlayer License  
USA Excavating Inc.  
Rafael Schmidt  
Northborough, MA 01532
8. Request: Special (One Day) Beer & Wine License, 03/16/2024 @ Robbins Memorial Town Hall for Beats for Eats Fundraiser  
Andi Doane  
Director, Arlington Eats
9. Extension of Black History Month Banners  
Jillian Harvey, Director of Diversity, Equity & Inclusion Division

Mrs. Mahon moved approval.

SO VOTED (5-0)

### **APPOINTMENTS**

10. Historic District Commissions (Jason/Gray Historic District)  
Kenneth Lubar  
(term to expire: 01/31/2026)

Mr. Lubar appeared before the Board and stated that he has lived in a historic district in Arlington for over 20 years. Mr. Lubar stated that he is confident that he can provide insight to the committee having lived in the district for many years.

The Board thanked Mr. Lubar for his willingness to serve and look forward to working with him in the future.

Mrs. Mahon moved approval.

SO VOTED (5-0)

### **LICENSES & PERMITS**

11. For Approval: Common Victualler License  
Makalu Nepali Restaurant, 352A Massachusetts Avenue  
Bishnu Dabadi, Sandesh Munankarmi  
Drad Group, Inc.

Mr. Munankarmi appeared before the Board and stated that he is looking forward to opening his business in Arlington and noted that he also owns a business in Somerville. The Board thanked Mr. Munankarmi for choosing Arlington to have his business and look forward to visiting his restaurant in the future.

Mrs. Mahon moved approval.

SO VOTED (5-0)

12. For Approval: Common Victualler License  
Boston Pizza & Gyro, 1323 Massachusetts Avenue, Ismail Beyaztas

Mr. Beyaztas appeared before the Board for a Common Victualler License.

Mr. Feeney gave a detailed history of the establishment to date stating that the business located at 1323 Massachusetts Avenue had a change of ownership on or about December 2022 or January 2023. At that point in time the new owner applied for a certificate of occupancy from Inspectional Services as well as a permit to operate a food establishment from the Arlington Health Department as well as a Common Victualler License through the Select Board Office. Shortly after the applications, the establishment was placed for a hearing on a Select Board agenda in February of 2023, at which point the applicant did not appear for the hearing therefor the license was never issued. However, the establishment has stayed in operation since that time and shortly after the new year it was learned that the Common Victualler was never issued, and staff reached out to the owner to request an updated application and materials and to again reschedule a hearing before the Board. Unfortunately, those materials were not submitted in a timely manner where the Inspectional Services Department then became involved where a number of letters were hand delivered to the establishment noting that without a Common Victualler License their Occupancy Permit could be revoked. After a few rounds of letters, the applicant applied for a Common Victualler License through the Select Board's Office where the inspection groups each wrote a report. Noted in nearly all the reports were violations which are included in the Board's materials. Mr. Feeney noted that he spoke with the Health Department prior to the meeting where it was noted that the applicant has scheduled a meeting with them to be held on March 7, 2024, with respect to the ongoing repeat violations.

The Board deliberated their options noting that this is a unique situation where an establishment has been open for a year without a license. The Board stated that they would like to continue the hearing to the Board's next meeting to give the applicant the opportunity to fix a number of the violations that were listed. The Board also stated that they will request the Inspectional Services Department to extend the temporary certificate of occupancy through March 18<sup>th</sup>. It was further explained to the applicant that unless the violations are remedied the Board is not inclined to grant the issuance of this license.

Mr. DeCoursey moved to continue to 3/18.

SO VOTED (5-0)

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

### 13. Future Select Board Meetings

The Board voted the following meeting dates:

Tuesday, March 26, 2024

Monday, April 1, 2024

## **WARRANT ARTICLE HEARINGS**

### 14. Articles for Review:

*Article 7 Bylaw Amendment/Betterment Bylaw Revision*

Mr. Feeney appeared before the Board and stated that the intent of this article is to address a few discrete issues that have arisen with respect to different betterment projects. In recent years, the increasing number of betterment petitions has made it difficult for the Town to provide the up-front costs that permits these projects to begin. Further, the requirement for threshold number of approvals required from petitions who are members of a residential association, even when some members are not direct abutters to the planned project, has made it difficult to secure approval for a number of projects. The sections that the article seeks to amend sections 4,5 and 6. The effect of the changes to sections 4 and 5 would alter the requirements for petitioners from associations so that those in the association or a group of private ways need only secure approval from 2/3 of the total number of abutters to the project itself rather than all those who are on the private ways within the association. The proposed changes to section 6 would change the required deposit from a petitioning group from 1/3 to 2/3 of the total estimated cost of the repair project to be provided before any work begins. An additional proposed change to section 6 would make it so that the deposit requirement would not only apply to repairs to private ways that are financed by the Town through an instrument of borrowing or debt insurance.

The following members of the public spoke to this warrant article:

John Ross, 2 Stevens Terrace

Ben Ames, 14 Hawthorne Avenue

Jack Hurd, 38 Spy Pong Parkway

The Board had a detailed debate regarding the utility and impact of the change proposed in Section 6 (Assessment of costs) from requiring one-third deposit of the total estimated cost of the project to two-thirds. The Board considered the impact of this increased fee on residents and moved to amend the proposed language from two-thirds to fifty percent. Further, the Board requested that the proposed amendment be further revised to clarify the last sentence in Section 5 to reflect abutters who had petitioned the Board. Finally,

the Board moved to further amend the proposed changes by requesting that the permissibility of electronic petitions be incorporated into the amendment.

Mr. Hurd moved favorable action with amendment to 50% up front cost instead of 2/3.

SO VOTED (5-0)

*Article 12 Bylaw Amendment/John J. Bilafer Arlington Citizens' Scholarship Fund*

Ms. Wayman, Treasurer, appeared before the Board and stated that this article seeks to amend Title II, Article I of the town's bylaws. The proposed bylaw amendment is intended to increase flexibility of the Committee to act by allowing the permanent members of the Scholarship to designate a person to attend and participate in Committee meetings on their behalf, in the event that a permanent member is unable to attend a scheduled meeting. Ms. Wayman noted that the Dollars for Scholars Committee voted at its recent committee meeting to support this proposed bylaw amendment.

The Board thanked Ms. Wayman for her presentation and recognized the need for flexibility with permanent membership of the Scholarship Committee.

Mr. Hurd moved favorable action.

SO VOTED (5-0)

*Article 13 Bylaw Amendment/Leaf Blower Dates of Transition*

Mr. Feeney stated that this article was inserted at the request of the Town Manager and after consultation with the Director of Board of Health in the event that proposed changes to Title V, Article 12, Section 3(D) might be deemed appropriate. After further consideration of the article and the existing bylaw, no proposed changes are requested at this time.

Mr. Diggins moved no action.

SO VOTED (5-0)

*Article 56 Local Option/Acceptance of M.G.L Chapter 203C the Prudent Investor Rule*

Ms. Wayman, Treasurer, appeared before the Board and stated that this article seeks adoption of a local option that will allow the Town to take advantage of the recent amendments to MGL that permits municipalities to utilize the provisions set for in the "Prudent Investor Rule" while managing its trust funds. Ms. Wayman stated that this is change would help broaden how are trust funds are invested. It should be noted that the Arlington Board of Trust Fund Commissioners voted to support this article and further, the adoption of this is supported by the Massachusetts Collectors and Treasurers Association.

The Board inquired into the type of risk that acceptance of this law would invoke, and how much Town monies would be impacted. The Board agreed that this local option allows Treasurers to broaden the options available to "balance safety, liquidity, and yield when investing public funds – in this case, trust fund monies.

Mr. Hurd moved favorable action.

SO VOTED (5-0)

**NEW BUSINESS**

No new business.

Mrs. Mahon moved to adjourn at 9:32p.m.

SO VOTED (5-0)

Next Scheduled Meeting of Select Board Monday, March 18, 2024

A true record attest.

Ashley Maher

Board Administrator

3/4/2024

Agenda Item	Documents Used
1	
2	
3	Drain Mural Memo 3 Additional Locations
4	Application, Request and Event Flyer
5	Arlington Land Trust Letter Mugar Site Test Pit Map
6	Draft 2.5.2024 Minutes
7	USA Excavating Reference
8	Special One-Day Reference
9	Extension of Black History Month Banners
10	K Lubar Reference
11	Makalu CV Application Inspection Reports
12	Boston Pizza & Gyro Application Inspection Reports
13	Calendar
14	Warrant Article Text

	Town Counsel Memo Article 7 Reference
--	--



---

## Town of Arlington, Massachusetts

---

**Request: Special (One Day) Beer & Wine License, 04/20/2024 @ Robbins Memorial Town Hall for Private Event**

**Summary:**

Rennie Zimmerman

**ATTACHMENTS:**

Type	File Name	Description
▢ Reference Material	1_Day_Wedding_04.20.24_Ref.pdf	Reference

OFFICE OF THE SELECT BOARD  
TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

**SPECIAL ALCOHOL LICENSE APPLICATION**

Name of Applicant: Rennie Zimmerman

Address, phone & e-mail contact information:

Name & address of Organization for which license is sought:

Michelle Noska, Beaujolais Catering, 207 Broadway, Arlington, Ma. 02474

Does this Organization hold nonprofit status under the IRS Code?  Yes  No

Name of Responsible Manager of Organization (if different from above):

\_\_\_\_\_

Address, phone & e-mail contact information:

Michelle Noska, 207 Broadway, Arlington, Ma. 02474 617-519-6081  
michelle@beaujolaiscatering.com

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year?  Yes  No If so, please give date(s) of Special Licenses and/or applications and title of event(s).

2024

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

One time event - son's wedding

24-Hour contact number for Responsible Manager of Alcohol Event date:

617-519-6081

Title of Event: Wedding Ceremony and Reception for son who resides in London

Date/time of Event: \_\_\_\_\_

Saturday, April 20, 2024 5:30 pm – 11:00 pm

Location of Event: Arlington town Hall

Location/Event Coordinator: Patsy Kraemer

Method(s) of invitation/publicity for Event: wedding invitation

Number of people expected to attend: 80

Expected admission/ticket prices: N/A

Expected prices for food and beverages (alcoholic and non-alcoholic): N/A

Will persons under age 21 be on premises? no

If "yes," please detail plan to prevent access of minors to alcoholic beverages. \_\_\_\_\_

Have you consulted with the Department of Police Services about your security plan for the Event? Yes - attached

**OFFICE USE ONLY**

*For Police Chief, Operations Commander, or designee:*

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

*Off. Corey J. Kratoch*  
Printed name/title

Date: 3/15/2024

POLICE COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

Wine and beer

What types of food and non-alcoholic beverages do you plan to serve at the Event?

Full dinner including appetizers main course dessert

Who will be responsible for serving alcoholic beverages at the Event?

Bartending staff from Beaujolais

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

Attached TIPS certification

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: [www.mass.gov/abcc](http://www.mass.gov/abcc))

Kappy's Everett

Date of Delivery: Saturday, April 20, 2024

Alcohol Serving Time (s): 5:30 pm – 10:30 pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Kappy's will pick up excess alcohol

Date of Pick-Up: Monday April 22, 2024

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability

and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.)

attached \_\_\_\_\_

**Please submit this completed form and filing fee to the Select Board at least 21 days before your Event. Failure to provide complete information may delay the processing of your application.**

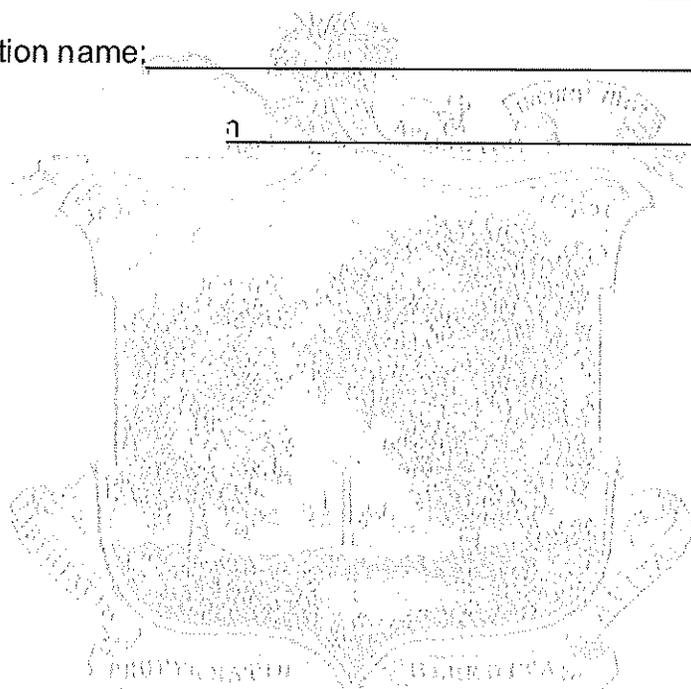
**I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:**

Signature: \_\_\_\_\_

Printed name: Rennie Zimmerman

Printed title & Organization name: \_\_\_\_\_

Email: \_\_\_\_\_





**ROBBINS MEMORIAL TOWN HALL AUDITORIUM**  
**730 Massachusetts Avenue, Arlington, Ma. 02476**

13 March 2024

**SECURITY PLAN FOR ZIMMERMAN/MORE WEDDING**

The Zimmerman/More family is holding a wedding event for their son Joseph More's wedding. The event is to be held Saturday April 20, 2024, at the Arlington Town Hall. The wedding time is 4:30 pm – 11:00 pm. A One-Day Permit has been submitted to the Select Board.

This is the Security Plan.

We anticipate approximately 80 people to attend, adults only.

Patsy Kraemer will be the event coordinator for the event. Food and bartending service will be provided by Beaujolais Catering. Greg Stathopoulos will be the custodian for the event. The Zimmerman/More family will be responsible for ensuring that the party runs smoothly. A fire services detail will be hired for the event.

Parking for the event will be available in the Town Hall parking lot, the parking lot at the Central School office building directly behind Town Hall, and on the side streets, as well as Mass. Ave.

Please advise if there are other items that we need to consider.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/24/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Prescott and Son Insurance Agency, Inc. 963 Eastern Avenue Malden MA 02148		<b>CONTACT NAME:</b> Commercial Lines <b>PHONE (A/C, No, Ext):</b> (781) 322-2350 <b>E-MAIL ADDRESS:</b> <b>FAX (A/C, No):</b>	
		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A:</b> Twin City Fire Ins Co	<b>NAIC #</b> 29459
<b>INSURED</b>		<b>INSURER B:</b> Safety Insurance Co 39454	
Michelle C Noska		<b>INSURER C:</b>	
Beaujolais Catering		<b>INSURER D:</b>	
207a Broadway		<b>INSURER E:</b>	
Arlington MA 02474		<b>INSURER F:</b>	

**COVERAGES**

CERTIFICATE NUMBER: 23-24 All Lines

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	08SBAAA8353	04/09/2023	04/09/2024	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							Liquor Liability	\$ 1,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			6227097	01/21/2023	01/21/2024	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
							Medical payments	\$ 5,000
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Liquor Liability			08SBAAA8353	04/09/2023	04/09/2024	Each Occurrence	\$1,000,000
							Aggregate	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Per written contract, the Town of Arlington is an additional insured with respect to general liability.

*will renew on 4/9/24 - will send copy of new certificate*

**CERTIFICATE HOLDER****CANCELLATION**

Town of Arlington 730 Mass Ave Arlington MA 02476	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---



**eTIPS On Premise 3.1**

**CERTIFIED**

**Issued: 6/22/2021**

**Expires: 6/22/2024**

**ID#: 5495585**

**Aldo G De Oliveira**



**Revere, MA 02151-5808**

**For service visit us online at [www.gettips.com](http://www.gettips.com)**



## Town of Arlington, Massachusetts

---

### Heights Spring Fling Festival, Saturday, May 18th, 2024

#### Summary:

Janet O'Riordan, Heights Community Association

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Heights_Spring_Fling_Ref.pdf	Spring Fling Reference

TOWN OF ARLINGTON  
SPECIAL EVENT PERMIT APPLICATION

Applicant and Sponsoring Organization Information

Name of Organization / Sponsor: Arlington Heights Community Association WEAAC Chamber of Commerce

Address: Arlington Heights City: Arlington State: MA Zip: 02476

Applicant Name: T Janet O'Riordan Tel#:

E-mail: jorioro@comcast.net

Event Manager: T Janet O'Riordan Contact Info:

Other Contact Person/s: Cecily Miller Contact Info:

Event Information

Run/Walk  Parade  Event

Event Title: Heights Spring Fling Festival

Start Date & Time(s): 5/18 2pm End Date & Time(s): 5/18 5pm

Estimated Attendance: # 500+ Admission Fee: Free

Open to the Public:  Yes  No

Requested Location: Street (specify): Mass Ave. See attachment

Other (specify):

Set Up Date/Time & Description: 5/18 12:30 set up tables & chairs

Breakdown Date/Time & Description: 5/18 5:00 Break down tables & chairs

NOTE: ATTACH DIAGRAM OF ROUTE WITH SPECIFICS

Event Details

YES	NO	Will you set up table(s) and/or chair(s)? Approximate number: <u>25 tables 50 chairs</u> Booth(s), Exhibit(s), Display(s) and/or Enclosure(s): Canopy(ies) and/or Tent(s)- describe dimensions: <u>10x10 for shade of 2 musicians</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	

The following is required by your organization to insure the safety and health of all participating in this event: Note: You do not need to contact the departments below if it is not required.

YES	NO	Police Detail: _____ (contact police)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	

March 19, 2024

Attachment to Special Event Permit Application  
for the Third Annual Heights Spring Fling Festival

The Arlington Heights Community Association (AHCA), the Arlington Commission for Arts and Culture and the Arlington Chamber of Commerce are organizing a Heights Spring Fling Festival. The event will take place on Saturday, May 18, 2:00pm - 5:00pm. Rain Date is Sunday, May 19, 2:00pm - 5:00pm. We hope to draw town residents to the Heights to view 60+ spring-themed painted windows in 25 business storefronts and dine and shop locally in the Heights.

This event will be similar to the successful Spring Fling Festivals we organized the last two years. Family activities will include Touch-A-Truck, a kid's craft activity, a puppet show, and an outdoor ring toss game. Live music will also be performed outdoors throughout the afternoon.

Along with offering some fun activities, we also have invited 25+ community organizations and local businesses to share their ideas and advice on ways in which our residents can promote a healthier environment and eco-diversity in their own back yards. Organizations include "Full Circle Composting" - a high school composting service - to the town's ACE and Zero Waste programs.

In order to offer these activities, we are asking the Select Board for the use of the following public spaces which were all approved by the Select Board last year.

1. The cement sidewalk in front of the Heights Bus Dept for the ring toss game.
2. The sidewalk area at the corner of MyEyeDr for a couple of non-amplified musicians from 2-3pm and a festival information table.
3. Two areas for (20) 6-foot community tables with two chairs each:
  - a. Parking spaces in the area by the Heights Bus Depot
  - b. Parking spaces from 1312 Mass Ave (lamp pole in front of Home Taste (next to Heights Pub parklet) to the end of the sidewalk at 1308 Mass Ave (in front of the former Embassy Cleaners).\*We will not use any space in the bike lanes.
4. Five parking spaces in front of ACMi, 85 Park Avenue, for attendees to gather for a performance on ACMi steps. We used this same area for the Holiday tree lighting and choral performance.

We met last year with Officer Corey Rateau and together we identified all these spaces as both safe and good locations for the tables and attendees. The DPW will provide us with 40-45 traffic cones to block off the spaces for five hours on the day of the event from 12:30pm-5:30pm.

Sincerely,  
Janet O'Riordan  
[joriordan@comcast.net](mailto:joriordan@comcast.net)



## Town of Arlington, Massachusetts

---

### Request: Contractor/Drainlayer License

#### Summary:

A. Cierri & Sons, Inc.  
Tony Cierri  
Woburn, MA

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	A_Cierri___Sons_Ref.pdf	Reference

## OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURSEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Tony Cierri  
A. Cierri & Sons, Inc.

Woburn, MA

Dear Tony:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington by hybrid format on Tuesday, March 26, 2024 at 7:15 p.m. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22 by 12:00 p.m.

Please contact this office by email, [bmallard@town.arlington.ma.us](mailto:bmallard@town.arlington.ma.us), if you have any questions.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant



Engineering Division

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

## MEMORANDUM

To: Select Board  
From: Engineering Division  
Re: Approved Contractor License  
Date: March 15, 2024

Dear Board Members,

Reference is hereby made to an application by Tony Cierri of A. Cierri & Sons, Inc. to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

A. Cierri & Sons, Inc.

Woburn, MA

Tony Cierri

Phone:

Email:

Upon review of the application supplied by the contractor, we recommend approval and issuance of an Approved Contractor license.

Regards,

Wolfgang G Kirstein, E.I.T.  
Civil Engineer

cc: Wayne A. Chouinard P.E., Town Engineer  
William C. Copithorne, P.E., Assistant Town Engineer



# TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

## APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

### Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

Water     Sanitary Sewer     Stormwater Drainage     Sewer/Drain Inspection     Driveway Work     Curb/Sidewalk Work

### Applicant Information

Applicant/Firm Name: A Cierra + Sons, Inc

Select One:     Corporation     Partnership     Proprietorship     Other: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/Town: Woburn State: MA

Primary Phone: \_\_\_\_\_

Length of Time in Business under the same Firm Name: 44 yrs

Full Name(s) of Principal(s): Tony Cierra

Primary Contact Person: Tony Cierra

### Experience/Previous Work

Nature of Typical/Standard Work: Water + sewer installations

Have you ever performed this type of work in Arlington:     Yes     No

If Yes, Please provide Location: \_\_\_\_\_ Approximate Date: 2 10 yrs ago

Total Amount of such construction this year: \_\_\_\_\_

Total Amount of such construction last year: \$ 200,000

Total Amount of such construction next previous year: \$ 200,000

### Municipal References - Please Attach Written Reference Letters

Municipality: Town of Stoneham

Primary Contact Name: Brett Corsalves Email: \_\_\_\_\_

Municipality: Town of Weymouth

Primary Contact Name: Paul Ganugi Email: \_\_\_\_\_

Municipality: Town of Burlington

Primary Contact Name: Tom Hayes Email: \_\_\_\_\_

### Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: Northern Bank (Don Queenan) Phone: 781-937-5400

Federal Tax ID or Soci

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

**Note to Town Staff: Redact Social Security # before releasing document**

### Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature: Anthony Cierra Date: 3/1/2024

Reset Form

Print Form



## Town of Arlington, Massachusetts

---

### Request: Contractor/Drainlayer License

#### Summary:

North Heritage Construction Corp.  
Adriano Mendes  
North Chelmsford, MA 01863

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	North_Heritage_Construction_Corp.pdf	Reference

## OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 22, 2024

Adriano Mendes  
North Heritage Construction Corp.

North Chelmsford, MA 01863  
adriano@northheritage.com

Dear Adriano:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington by hybrid format on Tuesday, March 26, 2024 at 7:15 p.m. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22 by 12:00 p.m.

Please contact this office by email, [bmallard@town.arlington.ma.us](mailto:bmallard@town.arlington.ma.us), if you have any questions.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant



Engineering Division

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

## MEMORANDUM

To: Select Board  
From: Engineering Division  
Re: Approved Contractor License  
Date: March 20, 2024

Dear Board Members,

Reference is hereby made to an application by Adriano Mendes of North Heritage Construction Corp., to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

North Heritage Construction Corp.  
Adriano Mendes

North Chelmsford, MA 01863  
Phone: 508-353-2368  
Email: [adriano@northheritage.com](mailto:adriano@northheritage.com)

As a previously approved contractor in good standing, we recommend approval and issuance of an Approved Contractor and Drainlayer license.

Regards,

Wolfgang G. Kirstein, E.I.T.  
Civil Engineer

CC: File



# TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

## APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

**Directions:** Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

### Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

Water     Sanitary Sewer     Stormwater Drainage     Sewer/Drain Inspection     Driveway Work     Curb/Sidewalk Work

### Applicant Information

Applicant/Firm Name: North Heritage Construction Corp

Select One:     Corporation     Partnership     Proprietorship     Other: \_\_\_\_\_

Street Address: \_\_\_\_\_ City/Town: North Chelmsford State: MA

Primary Phone: \_\_\_\_\_ E-mail: adriano@northheritage.com

Length of Time in Business under the same Firm Name: 10 years

Full Name(s) of Principal(s): Adriano Mendes

Primary Contact Person: Adriano Mendes

### Experience/Previous Work

Nature of Typical/Standard Work: Driveway

Have you ever performed this type of work in Arlington:     Yes     No

If Yes, Please provide Location: 3 Grandview Road Approximate Date: 2022

Total Amount of such construction this year: N/A

Total Amount of such construction last year: N/A

Total Amount of such construction next previous year: 1

### Municipal References - Please Attach Written Reference Letters

Municipality: Newton

Primary Contact Name: 617-719-8188 Email: \_\_\_\_\_

Municipality: Lowell

Primary Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

Municipality: \_\_\_\_\_

Primary Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

### Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: Enterprise Bank Phone: 978-937-9000

Federal Tax ID

Note to Town Staff: Redact Social Security # before releasing document

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

### Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature:

Date: 03/17/24

Reset Form

Print Form



## Town of Arlington, Massachusetts

---

### Reappointments: Affordable Housing Trust Fund Board

#### Summary:

Philip Tedesco (term to expire: 03/31/2025)  
Eric Helmuth (term to expire: 03/31/2025)  
Karen Kelleher (term to expire: 03/31/2026)  
Neal Mongold (term to expire: 03/31/2026)  
Jaclyn Pacejo (term to expire: 03/31/2026)  
Beth Elliot (term to expire: 03/31/2025)

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Affordable_Housing_Reapp_Ref.pdf	Reference



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

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

**MEMORANDUM**

To: Arlington Select Board  
Jim Feeney, Town Manager

From: Claire V. Ricker, Director of Planning and Community Development

Cc: Sarah Suarez, Assistant Director of Planning and Community Development

Date: March 4, 2024

RE: Reappointments to the Affordable Housing Trust Fund Board

The Arlington Affordable Housing Trust Fund (the "Trust") was established by the 2020 Special Town Meeting "to provide for the preservation and creation of Community Housing in the Town of Arlington." The Board of Trustees acts on the powers set forth in M.G.L. Chapter 44, Section 55C. The bylaw governing the Trust provides for one ex officio non-voting member appointed by the Town Manager, and a seven-member Board appointed by the Select Board composed of:

- one member of the Select Board.
- at least one tenant who earns a low-moderate income and resides in subsidized housing and understands tenant issues.
- at least two representatives of local housing organizations dedicated to the creation and maintenance of affordable housing; and
- residents with affordable housing expertise such as real estate, architecture, urban planning, social services, banking, or law.

The current members of the Trust satisfy the requirements listed above and staff is requesting the Select Board consider reappointing the following members to the Affordable Housing Trust Board:

- Philip Tedesco- new term to expire on 03/31/2025
- Eric Helmuth- new term to expire on 03/31/2025
- Karen Kelleher- new term to expire on 03/31/2026
- Neal Mongold- new term to expire on 03/31/2026
- Jaclyn Pacejo- new term to expire on 03/31/2026

Staff is also requesting the Town Manager consider reappointing Beth Elliot with a new term to expire on 03/31/2025.

The term limits are staggered as required by the Trust's by-laws. This will be the second reappointment for each of the members.

OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURSEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Philip Tedesco  
Arlington, MA 02476

Re: Reappointment: Affordable Housing Trust Fund Board

Dear Philip:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting conducted via hybrid format on Tuesday, March 26th at 7:15pm. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22, by 12:00pm.

Please contact this office by e-mail, [bmallard@town.arlington.ma.us](mailto:bmallard@town.arlington.ma.us), if you have any questions.

Thank you.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant

## OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Eric Helmuth  
Arlington, MA 02476  
[ehelmuth@town.arlington.ma.us](mailto:ehelmuth@town.arlington.ma.us)

Re: Reappointment: Affordable Housing Trust Fund Board

Dear Eric:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting conducted via hybrid format on Tuesday, March 26th at 7:15pm. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22, by 12:00pm.

Please contact this office by e-mail, [bmallard@town.arlington.ma.us](mailto:bmallard@town.arlington.ma.us), if you have any questions.

Thank you.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant

## OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURSEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Karen Kelleher  
Arlington, MA 02476

Re: Reappointment: Affordable Housing Trust Fund Board

Dear Karen:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting conducted via hybrid format on Tuesday, March 26th at 7:15pm. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22, by 12:00pm.

Please contact this office by e-mail, [smallard@town.arlington.ma.us](mailto:smallard@town.arlington.ma.us), if you have any questions.

Thank you.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant

## OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Neal Mongold  
Arlington, MA 02476

Re: Reappointment: Affordable Housing Trust Fund Board

Dear Neal:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting conducted via hybrid format on Tuesday, March 26th at 7:15pm. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22, by 12:00pm.

Please contact this office by e-mail, [bmallard@town.arlington.ma.us](mailto:bmallard@town.arlington.ma.us), if you have any questions.

Thank you.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant

## OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Jaclyn Pacejo  
Arlington, MA 02476

Re: Reappointment: Affordable Housing Trust Fund Board

Dear Jaclyn:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting conducted via hybrid format on Tuesday, March 26th at 7:15pm. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22, by 12:00pm.

Please contact this office by e-mail, [bmallard@town.arlington.ma.us](mailto:bmallard@town.arlington.ma.us), if you have any questions.

Thank you.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant



Town of Arlington  
Office of the Town Manager

James Feeney  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3010

MEMORANDUM

DATE: March 19, 2024

TO: Board Members

SUBJECT: Appointment to the Affordable Housing Trust Fund Board

This memo is to request the Board's approval of my reappointment of Beth Elliott, Arlington, MA, to the Affordable Housing Trust Fund Board, with a term expiration date of 03/31/2025.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

\_\_\_\_\_  
Town Manager

OFFICE OF THE SELECT BOARD

ERIC D. HELMUTH, CHAIR  
JOHN V. HURD, VICE CHAIR  
DIANE M. MAHON  
STEPHEN W. DECOURCEY  
LENARD T. DIGGINS



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 20, 2024

Beth Elliott  
Arlington, MA 02476

Re: Reappointment: Affordable Housing Trust Fund Board

Dear Beth:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting conducted via hybrid format on Tuesday, March 26th at 7:15pm. Although it is not a requirement that you attend this meeting, you are invited to do so.

The meeting will take place in the Select Board Chambers. The link to the meeting and other information will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Friday, March 22, by 12:00pm.

Please contact this office by e-mail, [smallard@town.arlington.ma.us](mailto:smallard@town.arlington.ma.us), if you have any questions.

Thank you.

Very truly yours,  
SELECT BOARD

Britton Mallard  
Administrative Assistant



## Town of Arlington, Massachusetts

---

### Discussion & Approval: Fiscal Year 2025 Water/Sewer Rates

#### Summary:

Jim Feeney, Town Manager

Mike Rademacher, Director of Public Works

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	FY25_Water_and_Sewer_Rate_Recommendation_CORRECTED.pdf	W&S Rate Recommendation



**PUBLIC WORKS DEPARTMENT**  
**TOWN OF ARLINGTON**  
 51 Grove Street, Arlington, Massachusetts 02476  
 Phone: (781) 316-3104 Fax: (781) 316-3281

Memo to: Jim Feeney, Town Manager  
 From: Mike Rademacher, DPW Director  
 Date: March 27, 2024  
 Subject: FY25 Water/Sewer Rate Recommendation  
 With Corrections

The following contains the same rate data approved by the Select Board on March 26, 2024 but includes corrections to a few FY designations.

Below is my recommendation for water and sewer rate increases in FY25. Based on the FY25 Water and Sewer Budget currently submitted to the Finance Committee, it is my recommendation that the water rates increase by 3.05% and sewer rates increase by 3.13%. This recommendation assumes the following:

- Rate projections include payment of future debt service related to capital projects including the DPW Facility.
- All user fees increase by the same percentage at the proposed average rate increase
- Water use is estimated to be 1,174,265 CCF's in FY25. This value is based on the past 5 years of use (removing the highest and lowest years)

Proposed Rate Chart	<u>WATER</u>		<u>SEWER</u>	
	FY24 (Exist)	FY25 (Prop)	FY24 (Exist)	FY25 (Prop)
0-15 ccf/3 months	\$8.17	\$8.42	\$9.60	\$9.90
16-30 ccf/3 months	\$8.75	\$9.02	\$10.23	\$10.55
Over 30 ccf/3 months	\$10.61	\$10.93	\$12.40	\$12.79

	FY24 Rates	FY25 Rates
Cost Ave. Arlington Home Use: <u>60ccf/yr.</u>	\$1,135	\$1,171

Cost Ave. Arlington Home per bill: <u>3 months</u>	\$283	\$293
---	-------	-------

Approx. Rate increase Over previous FY:		
Water:	<u>3.66%</u>	<u>3.05%</u>
Sewer:	<u>3.54%</u>	<u>3.13%</u>
Ave:	<u>3.60%</u>	<u>3.09%</u>



## Town of Arlington, Massachusetts

---

### Articles for Review:

#### Summary:

Article 15 Bylaw Amendment/Prohibition of Fair-Trade Restrictions - Fur Products

Article 16 Bylaw Amendment/Pet Sale Restrictions/Retail Pet Sales

Article 17 Bylaw Amendment/Right to Pet Companionship

Article 18 Bylaw Amendment/Historic Building Demolition Delay

Article 19 Vote/ Extend Time for Artificial Turf Study Committee and Report

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Warrant_Article_Text.pdf	Warrant Article Text
▢	Reference Material	Warrant_Article_Memos_3.26.24.pdf	Warrant Article Memo - Town Counsel
▢	Reference Material	WA_15_Letter.pdf	WA 15 Letter
▢	Reference Material	WA_15_Presentation.pdf	WA 15 Presentation
▢	Reference Material	WA_15_FAQ_Sheet.pdf	WA 15 FAQ Sheet
▢	Reference Material	WA_16_FAQ_Sheet.pdf	WA 16 FAQ Sheet
▢	Reference Material	WA_16_FactSheet_PetSalesShelters.pdf	WA 16 FAQ Sheet 2
▢	Reference Material	WA_16_FactSheetPetMills.pdf	WA 16 FAQ Sheet 3
▢	Reference Material	WA_16_PetsLocalEcosystemsFactSheet.pdf	WA 16 FAQ Sheet 4
▢	Reference Material	WA_16_PetsWildlifeTradeFactSheet.pdf	WA 16 FAQ Sheet 5
▢	Reference Material	WA_16_Letter_of_Support.pdf	WA 16 Letter of Support
▢	Reference Material	WA_16_Presentation.pdf	WA 16 Presentation
▢	Reference Material	Title_V- _Right_to_Animal_Companionship.pdf	WA 17 Bylaw Changes
▢	Reference Material	WA_19_Bylaw_Text.pdf	WA 19 Bylaw Updates
▢	Reference Material	WA_19_Letter.pdf	WA 19 Letter

## **Warrant Article Text**

### **ARTICLE 15                   BYLAW AMENDMENT / PROHIBITION OF FAIR-TRADE RESTRICTIONS - FUR PRODUCTS SALES**

To see if the Town will vote to amend Title I of the Town Bylaws to add a new provision to restrict the trade/sale in/of new fur products by making it unlawful to sell, offer for sale, trade or otherwise distribute for monetary or nonmonetary consideration a fur product; or take any action related thereto.

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

### **ARTICLE 16                   BYLAW AMENDMENT / PET SALE RESTRICTIONS / RETAIL PET SALES**

To see if the Town will vote to amend Title I of the Town Bylaws to add a new provision to ban the sale of mammals, birds, reptiles, and amphibians in pet shops within the Town, by making it unlawful; or take any action related thereto.

(Inserted at the request of Asia Kepka and ten registered voters)

### **ARTICLE 17                   BYLAW AMENDMENT / RIGHT TO PET COMPANIONSHIP**

To see if the Town will vote to require rental agreements and condominium associations to permit residents to own a common household pet, or to have a common household pet present in the dwelling, in accordance with applicable state and local public health, animal control, and animal anti-cruelty laws and regulations; or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

### **ARTICLE 18                   BYLAW AMENDMENT / HISTORIC BUILDING DEMOLITION DELAY**

To see if the Town will vote to amend Title VI, Article 6 of the Town Bylaws (“Historically or Architecturally Significant Buildings”) to extend the time period during which no demolition permit may be issued relative to a building that has been determined to be historically or architecturally significant by the Arlington Historical Commission from at least twelve months after the date of the application for demolition, to at least two years after the date of an application for demolition; or take any action related thereto.

(Inserted at the request of JoAnn Robinson and ten registered voters)



**Town of Arlington  
Legal Department**

Michael C. Cunningham  
Town Counsel

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

To: Arlington Select Board

Cc: James Feeney, Town Manager

From: Michael C. Cunningham, Town Counsel  
Jaclyn Munson, Deputy Town Counsel

Date: March 23, 2024

**Re: Annual Town Meeting Warrant Articles: 15, 16, 17, 18, 19 and 53**

The Legal Department writes to provide the Select Board a summary of the above referenced warrant articles to assist in your consideration of these articles at your upcoming hearing on March 26, 2024.

**ARTICLE 15            BYLAW AMENDMENT / PROHIBITION OF FAIR-TRADE  
RESTRICTIONS - FUR PRODUCTS**

To see if the Town will vote to amend Title I of the Town Bylaws to add a new provision to restrict the trade/sale in/of new fur products by making it unlawful to sell, offer for sale, trade or otherwise distribute for monetary or nonmonetary consideration a fur product; or take any action related thereto.

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

This Article was inserted by Elizabeth Dray and ten registered voters. It is expected that Ms. Dray will present the reasoning for the submission of the proposed Bylaw amendment at the public hearing on this Article. However, it is noted that this type of prohibition on the sale of new fur products has already been enacted in six other municipalities in Massachusetts – Wellesley, Weston, Plymouth, Brookline, Cambridge and Lexington. Proponents in other municipalities have argued that similar bylaws were needed to address the suffering endured by animals that are raised on fur farms, in cramped and unsanitary conditions, before they are slaughtered. Proponents have also argued that the wide array of alternatives for fashion and apparel makes the demand for fur products unnecessary and does not justify the cruel treatment and cruel killing of animals.

It is noted that because this type of bylaw has been passed in other towns, the topic has been the subject of review by the Attorney General’s Municipal Law Unit. Dating back to at least 2021, Municipal Law Unit decisions have concluded that these types of bylaws do not conflict with state laws related to the sale of fur. Specifically, it is been determined that a municipality’s new fur sale bylaw is not preempted by G.L. c. 94, §227A, G.L. c. 131, §28 or G.L. c. 266, §79. As it has in past legislative sessions, the Massachusetts State Legislature is currently considering state wide legislation to address fur sales (HB 849 and SB 590), but with no certainty about the future of that legislation, the Town of Arlington may consider this current proposed Bylaw amendment, based on the current status of existing state laws. If the Select Board approves favorable action, a draft motion that could be sent to the Town Meeting may read as follows:

*VOTED: that the Town does and hereby amends Title I of the Town’s Bylaws to add a new provision to restrict the trade in and sale of new fur products by making it unlawful to sell, offer*

*for sale, trade or otherwise distribute for monetary or nonmonetary consideration of a fur product; or take any action related thereto, so that the new provision of Title I reads as follows:*

**TITLE I  
ARTICLE 24  
FUR PRODUCTS**

***Section 1. Purpose and Intent***

*The Town of Arlington (“Town”) finds that animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas, and poison. Considering the wide array of alternatives for fashion and apparel, the Town finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals. The Town believes that eliminating the sale of fur products in the Town of Arlington will promote community awareness of animal welfare and, in turn, will foster a more humane environment in Arlington.*

***Section 2. Definitions***

*For purposes of this Article, the following words and phrases have the definitions set forth next to them:*

- A. *“Fur”*: Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.
  
- B. *“Fur product”*: Any article of clothing or covering for any part of the body, or any fashion accessory, including, but not limited to, handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:
  - (i). *A dog or cat fur product, as defined in Section 1308 of Title 19 of the United States Code;*
  
  - (ii). *An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;*
  
  - (iii). *Cowhide with the hair attached thereto;*
  
  - (iv). *Lambskin or sheepskin with the fleece attached thereto; or*
  
  - (v). *The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy. “Non-profit organization”*: Any corporation that is organized under 26 U.S.C. Section 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.

C. *“Retail transaction”*: Any transfer of title of a fur product for consideration, made in the ordinary course of the seller’s business, to the purchaser for use other than resale or further processing or manufacturing.

D. *“Taxidermy”*: The practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

E. *“Ultimate consumer”*: A person who buys for their own use, or for the use of another, but not for resale or trade.

F. *“Used fur product”*: Fur in any form that has been worn or used by an ultimate consumer.

### **Section 3. Prohibitions**

*It is unlawful to sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Arlington.*

### **Section 4. Exceptions**

*The prohibitions set forth in Section 3 of this Bylaw do not apply to the sale, offer for sale, displaying for sale, trade, or distribution of:*

A. *A used fur product by a private party (excluding a retail transaction), non-profit organization or second-hand store, including a pawn shop;*

B. *A fur product required for use in the practice of a religion;*

C. *A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or*

D. *A fur product where the activity is expressly authorized by federal or state law.*

### **Section 5. Penalty**

*In addition to any other remedy provided by law, this Article may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D. Any person violating this Bylaw shall be liable to the Town in the amount of \$100. Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.*

### **Section 6. Effective Date**

*This Bylaw shall take effect on October 1, 2024.*

**ARTICLE 16                    BYLAW AMENDMENT / PET SALE RESTRICTIONS/RETAIL  
PET SALES**

To see if the Town will vote to amend Title I of the Town Bylaws to add a new provision to ban the sale of mammals, birds, reptiles, and amphibians in pet shops within the Town, by making it unlawful; or take any action related thereto.

(Inserted at the request of Asia Kepka and ten registered voters)

This Article was inserted by Asia Kepka and ten registered voters. It is expected that Ms. Kepka will present the reasoning for the submission of the proposed Bylaw amendment at the public hearing on this Article. However, it is noted that this type of prohibition on the sale of new fur products has already been enacted in fourteen other municipalities in Massachusetts, including Brookline, Cambridge, Lexington, Marshfield, Springfield and others. Proponents in other municipalities have argued that similar bylaws were needed to make it difficult for high volume pet breeding facilities to remain in operation, which often do so with conditions that are considered by advocates to be unsafe and cruel to the animals.

It is noted that like the previous Warrant Article, because this type of bylaw has been passed in other towns, the topic has been the subject of review by the Attorney General's Municipal Law Unit. Municipal Law Unit decisions have concluded that similar bylaw prohibitions on pet shops selling dogs, cats, or rabbits is not preempted or otherwise in conflict with state statutes and regulations on the licensing of pet shops, animal shelters or animal rescue organizations. Specifically, it is been determined that these types of bylaws are not preempted by G.L. c. 129, §§2, 37, 39A, G.L. c. 140, §139A, 330 CMR 12.00 et seq. ("Licensing and Operation of Pet Shops") or 330 CMR 30.00 et seq. ("Animal Rescue and Shelter Organization Regulations"). As it has in past legislative sessions, the Massachusetts State Legislature is currently considering state wide legislation to address fur sales (HB 826 and SB 549), but with no certainty about the future of that legislation, the Town of Arlington may consider this current

proposed Bylaw amendment, based on the current status of existing state laws. If the Select Board approves favorable action, a draft motion that could be sent to the Town Meeting may read as follows:

*VOTED: that the Town does and hereby amends Title I of the Town's Bylaws to add a new provision to ban the sale of mammals, birds, reptiles, and amphibians in pet shops within the Town, by making it unlawful; or take any action related thereto, so that the new provision of Title I reads as follows:*

**TITLE I  
ARTICLE 25  
RETAIL PET SALES**

**Section 1. Definitions**

*For purposes of this Article, the following words and phrases have the definitions set forth next to them:*

A. *“Animal Rescue Organization”*: Means a not-for-profit organization that is registered with the Massachusetts Department of Agricultural Resources, if required, and whose mission and practice is, in whole or in significant part, the rescue and placement of mammals, birds, reptiles or amphibians into permanent homes. The term "animal rescue organization" does not include any person or entity that breeds animals or obtains animals in exchange for payment or compensation from a person that breeds or brokers animals.

B. *“Offer for Sale”*: Means to advertise or otherwise proffer an animal for acceptance by another person or entity.

C. *“Pet Shop”*: Means a retail establishment where animals are sold or offered for sale as pets which is required to be licensed pursuant to MGL c. 129, § 39A, and 330 CMR 12.00. A person who only sells or otherwise transfers the offspring of animals the person has bred on their residential premises shall not be considered a "pet shop" for purposes of this section.

D. *“Public Animal Control Agency or Shelter”*: Means a facility operated by a governmental entity for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with a governmental entity.

E. *“Sell”*: Means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer for consideration.

**Section 2. Prohibition of the Sale of Mammals, Birds, Reptiles and Amphibians**

A. *It shall be unlawful for a pet shop to sell or offer for sale a mammal, bird, reptile or amphibian.*

B. *A pet shop may provide space for the display of mammals, birds, reptiles or amphibians available for adoption by a public animal control agency or shelter or an animal rescue organization so long as the pet shop receives no part of any fees associated with the display or adoption of the animals and has no ownership interest in any of the animals displayed or made available for adoption.*

**Section 3. *Enforcement and severability***

A. *This Bylaw shall be enforced by the Town Manager or the Town Manager's designee pursuant to MGL c. 40, § 21D, according to the following schedule:*

*First offense: \$50;*

*Second offense: \$100;*

*Third and each subsequent offense: \$300.*

*Each unlawful sale or offer for sale shall constitute a separate violation.*

B. *This Bylaw may also be enforced through any other means available in law or equity. Nothing in this Bylaw may be construed to alter or amend any other legal obligations applicable to the sale of fur, or any other entities, under any other law or regulation.*

C. *The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.*

**ARTICLE 17           BYLAW AMENDMENT/ RIGHT TO PET COMPANIONSHIP**

To see if the Town will vote to require rental agreements and condominium associations to permit residents to own a common household pet, or to have a common household pet present in the dwelling, in accordance with applicable state and local public health, animal control, and animal anti-cruelty laws and regulations; or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

This Article was inserted by Paul Schlichtman and ten registered voters to require that residential rental agreements, such as leases, and condominium associations permit residents to

own a common household pet, or to have a common household pet present in a dwelling. It is expected that Mr. Schlichtman will present the reasoning for the submission of the proposed Bylaw amendment at the public hearing on this Article.

The proposed Bylaw amendment would be subject to certain applicable laws. It is likely that this Bylaw amendment conflicts with current state and federal because it is noted that tenants' rights related to animal ownership are ordinarily subject to anti-discrimination and/or disability statutes. The conflict exists because there is not an unqualified right to pet ownership in the housing contemplated by this Bylaw amendment.

First, the legality of animal ownership turns on whether the animal is a pet or an assistance animal. This is because there is no right to pet ownership in rental agreements or condominium associations.

For example, the Fair Housing Act (the "FHA") applies broadly to all sorts of housing, such as public and private<sup>1</sup>, including single family homes, apartments, condominiums, mobile homes, and others. Under the FHA, a housing provider may *exclude* pets, or charge a fee or deposit for pets, in its discretion and subject to local law<sup>2</sup>, but not for service animals or other assistance animals. Under the FHA, pets are excluded<sup>3</sup> from the definition of 'assistance animals.' In those cases, persons with disabilities may request a reasonable accommodation for service animals and other types of assistance animals, including support animals. The FHA bars a housing provider from refusing to make a reasonable accommodation if the assistance animal would permit the person to have equal opportunity to enjoy and use their dwelling<sup>4</sup>.

---

<sup>1</sup> Discrimination in Residential Real Estate-Related Transactions, 42 U.S.C. §3605.

<sup>2</sup> See to *Flemming v. Greystar Mgmt. Servs., L.P.*, 100 Mass. App. Ct. 469 (2021) (holding that the Massachusetts Security Deposit Statute does not prohibit landlords from charging animal rent).

<sup>3</sup> <https://crsreports.congress.gov/product/pdf/RL/95-710> (last visited March 19, 2024).

<sup>4</sup> Discrimination in the sale or rental of housing and other prohibited practices, 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204

The Bylaw amendment is superfluous to the FHA to the extent that assistance animals are permitted in housing under the FHA as a reasonable accommodation, when appropriate. However, there is no known state or federally created right to pet ownership, which is reflected in the fact that landlords are permitted to prohibit pets.

Next, and notwithstanding the FHA, the Massachusetts Court of Appeals in 1993 upheld a pet ban in a Massachusetts condominium that was challenged by unit owners under the state law governing condominiums<sup>5</sup>. Section 11 of that state law permits restrictions on residential units designed to prevent interference by individual unit owners that would impact other unit owners' use of their own units and common areas. Noble v. Murphy, 34 Mass. App. Ct. 452, 456 (1993). The Court determined that the hybrid ownership nature of condominiums warranted that owners "must give up a certain degree of freedom of choice which [they] might otherwise enjoy in separate, privately owned property." Id., quoting Hidden Harbour Estates, Inc. v. Norman, 309 So. 2d 180, 182 (Fla. Dist. Ct. App. 1975). See also Franklin v. Spadafora, 388 Mass. 764, 769 (1983).

As a result, it is the Legal Department's opinion that the Town of Arlington does not have the authority to require rental agreements and condominium associations to permit residents to own or have a common household pet in a dwelling.

## **ARTICLE 18            BYLAW AMENDMENT / HISTORIC BUILDING DEMOLITION DELAY**

To see if the Town will vote to amend Title VI, Article 6 of the Town Bylaws ("Historically or Architecturally Significant Buildings") to extend the time period during which no demolition permit may be issued relative to a building that has been determined to be historically or architecturally significant by the Arlington Historical Commission from at least twelve months after the date of the application for demolition, to at least two years after the date of an application for demolition; or take any action related thereto.

(Inserted at the request of JoAnn Robinson and ten registered voters)

---

<sup>5</sup> See M.G.L. ch. 183A.

This Article seeks to amend the current demolition delay period for significant buildings determined by the Arlington Historical Commission to be preferably-preserved from twelve months to two years. The Bylaw amendment does not seek to change the process by which demolition delays are imposed.

*VOTED: that the Town does and hereby amends Title VI, Article 6 of the Town Bylaws (“Historically or Architecturally Significant Buildings”) to extend the time period during which no demolition permit may be issued relative to a building that has been determined to be historically or architecturally significant by the Arlington Historical Commission from at least twelve months after the date of the application for demolition, to at least two years after the date of an application for demolition; or take any action related thereto, so that the provision in its entirety reads as follows:*

**TITLE VI  
ARTICLE 6  
HISTORICALLY OR ARCHITECTURALLY  
SIGNIFICANT BUILDINGS**

***Section 1. Intent and Purpose***

*This Bylaw is adopted for the purpose of preserving and protecting, through advance notice of their proposed demolition, significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the Town, to encourage owners of preferably-preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate, or restore such buildings rather than demolish them, and by furthering these purposes to promote the public welfare, to preserve the resources of the Town, and to make the Town a more attractive and desirable place in which to live. To achieve these purposes, the Arlington Historical Commission is empowered to advise the Arlington Building Inspector with respect to the issuance of permits for demolition, and the issuance of demolition permits for significant buildings is regulated as provided in this Bylaw.*

***Section 2. Definitions***

*(ART 24, ATM – 05/01/89) (ART. 31, ATM – 04/25/90)*

*The following terms, when used whether or not capitalized in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires.*

- A. *"Building" Any combination of materials forming a shelter for persons, animals or property*
- B. *"Significant Building" any building:*

1. which is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on said National Register, or

2. which is or has been listed on an Inventory provided to the Building Inspector by the Commission

C. "Preferably-Preserved Significant Building" - any significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished

D. "Commission" - the Arlington Historical Commission

E. "Commission Staff" - the chairperson of the Commission, or any person to whom the chairperson has delegated authority to act as Commission staff under this Bylaw

F. "Inventory" - a list of buildings on file at the Massachusetts Historical Commission that have been designated by the Commission to be significant buildings after a finding by the Commission that a building either

1. is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or Commonwealth, or

2. is historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings

G. "Building Inspector" - the person occupying the office of Building Inspector or otherwise authorized to issue demolition permits

H. "Application" - an application for a permit for the demolition of a building which shall include a photograph of the building taken within the past year

I. "Permit" - A permit issued by the Building Inspector for demolition of a building pursuant to an application therefor

J. "Demolition" - the act of pulling down, destroying, removing, or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same. A structure is considered to be demolished if it is destroyed due to the owner's failure to maintain a watertight and secure structure. A structure shall also be considered to be demolished if more than twenty-five percent (25%) of the front or side elevations are removed or covered. Each elevation shall be calculated separately

K. "Business Day" - a day which is not a legal municipal holiday, Saturday or Sunday

### **Section 3. Procedure**

(ART. 24, ATM – 05/01/89) (ART. 31, ATM – 04/25/90)

A. *The Building Inspector, on the day of receipt of an application for demolition of a listed significant building or within the next five successive business days, shall cause a copy of each such application for a demolition permit to be forwarded to (or shall satisfy themselves that a duplicate of such application has been submitted to) the Commission. No demolition permit shall be issued at that time. Within five business days of the receipt by the Building Inspector of said application they shall personally inspect the site of the proposed demolition to verify the accuracy of the information contained in the application with particular attention to the correctness of the address listed.*

B. *The Commission shall fix a reasonable time, within 30 days of receiving a copy of such application, for a hearing on any application and shall give public notice thereof by publishing notice of time, place, and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, to the Arlington Historic Districts Commission and to such other persons as the Commission shall deem entitled to notice.*

C. *If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Inspector within ten (10) days of such determination. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of the conduct of the hearing if such person has not received notification from the Commission, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.*

D. *If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.*

E. *Upon a determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Inspector, and no demolition permit may be issued until at least ~~twelve~~ twenty-four months after the date of the application for demolition.*

F. *Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either*

*1. the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or*

2. the Commission is satisfied that for at least ~~twelve~~ twenty-four months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

G. No permit for erection of a new structure on the site of an existing significant building may be issued prior to issuance of a permit for demolition of such existing building.

H. No permit for erection of a new building, paving of drives or for parking shall be issued for two (2) years if a structure is demolished in violation of this bylaw.

#### **Section 4. Emergency Demolition**

Nothing in this article shall be construed to derogate in any way from the authority of the Inspector of Buildings derived from Chapter 143 of the General Laws. However, before acting pursuant to this chapter the Inspector of Buildings shall make every reasonable effort to inform the Chairperson of the Historical Commission of the Inspector's intentions to cause demolition before the Inspector initiates same.

#### **Section 5. Historic Districts Act**

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic Districts Act, General Laws, Chapter 40C, with respect to requirements as to notice, a hearing and issuance by the Arlington Historic District Commissions of a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship prior to demolition of any building in an historic district, provided, however, that any temporary building erected or maintained in an historic district pursuant to a certificate issued by the Arlington Historic District Commissions may be demolished in a manner not inconsistent with the terms of said certificate.

#### **Section 6. Severability**

If any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

### **ARTICLE 19 VOTE/EXTEND TIME FOR ARTIFICIAL TURF STUDY COMMITTEE AND REPORT**

To see if the Town will vote to extend the Artificial Turf Study Committee and its report deadline as voted in Article 12 of the 2023 Annual Town Meeting, as follows: Publish a draft report in September, 2024, hold at least one public meeting in October, 2024 for public comment, and publish a final report in November, 2024 with copies to the Select Board, Town Clerk, and Town Moderator; and further, that the Committee shall be dissolved on November 30, 2024 (instead of concurrent with the 2024 Annual Town Meeting); or take any action related thereto.

(Inserted at the request of Susan Stamps and ten registered voters)

This Article was inserted by Susan Stamps and ten registered voters to extend the amount of time the Artificial Turf Study Committee (“Study Committee”) has to complete its work and provide its final report. It is expected that Ms. Stamps will present the reasoning for the submission of the proposed Bylaw amendment at the public hearing on this Article.

It is noted that Town Meeting approved the creation of the Study Committee at the 2023 Annual Town Meeting. Its stated charge was to review and report on artificial turf: its health, safety, and environmental impacts, and potential mitigation measures, and a comparison of artificial turf to natural turf fields. Further, the Study Committee was scheduled to complete its work and report its findings and any recommendations to Town Meeting and the Select Board no later than 30 days prior to the 2024 Annual Town Meeting or to any earlier Special Town Meeting if the report is ready earlier.

At this time, the Study Committee seeks an extension of time to complete its work and provide a final report. It is noted that the proponent of this Warrant Article has reported that the Chair of the Study Committee thinks that this Article is a good idea. Accordingly, if the Select Board is inclined to vote favorable action, a draft motion that could be sent to the Town Meeting may read as follows:

*VOTED: that the Town hereby extends and revises the charge and service of the Artificial Turf Study Committee until November 30, 2024, wherein it shall publish a draft report in September 2024, hold at least one public meeting in October 2024 and publish a final report in November 2024.*

**ARTICLE 53                    APPROPRIATION / TAKINGS FOR STRATTON SCHOOL SAFE ROUTES**

To see if the Town will vote to act by and through the Select Board to take by eminent domain, purchase, or otherwise acquire outright, or acquire permanent easements upon, portions of land in and around the Stratton Elementary School area for the purpose of placing sidewalks in

connection with the Commonwealth's Safe Routes to School program, to appropriate a sum or sums of money for such acquisitions, determine how the money will be raised and expended, including the possibility of borrowing any or all of it; or take action related thereto.

(Inserted at the request of the Director of Planning and Community Development and the Town Manager)

This Article was inserted by the Town Manager and the Director of Planning and Community Development and seeks approval from Town Meeting for the Select Board to take or otherwise acquire, by eminent domain, purchase, donation or any other means, land in and around the Stratton Elementary School area for the purpose of placing sidewalks near the school in connection with the Commonwealth's Safe Routes to School program. The authorizing vote from Town Meeting is required by the Massachusetts Department of Transportation's Right of Way Bureau.

It is expected that the Town's Senior Transportation Planner, John Alessi, will present the details of this project before the Board at its hearing. However, it is noted this project is the result of The Town of Arlington's receipt of a Massachusetts Department of Transportation (MassDOT) Safe Routes to School (SRTS) Project Award to fund safe roadway crossings near the Stratton Elementary School. The proposed project will provide a fully accessible walking route with safe roadway crossings for children and others walking to Stratton along Hemlock Street between Brattle Street and Dickson Avenue and Dickson Avenue between Hemlock Street and Pheasant Avenue.

The Stratton School SRTS project envisions the following elements: remove accessibility barriers on Hemlock Street by installing ADA-compliant curb ramps and repairing deficient sidewalks; repairing and installing new sidewalks on the east side of Hemlock Street between Landsdowne Road and Janet Road; install new sidewalks at Hemlock

Street and Dickson Avenue intersection and continuing up Dickson Avenue to Pheasant Avenue; narrow roadway intersections on Hemlock Street at Pine Street, Yerxa Road, and Dickson Avenue to slow vehicles and reduce pedestrian crossing distances; and provide safe pedestrian crossings across Hemlock Street near Janet Road and at the intersection of Hemlock Street and Dickson Avenue. Appropriate signage will also be installed.

If authorized, the Town will conduct all property acquisitions, including eminent domain takings, purchases, donations, permanent easements, or by any other manner, portions of land required for the project in full procedural compliance with applicable state and federal laws, including G.L. c. 79 and G.L. c. 40, §14. Accordingly, if the Select Board is inclined to vote favorable action, a draft motion that could be sent to the Town Meeting may read as follows:

*VOTED: that the Town authorizes the Select Board to acquire land parcels and or rights in land parcels to obtain and secure a public right of way, in and around the Stratton Elementary School area, for the purpose of placing sidewalks in connection with the Commonwealth's Safe Routes to School program. Further, the Select Board may acquire these parcels, or modification of these parcels, through all legal means, including, but not limited to, donation, purchase or eminent domain.*

Dear Select Board,

I look forward to speaking to you on March 26th about Warrant Article 15, BYLAW AMENDMENT / PROHIBITION OF FAIR-TRADE RESTRICTIONS - FUR PRODUCTS SALES. Please find attached [the slide show](#) that I will be using and a [FAQ](#). I would also like to directly share with you the [CE Delft 2010 study](#) about the environmental impact of mink fur compared to other textiles that I refer to in the slide show.

This bylaw is a result of a grassroots coalition of MA towns concerned with animal welfare and the environment. With your support, Town Meeting in 2022 passed two ground breaking bylaws to prohibit the use of some rodenticides on town properties, including SGARs, to protect predators such as eagles, falcons, and owls. The proponents of those bylaws have been working in coalition with other towns who are interested in passing similar rodenticide ban bylaws. Several of those Towns have already passed an Anti-Fur bylaw and asked Arlington to join the grassroots movement to prohibit this cruel industry. It is the hope that by passing local fur bans, we can demonstrate to the State that there is strong support behind a statewide fur ban, [H.489/S.590 AN ACT PROHIBITING THE SALE OF FUR PRODUCTS](#), that is currently in hearings and make its passage more likely.

Currently, there are no retail stores in Arlington that sell new, finished fur therefore there are no stores that this bylaw will impact, economically or otherwise. There is one second hand store that may sell fur products however they are exempt from this by law. Many businesses have found that announcing they are fur-free has helped their business, as consumers are increasingly purchasing with their consciences. This by law will prevent Arlington stores from selling fur in the future, and makes a statement about our community values.

Proponents of this bylaw spoke to managers or owners at Arlington's retail stores who were all very supportive of this bylaw and many stated that they had no intention of selling fur products. Ceilidh Yurenka, owner of local business YES!, said "As an Arlington business owner, I'm in complete support of Article 15 to ban the sale of fur in our town. While it's true that this will not impact my business sales (as I don't sell any fur items) I also am proud to be part of a town that prioritizes humane treatment of animals and reducing the negative environmental impact we have on our community."

Factory fur farms and inhumane trapping practices impact human health, the environment and, of course, animal welfare. Fur animals such as foxes and minks are known carriers of SARS viruses, and their cramped living conditions make them "highly susceptible" to COVID-19. According to [The Fur Free Alliance](#), since April 2020, COVID-19 outbreaks have affected more than 450 mink fur farms in Europe and North America, resulting in the culling of over 20 million animals. Fur farms worldwide are consistently reported to violate environmental regulations. Manure, extra feed, and carcasses get thrown into wetlands while runoff from fur farms seeps into watersheds. Fur tanning and dressing contribute to environmental pollution,

with carcinogenic toxins such as chromium and formaldehyde used to prevent the skin from decaying. The climate impact of a mink coat is six times higher than that of a faux-fur coat. Over 100 million animals – including mink, foxes, raccoon dogs, coyotes and chinchillas – are killed annually for their fur. These animals are killed in inhumane ways to reduce cost and preserve the quality of their pelts.

The fur industry is particularly cruel, and completely unnecessary. There are so many eco-friendly faux-furs available that we can't justify the suffering that animals endure, the environmental impact, and the health risk posed by producing fur.

Arlington is a leader in passing local and state laws that protect animal welfare and promote sustainability. I ask you to join me in supporting this bylaw to continue the great legacy that we leave to the next generation. We can not stop a cruel industry until we stop the demand for their products.

Thank you for your time. Please reach out to me before Tuesday's hearing if you have any questions.

Elizabeth Dray  
Jason Street  
TMM Precinct 10

# Fur Free Arlington

Warrant Article #15

BYLAW AMENDMENT /  
PROHIBITION OF  
FAIR-TRADE  
RESTRICTIONS - FUR  
PRODUCTS SALES

Elizabeth Dray



# What is fur?

“Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.” *MA Legislature*

## What this bylaw does and does not prohibit

**Does** prohibit the sale/trade/distribution of:

- Finished fur products from animals raised in fur farms or trapped and killed only for their pelts (ie. foxes, coyotes, racoon dogs, chinchillas, rabbits and mink)
- Applies to in person retail stores only

**Does not** prohibit the sale of:

- Leather of any kind
- Cowhide or sheepskin with hair fibers still attached
- Used fur sold privately or second hand,
- Fur used for Native American tribal purposes
- Fur used for religious purposes
- Taxidermy

# Arlington specific impact on existing businesses

We spoke to the following retail stores and all affirmed that they do not sell fur products.

- Helena's
- Arlington Centered
- Henry Bear's Place
- Otaku Gift Shop
- YES!

Buzzy's Bazaar would not be impacted as it is a resale store.

*"As an Arlington business owner, I'm in complete support of Article 15 to ban the sale of fur in our town. While it's true that this will not impact my business sales (as I don't sell any fur items) I also am proud to be part of a town that prioritizes humane treatment of animals and reducing the negative environmental impact we have on our community."*

Ceilidh Yurenka, Owner of YES!



# Why Arlington?

Arlington has a consistent voting record that demonstrates our commitment to animal welfare issues.

**1996**



The Massachusetts Ban on Leghold Traps Initiative

Prohibited the use of leghold traps, snares and the use of dogs and bait in hunting bear or bobcats.

**2010**

The Massachusetts Greyhound Protection Act

Gradually eliminated commercial dog racing by 2010.

**2016**

The Massachusetts Minimum Size Requirements for Farm Animal Containment,

Prohibited the sale of eggs, veal, or pork of a farm animal confined in spaces that prevent the animal from lying down, standing up, extending its limbs, or turning around.

**2022**

Arlington Bylaw Amendments  
Phase out of Certain Toxic Rodenticides on Public/Private Property, with Reporting Requirement and Public Education

Bylaw/ Resolution Establishing an Integrated Pest Management Policy for Town Land, Prohibitions and Public Education about Rodenticide Hazards

Prohibited the use of some rodenticides on town properties, including SGARs, to protect predators such as eagles, falcons, and owls.

# Animal Cruelty: Trapping and fur farming



# Dogs, cats and wildlife can suffer injuries from traps

Leghold traps crush bone, muscle fiber, tendons & connective tissue, often resulting in amputation and death.

  
Arlington, MA, 2023



Source: Boston.com

Salisbury MA, 2012



Source: MSPCA

# Arlington has a consistent voting record that demonstrates our commitment to environmental and climate issues.

2017

Bylaw Amendment/Regulation of Plastic Bags

Banned, after a reasonable phase-in period, the distribution of single-use plastic bags provided at checkout.

2022

Bylaw Amendment Single Use Plastic Water Bottle Regulation

Eliminated the sale of single use plastic water bottles.

2022

Bylaw Amendment Specialized Stretch Energy Code

Required that new construction be consistent with achievement of net-zero greenhouse gas emissions in MA by 2050.

2023

Artificial Turf Study Committee

Will review and report on artificial turf: its health, safety, and environmental impacts, and potential mitigation measures, and a comparison of artificial turf to natural turf fields.

# Fur farming is an environmental hazard

Uses toxic, carcinogenic chemicals and heavy metals like chromium and formaldehyde.

Contaminates soil and waterways



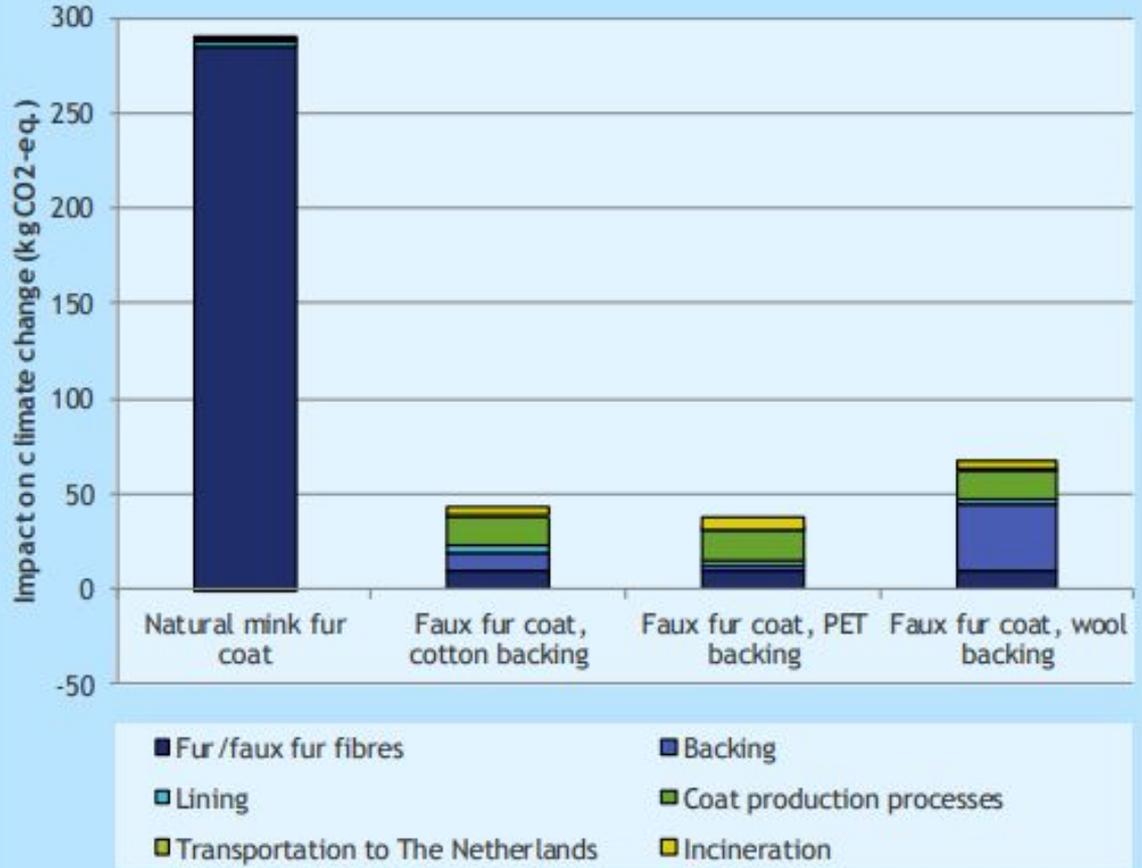
PETA UK

<https://www.peta.org.uk/blog/one-more-reason-to-ditch-fur-the-environment/>

# How harmful?

- A study conducted by CE Delft compared the environmental impact of many textiles including fur, wool, cotton, polyester, and faux-fur.
- Fur was by far the worst for the environment.

Impact on climate change  
Comparison 1 mink fur coat, 1 faux fur coat,  
excl. maintenance, similar lifespan



From [cedelft.eu](https://cedelft.eu)

# Fur Farming is a public health hazard

 National Geographic

## Coronavirus is killing the Dutch mink industry

Fur farm animals are typically raised in small wire cages, often with thousands of ... The coronavirus was first detected on two mink farms in the



 The Guardian

## A million mink culled in Netherlands and Spain amid Covid-19 fur farming havoc

... mink culled in Netherlands and Spain amid Covid-19 fur farming havoc.



 CNN

## Spain orders cull of nearly 100,000 farmed mink after animals test positive for Covid-19

... outbreak at a farm, where the animals are bred for fur, after a number ... mink after seven workers on the farm tested positive for Covid-19 and ...



Supported by MSPCA, Save Arlington Wildlife, the Humane Society of the United States, Animal Defense League, and Fur Free Massachusetts.

Please vote to join Lexington, Cambridge Wellesley, Weston, Brookline, and Plymouth and commit Arlington to being a town that is free of cruel practices and supports human, environmental and animal health.

Thank you!



# **Warrant Article #15**

## **Fur Free Arlington FAQ\***

### **Local Impact and Background Information**

**Q: What economic impact will a fur ban have on Arlington's businesses?**

**A:** There are no retail stores in Arlington that currently sell new finished fur therefore there are no stores that this bylaw will economically impact. There is one second hand store that may sell fur products however they are exempt from this by law. Many businesses have found that announcing they are fur-free has helped their business, as consumers are increasingly purchasing with their consciences. This by law will prevent Arlington stores from selling fur in the future, and makes a statement about our community values.

Proponents of this bylaw spoke to managers or owners at Arlington's retail stores who were all very supportive of this bylaw and many stated that they had no intention of selling fur products. Ceilidh Yurenka, owner of local business YES!, said "As an Arlington business owner, I'm in complete support of Article 15 to ban the sale of fur in our town. While it's true that this will not impact my business sales (as I don't sell any fur items) I also am proud to be part of a town that prioritizes humane treatment of animals and reducing the negative environmental impact we have on our community."

**Q: What is the point of restricting fur in a town where fur isn't sold?**

**A:** Restricting the sale of fur now will prevent Arlington stores from selling fur in the future. By passing this bylaw, we write our community values into law, Arlington is a town that is free of cruel practices and supports human, environmental and animal health. We can not stop a cruel industry until we stop the demand for their products.

**Q: Why this bylaw and why now?**

**A:** This by law is a result of a grassroots coalition of MA towns concerned with animal welfare and the environment. Town Meeting in 2022 passed two ground breaking bylaws to prohibit the use of some rodenticides on town properties, including SGARs, to protect predators such as eagles, falcons, and owls. The proponents of those bylaws have been working in coalition with other towns who are interested in passing similar rodenticide ban bylaws. Several of those Towns have already passed an Anti-Fur bylaw and asked Arlington to join the grassroots movement to prohibit this cruel industry.

**Q: Why ban fur?**

**A:** Every year more than 100 million animals are killed solely for their fur. Consumers' growing concern for animal welfare is leading cities and states across the U.S. to ban the sale of animal fur once and for all. In 2019, California became the first state to prohibit the sale of new fur products. Fur sales bans also complement the many fur farming bans that are occurring throughout the EU to expedite the demise of this cruel and dangerous industry.

## Statewide Impact

**Q: Why pass local legislation while there is a statewide fur ban in process?**

**A:** [H.489/ S.590](#) AN ACT PROHIBITING THE SALE OF FUR PRODUCTS is currently in the committee of Environment and Natural Resources' hearings. The statewide fur ban will likely take many years to pass. Several towns are working in coalition to pass local bans to demonstrate to the State that there is strong support behind a statewide fur ban and make its passage more likely.

**Q: How is this similar to or different from the state bills?**

**A:** The language and definitions of fur and its prohibitions are identical. The State bill, however, has different enforcement mechanisms and doesn't have a religious exemption. It does have a Native American exemption.

**Q: How does this affect hunting?**

**A:** This legislation doesn't impact hunting or trapping in any way. This bylaw does not impact MA hunting or trapping laws, which are regulated at the state level. Most hunters sell fur pelts in their raw, unfinished form on the wholesale market, and they are still able to do this. This bylaw only affects the retail sale of finished fur products such as clothing, accessories, and decor.

## Impact on Human Health, Environmental and Animal Welfare

**Q: What is the human health impact of the fur trade?**

**A:** Fur animals such as foxes and minks are known carriers of SARS viruses, and their cramped living conditions make them "highly susceptible" to COVID-19. Scientists are concerned animal to human contagion may mutate the virus, leading to new SARS-CoV-2 variants that are contagious to humans and thus decrease vaccine efficacy.

According to [The Fur Free Alliance](#), since April 2020, COVID-19 outbreaks have affected more than 450 mink fur farms in Europe and North America, resulting in the culling of over 20 million animals. In 2020, mink on hundreds of fur factory farms in Denmark, the Netherlands, Sweden, Spain, Italy, Lithuania, Greece and the U.S. tested positive for SARS-CoV-2. According to [The Guardian](#), nearly 100,000 mink on a farm in Spain and an estimated one million mink on Dutch fur farms were killed to prevent the spread of Covid-19 between humans and mink. In the United States, mink have contracted COVID-19 on 16 fur farms in the states of Utah, Wisconsin, Michigan and Oregon

In addition, carcinogenic toxins such as chromium and formaldehyde used in fur tanning seep into surrounding watersheds, polluting drinking water sources.

**Q: What is the environmental impact of the fur trade?**

**A:** Fur farms worldwide are consistently reported to violate environmental regulations. Manure, extra feed, and carcasses get thrown into wetlands while runoff from fur farms seeps into

watersheds. Fur tanning and dressing contribute to environmental pollution, with carcinogenic toxins such as chromium and formaldehyde used to prevent the skin from decaying. The climate impact of a mink coat is six times higher than that of a faux-fur coat due to the amount of food, water, and land required to sustain the fur industry. According to the Humane Society International (HSI), producing one kilogram of mink fur results in greenhouse gas emission seven times higher than one kilogram of beef and has 34 times the carbon footprint of chicken.

[Studies](#) by the independent environmental sustainability group CE Delft have shown that fur is the highest offending textile—natural or synthetic—with the worst impact per pound in 17 of the 18 environmental categories considered, including climate change, waste run-off, and toxicity. The climate change impact of mink fur, for example, is at least six times higher than faux fur. Additionally, numerous eco-friendly, faux-furs have been developed in recent years, providing the look of real fur, without real or plastic faux-fur’s environmental impact.

**Q: Isn’t fur eco-friendly and sustainable? Shouldn’t we be more concerned about faux fur and other plastic-based textiles?**

**A:** The fur industry is an environmental nightmare. Waste runoff from animals on fur factory farms pollutes the soil and waterways, and the tanning and dyeing process uses toxic and carcinogenic chemicals, like chromium and formaldehyde, to prevent skin from decaying. Innovation has now led to faux fur being made from biodegradable plant-based or recycled materials that are more humane and better for the earth. A 2013 cradle-to-grave analysis of a real mink coat versus a faux fur coat found that in cases of equal lifespan, a natural mink fur product will always have a higher environmental impact than faux fur, even when the lowest possible environmental impact is used for the feed of the mink.

The Humane Society International commissioned a report to study the fur industry’s PR claim that fur is ‘the most environmentally friendly material available’ and found it to be “inaccurate greenwashing and misleading to both consumers and retailers”. According to the report [Fur’s Dirty Footprint](#). “when compared to other materials in the report, per kilogram fur has the highest greenhouse gas emissions, which can include carbon dioxide, methane and nitrous oxide, with the carbon footprint of 1kg of mink fur found to be 31 times higher than that of cotton and 25 times higher than polyester. The three animal furs also scored worst for water consumption amongst all materials analysed—104 times higher than acrylic, 91 times higher than polyester and five times higher than cotton.”

**Q: What is the impact of fur trade on animal welfare?**

**A:** The fur industry is particularly cruel, and completely unnecessary. Over 100 million animals – including mink, foxes, raccoon dogs, coyotes and chinchillas – are killed annually for their fur. Fur factory farms produce an estimated 85% of all fur, and most fur is produced in China, where [live skinning](#) (graphic content warning) have been repeatedly documented. Animal cruelty is the norm in the fur industry: fur animals in the industry spend their lives in cramped, wire-bottom cages, deprived of the ability to engage in natural behaviors. The resulting stress causes serious physical and psychological problems, often resulting in self-mutilation, infected wounds, and

cannibalism. These animals are killed in inhumane ways to reduce cost and preserve the quality of their pelts. Common practices include crude gassing, anal/genital electrocution, and neck breaking.

The fur industry is particularly cruel, and completely unnecessary. There are so many eco-friendly faux-furs available that we can't justify the suffering that animals endure, the environmental impact, and the health risk posed by producing fur.

**Q: Videos of animals being skinned were staged by animal rights activists. How can you prove that the photographic evidence is true?**

**A:** This is a false accusation laid against animal rights activists by the International Fur Federation, after the fallout from this common practice being publicized through an undercover investigation in 2009. Since that one investigation showing a live skinning there have been so many other investigations showing consistent practices across fur farms in China that the fur industry no longer even tries to displace responsibility for live skinnings onto such imaginary animal rights activists. The most recent investigation showing the practice of live skinning was by the Humane Society in 2020 and can be seen [here](#). (graphic content warning)

**Q: We are eating beef and chicken and other meat? Is this not cruelty much bigger?**

**A:** Farm animals in the USA are protected by [the Humane Slaughter Act](#), which limits how an animal can be killed to ways that aim to lessen their suffering. Fur animals, because they are legally classified as wildlife and not livestock, are not protected under this law. Therefore there are no regulations protecting them from the cruelest forms of slaughter. Furthermore, livestock is used for food, whereas fur animals are killed specifically and only for their fur, which end up as non-essential decoration on luxury objects, such as pom-poms on hats, and coat linings.

**Q: Will this set a precedent that will lead to a slippery slope of bans on more commonplace animal products?**

**A:** No. The bylaw excludes from its scope all animals who are legally classified as livestock due to their primary use as food and who are therefore protected by the [U.S. Humane Methods of Slaughter Act](#).

In fact, fur sales ban bylaws are in keeping with a long line of legal precedents at a local, state, and federal level in the United States that have banned animal products or animal uses that are deemed wantonly cruel. Such bans on animal products and uses include: shark fins, dog meat, rhino horns, exotic animal skins, bushmeat, horse meat, exotic animal circuses, and roadside zoos. As with this bylaw, none of the above examples of bans include animals legally classified as livestock.

**Q: Fur is already being dropped from many companies' inventories. Why do we still need a ban if fur is going out of fashion?**

**A:** The many retailers who have gone fur free have been strongly influenced by the legislative work being done to ban both fur farming (as in Europe) and fur sales. It is not a coincidence that

the largest number of retailers to date banned fur from their inventories only after California passed its statewide fur ban. Legislating fur bans is necessary to continue on the trajectory toward a fur free world. The fur industry is still very much alive. According to 2017 Economic Census Data, Massachusetts ranks the fourth highest for fur sales in the country. Additionally, alternatives to fur that are better for animals, the environment, and humans are becoming more popular. Every fur-free policy and fur ban helps drive innovation for more sustainable and humane alternatives.

The fur industry is particularly cruel, and completely unnecessary. There are so many eco-friendly faux-furs available that we can't justify the suffering that animals endure, the environmental impact, and the health risk posed by producing fur.

\*Thank you to Fur Free Brookline and Lexington for generously sharing your FAQs for adaptation by Fur Free Arlington.

## Article 16: Frequently Asked Questions

Article 16 would prohibit the sale of mammals, birds, reptiles and amphibians in pet shops within the town of Arlington. Importantly, it only applies to pet shops, **not** breeders or animal shelters. It would, however, allow pet shops to partner with animal shelters in order to display animals for adoption, so long as the pet shop does not make any income off of the adoption of said animals. As such, this bylaw will foster the more humane treatment of animals within the Town, not only by shifting the market away from inhumane shops that source animals from irresponsible pet mills, but also by encouraging consumers to source animals from animal shelters and rescues.

Question	Answer
<b>Why is this article necessary if we don't have any stores that sell pets in Arlington?</b>	<p>For one, this article will serve as a preventative measure. While there aren't currently any stores in Arlington that sell pets, there are a number of pet shops in nearby municipalities, such as Somerville and Watertown, that do. And as other municipalities and states restrict the sale of animals in pet shops, the market is shrinking and shifting. We need to ensure that it does not, and cannot, shift into our town. Because there are no stores selling pets in Arlington right now, this is the best time to enact such a bylaw because we can prevent the existence of animals in pet shops without any economic impact or transition period.</p> <p>Additionally, this legislation would act as a major stepping stone towards similar legislation on the state level. It is a means to a greater end. By enacting this legislation in Arlington, we're showing The Commonwealth that this type of legislation is not only possible, but it's widely supported. There may not be any pet shops in Arlington, but there are many in the Boston metro area and throughout Massachusetts.</p> <p>And perhaps most importantly, it's what the people want. <b>Many Arlington residents have</b></p>

	<p><b>signed a warrant petition</b> in support of this ordinance. The job of Town Meeting Members, and all other elected officials is to represent the views of their constituents.</p> <p><i>Note: The PetCo Unleashed in Arlington Heights does not sell animals, it only sells pet supplies.</i></p>
<p><b>Would this affect breeders or animal shelters?</b></p>	<p>No. This warrant ONLY applies to brick and mortar pet stores/shops.</p>
<p><b>What will be the economic impact if this article is enacted?</b></p>	<p>Because there are currently no stores that sell pets in Arlington, there would be no impact. It will serve as a preventative measure. It should also be noted that even in neighboring municipalities that have enacted similar measures and that did actually have pet stores selling animals that needed to transition away from that, that the economic impact was reported to be minimal to none. For instance, the City of Cambridge passed a sweeping ban on sales of pets and, as noted by City Councilor Marc McGovern in a letter addressed to the Arlington Select Board, even as the PetSmart at Fresh Pond and other shops had to phase out sales of pets, it ultimately was a net benefit for the economy and the community overall.</p>
<p><b>What about pet shops that source animals from humane breeders?</b></p>	<p>Across the board, pet stores claim that they obtain animals from humane, vetted, and properly-regulated breeders. The reality is that pet stores do not have the option to obtain dogs or other pets from responsible breeders because responsible breeders do not sell their animals to pet stores. In fact, most breed clubs disallow selling to pet stores in their code of ethics.</p> <p><a href="#">Undercover investigations</a> and state and federal records consistently reveal that pet stores supply unsuspecting consumers with puppies and other animals from inhumane</p>

	<p>large-scale commercial breeders, often called “pet mills,” despite claims by pet stores that they never obtain from them. Other studies have shown pet stores have sourced wild animals from the exotic pet trade, where animals were poached from the wild, or pet mills where many of the animals there being captively bred were poached from the wild.</p>
<p><b>Wouldn't banning sales of pets make it disproportionately harder for low income people to get pets?</b></p>	<p>Adoption of a pet is usually much cheaper than buying from breeders and often [much] cheaper or comparative in price to buying from a pet shop (especially as animal shelters and rescues include spaying/neutering, vaccinations, deworming, and other basic vet care in their adoption fee at a heavily reduced rate).</p> <p>This warrant would incentivise responsible adoption over buying, bringing animals out of shelters and into better homes.</p>
<p><b>Will this prevent people from getting smaller pets like guinea pigs, parrots, or bearded dragons?</b></p>	<p>No. All kinds of shelters, including the MSPCA, as well as animal-specific rescues, offer smaller mammals, birds, reptiles, and amphibians, for adoption, in addition to dogs and cats. Petfinder makes it easy to find any type of animal from local rescues and shelters within one's geographic range.</p>
<p><b>Aren't animals sold in pet shops already protected by the Animal Welfare Act and state laws?</b></p>	<p>The federal Animal Welfare Act (AWA) falls short in effectively regulating industrial breeding facilities. The AWA's minimal standards allow facilities to comply with federal law while subjecting animals to grossly inhumane conditions. The USDA's Inspector General has documented the poor enforcement of these already weak standards.</p> <p>Additionally, the AWA covers only certain animals, and does not apply to birds, reptiles, and amphibians (as well as certain rodent species like rats and mice), even though these animals also experience physical pain and</p>

psychological anguish to the same capacity as cats, dogs, and rabbits.

Massachusetts has animal welfare laws, but these laws are not sufficient in preventing abuse and mistreatment of animals in commercial breeding facilities. Most animals sold in pet shops in Massachusetts were bred in pet mills outside of The Commonwealth anyway, so MA law would not apply to their breeding facilities.

Local action is crucial because it fills the gaps left by federal and state law and ensures that animals are protected from abuse and mistreatment within our town. By implementing our own measures, we are actively working to safeguard the well-being of animals people keep as pets and also help reduce the damage pet mills and the commercial pet trade have caused to our natural environment.

# ► Factsheet #7

## Retail Pet Sales Increase the Burden on Shelters

Local governments are responsible for caring for and euthanizing animals in municipal shelters. Nearly a million cats and dogs are euthanized in United States shelters every year.<sup>1</sup> The retail sale of animals expands the number of animals flowing into the community, increasing the already considerable burden on municipal resources and taxpayers who must pay for the cost of their care in shelters. MSPCA-Angell, a shelter in Boston, reported that one in four people surrendering a small animal or a bird purchased them at a pet store.<sup>2</sup>

The influx of reptiles at shelters has also steadily climbed in some places due to increased accessibility. Salt Lake County Animal Services spokeswoman stated, “We see more reptiles than hamsters.” And a Florida Fish and Wildlife Conservation Commission (FWC) adoption coordinator noted, “We mostly see animals that are easy to purchase but hard to care for...green iguanas, ball pythons, and pond turtles.”<sup>3</sup>

Wild animals who require complex care or have long lifespans are particularly at risk of being surrendered.

- Cockatiels can live up to 25 years while red-eared sliders can live up to 40.
- Forty-seven percent of first-time buyers spend a few hours – or none at all – researching prior to buying a wild animal, and 43% bought their first wild animal on a whim.<sup>4</sup>
- Many families see an animal in the store and purchase them without understanding the expensive and time-consuming care the animal will require.
- Despite the care wild animals require, they are often mislabeled or marketed as “beginner” or “easy to keep” animals.<sup>5</sup>

---

1 The ASPCA. *Pet Statistics*. <https://www.aspca.org/helping-people-pets/shelter-intake-and-surrender/pet-statistics>

2 Kathleen Conti. *Cambridge bans retail sales of commercially bred pets*. The Boston Globe, August 8, 2017. <https://www.bostonglobe.com/business/2017/08/08/cambridge-bans-retail-sales-commercially-bred-pets/q3HC7InBjfFRbA2ktA92I/story.html>

3 Janet Winikoff. *Cold-Blooded Complications*. Animal Sheltering Magazine, 2014. <https://www.zoocheck.com/wp-content/uploads/2018/07/Cold-Blooded-Complications-Animal-Sheltering-2014.pdf>

4 2018 Stratcom research commissioned by World Animal Protection

5 Clifford Warwick, Catrina Steedman, Mike Jessop, Phillip Arena, Anthony Pilny, Emma Nicholas. *Exotic pet suitability: Understanding some problems and using a labeling system to aid animal welfare, environment, and consumer protection*. Journal of Veterinary Behavior, 26. 2018: pp. 17-26. <https://www.sciencedirect.com/science/article/pii/S1558787818300364#bib88>



## ▶ Factsheet #2

### **Pet Stores Purchase Animals from Animal Dealers and Mills**

Most domesticated animals and wild animals sold in pet stores come from mills – large-scale commercial breeding facilities – or animal dealers that import and house hundreds or thousands of wild animals.

Many people are familiar with puppy mills – dog-breeding facilities where dogs are intensively bred in poor conditions. In puppy mills, dogs are often kept in small, dirty cages, sometimes stacked on top of one another. They do not receive sufficient exercise, enrichment, or veterinary care. Stores routinely mislead consumers about where puppies come from and their health. As a result, 21 states have laws that provide some recourse for consumers who have purchased puppies who soon become ill or die – so-called “puppy lemon laws.”<sup>1</sup>

Similar problems occur at mills for other species. Undercover investigations at reptile mills have revealed extreme cruelty and neglect.

- Animals at mills have been found packed into dirty plastic bins and denied water and veterinary care. Sick and severely injured animals may be ignored or gassed or frozen to death.<sup>2,3</sup>
- In 2009, Texas authorities raided U.S. Global Exotics (USGE), an animal dealer in Arlington, Texas, resulting in one of the largest wild animal seizures in United States history.<sup>4</sup>
  - o They seized more than 20,000 animals including reptiles, rodents, spiders, sloths, and hedgehogs.
  - o Investigators found reptiles crammed into shipping crates, malnourished snakes, dead rodents, grossly overcrowded and starving prairie dogs, and rodents cannibalizing one another.
  - o Scientists who later reviewed the case determined that USGE was disposing roughly 3,500 dead animals every single week.<sup>5</sup> In the ensuing court case, USGE argued that the mortality rate, a more than 70% loss every six weeks, was “industry standard.”<sup>6</sup> USGE supplied animals to numerous companies across the country, including PetSmart and Petco.<sup>7</sup>
- In Montgomery County, Maryland authorities raided Reptile Connections, another wild animal dealer. They found 1,500 animals, including ball pythons and scorpions, without adequate food, water, or space. Hundreds of animals were dead.<sup>8</sup>

Clifford Warwick, a reptile biologist enlisted by the Texas Department of State Health Services to assist in the USGE seizure, stated, “Pet retailers will say it’s just a one-off but USGE is what I’ve found almost everywhere.”<sup>9</sup>

Many animals also die in transit to pet stores or before they reach the United States.<sup>10</sup>

- To be transported, reptiles and amphibians are loaded into small containers, bags, or crates and sometimes suffocate, starve, or are crushed to death.
- Because these animals are cheap to breed or capture from the wild, high mortality rates at every step of the process are considered the cost of doing business.
- As one North Carolina reptile dealer noted about the reptile trade, “You can lose up to 50 or 60 ball pythons a day. It’s going to happen. Nothing you can do about it.”<sup>11</sup>



- 
- 1 American Veterinary Medical Association. *Resource Guidance for Pet Purchase Protection Laws*. <https://www.avma.org/advocacy/state-local-issues/resource-guidance-pet-purchase-protection-laws>
  - 2 Ameena Schelling. *This Is Where PetSmart Gets Its Animals, And It's Not Pretty*. The Dodo, February 29, 2016. <https://www.thedodo.com/petsmart-supplier-lizards-1633352619.html>
  - 3 Russ Wiles. *PETA claims reptile abuse by PetSmart supplier in Ohio*. The Republic, February 29, 2016. <https://www.azcentral.com/story/money/business/2016/02/29/peta-claims-reptile-abuse-by-petsmart-supplier/80552012/>
  - 4 Kelley Chin. *20,000 exotic animals seized in Texas raid*. NBC News, December 16, 2009. <https://www.nbcnews.com/id/wbna34442754>
  - 5 Shawn Ashley, Susan Brown, Joel Ledford, Janet Martin, Ann-Elizabeth Nash, Amanda Terry, Tim Tristan, and Clifford Warwick. *Morbidity and mortality of invertebrates, amphibians, reptiles, and mammals at a major exotic companion animal wholesaler*. *Journal of Applied Animal Welfare Science*, 17(4). 2014. pp: 308-321. <https://www.tandfonline.com/doi/abs/10.1080/10888705.2014.918511>
  - 6 Ibid.
  - 7 Katarzyna Nowak. *The World Has a Chance to Make the Wild Animal Trade More Humane*. National Geographic, February 26, 2016. <https://www.nationalgeographic.com/animals/article/160226-animal-trade-animal-welfare-exotic-pets-cites-wildlife-trafficking>
  - 8 Don Oldenburg. *Born to Be Wild*. Washington Post, July 30, 2003. <https://www.washingtonpost.com/archive/lifestyle/2003/07/30/born-to-be-wild/0d5ed40a-0dfb-4215-a594-057e9ee824b0/>
  - 9 Katarzyna Nowak. *The World Has a Chance to Make the Wild Animal Trade More Humane*.
  - 10 Rachel Nuwer. *Many exotic pets suffer or die in transit, and beyond—and the U.S. government is failing to act*. National Geographic, March 2, 2021. <https://www.nationalgeographic.com/animals/article/exotic-pets-suffer-wildlife-trade>
  - 11 Oldenburg. *Born to Be Wild*.



## ► Factsheet #5

### Wild Animals Formerly Kept as Pets Are Harming Local Ecosystems

Wild animals formerly kept as pets are now a major cause of the spread of non-native species and have already resulted in the establishment of several hundred invasive animal species.<sup>1</sup> Stories about the release or escape of wild animals are regularly in the news, ranging from goldfish to kinkajous to ball pythons.<sup>2,3,4</sup>

This creates a welfare issue – with some animals killed by predators, starvation, or exposure – and can be devastating for ecosystems. Non-native animals introduce disease and bacteria to animals without immunity to these pathogens and compete with native animals for food and habitat. More than 200 species of imported fishes have been introduced to the wild in the United States, and nearly half of those species established breeding populations.<sup>5</sup>

Globally, non-native species are responsible for \$1.4 trillion in damage and control expenses and cost the United States an estimated \$120 billion annually.<sup>6,7</sup> As a result, many states regulate or ban numerous species commonly sold in large retail stores. For example:

- Florida banned the possession and sale of green iguanas in 2020.<sup>8</sup> The endangered Miami blue butterfly is struggling in the Florida Keys because green iguanas eat the plants where the butterflies lay their eggs.<sup>9</sup>
- Massachusetts banned the possession of red-eared sliders in 2014 because they were released so often, harming local turtle populations.<sup>10,11</sup> For similar reasons, the sale and/or possession of red-eared sliders is banned in multiple states, including Oregon and Florida.
- Pennsylvania, Georgia, California, and other states banned the possession of the Quaker parakeet (also called the monk parakeet) due to concerns about the damage they can cause to electrical lines, utility poles, and agriculture.<sup>12</sup>

- 
- 1 Julie L Lockwood, Dustin J Welbourne, Christina M Romagosa, Phillip Cassey, Nicholas E Mandrak, Angela Strecker, Brian Leung, Oliver C Stringham, Bradley Udell, Diane J Episcopio-Sturgeon, Michael F Tlusty, James Sinclair, Michael R Springborn, Elizabeth F Pienaar, Andrew L Rhyne, and Reuben Keller. *When pets become pests: the role of the exotic pet trade in producing invasive vertebrate animals*. *Frontiers in Ecology and the Environment*, 17(6). 2019. pp: 223-230. <https://esajournals.onlinelibrary.wiley.com/doi/full/10.1002/fee.2059>
  - 2 Clara Hill. 2021. *Football-sized goldfish take over lake after decades of people dumping unwanted pet fish*. *The Independent*, July 13, 2021. <https://www.independent.co.uk/climate-change/news/goldfish-minnesota-football-lake-twitter-b1882576.html>
  - 3 Matthew Wolfe. *Giant lizards, hissing ducks, and pythons: Florida has an invasive species problem*. *National Geographic*, April 27, 2021. <https://www.nationalgeographic.com/animals/article/florida-has-invasive-species-problem>
  - 4 Mark Price. *Python caught near Georgia home, leading to concerns of invasive species spreading*. *The Telegraph*, August 28, 2010. <https://www.macon.com/news/state/georgia/article245322660.html>
  - 5 Katherine F. Smith, Michael D. Behrens, Lisa M. Max, and Peter Daszak. *U.S. drowning in unidentified fishes: Scope, implications, and regulation of live fish import*. *Conservation Letters*, 1 (2). 2008. pp: 103-109. <https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/j.1755-263X.2008.00014.x>



- 
- 6 David Pimentel, S. McNair, J. Janecka, J. Wightman, C. Simmonds, C. O'Connell, E. Wong, L. Russel, J. Zern, T. Aquino, and T. Tsomondo. *Economic and environmental threats of alien plant, animal, and microbe invasions*. Agriculture, Ecosystems and Environment, 84 (2000). 2000. pp: 1-20. <https://www.sciencedirect.com/science/article/abs/pii/S016788090000178X>
  - 7 David Pimentel, Rodolfo Zuniga, and Doug Morrison. *Update on the environmental and economic costs associated with alien-invasive species in the United States*. Ecological Economics, 52(3). 2005. pp: 273-288. <https://www.sciencedirect.com/science/article/abs/pii/S0921800904003027>
  - 8 Jim Turner. *Florida bans commercial breeding of tegu lizards and green iguanas*. The Sun Sentinel, February 26, 2021. <https://www.sun-sentinel.com/news/environment/fl-ne-nst-florida-bans-breeding-tegu-lizard-iguanas-20210226-xdn3kf7e3vbsjgqxw3rqcl7gae-story.html>
  - 9 Texas Invasive Species Institute. *Green Iguana*. <http://www.tsusinvasives.org/home/database/iguana-iguana>
  - 10 Commonwealth of Massachusetts Division of Fisheries & Wildlife. 2014. *Notice of Changes In the Law Relative to Wildlife that May be Sold By Licensed Pet Shops or Kept as Pets in Massachusetts*. [https://www.mass.gov/doc/new-requirements-for-exotic-animals-sold-in-pet-shops-0/download?\\_ga=2.46190951.1959560627.1628271591-1703539856.1627507466](https://www.mass.gov/doc/new-requirements-for-exotic-animals-sold-in-pet-shops-0/download?_ga=2.46190951.1959560627.1628271591-1703539856.1627507466)
  - 11 Rachel Nuwer. *Illegal Traders Have Turned Baby Red-Eared Sliders Into a Health and Environmental Threat*. Newsweek Magazine, June 1, 2015. <https://www.newsweek.com/illegal-animal-traders-have-turned-baby-red-eared-sliders-health-and-337903>
  - 12 Texas Invasive Species Institute. *Monk Parrots*. <http://www.tsusinvasives.org/home/database/myiopsitta-monachus>



## ► Factsheet #4

### **Wild “Pets” Are a Key Driver of the Destructive Wildlife Trade**

The wildlife trade is a multibillion-dollar industry that is fueling the extinction or decline of numerous species.<sup>1</sup>

- The legal and illegal trade “is estimated to affect one in four mammal and bird species globally.”<sup>2</sup>
- The United States is a top importer of wildlife, and the sale of wild animals as pets is a major driver.<sup>3</sup>
- Between 2000 and 2012, the United States imported 225 million live animals, with most animals intended for the aquarium and pet industry.<sup>4</sup>

The removal of animals from the wild for use as pets has already resulted in population decrease or collapse for many species.<sup>5</sup>

- Tens of thousands of wild animal species are not protected by international trade agreements like the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which makes it hard to monitor the impacts of trade.
- “If you look at habitat loss, pollution, or climate change, they have a trickling effect on nature over time, but trade is governed by supply and demand. You might have had a species 10 years ago that was of little concern and off the radar, but now it is critically endangered and on the brink of extinction.” – Brett Scheffers, University of Florida conservation biologist.<sup>6</sup>

Spotlight on the Reptile Trade:

Reptiles comprise roughly 20% of the global live animal trade.<sup>7</sup> CITES covers only 8% of the world’s 10,700 reptile species leaving most species vulnerable to exploitation.<sup>8</sup> Many of the reptiles sold as pets are illegally taken from the wild but marketed as captive-bred.<sup>9</sup> For example:

- Most green pythons (*Morelia viridis*) exported from Indonesia are caught illegally in the wild – decreasing local populations – and laundered through breeding farms.<sup>10</sup>
- Tokay geckos, another popular pet store species, are generally taken from the wild because it’s much cheaper than breeding them. Like green pythons, Tokay geckos are trapped in the wild, transferred to facilities that secure paperwork stating the animals are captive-bred, and finally legally shipped to the United States.<sup>11</sup>
- As one senior specialist at the US Fish and Wildlife Service noted, “The infiltration of traffickers into the legal trade has been happening for many years. These animals show up here in declared shipments, and we can’t do anything about it.”<sup>12</sup>



- 
- 1 Emma R. Bush, Sandra E. Baker, and David W. Macdonald. *Global Trade in Exotic Pets 2006–2012*. Conservation Biology, 28(3). 2014. pp: 663-676. <https://conbio.onlinelibrary.wiley.com/doi/abs/10.1111/cobi.12240>
  - 2 A. Peters, P. Vetter, C. Guitart, N. Lofinejad, and D. Pitteta. *Understanding the emerging coronavirus: what it means for health security and infection prevention*. Journal of Hospital Infection, 104(4). 2020. pp: 440-448. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7124368/>
  - 3 K. M. Smith, C. Zambrana-Torrel, A. White, M. Asmussen, C. Machalaba, S. Kennedy, K. Lopez, T. M. Wolf, P. Daszak, D. A. Travis, and W. B. Karesh. *Summarizing US Wildlife Trade with an Eye Toward Assessing the Risk of Infectious Disease Introduction*. EcoHealth, 14(1). 2017. pp: 29-39. <https://link.springer.com/article/10.1007/s10393-017-1211-7>
  - 4 Ibid.
  - 5 Bush. *Global Trade in Exotic Pets 2006–2012*.
  - 6 Dina Fine Maron. *More species than you think are part of wildlife trade. These may be next*. National Geographic, October 3, 2019. <https://www.nationalgeographic.com/animals/article/wildlife-trade-species>
  - 7 Maylynn Engler and Rob Parry-Jones. *Opportunity or threat: The role of the European Union in global wildlife trade*. TRAFFIC Europe. 2007. [https://www.traffic.org/site/assets/files/3604/opportunity\\_or\\_threat\\_eu\\_imports.pdf](https://www.traffic.org/site/assets/files/3604/opportunity_or_threat_eu_imports.pdf)
  - 8 Rachel Nuwer. *The vast majority of animals in the wildlife trade are not protected*. National Geographic, December 14, 2018. <https://www.nationalgeographic.com/animals/article/animals-dying-without-protection>
  - 9 Rachel Nuwer. *That Python in the Pet Store? It May Have Been Snatched From the Wild*. New York Times, April 9, 2018. <https://www.nytimes.com/2018/04/09/science/illegal-wildlife-reptiles-amphibians.html>
  - 10 Jessica A. Lyons and Daniel J.D. Natusch. *Wildlife laundering through breeding farms: Illegal harvest, population declines and a means of regulating the trade of green pythons (Morelia viridis) from Indonesia*. Biological Conservation, 144(12). 2011. pp: 3073-3081. <https://www.sciencedirect.com/science/article/abs/pii/S0006320711003685>
  - 11 Nuwer. *That Python in the Pet Store? It May Have Been Snatched From the Wild*.
  - 12 Ibid.



March 17, 2024

Dear Arlington Select Board Members,

As the President of a MA based 501(C)3 animal rescue, House Rabbit Connection, I would like to let you know why I think it is crucial to amend your Bylaws to adopt Article 16.

1. Most staff and/or employees at pet shops lack the experience or knowledge when it comes to educating the public about the proper care of the pets they sell. Adopting a companion animal from a reputable rescue or reputable breeder allows the opportunity to educate potential pet owners to the dietary, care, and enrichment needs of these animals. This can be valuable *prior* to bringing any pet home.

2. Years ago both PETCO and PetsMart stopped selling rabbits in its stores due to public pressure. Their initial concern was the potential loss of income from the sales of these animals. However, the opposite happened. Sales increased because customers came into their stores to purchase all kinds of things for their pets: leashes, food, supplies, toys, and treats. People elevated their animals from just being pet rabbits to being 'family' members and as such spend good money to spoil them!

3. Pet stores have perpetuated the idea of giving pets as gifts for children for their birthdays, Christmas, or (with bunnies especially) for Easter, etc. And many times these are impulse purchases with little consideration as to the long-term needs of the pet, especially veterinary care.

4. The most alarming aspect of selling live animals at stores is where these animals are sourced from. Commercially bred animals find their way into the pet-store-pipeline. Puppy, kitty, and rabbit mills produce "inventory" at alarming rates. Most of these animals receive no socialization, come from deplorable conditions, and lack quality medical care. Often these animals are subject to transportation in crammed trucks, with poor ventilation, and for long periods of time. Many won't survive the journey.

5. I have personally witnessed stores offering a rabbit starter kit as an add-on with their purchase. The kits contain cedar or pine shavings for bedding, food, and some hay, etc. The problem is that those shavings give off phenols that accumulate in the rabbits kidneys/liver and cannot be readily flushed from their system, leading to long-term health problems.

6. Live animals are not toys. The more we provide education to potential buyers before they bring a pet home, then hopefully there will be less abandoned animals, less abused animals, and a lot less animals in shelters.

It is my sincere hope that the Town of Arlington will pass Article 16 and set a positive precedent for a more ethical society when it comes to our companion animals, which are extended 'family' members.

Thank you.

Marlene Wilhelm, President

The House Rabbit Connection, Inc.

Springfield, MA 01101-0083

[Marlene@honline.org](mailto:Marlene@honline.org)



# Article 16: Humane Pet Shop Warrant

---

A measure to combat pet  
mills & the exotic pet trade



# Overview

1. Does not apply to animal shelters or private breeders
2. This is about pet mills & poaching
3. Would allow for partnerships between pet shops and animal shelters
4. Preventative measure





# 2.6 million

---

Puppies come from puppy mills every year

# Not just puppies & kittens

**Mammals**



**Birds**



**Reptiles**



**Amphibians**



# Why?

1. US pet dealers annually import 225 million live animals on average, endangering wild species in their native ecosystems (African gray parrot, Madagascar tortoise).
2. Many of these animals suffer and die during capture and transport, and live in cramped & inhumane conditions.



# Birds

1. 75–90% of wild-caught birds die before the point of sale and taking birds from the wild has negative effects on biodiversity.
2. Birds are not protected under the federal Animal Welfare Act (AWA). There is no federal oversight of pet stores or “bird mills.” Industrialized operations often house hundreds of birds in rows of barren cages w/no enrichment or interaction
3. 56 parrot species are present 43 states & 25 species are actively breeding, including in Massachusetts (Example, monk parrots).



# Reptiles & Amphibians

- 75% of pet snakes, lizards and tortoises die within the first year in the home. AWA also does not cover them.
- Around 75% of new diseases discovered in the last decade are zoonotic, including transmission from wild pets.
- August 2023, the Centers for Disease Control and Prevention released an advisory about an 11-state outbreak of salmonella bacteria linked to pet turtles





Photos courtesy of Salem  
Wildlife Rescue



# The Case of Red-Eared Sliders

- Widely sold in pet stores around the state but banned from pet sales in Massachusetts in 2014.
- “...unwanted [pet turtles] were released so often that they have now become established as a breeding non-native turtle in several areas of the state.” - Mass Wildlife
- According to MSPCA: “The red-eared slider now competes with native turtles [in Massachusetts]—including those that are listed as endangered, threatened, or species.”



# Federal & State Regulations

- Falls short
- USDA says its standards are *minimal*
- Hard to enforce
- Most animals sold in MA pet shops are bred outside of MA
- Local actions fills these gaps





Are there shops that sell pets in Arlington?

Not yet

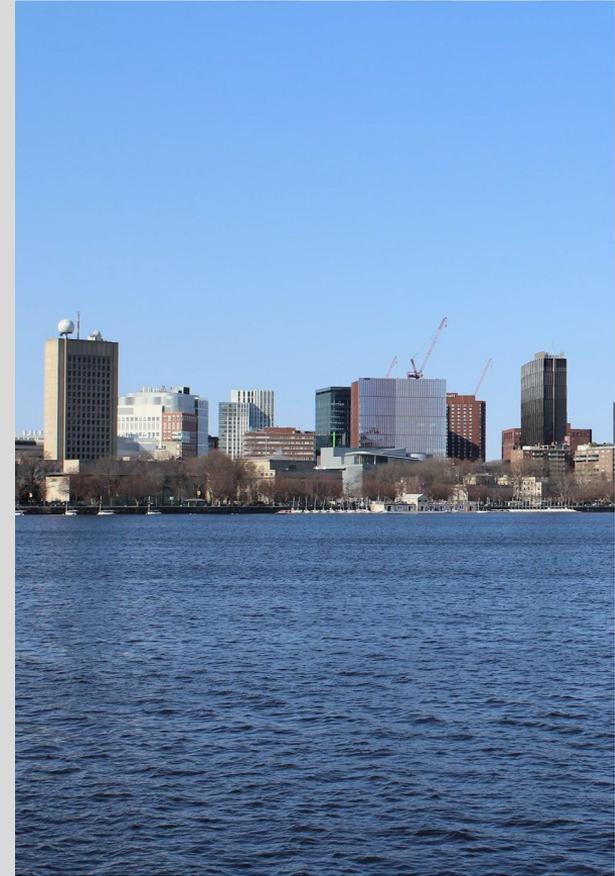
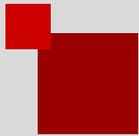
# Other municipalities have enacted similar legislation

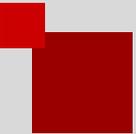
- Including 14 towns and cities

Cambridge, Lexington,

Plymouth, Springfield, Brookline,

Boston and Stoneham





No Economic  
Impact

# Widespread Support

- Many Arlington Residents
- MSPCA
- Animal Defense League
- Boston Animal Rescue League
- Foster Parrots & RI Parrot Rescue
- House Rabbit Rescue & House Rabbit Connection
- Local Cat/Dog Rescues such as Broken Tail Rescue & Black Cat Rescue
- The Turtle Rescue League

01

Prevention

03

Leadership  
on values

02

State -level  
policy

04

Strong  
constituent &  
organizational  
support



Voted: Title V of the Bylaws of the Town of Arlington are amended by adding Article 18, Right to Pet Companionship, as follows:

## Title V – Regulations Upon the Use of Private Property

### ARTICLE 18

#### RIGHT TO PET COMPANIONSHIP

##### Section 1: Findings and Purposes

Throughout history, art and literature have depicted humans of all walks of life and social strata with animal companions, illustrating their widespread acceptance in everyday life. Living with animals has a long historical pedigree and is found in virtually every culture in history and across continents.

Our own culture is populated with examples of the well-established place animals have found in our hearts and homes. People of all ages enjoy their companionship. For some people, they offer a welcome relief from loneliness. For children, an animal in the home contributes warmth and unconditional love, and teaches consideration for the needs of another creature. Those who suffer from disease or injury experience a therapeutic, even emotional, benefit from their presence. Indeed, people throughout the United States often choose animals over human partners and over having children.

Pro-pet policies reduce killing and costs at the local animal shelter, increase adoption revenues, tax revenues, and economic spending, improve civic engagement and public health, and encourage both individuals and businesses to relocate to a community.

As fears about pets causing damage are exaggerated and can be mitigated by less restrictive measures than an outright ban, such as reasonable pet deposits, outdated practices that threaten to cut off humans and animals alike from deep, meaningful, and loving relationships should be prohibited.

##### Section 2: Definitions

As used in this article, the following terms shall have the meanings indicated:

“Animal companion” means an animal of the kind usually kept as a pet who resides and sleeps indoors, such as a dog, cat, rabbit, bird, fish, hamster, gerbil, or other animal who typically resides and sleeps indoors.

“Housing” includes, but is not limited to, a house, apartment, condominium, townhome, or co-op and includes both single family dwellings and multi-family dwellings.

“Owner” includes the owner and his or her designees, including but not limited to any person or other organization or entity who is engaged in the business of selling or renting dwellings.

“Condominium Association” includes, but is not limited to, an organization authorized to establish covenants, conditions, and restrictions governing two or more dwelling units.

##### Section 3: Unlawful Discrimination on the Basis of an Animal Companion

A. It shall be unlawful:

(1) For the owner of any dwelling, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing, or any condominium association, to discriminate against any person because he or she has an animal companion.

(2) For the owner of any dwelling, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing, or any condominium association, to make or to cause to be made any written or oral inquiry concerning the animal companion of any person seeking to purchase, rent, or lease any housing until after agreement has been reached to purchase, rent, or lease any housing and then only as to determining compliance with paragraph B.

(3) For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale, rental, or leasing of housing that indicates any preference, limitation, or discrimination based on animal companions or an intention to make that preference, limitation, or discrimination.

(4) For the owner of any dwelling, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing, or any condominium association, to harass, evict, or otherwise discriminate against any person in the sale, rental, or leasing of housing when the owner's dominant purpose is retaliation against a person who has opposed practices unlawful under this section.

(5) For the owner of any dwelling, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing, or any condominium association, to otherwise make unavailable or deny housing based on that person having an animal companion.

(6) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, the rights granted by this section.

#### B. Conditions and Exceptions

(1) Nothing in this section precludes an owner from requiring a reasonable pet deposit, which shall be refundable in the case that no damage to the unit caused by an animal companion has been sustained nor have noise, sanitation, or safety conditions caused by an animal companion interfered with the quiet enjoyment of other tenants, not to exceed 10 percent of the security deposit, for each animal; and not to exceed \$300 total.

(2) Nothing in this section precludes an owner or condominium association from requiring the animal companion to be sterilized and current on vaccinations and the owner of such to provide proof thereof, with the exception of fish and other animals where sterilization and vaccination is determined medically inadvisable by a veterinarian licensed to practice medicine in this state.

(3) Nothing in this section shall preclude roommates to restrict renting a room of a single dwelling, or an Accessory Dwelling Unit, to someone who does not have an animal companion.

(4) Nothing in this section shall preclude an owner of a two-family home, who occupies one of the two units, to restrict renting the second unit of said two-family dwelling to someone who does not have an animal companion.

(5) Nothing in this section precludes an owner or condominium association from enforcing reasonable rules relating to the quiet enjoyment of other tenants such as noise, sanitation, and safety, if such enforcement is reasonably justified by noise, sanitation, or safety reasons and is not undertaken for reasons prohibited by this section.

(6) Nothing in this section precludes an owner or condominium association from enforcing reasonable rules relating to the number and size of pets based on the size of the dwelling unit, provided that these rules permit one dog or two cats in any dwelling unit.

(7) The animal companion shall be cared for in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.

(8) Dogs shall be licensed, as required under Title VIII, Article 2, Section 4 of the Town Bylaws.

(9) There shall be no civil liability to the owner of any housing, his or her designee, or other person, organization or entity whose business involves the sale, rental, or leasing of housing, or any condominium association, for any injury to persons or property resulting from an animal companion as a result of compliance with this section.

#### Section 4: Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof,



Recreation Commission in installing an artificial turf field at Poets Corner. However, Belmont Hill withdrew its project proposal during Town Meeting and, at the May 10, 2023 Town Meeting, the Substitute Motion for a moratorium failed by 14 votes, however, Article 12 establishing the study committee passed 143-81 to study the issues around artificial turf and report its findings and any recommendations to the 2024 Town Meeting.

Per the Article 12 vote, the Artificial Turf Study Committee was to “complete its work and report its findings and any recommendations to Town Meeting and the Select Board no later than 30 days prior to the 2024 Annual Town Meeting...” Thirty days before the 2024 Town Meeting, due to start on April 24, 2024, is March 24, 2024.

As the authors of the motion voted under Article 12, we can say that the purpose of the 30 days window was to ensure that Town Meeting Members and interested town boards and residents could review the report and evaluate what, if anything, were the next steps that the town should take, including possible extension of the Study Committee.

The Artificial Turf Study Committee convened for its first meeting on December 5, 2023, 7 months after the warrant article passed.

Despite the Committee’s diligence in the just over three months since it convened it does not appear that it has had sufficient time to sort out, process, evaluate, and make recommendations based upon the large volume of relevant information from many sources, including industry (e.g., they say turf is relatively safe), scientists (e.g., they say there are dangerous chemicals in turf, even in the newer products not using crumb rubber infill and pose a danger not just to humans but to wildlife and ecology which are also damaged by a field covered in plastic), and journalists and others (e.g., they say turf is not being recycled, just dumped by the roadside or otherwise discarded in remote areas).

The products used in artificial turf and the studies are evolving quickly.

In the Motion under Article 12 (Par A.2.B), it is contemplated that the 2024 Town Meeting might be too soon to dissolve the committee and that the Town Meeting might want to extend it, as follows:

“The Committee will be dissolved concurrent with the dissolution of the 2024 Annual Town Meeting, unless there is a vote of Town Meeting to effectuate an earlier dissolution of the Committee or to extend the Committee’s charge.” [emphasis added]

Given that the Study Committee got started 7 months after it was established, it does not seem unreasonable to extend its charge by five months until the preliminary report is due, with a public meeting a month later, and a final report due a month after that in November, 2024, for a total of 7 months.

We respectfully request that you support extending the charge of the Artificial Turf Study Committee as set forth in the above recommended vote under Article 19.



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

March 15, 2024

Eric Helmuth, Chair  
Select Board  
730 Massachusetts Avenue  
Arlington, MA 02476

Greg Christiana, Town Moderator  
730 Massachusetts Avenue  
Arlington, MA 02476

Dear Chair Helmuth and Moderator Christiana:

As Chair and Secretary, respectively, of the Town of Arlington's Artificial Turf Study Committee (ATSC), we write to update you on the progress of the ATSC and to provide information related to the expected completion and submission of its final report. As you may be aware, the ATSC got a late start in constituting itself and calling its first meeting, which took place on December 5, 2023. The late start presented challenges to the ATSC, given that the 2023 Town Meeting article that established the ATSC required it to submit its final report and recommendations to Town Meeting and the Select Board "no later than 30 days prior to the 2024 Annual Town Meeting."

Despite its late start, we are happy to report that the ATSC has made up for lost time and has made tremendous progress towards meeting its charge as established by Town Meeting last spring. As of this writing, the ATSC has held 11 public meetings, meeting nearly weekly since December 5, 2023. In addition, the ATSC established working groups in the specific areas of concern outlined by Town Meeting in the warrant article (namely, Health, Safety, and Environmental); those three working groups have met regularly since December 2023. The ATSC has heard from guest speakers knowledgeable in the areas related to the Committee's charge. At this point in time, the ATSC is actively drafting a report of the findings and recommendations that it must present to Town Meeting and the Select Board.

Despite the considerable progress that it has made in the past three months, it seems at this point unrealistic for the ATSC to submit a final report to Town Meeting and the Select Board on or before March 22, 2024 -- 30 days prior to the start of the 2024 Annual Town Meeting. However, based on the ATSC's progress to date, the ATSC is on track to submit its

final report to Town Meeting and the Select Board before the start of the 2024 Town Meeting, which commences on April 24, 2024.

We understand that the Select Board will be considering Article 19 for the upcoming Annual Town Meeting. That article would extend the reporting deadline for the ATSC to November 2024. Although we appreciate the spirit in which the article was proposed, we hope and fully expect that it will be unnecessary to the extent the ATSC maintains its current timeline.

We appreciate your understanding in allowing us a few extra weeks to complete the ATSC's work, including allowing time for public input and feedback, as well as finalizing its findings and recommendations. If you have any questions related to this letter or the ATSC's work, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "James E. DiTullio".

James E. DiTullio, Chair  
Artificial Turf Study Committee

A handwritten signature in cursive script that reads "Natasha Waden".

Natasha Waden, Secretary  
Artificial Turf Study Committee



## Town of Arlington, Massachusetts

---

### Articles for Review:

#### Summary:

Article 6 Bylaw Amendment/Vacant Store Front Maintenance Registry  
Article 8 Bylaw Amendment/Annual Town Meeting Start Date  
Article 9 Bylaw Amendment/Revised Town Meeting Start Time  
Article 10 Bylaw Amendment/Start Time for Annual Town Meeting  
Article 11 Bylaw Amendment/Fossil Fuel Free Bylaw Language Changes

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Draft_Votes_and_Comments_3.18.24.pdf	Draft Final Votes & Comments



**Title V, Article 17**  
**VACANT STOREFRONT MAINTENANCE REGISTRY**  
**(ART. 6, STM – 10/19/16; ART. 11, STM – 5/02/18)**

**Section 1 Findings and Purposes.**

The purposes of this bylaw are to protect the welfare and economic vitality of the residents of the Town of Arlington by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Town resources, and ensuring the safe and sanitary maintenance of commercial and industrial vacant properties. Among other things, vacant commercial and industrial properties with frontage along Massachusetts Avenue, Broadway or both, can degrade the vitality of Arlington's business districts, frustrate local planning and development efforts, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards. This bylaw is intended to promote the Town's public welfare and economic health by requiring all property owners to register and properly maintain vacant commercial and industrial properties.

**Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

"Building Inspector" - The Building Inspector of the Town of Arlington or the Inspector's designee.

"Financial Hardship" – a showing of demonstrable undue economic hardship through the presentation of evidence in such form as may be convincing and acceptable to applicable Town officials.

"Legally Occupied" - Occupied in accordance with the provisions of the Massachusetts Building Code.

"Owner" - A person or entity who, alone or severally with others:

A. Has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or

B. Is a tenant with a legal right to possess an entire building; or

C. Is a mortgagee in possession of any building; or

D. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or

E. Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant property.

"Planning Department" - The Department of Planning and Community Development.

"Planning Director" - The Director of Planning and Community Development for the Town of Arlington or the Director's designee.

~~"Public Art" - Works of art for public benefit and viewing, approved by the Department of Planning and Community Development, for which owners have agreed to the temporary display inside storefront windows or upon other safe, visible exterior surfaces of vacant properties for agreed upon time periods and other material terms.~~

"Main Street Storefront" - Any unoccupied nonresidential commercial or industrial real property ground floor units with frontage along either Massachusetts Avenue or Broadway.

"Vacant ~~Building~~" - Any unoccupied non-residential commercial or industrial real property which:

A. Is not legally occupied, is abandoned, or is not used for a period of at least ninety (90) consecutive days or longer by occupants having custody or legal right of entry to such property; or

B. Which is intermittently occupied by persons with legal right of entry, but exhibits in the opinion of the Building Inspector dilapidated walls, roof, or doors which fail to prevent the entry of a trespasser for a period of more than seven (7) days).

### **Section 3. Registration.**

A. Prior to, or not more than seven (7) days after a ~~unit or any portion of a property~~ Main Street Storefront becomes Vvacant, as defined herein, the owner(s) must register the vacancy with the Department of Planning and Community Development and the Building Inspector on forms agreed upon and provided by such departments. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state if the ~~property~~ Main Street Storefront is Vvacant at the time of filing. The registration shall also state the owner's efforts to regain occupancy. Once the ~~building~~ Main Street Storefront is not longer Vvacant, ~~or~~ is sold or leased, or disposed of in another legal manner, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Planning Department or Inspectional Service Department pursuant to the process outlined by such departments.

The Building Inspector will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of the Vvacant ~~building~~ Main Street Storefront as well as ~~the any~~ re-occupancy of the building same.

B. The Planning Director and the Building Inspector may jointly exempt a property owner from the provisions of this bylaw upon the presentation of evidence, in such form as may be convincing to them, that the failure to use or occupy a building for a period in excess of 90 days does not violate the purpose or intent of this bylaw.

#### **Section 4. Annual Registration Fee, Failure to Pay, Waiver.**

A. The annual registration fee is due at the time of registration of the Vvacant property Main Street Storefront. The ~~property~~ Vacant Main Street Storefront owner will be invoiced on an annual basis until the ~~property~~ Main Street Storefront is leased, ~~or sold, or disposed of in another legal manner~~. The annual registration fee shall be set by the Select Board pursuant to M.G.L. c. 40, § 22F.

B. The annual registration fee covers the administrative cost of monitoring and ensuring the security and proper maintenance of such ~~building~~ Vacant Main Street Storefront, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of this ~~B~~bylaw, and the full fee shall be deemed an assessment resulting from a violation of this ~~B~~bylaw. Such fee, and any fines issued for violations of this ~~B~~bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with M.G.L. c. 40, §58.

C. ~~Owners~~ Vacant Main Street Storefront may apply for a waiver of the annual registration fee at the time of registration of a Vvacant property and upon receipt of annual registration fee invoices each year thereafter, requesting waiver of some or the entire fee on grounds of ~~demonstrable~~ Ffinancial Hhardship, ~~or by agreeing in writing to display public art as defined herein for the term of a vacancy. Waivers for public art display will be granted only as sufficient public is available, appropriate to the location for display, and the Town, artist, owner agree to terms of exhibition as set forth by the Planning Department.~~ Waivers requested on the basis of Ffinancial Hhardship are subject to a thirty (30) -day review period. If a waiver based on Ffinancial Hhardship is granted, it will be reevaluated on a quarterly basis until the Vacant Main Street Storefront ~~property~~ is leased, ~~or sold, or disposed of in another legal manner~~. If a waiver of the registration fee based on Ffinancial Hhardship is denied, the registration fee is due within thirty (30) days of the decision.

#### **Section 5. Maintenance Requirements.**

A. The owner of a Vvacant building Vacant Main Street Storefront must maintain ~~the vacant building~~ the same in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance ~~of the building~~ and major system maintenance of the Vacant Main Street Storefront ~~property~~.

B. The owner of a Vacant Main Street Storefront ~~vacant building~~ must promptly repair all broken windows, doors, other openings and any unsafe conditions at ~~a vacant building~~ the same. Boarding up of open or broken windows and doors is prohibited except as a temporary measure allowed by Title V, Article Seven of these ~~B~~ylaws, unless the Building Inspector determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a determined period of time beyond

such temporary measure. Boards or coverings must be fitted to the opening size and colored to blend with the existing ~~building~~ color scheme of the entirety of the building.

C. The owner must maintain the Vacant Main Street Storefront ~~building and property~~ for the duration of the vacancy or abandonment. The owner shall maintain the condition of the Vacant Main Street Storefront ~~building and property~~ so as to appear not to be Vvacant. Upon notice by the Building Inspector, any accumulated trash and/or graffiti shall be removed from the Vacant Main Street Storefront ~~property~~ by the owner within seven (7) days. The Building Inspector and/or the Inspector's designee will document violations. The owner of any Vacant Main Street Storefront ~~building vacant~~ for a period exceeding six (6) months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents.

D. The owner of Vacant Main Street Storefront may include advertising materials in the ~~vacant space same~~ or displayed in ~~the property's~~ its street-facing windows. Such advertising materials must be approved by the Planning Director.

E. Compliance with this Bylaw shall not relieve the owner of any obligations set forth in any other applicable bylaw, regulations, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

## **Section 6. Inspections**

The Building Inspector, Police Chief, Fire Chief and the Health Director, or their designees, shall have the authority to periodically inspect the exterior and interior of any building subject to this bylaw for compliance, as authorized under the terms of registration form filed with the Building Inspector and Planning Department. The Building Inspector shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

## **Section 7. Violations and Penalties; Enforcement**

A. Violations of any portions of this Bylaw shall be punishable by a fine of one hundred dollars (\$100) per day in total. However, the Building Inspector and Planning Director may waive the fine in total or in part upon the abatement of the violation(s).

B. The Building Inspector or the Inspector's designee shall enforce all provisions of this Bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall receive a written warning and a minimum of seven (7) days to remedy all violations prior to the institution of any enforcement action by the Inspector.

The Building Inspector, acting on behalf of the Town of Arlington, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw. This bylaw may also be enforced through non-criminal disposition in accordance with the provisions of the Town bylaws.

## **Section 8. Unsafe Buildings**

If the Building Inspector determines the building to be unsafe, the Inspector may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this Bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G.L c. 139, § 1 et seq. and M.G.L c. 143, § 6 et seq.

## **Section 9. Severability**

If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

**(5-0)**

**COMMENT:** The Board voted unanimously in support of this bylaw amendment. Mr. DeCoursey suggested the Board consider whether state urban renewal laws (M.G.L. ch. 121B) could bolster enforcement of this bylaw and serve as another solution for storefronts that have long been vacant. Mr. DeCoursey recommended that the word ‘unoccupied’ be omitted from the definition of Main Street Storefront for clarity, to which the Board agreed. Mr. DeCoursey further clarified, and had confirmed, that an outdated proposed component of the amendment to duplicate vacant signage provisions from the Town’s Zoning Bylaws would not be included in the bylaw amendment. A discussion ensued amongst the Board regarding the importance of the Town being made aware of vacant storefront owners’ plans for their properties.

## **ARTICLE 8                    BYLAW AMENDMENT / REVISED TOWN MEETING START TIME**

**Mr. Hurd moved that the Select Board “will report” on Article 8.**

**(5-0)**

**COMMENT:** The Board initially voted to table its hearing and discussion on Article 8 after observing that Articles 8, 9 and 10 were materially similar in substance and each Article would likely include public testimony pertinent to its consideration on the vote of all three Articles. The Board held its public hearing on Article 8 and heard testimony from the Town Moderator. The Board was presented with survey results that the Town Moderator facilitated to better understand the preference of responding Town Meeting Members for Town Meeting start time. Mr. DeCoursey inquired into whether the survey indicated results for an amendment to the Town Meeting start time, as opposed to the start date. The Town Moderator confirmed the priority of the survey was to focus on the start time.

The Board engaged in a thorough discussion regarding the start time for the Annual Town Meeting. Individual Board members identified the potential positive and negative impacts of

moving the start time of Town Meeting from 8:00 pm to 7:00 pm or 7:30 pm. The Board also considered the favorability of allowing Town Meeting to determine its own start time after the first night. In fact, the Board noted that the Town Bylaws set the start time at 8:00 pm for the first night of Annual Town Meeting, but that the start time for subsequent sessions of Annual Town Meeting are set by Town Meeting itself when it recesses at the end of each session.

After an initial motion by Mr. Hurd for favorable action that was seconded by Mr. Diggins, the motion was amended at the suggestion of Mrs. Mahon to alter the proposed motion to one of “will report.” Accordingly, the Select Board took a vote that it “will report” on its recommendation regarding this warrant article at some future time, including the possibility of doing so during Town Meeting, after further input from the Town Meeting Procedures Committee, or if requested by an individual Select Board member.

## **ARTICLE 9 BYLAW AMENDMENT / START TIME FOR ANNUAL TOWN MEETING**

**Mr. Hurd moved that no action be taken on Article 9.**

**(5-0)**

**COMMENT:** The Board voted to table its hearing and discussion on Article 9, consistent with its vote to table Article 8. The Board heard from the bylaw amendment proponent, who offered to withdraw the amendment if duplicative to Article 8 or 10. The Board voted no action on this Article because the substance of it is addressed in Article 8.

## **ARTICLE 10 BYLAW AMENDMENT / ANNUAL TOWN MEETING START DATE**

**VOTED:** That the Town does and hereby amends Title I, Article 1, Section 1 (“Date of Annual Meeting and Adjournment”) of the Town’s Bylaws so as to allow the Select Board discretion in the setting of the start date and time of Annual Town Meeting so that the bylaw reads in its entirety as follows:

### **TITLE I**

#### **ARTICLE 1 TOWN MEETINGS**

**Section 1. Date of Annual Meeting and Adjournment  
(ART. 93, ATM – 05/23/88)(ART. 12, ATM – 05/09/04)**

The Annual Town Meeting for the purposes of conducting the regular Town Election of Town officers including Town meetings members, and for the submission of questions to the voters of the Town, if required to be submitted thereat, shall be held annually on the first Saturday of April unless the Select Board vote not later than February 1 to establish another date in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. Said election shall be considered part of the Annual Town Meeting held in that year. All articles in the warrant for any regular Town meeting to be acted upon and determined otherwise than by ballot shall be considered at a Town meeting to be held annually on the fourth Monday in April, at eight o'clock in the evening unless the Select Board votes not later than February 1 to establish another date and time in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. In no case shall the Annual Town Meeting begin later than the second Monday in May at eight o'clock in the evening.

(5-0)

**COMMENT:** The Board supports favorable action on this Article. The Board recognizes that this amendment will assist this and future Select Boards by providing flexibility with the setting of the date for the first night of the Annual Town Meeting so that conflicts with dates of religious observance or other important events can be avoided.

**ARTICLE 11            BYLAW AMENDMENT/FOSSIL FUEL FREE BYLAW  
LANGUAGE CHANGES**

**VOTED:**     **That the Town does and hereby amends Title VI, Article 10, Section 1 (“Prohibition on New Fossil Fuel Infrastructure in New Construction and Major Renovation”) of the Town’s Bylaws so update the definition of “major renovation” so that the bylaw reads in its entirety as follows:**

**TITLE VI  
ARTICLE 10**

**PROHIBITION ON NEW FOSSIL FUEL INFRASTRUCTURE IN NEW  
CONSTRUCTION AND MAJOR RENOVATION**

**Section A. Definitions**

“Effective Date” shall mean 90 days following the date on which the Town is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure.

“Fossil Fuel-Free Demonstration” shall mean the project codified by the entirety of 225 CMR 24.00, the Fossil Fuel- Free Demonstration.

“Major Renovation” shall mean a renovation project associated with a valid building permit

application filed on or after the Effective Date of this article that is (a) a low-rise residential addition in which the Work Area exceeds 1,000 square feet or exceeds 100% of the conditioned floor area of the existing dwelling unit; (b) for all other building use types, an addition in which the Work Area exceeds 20,000 square feet or exceeds 100% of the conditioned floor areas of the existing building; (c) for low-rise residential buildings, a Level 3 Alteration as defined in the International Existing Building Code (IEBC 2021) in which the Work Area exceeds 50% of the existing conditioned floor area and exceeds 1,000 square feet; ~~or that is,~~(d) for all other building uses, a Level 3 Alteration as defined in the International Existing Building Code (IEBC 2021) in which the Work Area exceeds 50% of the existing conditioned floor area or an alteration that exceeds 20,000 square feet.; (e) for low-rise residential use types, a change of use of over 1,000 square feet per International Energy Conservation Code (IECC 2021) Sections R505; or (f) for all building use types except low-rise residential, a change of use of over 20,000 square feet or change of use equal to 100% of the conditioned floor areas of the existing building per International Energy Conservation Code (IECC 2021) Sections C505.

“New Construction” shall mean a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the Effective Date.

“Specialized Energy Code” – Codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

“Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

## **Section B. Purpose**

This Bylaw is adopted by the Town of Arlington, pursuant to “Act Driving Clean Energy and Offshore Wind” (St. 2022, c. 179, § 84) and 225 CMR 24.00, also referred to as the Fossil Fuel-Free Demonstration, the purpose of which is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free in the interests of protecting health, safety, and the natural environment and reducing air pollution and greenhouse gas emissions, which cause climate change, thereby threatening the Town and its inhabitants. This bylaw is

intended to work in conjunction with the Specialized Stretch Code, adopted by the 2023 Arlington Town Meeting and incorporated into Title VI Art. 3 of the Town Bylaws as well as the Town’s “Net Zero” goals.

### **Section C. Applicability**

1. The requirements of this bylaw apply to residential and non-residential buildings that qualify as New Construction or Major Renovation.
2. The requirements of this bylaw shall not apply to:
  - a. Research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.00.
  - b. Multi-family buildings over 12,000 square feet with permit applications filed prior to January 1, 2027, that utilize gas or propane for domestic water heating as the only combustion equipment.
  - c. Utility service piping connecting the grid to a meter, or to a gas meter itself.
  - d. Piping required to fuel backup electrical generators.
  - e. Portable propane appliances for outdoor cooking and heating.
  - f. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, so long as new fossil fuel piping is not installed.
  - g. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

### **Section D. Fossil Fuel-Free Demonstration**

The Fossil Fuel-Free Demonstration, as codified by the entirety of 225 CMR 24.00, is herein incorporated by reference into Title VI, Article 3 of the Town of Arlington General Bylaws.

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code (codified in Title VI Article 3 of the Town Bylaws) are adopted. These changes are enforceable by the Building Inspector and will go into effect for any project seeking a permit after the Effective Date.

1. Low-rise Residential Code (225 CMR 22 Appendix RC)
  - a. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.

2. Commercial and All Other (225 CMR 23 Appendix CC)
  - a. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, with the following exceptions:
    - i. Research laboratories for scientific or medical research,
    - ii. Hospitals regulated by the department of public health as a health care facility,
    - iii. Medical offices regulated by the department of public health as a health care facility,
    - iv. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027, may utilize gas or propane for domestic water heating as the only combustion equipment.
3. Equipment or appliances used for space heating, service water heating, cooking, clothes drying, and/or lighting that can utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels may not be installed as part of any residential or non-residential Major Renovation, with the exception of C(2)(a – g) and D(2)(a)(i – iv) above. All Major Renovations associated with C(2)(a – g) and D(2)(a)(i –iv) must follow applicable stretch code requirements.

### **Section E. Waivers**

1. In the event that compliance with the provisions of this bylaw makes a project financially infeasible or impractical to implement, the Building Inspector may grant a waiver subject to reasonable conditions. Where appropriate, such waivers shall be issued narrowly for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Article. Waiver requests shall be supported by a detailed cost comparison, inclusive of available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans. Particular consideration for waivers will be given to projects sponsored by non-profit or government- sponsored affordable housing entities.
2. Guidance regarding the granting of waivers and prescription of conditions shall be provided by the Select Board prior to the Effective Date and periodically extended or amended in the light of experience and changing circumstances.

Notwithstanding the foregoing, Compliance with this bylaw may be considered financially infeasible if:

- a. As a result of factors beyond the control of the proponent the additional cost

of the project over the long term, including any available subsidies, would make the project commercially unviable; and/or

b. If technological or other factors would make the project unsuitable for its intended purpose.

3. The Building Inspector's decision with respect to the granting of a waiver, the scope thereof, and any conditions prescribed, shall be appealable to the Town Manager in accordance with procedures established by the Town Manager.

### **Section F. Appeals**

The Town Manager shall hear appeals from decisions by the Building Inspector on the applicability of this bylaw under section C in accordance with such procedural rules as may be adopted from time to time by the Town Manager.

**(4-0)\* Mr. DeCoursey recused himself.**

**COMMENT:** The Board supports favorable action on this Article. The Board noted that the amendment would not be effective until approved by the Office of Attorney General. The Board further noted the amendments align with state regulations.



## Town of Arlington, Massachusetts

---

### **NEW BUSINESS**

**Summary:**

Except in cases of emergency, the Board will neither deliberate nor act upon topics presented in New Business.



## Town of Arlington, Massachusetts

---

### Next Scheduled Meeting of Select Board April 1, 2024

**Summary:**

You are invited to a Zoom webinar.

When: Mar 26, 2024 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\\_iPtnLNT\\_T4GGBpc3JFvStA](https://town-arlington-ma-us.zoom.us/webinar/register/WN_iPtnLNT_T4GGBpc3JFvStA)

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.