

**Article 2**

**STATE OF THE TOWN  
ADDRESS**

To hear the Chair of the Select Board review important events in the past year in Arlington and preview expectations for next year.

Inserted at the request of  
Envision Arlington

**Article 3**

**REPORTS OF  
COMMITTEES**

To receive, hear, and act upon the reports of the Select Board, Finance Committee, Redevelopment Board, School Committee and other committees, commissions, and boards heretofore appointed, or dissolve any inactive committees; and take any action related thereto.

Inserted at the request of the  
Town Moderator

**Article 4**

**APPOINTMENT OF  
MEASURER OF WOOD**

## **AND BARK**

To choose and appoint all the usual Town Officers not hereinbefore mentioned, in such a manner as the Town may determine; or take any action related thereto.

Inserted by the Select Board

### **Article 5**

## **ELECTION OF ASSISTANT TOWN MODERATOR**

To elect a Town Meeting Member as Assistant Moderator for a term of one year, as provided in Title I, Article 1, Section 11.A, of the Bylaws; or take any action related thereto.

Inserted at the request of the  
Town Moderator

### **Article 6**

## **BYLAW AMENDMENT / VACANT STORE FRONT MAINTENANCE REGISTRY**

Town will vote to amend Title V, Article 17 of the Town Bylaws ("Registration and Maintenance of Vacant Commercial and

Industrial Buildings") to change certain definitions, registration requirements and maintenance requirements to increase the Bylaw's effectiveness and clarity; or take any action related thereto.

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

Article 7

## **BYLAW AMENDMENT / BETTERMENT BYLAW REVISION**

Town will vote to amend Title III Article 3 of the Town Bylaws: Repairs to Private Ways to revise the criteria, process, and other material terms for the approval and administration of repairs to private ways, including revising the number or percentage of abutters required for a betterment petition when representing an association, and increasing the required deposit before work can commence; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 8

**BYLAW AMENDMENT /  
REVISED TOWN  
MEETING START TIME**

To see if the Town will vote to amend the Town Bylaws to: begin future Town Meetings at 7:30 pm and continue until 10:30 pm; to commence Spring Town Meeting on the 4<sup>th</sup> Monday in April, except when determined to conflict with a holiday or special event, at the discretion of the Select Board; or take any action related thereto.

Inserted at the request of Phil Goff and ten registered voters

Article 9

**BYLAW AMENDMENT /  
START TIME FOR  
ANNUAL TOWN  
MEETING**

To see if the Town will vote to amend Title 1 “General Government” in Article 1, Section 1 of the Bylaws of the Town of Arlington (“Date of Annual Meeting and Adjournment”) by striking in the last

sentence “at eight o’clock in the evening” and inserting “seven thirty in the evening”.

Inserted at the request of Christa Kelleher and ten registered voters

Article 10

**BYLAW AMENDMENT /  
ANNUAL TOWN  
MEETING START DATE**

To see if the Town will vote to amend Title I, Article 1, Section 1 of the Town Bylaws to allow the Select Board to set alternative dates and times for the beginning of the Annual Town Meeting; or take any action related thereto.

Inserted at the request of the  
Town Meeting Procedures  
Committee

Article 11

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

To see if the Town will vote to amend Title VI, Article 10 of the Town Bylaws by altering certain definitions and provisions so that

they are more consistent with the Massachusetts Department of Energy Resources' Fossil Fuel Free Demonstration Project Model Rule and related language set forth in 225 CMR 24.00 (a copy of which is on file with the Town Clerk); or take any action related thereto.

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

Article 12

**BYLAW AMENDMENT /  
JOHN J. BILAFER  
ARLINGTON CITIZENS'  
SCHOLARSHIP FUND –  
DOLLARS FOR  
SCHOLARS**

To see if the Town will vote to amend Title II, Article 1 of the Town Bylaws – The John J. Bilafer Arlington Citizens' Scholarship Fund – Dollars for Scholars, Section 4 “Scholarship Committee and Officers” by adding “or their designee” at the end of the first sentence of Section 4; or take any action related thereto.

Inserted at the request of the  
Treasurer

Article 13

**BYLAW AMENDMENT /  
LEAF BLOWER DATES  
OF TRANSITION**

To see if the Town will vote to amend Title V, Article 12 of the Town Bylaws – Regulations Upon the Use of Private Property: Noise Abatement, to change dates of transition of gas powered leaf blowers to make the dates consistent between residential and commercial users as well as times of operation, Title V, Article 12, Section 3; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 14

**BYLAW AMENDMENT /  
FOCUSED RESIDENCE  
PICKETING**

To see if the Town will vote to amend Title I of the Town Bylaws to add a new provision to prohibit and make it unlawful for any person to engage in picketing focused on,

or taking place in front of or about, a particular residence in the Town of Arlington; or take any action related thereto.

Inserted at the request of the  
Town Manager

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**

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

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

Article 20

## **HOME RULE LEGISLATION / TOWN CLERK**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to update the Town Manager Act to reflect the transition of the Town Clerk's Office from an elected to appointed position; or take any action related thereto.

Article 21

Inserted by the Select Board  
**HOME RULE  
LEGISLATION / TO  
AMEND THE SENIOR  
CITIZEN PROPERTY  
TAX EXEMPTION**

To see if the Town will vote to authorize and request the Select Board to request the Legislation or Senate and House of Representatives in General Court *or* other Special Legislation to amend Chapter 285 of the Acts of 2020 “An Act Authorizing the Town of Arlington To Establish A Means Tested Senior Citizen Property Tax Exemption” by inserting the following language at the end of Section 3“; or funded by an appropriation or transfer from existing funds while not exceeding 1 per cent of the municipality’s tax levy.”; or take any action related thereto

Inserted at the request of the Board of Assessors

Article 22

**HOME RULE  
LEGISLATION /**

## **LOWERING THE VOTING AGE TO 16 IN LOCAL ELECTIONS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to petition the State Legislature to allow Arlington to lower the voting age from 18 to 16 for municipal elections; or take any action related thereto.

Inserted at the request of Sophie Shen and ten registered voters

### **Article 23**

## **ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2025 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

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

### **Article 24**

## **REVOLVING FUNDS**

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds, to appropriate sums of money to fund all revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 25

## **ZONING BYLAW AMENDMENT / BUILDING DEFINITIONS**

To see if the Town will vote to amend Section 2: Definitions, in the Zoning Bylaw to amend the definitions of Building, Attached, and Building, Detached, to clear up an ambiguity between those two definitions; or take any action related thereto.

Inserted at the request of the  
Redevelopment Board

Article 26

**ZONING BYLAW  
AMENDMENT /  
ADMINISTRATIVE  
CLARIFICATION**

To see if the Town will vote to amend Section 5.4.2.A. R District Yard and Open Space Requirements in the Zoning Bylaw to reference an exception found elsewhere in the Zoning Bylaw; or take any action related thereto.

Inserted at the request of the  
Redevelopment Board

Article 27

**ZONING BYLAW  
AMENDMENT /  
ADMINISTRATIVE  
CORRECTION**

To see if the Town will vote to amend Section 5.9.2. Accessory Dwelling Units for clarity to change how subsections are numbered and to remove a subsection that is outdated; or take any action related thereto.

Inserted at the request of the  
Redevelopment Board

Article 28

**ZONING BYLAW  
AMENDMENT / DELETE  
INLAND WETLAND  
OVERLAY DISTRICT**

To see if the Town will vote to delete Section 5.8, Inland Wetland Overlay District, from the Zoning Bylaw and adjust the numbering of subsequent sections; or take any action related thereto.

Inserted at the request of the  
Redevelopment Board

Article 29

**ZONING BYLAW  
AMENDMENT /  
REDUCED HEIGHT  
BUFFER**

To see if the Town will vote to amend Section 5.3.19. Reduced Height Buffer Area in the Zoning Bylaw to alter the height buffer requirements; or take any action related thereto.

Inserted at the request of the  
Redevelopment Board

Article 30

**ZONING BYLAW  
AMENDMENT /  
SHADED PARKING  
LOTS**

To see if the Town will vote to amend  
Section 6.1.11.D. of the Zoning Bylaw to  
require that trees or other shade be  
provided in parking lots with more than 25  
spaces; or take any action related thereto.

Inserted at the request of Susan  
Stamps and ten registered voters

Article 31

**ZONING BYLAW  
AMENDMENT / ADD 5-7  
WINTER STREET TO  
THE MBTA  
NEIGHBORHOOD  
DISTRICT**

To see if the Town will add the Address of 5-  
7 Winter St., to the Neighborhood Multi-  
Family (NMF) Subdistrict Parcel List; or  
take any action related thereto.

Inserted at the request of John Leone and ten registered voters

Article 32

**ZONING BYLAW  
AMENDMENT /  
TRAFFIC VISIBILITY**

To see if the Town will vote to amend Section 5.3.12(A) of the Town's Zoning Bylaws to permit buildings, structures or vegetation across street corners if it can be shown that they will not restrict visibility in such a way as to hinder the safe transit of a vehicle through the subject intersection; or take any action related thereto.

Inserted at the request of Caitlin Monaghan and ten registered voters

Article 33

**ZONING BYLAW  
AMENDMENT / REAR  
YARD SETBACKS IN  
BUSINESS DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw Section 5.5.2  
DIMENSIONAL AND DENISTY

REGULATIONS to adjust the rear yard setback requirement for uses of four or more stories in Business Districts; or take any action related thereto.

Inserted at the request of Andrew Greenspon and ten registered voters

Article 34

**ZONING BYLAW  
AMENDMENT /  
RESIDENTIAL USES**

To see if the Town will vote to amend Section 5.4 of the Town’s Zoning Bylaws by changing the definitions, regulations and requirements of R0 Large Lot Single-Family Districts, R1 Single-Family Districts and R2 Two-Family Districts to permit the expansion of allowable residential uses in these districts, with the goal of diversifying the Town’s housing stock; or take any action related thereto.

Inserted at the request of John Paul Lewicke and ten registered voters

Article 35

**APPROPRIATION / PEG**

## **ACCESS BUDGET**

To see if the Town will vote to appropriate or transfer a sum or sums of money for the support of public, educational, and/or governmental (“PEG”) access cable television services, said sum or sums to be provided for by the cable franchise agreements and cable licensing fees, detailed in an operational cost, building expenses, and capital expense budget, and expended under the direction of the Town Manager; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 36

## **ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES**

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2025 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto

Inserted at the request of the  
Town Manager

Article 37

## **POSITIONS RECLASSIFICATION**

To see if the Town will vote to make additions, deletions and/or modifications to the Classification and Pay Plan, appropriate a sum of money to fund same if necessary, determine how the money will be raised and expended; or take any action related thereto.

Inserted at the request of the  
Town Manager and the Director of  
Human Resources

Article 38

## **AMENDMENTS TO FY24 BUDGETS**

To see if the Town will vote to appropriate to and/or transfer funds between the FY2024 budget and appropriations and the long-term stabilization fund or other available funds as previously voted upon by the 2023 Annual Town Meeting; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 39

## **APPROPRIATION / TOWN BUDGETS**

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended; or take any action related thereto: Finance Committee, Select Board, Town Manager, Human Resources, Comptroller, Information Technology, Town Treasurer and Collector of Taxes, Assessors, Legal and Workers' Compensation, Town Clerk, Registrars, Planning and Community Development, Redevelopment Board, Parking, Zoning Board of Appeals, Public Works, Facilities, Cemeteries, Community Safety, School Department, Libraries, Human Services,

Insurance, Non-Contributory Pensions, Contributory Pensions, Elections, Town Debt and Interest, Reserve Fund, and/or any other Town Departments, Boards, Commissions or Committees, Water and Sewer Enterprise Fund, Recreation Enterprise Fund, Council on Aging Transportation Enterprise Fund, Veterans' Memorial Rink Enterprise Fund, and Youth Services Enterprise Fund.

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

Article 40

## **CAPITAL BUDGET**

To see if the Town will vote to appropriate a sum of money to defray the expense of purchasing, leasing, or bonding of capital equipment, infrastructure, buildings or other projects of the Town or to acquire real property for municipal purposes; to appropriate a sum of money to fund previously incurred or future Town debt, to acquire land for said projects where necessary by purchase, eminent domain

taking or otherwise, determine how the money shall be raised including the possibility of borrowing any or all of the same, or the transfer of funds from any previous appropriation, determine how such money shall be expended; or take any action related thereto.

Inserted by the Select Board, and  
at the request of the Town  
Manager and the Capital  
Planning Committee

**Article 41**

**RESCIND PRIOR  
BORROWING  
AUTHORIZATIONS**

To see if the Town will vote to rescind the authority to borrow, from prior years authorizations, the amounts remaining with regard to any numbered prior Annual and/or Special Town Meeting Warrant Articles; or take any action related thereto.

Inserted at the request of the  
Town Treasurer

**Article 42**

**APPROPRIATION /  
TRANSPORTATION**

# **INFRASTRUCTURE FUND**

To see if the Town will vote to appropriate a sum of money received by the Town from the Commonwealth Transportation Infrastructure Fund to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town including, but not limited to, the Complete Streets Program, accepted by Town Meeting on May 4, 2015, established in Massachusetts General Laws Chapter 90I, Section 1 and other programs that support alternative modes of transportation; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 43

## **APPROPRIATION / FINANCING OF CONSTRUCTION OR RECONSTRUCTION OF**

## **SEWERS AND SEWERAGE FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of sewers and sewerage facilities for inflow/infiltration reduction or system rehabilitation, including costs incidental and related thereto, and to determine how the appropriation shall be raised or expended, including the possibility of borrowing all or some of same; or take any action related thereto.

Inserted at the request of the  
Town Manager and the Director of  
Public Works

Article 44

## **APPROPRIATION / FINANCING OF CONSTRUCTION OR RECONSTRUCTION OF WATER MAINS AND WATER FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing

the construction or reconstruction of water mains and water facilities, including costs incidental and related thereto, and to determine how the appropriation shall be raised and expended, including the possibility of borrowing all or some of same; or take any action related thereto.

Inserted at the request of the  
Town Manager and the Director of  
Public Works

Article 45

**APPROPRIATION /  
MINUTEMAN  
REGIONAL  
VOCATIONAL  
TECHNICAL HIGH  
SCHOOL AND OUT OF  
DISTRICT  
VOCATIONAL  
PLACEMENTS**

To see if the Town will vote to appropriate a sum of money for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, tuition, and all of Arlington's other

obligations under the Minuteman Regional School District Agreement for the Minuteman Regional Vocational Technical High School, as well as paying the tuition for all other out of district vocational education placements, determine how the money shall be raised and expended; or take any action related thereto.  
Inserted at the request of  
Minuteman Regional Vocational School District Committee

Article 46

## **APPROPRIATION / COMMITTEES AND COMMISSIONS**

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of various committees, commissions, and boards of the Town, determine how the money shall be raised; provided that any funds appropriated hereunder shall remain under the jurisdiction of said entities until expended at their direction, unless otherwise appropriated by the Town Meeting; the

entities included hereunder, without limitation, are: Arlington Historical Commission, Arlington Recycling Committee, Avon Place Historic District Commission, Beautification Committee, Broadway Historic District Commission, Central Street Historic District Commission, Mt. Gilboa/Crescent Hill Historic District Commission, Jason/Gray Historic District Commission, Pleasant Street Historic District Commission, Russell Historic District Commission, Conservation Commission, Capital Planning Committee, Commission on Disability, Human Recourses Board, Public Memorial Committee, Human Rights Commission, Arlington Committee on Tourism and Economic Development, Envision Arlington, Transportation Advisory Committee, Arlington Commission for Arts and Culture, Open Space Committee, and any other Town Committee or Commission; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 47

**APPROPRIATION /  
TOWN CELEBRATIONS  
AND EVENTS**

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of the Town Manager for the following celebrations and memorials, determine how the money shall be raised and expended; or take any action related thereto:

Memorial Day Observation and the Patriots' Day Celebration

Display of American Flags on Massachusetts Avenue

Placing of American Flags on the Graves of Veterans

Town Day Celebration

Veterans' Day Parade

250th Anniversary Celebration

Inserted at the request of the  
Town Manager

Article 48

**APPROPRIATION /  
MISCELLANEOUS**

To see if the Town will vote the following:

Legal Defense – To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title 1 of the Town Bylaws, Indemnification of Medical Costs, to appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred, determine how the money will be raised and expended; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 49

## **APPROPRIATION / WATER BODIES FUND**

To see if the Town will vote to appropriate a sum of money to the Town's Water Bodies Fund for the maintenance, treatment, and oversight of all the Town's water bodies, said sum to be raised by the general tax and expended under the direction of the Town Manager, who will also report to Town

Meeting on the status of the fund; or take any action related thereto.

Inserted at the request of the Envision Arlington Standing Committee and its Spy Pond and Reservoir Task Groups, and the Arlington Conservation Commission

Article 50

## **APPROPRIATION / COMMUNITY PRESERVATION FUND**

To see if the Town will vote to make appropriations from the Community Preservation Fund for eligible community preservation projects; for community preservation reserve accounts for historic preservation, open space and recreation, and affordable housing; for Community Preservation Act Committee administrative expenses or other eligible expenses; or take any action related thereto.

Inserted at the request of the Community Preservation Act Committee

Article 51

**APPROPRIATION /  
HARRY BARBER  
COMMUNITY SERVICE  
PROGRAM**

To see if the Town will vote to appropriate a sum of money for the Harry Barber Community Service Program for the Council on Aging, to determine how the money will be raised and expended; or take any action related thereto.

Inserted at the request of the  
Council on Aging

Article 52

**APPROPRIATION /  
PENSION  
ADJUSTMENT FOR  
FORMER  
TWENTY-FIVE YEAR/  
ACCIDENTAL  
DISABILITY  
EMPLOYEES**

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of Massachusetts General

Laws Section 90A, 90C, 90D and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position formerly held by retired employees with twenty-five or more years of service to the Town and those employees who retired under an Accidental Disability; provided, however, that no one who retires after May 1, 2010 shall be eligible under this vote unless they qualify for at least a fifty percent pension, without this vote upon their retirement; this adjustment to be paid to those who qualify and administered in accordance with prior practice and understanding relating to the retirement allowance of said retirees; determine how the money shall be raised and expended; or take any action related thereto.

Inserted at the request of the  
Contributory Retirement Board

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

Article 54

## **APPROPRIATION / PRIVATE WAY REPAIRS REVOLVING FUND**

To see if the Town will vote to appropriate a sum of money into the Private Ways Repairs Revolving Fund; determine how much should be appropriated into such

revolving fund; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 55

**APPROPRIATION /  
MASSACHUSETTS  
PUBLIC LIBRARY  
CONSTRUCTION  
PROGRAM MATCH**

To see if the Town will vote to apply for, accept and expend Massachusetts Public Library Construction Program (“MPLCP”) grant funds if approved, and vote to raise and appropriate or take from available funds the sum of \$150,000 if said MPLCP grant is approved, said sum to be expended by the Town for library assessment, planning, feasibility and design; or take any action related thereto.

Inserted at the request of the  
Board of Library Trustees and the  
Library Director

Article 56

**LOCAL OPTION /**

**ACCEPTANCE OF  
M.G.L. CHAPTER 203C  
THE PRUDENT  
INVESTOR RULE**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 203C and to authorize the trustee of the town's previously established Trust Funds, as authorized by Chapter 32B, Section 20 G.L. c. 44, § 54 and G.L. c. 44, §§ 55, 55A and 55B of the General Laws, as amended, to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws; or take any action related thereto.

Inserted at the request of the  
Town Manager

Article 57

**APPROPRIATION /  
MASTER PLAN  
UPDATE**

To see if the Town will vote to appropriate \$50,000 to update the Master Plan as

endorsed by Town Meeting on May 11, 2015; or take any action related thereto.

Inserted at the request of the  
Director of Planning and  
Community Development

Article 58

## **LOCAL OPTION TAXES**

To see if the Town will vote to accept any local option taxes or other revenue raising options, which are made available to cities and towns through enactments of the legislature, by state regulation or court action; or take any action related thereto.

Inserted at the request of the  
Finance Committee

Article 59

## **APPROPRIATION / OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND**

To see if the Town will vote to accept into the Other Post Employment Benefits (OPEB) Trust Fund, established by Chapter 161 of the Acts of 2005, an appropriation of

funds and/or the transfer of additional monies that the Town may deem advisable from other sources in order to administer and fund its OPEB obligations and administrative costs as described in said Chapter 161 of the Acts of 2005; determine how the monies shall be raised and expended; or take any action related thereto.

Inserted at the request of the Finance Committee

Article 60

## **TRANSFER OF FUNDS / CEMETERY**

To see if the Town will vote to transfer a sum of money to the Cemetery Commissioners for the improvement of Town cemeteries, said sum shall be taken from the Mt. Pleasant Cemetery "Sale of Lots and Graves" and/or "Perpetual Care Funds"; or take any action related thereto.

Inserted at the request of the Finance Committee

Article 61

## **APPROPRIATION / OVERLAY RESERVE**

To see if the Town will vote to appropriate a sum of money from previous years overlay reserve surplus accounts, determine to what purpose this appropriation shall be made; or take any action related thereto.

Inserted at the request of the  
Finance Committee

Article 62

## **APPROPRIATION / LONG TERM STABILIZATION FUND**

To see if the Town will make an appropriation to the Long-Term Stabilization Fund in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law, determine how the money shall be raised and expended; or take any action related thereto.

Inserted at the request of the  
Finance Committee

Article 63

## **USE OF FREE CASH**

To see if the Town will vote to authorize the taking of a sum of money voted for

appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2024; or take any action related thereto inserted at the request of the Finance Committee

Article 64

**APPROPRIATION /  
FISCAL STABILITY  
STABILIZATION FUND**

To see if the Town will make an appropriation to or from the Fiscal Stability Stabilization Fund created under Article 65 of the 2005 Annual Town Meeting or any other enabling action of Town Meeting in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law, determine how the money shall be raised and expended; or take any action related thereto.

Inserted at the request of the

## Finance Committee

Article 65

# **COLLECTIVE BARGAINING**

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining units, and to fund for non-union, M Schedule, and elected officials' salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

- A. Service Employees International Union;
- B. American Federation of State, County and Municipal Employees;
- C. Robbins Library Professional Association;
- D. Arlington Police Patrol Officers' Association;
- E. Arlington Ranking Officers' Association;
- F. Arlington International Association of Firefighters; and

G. Management and Non-Union Employees

H. Full-time elected officials  
Inserted at the request of the  
Town Manager

Article 66

## **RESOLUTION / MBTA SERVICE**

To see if the Town will vote to endorse a resolution calling for improvements to service provided to the Town of Arlington by the Massachusetts Bay Transportation Authority; or take any action related thereto.

Inserted at the request of Paul Schlichtman and 10 registered voters.



**Town of Arlington, Massachusetts**

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**Article 2**

**Warrant Article Title:**

**STATE OF THE TOWN ADDRESS**

**Warrant Article Text:**

To hear the Chair of the Select Board review important events in the past year in Arlington and preview expectations for next year.

**Requested by:**

Inserted at the request of Envision Arlington



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**Town of Arlington, Massachusetts**

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**Article 3**

**Warrant Article Title:**

**REPORTS OF COMMITTEES**

**Warrant Article Text:**

To receive, hear, and act upon the reports of the Select Board, Finance Committee, Redevelopment Board, School Committee and other committees, commissions, and boards heretofore appointed, or dissolve any inactive committees; and take any action related thereto.

**Requested by:**

Inserted at the request of the Town Moderator



**Town of Arlington, Massachusetts**

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**Article 4**

**Warrant Article Title:**

**APPOINTMENT OF MEASURER OF WOOD  
AND BARK**

**Warrant Article Text:**

To choose and appoint all the usual Town Officers not hereinbefore mentioned, in such a manner as the Town may determine; or take any action related thereto.

**Requested by:**

Inserted by the Select Board



**Town of Arlington, Massachusetts**

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**Article 5**

**Warrant Article Title:**

**ELECTION OF ASSISTANT TOWN  
MODERATOR**

**Warrant Article Text:**

To elect a Town Meeting Member as Assistant Moderator for a term of one year, as provided in Title I, Article 1, Section 11.A, of the Bylaws; or take any action related thereto.

**Requested by:**

Inserted at the request of the Town Moderator



Town of Arlington, Massachusetts

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Article 6

Warrant Article Title:

**BYLAW AMENDMENT / VACANT STORE  
FRONT MAINTENANCE REGISTRY**

Warrant Article Text:

Town will vote to amend Title V, Article 17 of the Town Bylaws ("Registration and Maintenance of Vacant Commercial and Industrial Buildings") to change certain definitions, registration requirements and maintenance requirements to increase the Bylaw's effectiveness and clarity; or take any action related thereto.

Requested by:

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

Report Excerpt:

The Board voted unanimously in support of this bylaw amendment. 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.

Voted 5-0 to recommend

Vote Language:

**That the Town does and hereby amends Title V, Article 17 ("Registration and Maintenance of Vacant Commercial and Industrial Buildings") of the Town's Bylaws by clarifying the intent of the Article, streamlining legal definitions, removing the public art waiver option and making certain other clarifying revisions so that Article 17 reads as follows:**

**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 Vacant 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 Vacant 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 Bbylaw, and the full fee shall be deemed an assessment resulting from a violation of this Bbylaw. Such fee, and any fines issued for violations of this Bbylaw, 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 Vacant property and upon receipt of annual registration fee invoices each year thereafter, requesting waiver of some or the entire fee on grounds of demonstrable Financial Hardship, 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 Financial Hardship are subject to a thirty (30) -day review period. If a waiver based on Financial Hardship 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 Financial Hardship is denied, the registration fee is due within thirty (30) days of the decision.~~

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

A. The owner of a ~~V~~vacant 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~~bylaws, 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

**Additional Materials:**  
Select Board Report



Town of Arlington, Massachusetts

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Article 7

Warrant Article Title:

**BYLAW AMENDMENT / BETTERMENT  
BYLAW REVISION**

Warrant Article Text:

Town will vote to amend Title III Article 3 of the Town Bylaws: Repairs to Private Ways to revise the criteria, process, and other material terms for the approval and administration of repairs to private ways, including revising the number or percentage of abutters required for a betterment petition when representing an association, and increasing the required deposit before work can commence; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

Voted (5-0). The Board engaged in a robust 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.

Finally, in an effort to provide background for the rationale behind this proposed change, Mr. Helmuth requested that a summary, as previously set forth in a memorandum prepared by Town Counsel and made available to the public, be included in the comment.

Accordingly, it is noted that 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 amount of approvals required from petitioners 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. Therefore, changes in the bylaw to address these issues are sought by the proposed bylaw amendment.

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 two-thirds 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 one-third to two-thirds 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 apply to repairs to private ways that are financed by the Town through an instrument of borrowing or debt issuance.

**Vote Language:**

**That the Town does and hereby amends Title III, Article 3 (“Repairs to Private Ways”) to revise the number or percentage of abutters required for a betterment petition when representing an association, by increasing the required deposit before work can commence and eliminating the deposit requirement for repairs to private ways when those repairs are financed by the Town through an instrument of borrowing or debt issuance, so that the amended bylaw reads in its entirety as follows:**

## **ARTICLE 3**

### **REPAIRS TO PRIVATE WAYS**

#### **Section 1. Classification**

The Town Engineer and the Director of Public Works upon request of the Select Board acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

**Section 2. Definition and Authorization  
(ART. 20, ATM –05/04/92) (ART. 23,  
ATM – 04/28/04) (ART. 12, ATM –  
04/23/18)**

A. The private property owners abutting private ways are responsible for the maintenance of such ways, which must be maintained so that there are no defects to impede the safe passage of emergency vehicles. This bylaw provides a means by which the Town may assist in the maintenance of such ways, primarily by providing a mechanism for private way abutters to fund repairs known as a “betterment.”

B. The Board may vote to direct the Town Manager to make temporary repairs to private ways at the request of the Director of Public Works as provided below. Temporary repairs shall be limited to the filling of potholes and temporary patching.

C. The Board may authorize a temporary or extensive repairs to private ways by abutter petition for a betterment. Extensive repairs shall include, but not be limited to, skim coating, armor coating, drainage work, and grading of gravel roadways. For all extensive repairs the petitioners agree to enter into a contract with a private contractor to repair and pave the roadway forthwith.

### **Section 3. Criteria (ART. 35, ATM – 05/18/05; ART. 12, ATM 04/23/18)**

#### 1. Abutter Criteria

The Board shall in making its determination as to the advisability of making temporary or extensive repairs by abutter petition take into consideration the following factors:

1. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
2. The volume of traffic that utilizes the private way i.e. dead end as opposed to feeder or connecting streets.

3. The percentage of abutters on the particular private way petitioning the Board for the repairs.
4. The number of years that the way shall have been open to public use.
5. Such other considerations that the Board deems appropriate.
6. Public Safety.

2. Town Criteria

The Board may authorize temporary repairs at the request of the Town whenever the Director of Public Works so advises the Board that repairs are required to abate an immediate hazard caused by a defect necessary for the safe passage of public safety vehicles.

## **Section 4. Petition (ART. 12, ATM 04/23/18)**

The Select Board shall consider any private way, group of private ways, or portion thereof for temporary or extensive repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary or extensive

repairs. The Town shall only be considered an abutter for the purposes of this section, and assessment of costs in Section “6,” to the extent a private way is substantially used by Town staff or the public for the specific purpose of utilizing an abutting Town parcel.

The Select Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action. The Select Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

## **Section 5. Alternate Petition**

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project

when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut.

The Select Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters ~~who abut all of the ways represented by the association.~~ The Select Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented in the petition shall be given written notice of the hearing not less than seven days prior thereto.

**Section 6. Assessment of costs  
(ART. 23, ATM – 04/28/04) (ART. 35,  
ATM – 05/18/05) (ART. 12, ATM  
04/23/18)**

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof (except with respect to Town property as set forth in Section 4), or if the Select Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

A ~~one-third~~ fifty (50) percent deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. The deposit requirement shall not apply to petitions or alternate petitions for repairs to private ways to be financed by the Town through an instrument of borrowing or debt issuance. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

Any and all such deposits shall be deducted

from the equalized share of the property owners actually paying.

**Section 7. Collection of Apportioned Share**  
**(ART. 35, ATM – 05/18/05)**

The Select Board before authorizing any repairs shall adopt a formal Betterment Order which shall require each abutter to pay their property's unpaid apportioned share of the repair cost over a five-year period to include interest at 5 percent or 2 percent above the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutter's property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.

**Section 8. Liability**  
**(ART. 35, ATM – 05/18/05) (ART. 19,**

**ATM – 05/04/92) (ART. 11, ATM  
04/23/18)**

There shall be a limitation of liability on the Town of Five Hundred (\$500.00) Dollars for any damages arising from any negligent repair of the private way which shall include damage from surface water run-off.

No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

Temporary repairs made at the request of the Director of Public Works necessary to abate an immediate hazard caused by a defect shall not be considered as maintenance of the private way, nor shall the way be considered a public way. The Town shall not be liable for any damage incurred by the defect, subsequent

repair or failure to make repairs to private ways.

## **Section 9. Effect of Electronic Record**

Any petitions executed pursuant to this Article 3 may be executed electronically in accordance with applicable laws and shall be enforceable as if executed in writing.

**Additional Materials:**

Select Board Report



Town of Arlington, Massachusetts

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Article 8

Warrant Article Title:

**BYLAW AMENDMENT / REVISED TOWN MEETING START TIME**

Warrant Article Text:

To see if the Town will vote to amend the Town Bylaws to: begin future Town Meetings at 7:30 pm and continue until 10:30 pm; to commence Spring Town Meeting on the 4<sup>th</sup> Monday in April, except when determined to conflict with a holiday or special event, at the discretion of the Select Board; or take any action related thereto.

Requested by:

Inserted at the request of Phil Goff and ten registered voters

Report Excerpt:

Voted (5-0). 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.



Town of Arlington, Massachusetts

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Article 9

Warrant Article Title:

**BYLAW AMENDMENT / START TIME FOR ANNUAL TOWN MEETING**

Warrant Article Text:

To see if the Town will vote to amend Title 1 “General Government” in Article 1, Section 1 of the Bylaws of the Town of Arlington (“Date of Annual Meeting and Adjournment”) by striking in the last sentence “at eight o’clock in the evening” and inserting “seven thirty in the evening”.

Requested by:

Inserted at the request of Christa Kelleher and ten registered voters

Report Excerpt:

Voted (5-0). 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.

**Vote Language:**

**That no action be taken on Article 9.**

**Additional Materials:**

Select Board Report

Town Meeting Procedures Committee Report



Town of Arlington, Massachusetts

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Article 10

Warrant Article Title:

**BYLAW AMENDMENT / ANNUAL TOWN MEETING START DATE**

Warrant Article Text:

To see if the Town will vote to amend Title I, Article 1, Section 1 of the Town Bylaws to allow the Select Board to set alternative dates and times for the beginning of the Annual Town Meeting; or take any action related thereto.

Requested by:

Inserted at the request of the Town Meeting Procedures Committee

Report Excerpt:

Voted (5-0). 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

Vote Language:

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.

**Additional Materials:**  
Select Board Report



Town of Arlington, Massachusetts

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Article 11

Warrant Article Title:

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

Warrant Article Text:

To see if the Town will vote to amend Title VI, Article 10 of the Town Bylaws by altering certain definitions and provisions so that they are more consistent with the Massachusetts Department of Energy Resources' Fossil Fuel Free Demonstration Project Model Rule and related language set forth in 225 CMR 24.00 (a copy of which is on file with the Town Clerk); or take any action related thereto.

Requested by:

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

Report Excerpt:

Voted (4-0) - Mr. DeCoursey recused himself. 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.

Vote Language:

**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.

**Additional Materials:**

Select Board Report

Memo to Select Board from DPCD

FAQ re: definition changes, DPCD

Presentation, Claire Ricker and Talia Fox, DPCD



Town of Arlington, Massachusetts

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Article 12

Warrant Article Title:

**BYLAW AMENDMENT / JOHN J. BILAFER  
ARLINGTON CITIZENS' SCHOLARSHIP  
FUND – DOLLARS FOR SCHOLARS**

Warrant Article Text:

To see if the Town will vote to amend Title II, Article 1 of the Town Bylaws – The John J. Bilafer Arlington Citizens' Scholarship Fund – Dollars for Scholars, Section 4 "Scholarship Committee and Officers" by adding "or their designee" at the end of the first sentence of Section 4; or take any action related thereto.

Requested by:

Inserted at the request of the Treasurer

Report Excerpt:

Voted (5-0). The Board recognized the need for flexibility with permanent membership of the Scholarship Committee and unanimously acted in favor of the amendment.

Vote Language:

**That the Town does and hereby amends  
Title II, Article I ("The John J. Bilafer**

**Arlington Citizens' Scholarship Fund – Dollars from Scholars) of the Town's Bylaws by adding “or their designee” to the end of the first sentence in Section 4 so that the bylaw reads in its entirety as follows:**

**TITLE II  
COMMITTEES AND  
COMMISSIONS  
ARTICLE 1**

**THE JOHN J. BILAFER  
ARLINGTON CITIZENS'  
SCHOLARSHIP FUND –  
DOLLARS  
FOR SCHOLARS**

**(ART. 27, ATM – 05/01/89) (ART. 27, STM – 05/15/95) (ART. 58, ATM – 05/19/97) (ART. 32, ATM – 05/02/07)**

**Section 1. Name**

The John J. Bilafer Arlington Citizens' Scholarship Fund, formerly known as the Town

of Arlington Scholarship Fund, and herein referred to as the Chapter, a local government tax check-off "Dollars For Scholars" program, is an affiliate of Citizens' Scholarship Foundation of America, Inc. hereinafter referred to as CSFA.

## **Section 2. Purpose**

The purpose of the John J Bilafer Arlington Citizens' Scholarship Fund is to establish and maintain a perpetual trust fund in order to expand the educational opportunities for residents of the Town who have been accepted to pursue education beyond the secondary school level by promoting the scholarship program, maintaining an operational structure, raising funds for student aid distribution and conducting an objective selection process for distributing awards on a fair, equitable and non-discriminatory basis. The Chapter shall operate in accordance with the Bylaws, legal status and procedures of CSFA which are consistent with Chapter 405 of the Acts of 1983 as amended, the General Laws of Massachusetts and the Bylaws of the Town.

## **Section 3. Powers**

The Town is empowered to promote and encourage contributions to the scholarship fund and place a check-off box on the tax and other municipal bills. The Chapter can also raise and receive money and other property by gift, devise, subscription, dues and other legal means including the establishment of individual scholarship funds in a name specified by the Donor. The Collector of Taxes of the Town shall, at least as often as monthly, account and turn over to the Town Treasurer monies which have been checked off by the taxpayers as a contribution to the scholarship fund by increasing the amount otherwise due on the tax or other municipal bills.

All monies collected as a result of the voluntary check-off shall be transferred to the Principal of the fund by the Town Treasurer. The Town Treasurer is the custodian of the scholarship fund and shall deposit, disburse and invest the funds as empowered by law.

The Town Treasurer/Tax Collector shall give bond annually for the faithful performance of said duties in a form approved, and in an amount determined by the Commissioner of Revenue; the said Treasurer shall make and submit to CSFA such reports as CSFA may prescribe relative to Chapter finances. The John J. Bilafer Arlington Citizens' Scholarship Fund shall be audited by an outside auditing firm in conjunction with the audit of the books and records of the Town.

The said scholarship fund including the individual scholarship funds, shall be under the jurisdiction of the Board of Commissioners of trust funds and said Commissioners shall, at least as often as once each year, pay over not less than five percent and not more than seven percent of the market value of said funds as of December 31st of the prior calendar year, said percent to be determined by the Town Treasurer and the Commissioners; and the amount determined to be applied to student aid under the direction and control of the scholarship committee. The Chapter shall be operated solely for charitable purposes. No committee

member, officer or employee of the Town shall be entitled to receive compensation from the scholarship fund for services to the Chapter. Annual recertification by CSFA is required for the Chapter Agreement and Charter to remain in effect. In the event that the Chapter Agreement and Charter between the Chapter and CSFA is terminated the John J. Bilafer Arlington Citizens' Scholarship Fund shall continue to operate in accordance with Chapter 405 of the Acts of 1983 as amended, the General Laws of Massachusetts and the Bylaws of the Town.

## **Section 4. Scholarship Committee and Officers**

**(ART. 13, ATM – 05/09/94)**

The following are permanent members of the scholarship committee as determined by Chapter 405 of the Acts of 1983 and amended by Chapter 256 of the Acts of 1993: the Principal of Arlington High School; the Principal of Arlington Catholic High School; the Superintendent-Director of Minuteman Regional Vocational School District and the Treasurer of

the Town, or their designees. A registered voter of the Town who is interested in education shall be appointed to a three year term as the fifth member of the committee by the Town Moderator. The committee may elect from among its members a Chairperson, Vice Chairperson, Secretary and such other officers as it may designate for election. The scholarship committee shall make, implement and supervise the policies of the Chapter, and shall elect all officers and fill vacancies as empowered by law. The Chairperson shall be the chief executive officer of the Chapter, shall preside at all meetings of the scholarship committee and shall implement Chapter policy as established by the scholarship committee.

The Secretary shall record and keep minutes of the meetings and shall prepare and transmit to CSFA such reports as may be required by CSFA pursuant to these Bylaws and to annual Chapter recertifications.

The Vice Chairperson and such other officers as the scholarship committee may from time to time designate and elect shall have such

powers and shall perform such duties as the scholarship committee may determine.

## **Section 5. Standing Committees**

There shall be an Awards Committee, chaired by a member of the Scholarship Committee, which shall be comprised of not fewer than three members, who need not be Scholarship Committee members.

No person shall attend or take part in any meetings of the Awards Committee at which applications for student aid are to be discussed so long as there is pending before that committee an application for student aid from any blood relation of such person or spouse.

Each scholarship applicant shall be a legal resident of the Town and shall complete an application and submit financial and other supporting data which considers character, scholastic record and involvement in community work as well as extra-curricular school activities.

The application process is not considered

complete until a financial assistance questionnaire is submitted by the person(s) obligated to pay applicant's educational costs. All scholarship information shall be received and processed with the Office of the Town Treasurer/Collector of Taxes, assigned a number and considered thereafter without reference to name until such time as the Awards Committee has completed its evaluation of each application. All completed applications shall be considered for student aid at a meeting of the Awards Committee called by the Chairperson. The award of student aid is based on merit in accordance with the prescribed evaluation criteria. The Awards Committee shall consider financial need in determining the amount of each award. Whenever possible, there shall be at least one scholarship recipient from each of the segments of the student population represented by the members of the Scholarship Committee. In making awards the Awards Committee shall apply such further rules and standards not inconsistent with the purposes of this Chapter as prescribed in these Bylaws and Charter between this Chapter and CSFA and, subject to

such rules and approval of the Scholarship Committee, it shall implement and oversee all policy relative to awards and shall transmit to CSFA such reports as CSFA may provide relative to award procedures. The Scholarship Committee may from time to time seek to amend these Bylaws by adding other Standing Committees it may determine necessary to the Chapter's operation.

## **Section 6. Ceremonies and Meetings**

### **1. Scholarship Award Ceremony**

The Scholarship Committee shall conduct an annual scholarship award ceremony for the recipients of student aid, their families and friends in the spring at such time and place as shall be fixed by the Chairperson.

Notice of the time, date and place of this ceremony shall be published in the local press and the public invited to attend.

### **2. Meetings**

Regular periodic meetings of the Scholarship Committee may be held from time to time pursuant to vote of the Scholarship

Committee. Special meetings of the Scholarship Committee may be held from time to time upon the call of the Chairperson or upon written application to the Secretary or Chairperson of not less than one-third in number of the committee members. The Secretary or Chairperson shall make public announcement of the meetings and shall mail written notice of all the meetings of the Scholarship Committee to each member at least seven days prior to the meeting unless the time, date and place of such meeting has been previously fixed by vote of the Scholarship Committee, or unless waiver of the notice of the meeting is signed by every committee member and filed with the Secretary or the Chairperson. One-third of the Scholarship Committee members then in office shall constitute a quorum in the case of a meeting of the Scholarship Committee; and a majority of those present at a meeting, and entitled to vote, shall decide any matter properly brought before the meeting.

**Section 7. Fiscal Year**  
**(ART. 23, ATM – 05/04/98)**

The fiscal year of the Chapter shall be the twelve month period ending December 31 in each year.

## **Section 8. Amendment**

The Scholarship Committee may, from time to time bring before an Annual or Special Town Meeting proposed amendments to these Bylaws. Prior to insertion in the Warrant for the Annual or Special Town Meeting, proposed amendments to these Bylaws shall be voted upon by the Scholarship Committee at a scheduled or special meeting called for the purpose of acting upon a proposed amendment. This amendment and any subsequent amendment to this Article of the Town's Bylaws shall become effective upon the certification of the vote by the Town Clerk. Once certified this Article of the Town's Bylaws become the governing document of the John J. Bilafer Arlington Citizens' Scholarship Fund and shall be sent to CSFA for approval and placed on file in the Office of the Town Treasurer/Collector of Taxes in accordance with the Chapter

Agreement entered into between the Chapter  
and CSFA.

**(5-0)**

**Additional Materials:**  
Select Board Report



Town of Arlington, Massachusetts

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Article 13

Warrant Article Title:

**BYLAW AMENDMENT / LEAF BLOWER  
DATES OF TRANSITION**

Warrant Article Text:

To see if the Town will vote to amend Title V, Article 12 of the Town Bylaws – Regulations Upon the Use of Private Property: Noise Abatement, to change dates of transition of gas powered leaf blowers to make the dates consistent between residential and commercial users as well as times of operation, Title V, Article 12, Section 3; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

Voted (5-0). The Board voted unanimously to take no action following the Town Manager's testimony that subsequent to publishing the warrant articles describing the potential changes, the Town thereafter did not seek to pursue the change.

**Vote Language:**

**That no action be taken on Article 13.**

**Additional Materials:**

Select Board Report



Town of Arlington, Massachusetts

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Article 14

Warrant Article Title:

**BYLAW AMENDMENT / FOCUSED  
RESIDENCE PICKETING**

Warrant Article Text:

To see if the Town will vote to amend Title I of the Town Bylaws to add a new provision to prohibit and make it unlawful for any person to engage in picketing focused on, or taking place in front of or about, a particular residence in the Town of Arlington; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

Voted (4-1). The majority of the Board recommends favorable action for a proposed bylaw that would prohibit targeted residential picketing before or about any private residence in the Town of Arlington. The proposed bylaw is identical to a local ordinance the United States Supreme Court found to be constitutional in *Frisby v. Schultz*, 487 U.S. 474 (1988). It is

also similar to a local bylaw the Town of Brookline passed, and the Massachusetts Attorney General approved, in 2004. The City of Boston also enacted a focused residential picketing ordinance in 2022, albeit with restrictions as to time the Board will distinguish further in this comment.

The proposed bylaw was inserted in the warrant in response to several resident inquiries and expressions of concern following the targeted demonstrations that took place in front of the Governor's residence last Fall and earlier this year.

Chief Flaherty provided the Board with information on three protests that have taken place in front of the Governor's residence, the second and third of which resulted in numerous calls to the Arlington Police Department. The first was planned and was peaceful. The second was unplanned and involved 25-30 people wearing military gear who were directly in front of the Governor's residence, holding flares, chanting and yelling obscenities at neighbors. Chief Flaherty also noted that the

protest lasted for about twenty minutes and dispersed thereafter. The third protest was similar to the second protest. Both unplanned protests resulted in calls to 911 and to the Department's business line, some of which indicated that the protest was blocking roadways and, in one instance, required police assistance to allow a neighbor to exit their driveway.

In supporting the proposed bylaw, the Board recognizes the balance between important First Amendment free speech rights and the significant government interest in a person's right to privacy in their home. In this instance, the majority believes the balance favors residential privacy. The majority further notes that the Supreme Court drew a distinction between the home and an office for purposes of First Amendment protection. As noted in the following excerpt from the *Frisby* decision that Town Counsel provided to the Board, "the State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society." *Frisby*, 487 U.S. at 484 (1988).

Where a particular home is the subject of a protest, the occupants of the home are compelled listeners who are not readily able to avoid the speech, as would be the case in other settings. It is this element of compulsion the majority believes justifies the restriction contained in the proposed bylaw, as the First Amendment, while containing a right to free speech, does not require compelled listening.

The Board took into account Town Counsel's conclusion that the proposed bylaw is constitutional because it:

- 1) is content-neutral on its face;
- 2) prohibits only focused residential picketing taking place solely in front of a particular residence;
- 3) leaves open ample alternative channels of communication for the dissemination of messages;
- 4) prohibits the type of focused picketing which is fundamentally different from more generally directed means of communications that may not be completely banned in residential areas;

and

5) is narrowly tailored to serve the significant government interest in protecting residential privacy.

The Board also considered the impact on neighbors when a targeted protest takes place as further justification for the proposed bylaw. During its hearing, the Board heard from an immediate neighbor of the Governor, who noted the fear she and her family were placed when the protests occurred. She stated that for her, support for the proposed bylaw is about public safety. Mr. DeCoursey, who also lives in the same neighborhood as the Governor, reported hearing from several other neighbors who expressed similar concerns.

Finally, support for the Board's recommended vote comes from Chief Flaherty's statement that passage of the proposed bylaw would accelerate the time period during which the Police Department could begin to clear a targeted protest.

The Board notes that a restriction on targeted

picketing applies at all times in Brookline, while is enforced between 9 pm and 9 am pursuant to a City of Boston ordinance. The two focused demonstrations in Arlington that were reported by state and local media occurred at different times (6:00pm and 9:00pm, respectively) but were equally disruptive, as evidenced by the testimony received at the Board's hearing and the Town's receipt of calls from residents both during and after the protests. For this reason, the majority supports a full ban similar to the bylaw approved in Brookline.

Mr. Diggins voted against the proposed bylaw. He stated that although he understood residents' concerns, he questioned the bylaw's impact on First Amendment rights. He observed that the bylaw in his view could make it more difficult for residents to access Town or elected officials even if the protests were quiet, but nonetheless challenged the deeply-held view and mores of the target person. Further, he questioned whether there were other ways to protect the interests at issue rather than passing a new bylaw. He fully appreciates that several legal decisions have determined that we

can pass this bylaw with little or no concern about its constitutionality, but he has deep reservations regarding whether we should.

Vote Language:

**That the Town does and hereby amends Title I of the Town’s Bylaws to add a new provision to prohibit and make it unlawful for any person to engage in picketing focused on, or taking place in front of or about, a particular residence in the Town of Arlington; or take any action related thereto, so that the new provision of Title I reads as follows:**

**TITLE I  
ARTICLE 26  
FOCUSED RESIDENTIAL PICKETING**

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the Town of Arlington.

Additional Materials:

Select Board Report

Substitute Motion, Christopher Loreti, Precinct 7

**ATTACHMENTS:**

Description

Type

File Name



Andrew Fischer, Precinct 6 TMM

I write to urge everyone to start considering Article 14, to see if the town will vote to prohibit picketing focused on a particular residence in the Town of Arlington. This article was inserted by the town manager, after many neighbors asked for relief from repeated demonstrations focused on the governor's house.

The vote may be as soon as Wednesday, April 24, or Monday, April 29. It's a challenge, because most of us are quite leery of any restriction on First Amendment rights. The law underlying this bylaw, however, has already been [appealed and] approved by the U.S. Supreme Court, in 1988.

I am especially asking people who oppose this warrant article to look into it well ahead of the vote. The language is quite specific, and still allows picketing that moves past a particular home. The reasoning behind the bylaw deserves to be well examined before we consider this attempt to protect the right of public figures, and all residents, to feel secure in their homes.

The following words in italics are the substitute motion submitted to the Select Board by Town Counsel Mike Cunningham for his presentation of the article during the April 1 Select Board hearing:

VOTED: that the Town does and hereby amends Title I of the Town's Bylaws to add a new provision to prohibit and make it unlawful for any person to engage in picketing focused on, or taking place in front of or about, a particular residence in the Town of Arlington; or take any action related thereto, so that the new provision of Title I reads as follows:

*TITLE I*

*ARTICLE 26*

*FOCUSED RESIDENTIAL PICKETING*

*It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the Town of Arlington.*

Town counsel explained that the language of this new provision nearly duplicates a bylaw of Brookfield, Wis., which passed the bylaw in response to repeated antiabortion protests by groups of nine to 40 people demonstrating at the home of a doctor who performed abortions. Upon appeal, the U.S. Supreme Court ruled in 1988 that the bylaw "is constitutional if it:

- 1) is content neutral on its face, (meaning it must apply evenly to all picketing focused on a particular home. For example, it prohibits both prochoice and antiabortion demonstrators from focusing on a single residence. It applies evenly to all parties.)
- 2) prohibits only focused picketing taking place solely in front of a particular residence,
- 3) leaves open ample alternative channels of communication for the dissemination of messages and
- 4) prohibits the type of focused picketing, which is fundamentally different from more generally directed means of communications that may not be completely banned in residential areas, and

5) is narrowly tailored to serve the significant government interest of protection of residential privacy, especially where the picketing is narrowly directed at the household, not the public, and where even if some picketers have a broader communicative purpose, their activity none the less inherently and offensively intrudes on residential privacy.” (Frisby vs Schultz, 487 U.S.474 1988).

The Select Board hearing on this article was incredibly informative, including testimony from neighbors of Gov. Healy, Police Chief Julie Flaherty, Cunningham and others including opponents. Here is the link to the [ACMi video](#). The discussion of Article 14 starts at 1:23:50 of the YouTube video.

Let’s have the most informed vote possible. We do not need to have the debate in Town Meeting without finding out if the ACLU will sue the town if we vote yes on the article, as predicted by one meeting member during the Town Meeting member candidates' night Zoom call. We can ask the ACLU if it would sue the town. In addition, can the ACLU tell us if the existence of this prohibition on picketing in front of a particular home in Brookfield, Wis., has lead to attempts to further restrict First Amendment rights?

I cannot make an informed vote on this article until I find out the answer to this question. Last Thursday I contacted the ACLU office in Boston, and in Wisconsin, and received no answers from either.

I hope everyone will learn the specifics of this article so as to make the best vote possible.



Town of Arlington, Massachusetts

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Article 15

Warrant Article Title:

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

Warrant Article Text:

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.

Requested by:

Inserted at the request of Elizabeth Dray and ten registered voters

Report Excerpt:

Voted (5-0). The Board heard from the amendment proponent as well as the public. Mr. Hurd inquired as to the exclusion of second-hand fur sales from the bylaw amendment, to which the proponent responded that passage of the bylaw warranted its omission because

second-hand fur has already been through economic circulation. The Board agreed with the proponent's desire to amend the penalty fee from \$100 to \$300 in Section 5. Mr. DeCoursey inquired about the status of state law restricting the sale of new fur products, observing that this amendment signals to the Legislature that a similar state law may be well timed. Further, the Board agreed with the proponent that favorable action on the amendment would not result in any adverse economic impact in the Town, because no retail stores currently sell new fur. The Board also agreed with the proponent's suggested additions regarding the proposed bylaw's purpose as set forth in Section 1 and those changes are reflected in the draft language included above. Ms. Mahon moved for favorable action with the amendments to sections 1 and 5 included, and the Board voted unanimously in support of this bylaw amendment.

Vote Language:

**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.

Further, fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the Town of Arlington. In addition, the fur production process is energy intensive and has a significant environmental impact, including air and water pollution, and animals that are slaughtered for their fur endure tremendous suffering. Eliminating the sale of fur products in the Town of Arlington will decrease the demand for these cruel and environmentally harmful products and promote community health and wellbeing as well as animal welfare. 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.

vi. “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 \$300. 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.

**Additional Materials:**  
Select Board Report



Town of Arlington, Massachusetts

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Article 16

Warrant Article Title:

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

Warrant Article Text:

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.

Requested by:

Inserted at the request of Asia Kepka and ten registered voters

Report Excerpt:

Voted (5-0). The Board heard from the amendment proponents as well as the public. Mr. Helmuth noted that Cambridge City Councilor Marc McGovern's letter to the Board noted that a similar ban was enacted in their City and resulted in a smooth transition away from retail pet sales, even though only one store (PetSmart) was selling pets at the time.

The proponents noted that no retail pet stores in the Town are selling pets, and, similar to Article 15, the timeliness of favorable action on Article 16 is warranted.

Mr. Hurd provided commentary that underscored the necessity and practicality of the amendment, but inquired as to why it did not include a ban on selling pet fish. Mr. Diggins raised the question of whether any other community had included pet fish in similar bylaws. A discussion ensued regarding whether it was appropriate to add fish as a category in the amendment. After consideration, the Board agreed to add a new section banning the sale of pet fish, but noted after public comment that this exclusion would need an exemption for fish used for food consumption. Ms. Mahon moved for favorable action and the Board voted unanimously in support of this bylaw amendment.

Vote Language:

**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, amphibians and fish 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. Prohibition on the Sale of Pet Fish**

A. It shall be unlawful for a pet shop to sell or offer for sale any fish that is intended to be kept as a pet in a tank, bowl or other water-filled enclosure in which living fish or other aquatic animals are kept.

B. A pet shop may provide space for the display of fish 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 fish and has no ownership interest in any of the fish displayed or made available for adoption.

C. This Section shall not be construed to prohibit the sale of fish meant for human consumption that is otherwise commercially available.

## **Section 4. 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.

**Additional Materials:**  
Select Board Report



Town of Arlington, Massachusetts

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Article 17

Warrant Article Title:

**BYLAW AMENDMENT / RIGHT TO PET  
COMPANIONSHIP**

Warrant Article Text:

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.

Requested by:

Inserted at the request of Paul Schlichtman and ten registered voters

Report Excerpt:

Voted (5-0). The Board heard extensive comments from the amendment proponent, as well as the public. The proponent noted that this amendment would be the first of its kind in the Commonwealth and was intended to address pet restrictions impeding the availability of

housing. The proponent further noted that the amendment was intended to address large, commercial residential buildings, such as apartment complexes and condominiums, because the proponent believed that the prohibitions on pets are typically not an issue in smaller residential properties, such as two- or three-family homes. Further, the proponent stated that the amendment was intended to address the disparity in permitted pet ownership, but that 75% of tenants renting residential apartments currently have pets.

Mr. Helmuth asked the proponent to articulate what the bylaw would seek to prohibit, to which the proponent acknowledged that condominiums could be permitted under the bylaw to issue reasonable restrictions on pets. Mr. Helmuth inquired about how the bylaw would be enforced and asked the proponent to consider what language could be added to address the practice of enforcement.

The Board also heard lengthy comments regarding the legality of the amendment.

The proponent advanced arguments that California is considering a similar bill (AB2216), and that federal housing law permits pets in federally-funded housing. Mr. Diggins inquired about the pending California legislation, and the proponent noted that presently in California, pets are only permitted in state-funded housing. Mr. Diggins further inquired about the scope of the proposed bylaw and raised questions regarding the rental market and how it has previously and may continue to react to the issue of pet ownership.

Mr. DeCoursey observed that reasonable accommodations permit assistance animals in housing under the federal Fair Housing Act and that would apply to the instant matter. The proponent again advanced arguments about California's legislation and its applicability to the bylaw amendment, but Mr. DeCoursey noted that the bill is currently pending in the legislature and has not been enacted. Mr. DeCoursey further noted that while the bill may be instructive, Massachusetts has its own laws, including a state statute that permits condominiums in Massachusetts to prohibit

pets. Further, the proponent again advanced an argument that pets are permitted in state-funded housing in California, to which the Board then noted that federal housing and antidiscrimination laws preempt any state or local laws in conflict.

Ms. Mahon observed that at the core of the discussion was whether the Select Board and Town Meeting are the appropriate public bodies to address the issue advanced by the proponent as a result of the discussion regarding the inability to create new rights at the local level. Ms. Mahon also expressed that the proponent acknowledged that the bylaw amendment was untested and needed to be addressed by the appropriate authority.

A discussion ensued regarding whether the Select Board had the authority to act on the bylaw, to which the Board agreed that the creation of new rights could not be addressed at the local level, mooting the need for the bylaw to be reviewed and opined on by the Attorney General.

The Board heard public comments on the bylaw, which received strong support on a policy level. However, the Board noted that the legal issues presented by the bylaw amendment needed to be further examined.

The Board heard further comments regarding the bylaw's conflict with private contracts and the bylaw's inability to add pet ownership as a protected class protected under federal law. The Board also heard comments on the applicability of federal housing laws to private housing, and that pets are expressly omitted from the definition of assistance animals under the Fair Housing Act. The Board further heard comments that federal and state housing and discrimination laws create private rights of action that tenants can pursue if they are experiencing discrimination in housing. Further, the Board heard comments that even if the law was unsettled on the prohibition of pets in housing, no affirmative right can be created in the absence of a law expressly creating such a right. In addition, the Board heard comments on the constitutional principles of freedom of contract, which include rental and condominium

agreements.

Mr. Hurd noted that there is a market for tenants with pets to rent housing, as Mr. Diggins suggested, and that the legal implications could not result in favorable action on the bylaw amendment. Mr. Hurd further noted that no other municipality has enacted a similar law in Massachusetts and the untested nature of the bylaw amendment's language precluded him from acting favorably on it. Mr. Hurd then moved for no action, to which Ms. Mahon seconded.

Ms. Mahon noted that more work should be done on the bylaw amendment and the Board was not the best forum to address its current form. Mr. Diggins agreed that the bylaw amendment needed to be further examined, but acknowledged the need for legislation to address the policy issues raised in the amendment. Mr. Diggins urged the Board to articulate its opinion on the amendment to provide guidance to Town Meeting.

Mr. DeCoursey emphasized the need for robust

commentary in the Board's draft votes and comments to guide Town Meeting on this matter. Mr. DeCoursey noted the potential legal conflicts with the amendment and state statutes permitting pet fees in certain rentals, condominium regulations, and that certain state and federal laws would preempt the actions contemplated in the amendment.

Mr. Helmuth noted the value of the process and robust discussion is to identify dimensions for Town Meeting to receive informed advice and guidance on the amendment. Mr. Helmuth further noted the Board appreciates the issue but needs to balance the rights of owners, tenants and landlords.

Mr. Hurd moved that no action be taken.

Vote Language:

**That no action be taken on Article 17.**

Additional Materials:

Select Board Report



Town of Arlington, Massachusetts

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Article 18

Warrant Article Title:

**BYLAW AMENDMENT / HISTORIC  
BUILDING DEMOLITION DELAY**

Warrant Article Text:

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.

Requested by:

Inserted at the request of JoAnn Robinson and ten registered voters

Report Excerpt:

Voted (5-0). The Board declined to take action on this article. The Board felt the proponent’s amendment to increase the demolition delay period from twelve to twenty-four months was

too long in light of the numerosity of properties on the historic registry that are already in need of certain repairs. Mr. Diggins inquired into what resources the proponent needed to ensure the current twelve month demolition delay was sufficient. The proponent acknowledged that historic home resources are scarce. A discussion ensued and public comment was heard regarding whether the increase to a twelve month demolition delay would be considered a penalty.

Mr. DeCoursey asked if the proposal had any exceptions, to which the proponent noted that the demolition delay process currently addresses situations in which the full delay is inappropriate. The Board noted that twenty four months was a longer delay compared to other municipalities, some of which have twelve, eighteen or possibly twenty-one month demolition delays.

Mr. Hurd moved for no action, which Mr. DeCoursey seconded. Mr. Helmuth noted the Board was committed to finding better ways to support the historic commission with current

municipal resources.

Vote Language:

**That no action be taken on Article 18.**

Additional Materials:

Select Board Report



Town of Arlington, Massachusetts

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Article 19

Warrant Article Title:

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

Warrant Article Text:

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.

Requested by:

Inserted at the request of Susan Stamps and ten registered voters

Report Excerpt:

Voted (5-0). The Board heard from the

proponents regarding the need to extend the time and report of the study committee. Mr. Helmuth noted that a draft report was accessible to the public, and the Board heard from the Committee's Chair, who noted the substantial progress made in recent months. The Committee Chair acknowledged that while the draft report was not filed precisely 30 days before the 2024 Annual Town Meeting as scheduled, that the Committee has been committed to the quality of the report and is confident the Committee will fulfill its obligations in a timely manner.

Mr. Hurd moved for no action, to which Mr. DeCoursey seconded. Mr. DeCoursey and Ms. Mahon commended the Committee Chair for the body's hard work and the quality of the draft report. Ms. Mahon observed that this Article presented a good starting point to discuss the artificial turf matter due to constituent feedback on the topic.

Mr. Diggins and Mr. Helmuth commented that they looked forward to reviewing the report. The Board noted that it could meet and revisit this

vote if the Committee needs more time, and could then take a vote on the same.

**Vote Language:**

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

**Additional Materials:**

Select Board Report



Town of Arlington, Massachusetts

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Article 20

Warrant Article Title:

HOME RULE LEGISLATION / TOWN CLERK

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to update the Town Manager Act to reflect the transition of the Town Clerk's Office from an elected to appointed position; or take any action related thereto.

Requested by:

Inserted by the Select Board

Report Excerpt:

Voted (5-0) - Mr. Helmuth recused himself. The Board initially voted to table its hearing and discussion on Article 20 following the Town's annual election results on Saturday, April 6, 2024, for which a ballot question will be presented to Town voters regarding whether the Town Clerk position should be appointed rather than elected. Accordingly, the Select Board took a vote that it "will report" on its recommendation regarding this warrant article on April 8, 2024.

Vote Language:

## **ARTICLE 20 HOME RULE LEGISLATION / TOWN CLERK**

**VOTED:** That the Town does and hereby authorizes the Select Board to file Home Rule Legislation to amend the Town Manager Act to convert the Town Clerk from an elected to appointed position; or take any action related thereto, so that the Home Rule Legislation reads as follows:

**“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE APPOINTMENT AND MANAGEMENT OF THE TOWN CLERK”**

**Section 1.** Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended as follows:

First, by amending Section “8(a)” Election of Other Officers so as to strike the words and punctuation “Town Clerk, and” so as to read as follows (strike through text indicating words and

punctuation to be deleted):

## Section 8. Election of Other Officers.

(a) The election of ~~Town Clerk,~~ and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

Second, by amending Section 15(a) to strike the words and punctuation “Town Clerk,” so as to read as follows (strike through text indicating words and punctuation to be deleted):

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

(a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Select Board, the School Committee,

Moderator, ~~Town Clerk~~, Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors' office and appoint the director of assessments in accordance with subsection (c). The director of assessments and all other assessors' office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other

general law.

Third, by amending Section 15(c) as follows to insert the Town Clerk as an appointee under said Section so as to read as follows (underscored text indicated new language and strike through text indicating words and punctuation to be deleted):

The Town Manager shall appoint upon merit and fitness alone the Town's Comptroller, who shall also be vested with the authorities of a town accountant, ~~and the Town Treasurer and Collector,~~ and the Town Clerk, subject to the approval of the Select Board. Appointment of the Town Clerk, Comptroller and the Town Treasurer and Collector shall become effective upon the approval of the Select Board. If the Select Board fails to act by approving, rejecting, or requesting additional reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the Board. For the purposes of this section,

notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Select Board.

The Town Clerk, Comptroller or Town Treasurer and Collector may be removed by the town manager subject to the approval of the Select Board. Removal of the Town Clerk, Comptroller or Town Treasurer and Collector shall become effective upon approval of the Select Board. If the Select Board shall fail to act, by approving, rejecting, or requesting additional reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Select Board. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Select Board. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c),

the Town Clerk, Comptroller and the Town Treasurer and Collector shall be authorized to report directly to the Chairperson of the Select Board, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.

**Section 2.** Upon the effective date of this act, the incumbent elected to the office of town clerk shall continue to hold the office and to perform the duties thereof until the expiration of the term for which the individual was elected or until the individual otherwise vacates the office, whichever is sooner, at which time the elected office of town clerk shall be abolished and appointments to the position of town clerk shall be made in accordance with section 1.

**Section 3.** This Act shall take effect upon its passage.

Additional Materials:  
Select Board Report



Town of Arlington, Massachusetts

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Article 21

Warrant Article Title:

HOME RULE LEGISLATION / TO AMEND  
THE SENIOR CITIZEN PROPERTY TAX  
EXEMPTION

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to request the Legislation or Senate and House of Representatives in General Court *or* other Special Legislation to amend Chapter 285 of the Acts of 2020 “An Act Authorizing the Town of Arlington To Establish A Means Tested Senior Citizen Property Tax Exemption” by inserting the following language at the end of Section 3“; or funded by an appropriation or transfer from existing funds while not exceeding 1 per cent of the municipality’s tax levy.”; or take any action related thereto

Requested by:

Inserted at the request of the Board of  
Assessors

Report Excerpt:

Voted (4-0) - Mr. Helmuth recused himself. The Select Board heard from the Town Manager that Article 21 was submitted on behalf of the Town's Board of Assessors while the Town contemplated the implementation of the tax exemption, which voters approved as a ballot question in November of 2023 regarding whether the Town should accept the provisions of a state law permitting the tax exemption. The Town Manager noted that the Board of Assessors agrees that no action is recommended on the Article at this time. The Town Manager explained that there is presently a lack of information to assess the implications of the tax exemption, such as how it would be implemented, the number of eligible participants, and the cost.

On a motion from Mr. DeCoursey, the Select Board then voted that no action be taken on this Article following the Town Manager's summary of the current issues.

The Finance Committee understands that the proponents will withdraw this Article.

**Vote Language:**

That no action be taken under Article 21.

The Finance Committee understands that the proponents will withdraw this Article

**Additional Materials:**

Select Board Report

Finance Committee Report

Substitute Motion, Peter Fiore, Precinct 2



Town of Arlington, Massachusetts

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Article 22

Warrant Article Title:

HOME RULE LEGISLATION / LOWERING  
THE VOTING AGE TO 16 IN LOCAL  
ELECTIONS

Warrant Article Text:

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to petition the State Legislature to allow Arlington to lower the voting age from 18 to 16 for municipal elections; or take any action related thereto.

Requested by:

Inserted at the request of Sophie Shen and ten registered voters

Report Excerpt:

Voted (4-0) - Mr. Helmuth recused himself. The Board engaged in a robust discussion about this article. The Board first heard from the proponent.

Ms. Mahon inquired whether the proponent did any outreach to determine the interest of her peers on this issue, as well as participation in

Town warrant articles. The proponent explained that she collected signatures for a petition in support of Article 22 from both students and teachers. The proponent further explained that students are eager to be more engaged in politics and passage of special legislation lowering the voting age to 16 in local elections would serve that purpose.

The Board heard public comments both in support of and in opposition to the Article. First, the Board heard from State Representative Sean Garballey (“Rep. Garballey”) in support of the special legislation, who noted that he has filed similar legislation (H.686) to codify lowering the voting age to 16 in local elections statewide. Rep. Garballey thanked members of the Board, including Mr. Diggins, with whom he had worked closely on this issue. Rep.

Garballey noted that other Massachusetts towns and municipalities have filed similar legislation, including Cambridge and Boston. The Board also heard opposition to the Article during public comment.

Ms. Mahon noted that the proposed special legislation was for local elections only, which was most appropriate at this time.

Vote Language:

**That the Town does and hereby authorizes the Select Board to file Home Rule Legislation to allow Arlington to lower the voting age from 18 to 16 for municipal elections; or take any action related thereto; so that the Home Rule Legislation reads as follows:**

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

**ORDERED:** That a petition to the General Court, accompanied by a bill for a special law relating to the Town of Arlington to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

**PETITION FOR A SPECIAL LAW RE:  
AN ACT GRANTING THE TOWN OF**

# **ARLINGTON, MA THE AUTHORITY TO PROVIDE LEGAL VOTING RIGHTS IN MUNICIPAL ELECTIONS FOR TOWN RESIDENTS AGED 16 and 17 YEARS OLD**

**SECTION 1.** Notwithstanding the provisions of section 1 of chapter 51 of the General Laws or any other general or special law, rule or regulation to the contrary, any individual aged 16 or 17 years old residing in the Town of Arlington, who is ineligible to vote due to age under state law, but who is otherwise eligible, may apply to have their names entered on a list of voters established by the Office of the Town Clerk for the Town of Arlington. Such individuals on the list of voters may vote in any election for local offices, local ballot questions, and Town Meeting in accordance with this Act. For the purposes of this Act, "local voters" are anyone who is eligible to vote pursuant to this Act in a local election or upon a local ballot question in the Town of Arlington.

**SECTION 2.** The Office of the Town Clerk shall establish a separate registration list for local voters who shall fill out an alternative

registration form. Upon turning eighteen, each local voter shall be taken off the separate list and notified that he or she must register as a regular voter in accordance with state law, regulations, and guidelines, in order to be eligible to vote.

**SECTION 3.** Said Office is hereby authorized to promulgate regulations, guidelines and forms to implement the purpose of this act.

**SECTION 4.** The Town of Arlington is hereby authorized to pass bylaws to implement the purpose of this act.

**SECTION 5.** Nothing in this act shall be construed to confer upon local voters the right to vote for any state or federal office, or on any state or federal ballot questions.

**Additional Materials:**  
Select Board Report



Town of Arlington, Massachusetts

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Article 23

Warrant Article Title:

## ENDORSEMENT OF CDBG APPLICATION

Warrant Article Text:

To see if the Town will vote to endorse the application for Federal Fiscal Year 2025 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

Requested by:

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

Report Excerpt:

Voted (5 -0) - Mr. Hurd was absent\*. This Article represents the vote to endorse the annual application for the Community Block Development Grant funds, a summary of which Town Meeting may find attached to this report. A motion to re-vote was made to permit public comment, at which time the vote was again called and remained the same.

\*Includes vote of Town Manager for CDBG purposes.

**Vote Language:**

That the Town hereby endorses the application for Federal Fiscal Year 2025 prepared by the Town Manager and the Select Board under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

**Additional Materials:**

Select Board Report

CDBG Report



Town of Arlington, Massachusetts

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Article 24

Warrant Article Title:

## REVOLVING FUNDS

Warrant Article Text:

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds, to appropriate sums of money to fund all revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

Voted (4 -0) - Mr. Hurd was absent. The above summary represents the annual vote 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, M.G.L. ch. 44 s. 53 ½. 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. Additional materials regarding the Revolving Funds cdbghave also been included in the Appendix to this report for further consideration.

Vote Language:

That the Town does hereby reauthorize the following Revolving Funds for FY 2025:

Cutter Gallery Rentals: Seeking authorization at 2024 Annual Town Meeting to establish new revolving fund. Expenditures not to exceed \$15,000.

Beginning Balance, 7/1/2022	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$0.00

Community Center Rentals: Seeking authorization at 2024 Annual Town Meeting to establish new revolving fund. Expenditures not to exceed \$50,000.

Beginning Balance, 7/1/2022	\$0.00
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Receipts	0.00	
Expenditures		0.00
Ending Balance, 6/30/23		\$0.00

Private Way Repairs (3106): Originally established under Article 46, 1992 Annual Town Meeting, expenditures not to exceed \$1,000,000.

Beginning Balance, 7/1/2022	\$107,274.45
Receipts	261,647.01
Expenditures	318,369.30
Ending Balance, 6/30/23	\$50,552.16

Public Way Repairs (3105): Originally established under Article 45, 1992 Annual Town Meeting, expenditures not to exceed \$15,000.

Beginning Balance, 7/1/2022	\$14,715.06
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$14,715.06

Fox Library Community Center Rentals (3109): Originally established under Article 49, 1996 Annual Town Meeting, expenditures not to

exceed \$20,000.

Beginning Balance, 7/1/2022	\$21.47
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$21.47

Robbins House Rentals (3110): Originally established under Article 77, 1997 Annual Town Meeting, expenditures not to exceed \$75,000.

Beginning Balance, 7/1/2022	\$7,601.62
Receipts	9,333.54
Expenditures	6,848.39
Ending Balance, 6/30/23	\$10,086.77

Uncle Sam Fees (3101): Originally established under Article 31, 2000 Annual Town Meeting, expenditures not to exceed \$2,000.

Beginning Balance, 7/1/2022	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$1,526.31

Life Support Services (Ambulance) Fees

(3103): Originally established under Article 37, 2001 Annual Town Meeting, expenditures not to exceed \$800,000 .

Beginning Balance, 7/1/2022	\$410,670.94
Receipts	167,431.76
Expenditures	470,145.99
Ending Balance, 6/30/23	\$107,956.71

Board of Health Fees (3111): Originally established under Article 30, 2005 Annual Town Meeting, expenditures not to exceed \$150,000.

Beginning Balance, 7/1/2022	\$238,299.63
Receipts	242,346.14
Expenditures	60,297.31
Ending Balance, 6/30/23	\$420,348.46

Field User Fees (3115): Originally established under Article 78, 2004 Annual Town Meeting, expenditures not to exceed \$80,000.

Beginning Balance, 7/1/2022	\$17,740.26
Receipts	33,360.00
Expenditures	35,104.64
Ending Balance, 6/30/23	\$15,995.62

Robbins Library Rentals (3114): Originally established under Article 35, 2006 Annual Town Meeting, expenditures not to exceed \$8,000.

Beginning Balance, 7/1/2022	\$36,892.82
Receipts	6,950.00
Expenditures	1,387.50
Ending Balance, 6/30/23	\$42,455.32

Town Hall Rentals (3112): Originally established under Article 35, 2006 Annual Town Meeting, expenditures not to exceed \$175,000.

Beginning Balance, 7/1/2022	\$52,023.35
Receipts	91,764.07
Expenditures	84,131.39
Ending Balance, 6/30/23	\$59,656.03

White Goods Recycling Fees (3107): Originally established under Article 35, 2006 Annual Town Meeting, expenditures not to exceed \$80,000.

Beginning Balance, 7/1/2022	\$58,073.86
Receipts	28,567.90
Expenditures	36,850.58

Ending Balance, 6/30/23 \$49,791.18

Library Vending Fees (3113): Originally established under Article 34, 2009 Annual Town Meeting, expenditures not to exceed \$25,000.

Beginning Balance, 7/1/2022 \$9,859.31  
Receipts 12,070.14  
Expenditures 4,693.56  
Ending Balance, 6/30/23 \$17,235.89

Gibbs School Energy Fees (3102): Originally established under Article 45, 2010 Annual Town Meeting, expenditures not to exceed \$120,000.

Beginning Balance, 7/1/2022 \$4,814.41  
Receipts 0.00  
Expenditures 0.00  
Ending Balance, 6/30/23 \$4,814.41

Cemetery Chapel Rentals (INACTIVE): Originally established under Article 52, 2011 Annual Town Meeting, expenditures not to exceed \$15,000.

Beginning Balance, 7/1/2022 \$0.00

Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$0.00

Council On Aging Program Fees (3108):  
 Originally established under Article 28, 2013  
 Annual Town Meeting, expenditures not to  
 exceed \$100,000.

Beginning Balance, 7/1/2022	\$ 2,713.78
Receipts	13,215.00
Expenditures	11,011.00
Ending Balance, 6/30/23	\$ 4,917.78

**Additional Materials:**

Select Board Report

Revolving Fund Detail (appendix to Select Board Report)



Town of Arlington, Massachusetts

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Article 25

Warrant Article Title:

**ZONING BYLAW AMENDMENT / BUILDING DEFINITIONS**

Warrant Article Text:

To see if the Town will vote to amend Section 2: Definitions, in the Zoning Bylaw to amend the definitions of Building, Attached, and Building, Detached, to clear up an ambiguity between those two definitions; or take any action related thereto.

Requested by:

Inserted at the request of the Redevelopment Board

Report Excerpt:

Article 25 intends to clarify the Zoning Bylaw by refining the definition of “Attached” and “Detached” buildings. The definitions of “Attached” and “Detached” buildings in the current Zoning Bylaw are not internally consistent, so some buildings do not clearly fall into either category, such as those attached by a breezeway. Moreover, the definition of an

“Attached” building only includes sharing a common wall with another building while remaining silent on buildings that share a roof or other element. The Zoning Board of Appeals (ZBA) and the Inspectional Services Department (ISD), in addition to the Redevelopment Board, support this clarification. The revised definitions were written in consultation with the ZBA and ISD and are consistent with the manner in which ISD has been interpreting the Zoning Bylaw. This amendment was originally proposed by the Zoning Board of Appeals.

Recommend Favorable Action (5-0)

Vote Language:

**That the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

**Amend SECTION 2, Definitions, as follows:**

Building, Attached: A building having any portion of one or more walls or roofs in common with another adjoining building or buildings or otherwise connected by a roof to another building or buildings.

Building, Detached: A building with no physical connection to another building. that does not meet the definition of Building, Attached.

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 26

Warrant Article Title:

**ZONING BYLAW AMENDMENT /  
ADMINISTRATIVE CLARIFICATION**

Warrant Article Text:

To see if the Town will vote to amend Section 5.4.2.A. R District Yard and Open Space Requirements in the Zoning Bylaw to reference an exception found elsewhere in the Zoning Bylaw; or take any action related thereto.

Requested by:

Inserted at the request of the Redevelopment Board

Report Excerpt:

Article 26 is an administrative clarification to the Zoning Bylaw which updates the references to exceptions to district yard and open space requirements made in Section 5.4.2.A. This amends Section 5.4.2.A R District Yard and Open Space Requirements to add a reference to 5.9.2.B.(1).e, an exception that already exists elsewhere in the bylaw. Adding the reference to this section serves to simplify and clarify the

interpretation and application of the bylaw. This amendment was originally proposed by the Zoning Board of Appeals.

Recommend Favorable Action (5-0)

Vote Language:

**That the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

**Amend SECTION 5.4.2.A. R District Yard and Open Space Requirements, as follows:**  
R District Yard and Open Space Requirements (see 5.4.2(B).B and 5.9.2.B.(1).e for exceptions).

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 27

Warrant Article Title:

**ZONING BYLAW AMENDMENT /  
ADMINISTRATIVE CORRECTION**

Warrant Article Text:

To see if the Town will vote to amend Section 5.9.2. Accessory Dwelling Units for clarity to change how subsections are numbered and to remove a subsection that is outdated; or take any action related thereto.

Requested by:

Inserted at the request of the Redevelopment Board

Report Excerpt:

Article 27 is an administrative correction to the Zoning Bylaw that will change the listing of conditions in Section 5.9.2.B.(1) from bullet points to letters. The Zoning Board of Appeals originally proposed the change from a bulleted to an enumerated list in order to cite the specific provisions more simply and clearly in their decisions. Additionally, the article would delete

a subsection from the bylaw that is irrelevant as the dates referenced in the subsection have passed.

The Zoning Bylaw has allowed Accessory Dwelling Units (ADUs) for several years. This article would not make any changes to the conditions under which ADUs are allowed or any other rules for ADUs; it would merely make it simpler to refer to individual provisions in Section 5.9.2.

Recommend Favorable Action (5-0)

Vote Language:

**That the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

**Amend Section 5.9.2. Accessory Dwelling Units, Subsection B. (1), to replace bullets with letters as follows:**

**B. Requirements**

(1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:

~~?~~ a) An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).

~~?~~ b) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.

~~?~~ c) An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code

for safe egress.

~~?~~ d) No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.

~~?~~ e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

~~?~~ f) An accessory dwelling unit shall not be used as a short-term rental, in

accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.

~~g) An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).~~

**Amend Section 5.9.2, Accessory Dwelling Units, Subsection C., to delete subsection (3) and to renumber subsection (4) as subsection (3) as follows:**

C. Administration

...

~~(3) This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at~~

~~Town Meeting.~~

~~(4)~~ (3) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 28

Warrant Article Title:

ZONING BYLAW AMENDMENT / DELETE  
INLAND WETLAND OVERLAY DISTRICT

Warrant Article Text:

To see if the Town will vote to delete Section 5.8, Inland Wetland Overlay District, from the Zoning Bylaw and adjust the numbering of subsequent sections; or take any action related thereto.

Requested by:

Inserted at the request of the Redevelopment Board

Report Excerpt:

Article 28 would eliminate the Inland Wetland Overlay District

(IWD) from the Zoning Bylaw. It does not reduce protection for wetlands because wetland protection is administered by the Conservation Commission under state and town laws and regulations.

Arlington has an Inland Wetland District that pre-dates the adoption of the state Wetlands

Protection Act, which is implemented by the Arlington Conservation Commission. Administering a zoned wetlands district creates conflicts or inconsistencies with the Conservation Commission's work under G.L. c. 131, § 40. Through state and Town laws and regulations, the Conservation Commission retains robust authority to protect wetlands, and it is the most appropriate body to do so. The IWD is therefore redundant and creates unnecessary complexity and potential for conflicting regulations. Indeed, inclusion of the IWD in the Arlington Zoning Bylaw has created confusion about the appropriate Town body to adjudicate issues related to wetlands and, while well intentioned, the IWD is no longer an effective tool for wetland protection in Arlington. The Conservation Commission has jurisdiction over wetlands, but the inclusion of this overlay district in the Zoning Bylaw gives the Zoning Board of Appeals overlapping and superfluous jurisdiction. Furthermore, removing the IWD from the Zoning Bylaw does not change the Conservation Commission's authority or weaken environmental protections. This article

is supported by the Conservation Commission, the Zoning Board of Appeals, the Inspectional Services Department, and the Department of Planning and Community Development, in addition to the Redevelopment Board.

Recommend Favorable Action (5-0)

Vote Language:

**That the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

**Delete SECTION 5.8, Inland Wetland District, as follows:**

**~~5.8 INLAND WETLAND DISTRICT~~**

**~~5.8.1. Purpose~~**

~~The purpose of Section 5.8 is to:~~

~~A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.~~

~~B. Protect the health and safety of persons and property against the hazards of flooding and contamination.~~

~~C. Preserve and maintain the groundwater table for potential water supply purposes.~~

~~D. Protect the community against the detrimental use and development of lands adjoining such watercourses.~~

~~E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.~~

~~-~~

~~-~~

### **~~5.8.2. Definition~~**

~~The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:~~

~~A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.~~

~~B. All land area along all perennial rivers, brooks, and streams as defined by~~

~~the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of 200 feet from the center line thereof are included in the Inland Wetland District.~~

~~C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.~~

### ~~**5.8.3. Applicability**~~

~~Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector under Section 3.1 of this Bylaw shall be governed by~~

~~all regulations of this Section as well as all other applicable provisions of this Bylaw.~~

#### ~~5.8.4. Permitted Uses~~

~~Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:~~

~~A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.~~

~~B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.~~

~~C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.~~

~~-~~

### ~~5.8.5. Procedures~~

~~Applications for a special permit shall be filed in accordance with the rules and regulations~~

~~of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the Massachusetts Department of Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.~~

#### ~~**5.8.6. Development Conditions**~~

~~A. For the development of land within the Inland Wetland District, the following conditions shall apply:~~

- ~~(1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.~~
- ~~(2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above~~

~~the seasonal high water table and not subject to periodic flooding.~~

~~(3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.~~

~~(4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.~~

~~B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater~~

~~storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.~~

**Renumber subsequent Sections as appropriate.**

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 29

Warrant Article Title:

ZONING BYLAW AMENDMENT / REDUCED HEIGHT BUFFER

Warrant Article Text:

To see if the Town will vote to amend Section 5.3.19. Reduced Height Buffer Area in the Zoning Bylaw to alter the height buffer requirements; or take any action related thereto.

Requested by:

Inserted at the request of the Redevelopment Board

Report Excerpt:

Article 29 would reduce the height buffer distances required when two different heights are specified for the same zoning district. The current height buffer distances were set in 1975, when taller buildings were allowed by the Zoning Bylaw. Since that time, the maximum heights in the R7, PUD, and B5 districts have been reduced by 45%, 60%, and 32%, respectively, but the corresponding buffer distances have not been similarly reduced.

Given that the overall height maximums have been reduced, the required height buffer distances should likewise be reduced, and this article would reduce the applicable buffer distances by 50%. Although the Redevelopment Board retains the authority to allow the higher height limit if they determine that it would not have a detrimental impact based on the criteria in Sections 3.3 and 3.4, this article would add greater clarity as to the size of the minimum buffer.

Recommend Favorable Action (5-0)

Vote Language:

**That the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

**Amend SECTION 5.3.19, Reduced Height Buffer Area, Subsection A, as follows:**

A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless the Board of Appeals, or Arlington Redevelopment Board,

as applicable, finds that the height given as the upper limit would not be detrimental to it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS districts, would not be adversely affected due to existing use or topographic condition due to site-specific factors and criteria established in Section 3.3.3 and Section 3.3.4. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within <del>200</del> 100 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within <del>150</del> 75 feet
Southerly, between southeast and	Within <del>100</del> 50 feet

southwest

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 30

Warrant Article Title:

ZONING BYLAW AMENDMENT / SHADED  
PARKING LOTS

Warrant Article Text:

To see if the Town will vote to amend Section 6.1.11.D. of the Zoning Bylaw to require that trees or other shade be provided in parking lots with more than 25 spaces; or take any action related thereto.

Requested by:

Inserted at the request of Susan Stamps and ten registered voters

Report Excerpt:

Article 30 would require newly developed and newly expanded parking lots of more than 25 spaces to include trees and/or solar panels in order to provide shade to portions of the parking lot. This would mitigate heat island effects and increase the tree canopy in Arlington, goals expressed in multiple Town plans and supported by the Redevelopment Board.

Currently, the Zoning Bylaw requires that

parking lots with more than 25 spaces be at least 8% landscaped. The Zoning Bylaw also requires that measures be taken for parking lots in the Industrial Districts to reduce the heat given off by the parking surface, which may include trees and solar arrays. Some Board members discussed that it would make sense for larger parking lots in other districts to meet the same requirements, and that it would not be more difficult for developers to include trees within the 8% landscaping requirement.

Furthermore, while the Town should also work to increase the tree canopy on public property by planting street trees, this article is a reasonable requirement for private property owners to add to the tree canopy as well.

Three members of the Board voted in favor of Article 30. One other Board member felt that this article would put too much of a burden on developers, perhaps requiring them to give up parking spaces to meet the requirements and thus making their development less economically feasible. Another Board member stated that this article was too prescriptive and rigid, given the space constraints of many sites and competing solar energy and on-site

rainwater treatment requirements, among other examples. They noted that the Board and developers have worked effectively together in the past to come up with creative solutions to issues of landscaping that result in shaded areas, without the necessitation of such prescriptive and arbitrary requirements.  
Recommend Favorable Action (3-2)

Vote Language:

**That the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

**Amend SECTION 6.1.11, Parking and Loading Space Standards, Subsection D, as follows:**

D. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.

(6) Parking areas providing more than 25 spaces, including parking areas expanded to provide more than 25 spaces, shall include landscaped areas in at least 8% of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping

requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide. In addition, pavement shade in such parking lots shall be provided by one or both of the following methods (for shading requirements in Industrial Districts, see 6.1.11.F.):

- a. Install one shade tree for every eight parking spaces; such trees must be spaced so that some part of each parking space is not more than 32 feet from a tree. Tree planting areas shall be at least six feet in diameter, or in accordance with the USDA Forest Service Tree Owner's Manual standards. New trees shall be at least three inches DBH (diameter at breast height) at the time of planting and shall be selected from a large shade tree list for parking lots under this section prepared by the Tree Warden or the Tree Committee. To the extent practicable, existing trees shall be retained and used to satisfy this section. New trees shall be maintained, including watering, by the installer or its designee in accordance with the USDA Forest Service Tree Owner's Manual

standards, or other standards the Redevelopment Board may designate, for a period of no less than 36 months from the date of planting.

The Redevelopment Board or Board of Appeals, as applicable, may modify this requirement to take into account parking spaces that are currently shaded by off-property trees that are not planned for removal.

b. Install solar panels over parking spaces allowing cars to park underneath to increase shade to a minimum of 50% of the parking lot surface. This provision is applicable to parking lots in the residential and business districts.

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 31

Warrant Article Title:

**ZONING BYLAW AMENDMENT / ADD 5-7 WINTER STREET TO THE MBTA NEIGHBORHOOD DISTRICT**

Warrant Article Text:

To see if the Town will add the Address of 5-7 Winter St., to the Neighborhood Multi-Family (NMF) Subdistrict Parcel List; or take any action related thereto.

Requested by:

Inserted at the request of John Leone and ten registered voters

Report Excerpt:

Article 31 would rezone 5-7 Winter Street to be included in the Neighborhood Multi-Family Overlay District of the MBTA Communities Overlay District. 5-7 Winter Street is currently surrounded by properties included in the Neighborhood Multi-Family Overlay District and zoned commercial properties along Mass Ave. Properties in the MBTA Communities Overlay and commercial properties on Mass Ave allow taller heights, meaning that those properties could all be redeveloped to the maximum height allowed, but that 5-7 Winter Street could not. Should the redevelopment of surrounding properties occur, the owners of 5-7 Winter Street would like to preserve their rights to redevelop as well, so as not to be surrounded by taller buildings. All Board members agreed with the substance of the rezoning.

5-7 Winter Street is on the National Register of Historic Properties, and any future redevelopment would still be subject to review by the Historical Commission. The property was originally not included in the Neighborhood Multi-Family

Overlay District due to its status as an historic property on the National Register, which is consistent with the stated approach of the MBTA Communities Working Group.

One Board member expressed concerns with the notification process regarding this article. Section 1.5 of the zoning bylaw says, “When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all owners and immediate abutters of the land referred to in the petition.” That was not done by the petitioner at the time of filing the petition. Instead, such notice was given by the petitioner after the March 4 Board hearing on the article. Town Counsel expressed the opinion that the notification was enough to satisfy the requirement of the bylaw, providing that at the time the notification was made, the opportunity for public comment had not passed. Accordingly, the Chair re-opened Article 31 for public comment during the Board meeting on March 18, 2024. The petitioner argued that Section 1.5 of the zoning bylaw does not specify that the required notice is for the Redevelopment Board hearing, and that he interpreted it as requiring adequate notice for Town Meeting. The majority of Board members relied on Town Counsel’s determination that adequate notice had been given. The Board member who opposed the change stated that he favored the change but believed the notice to abutters was inconsistent with the bylaw and that reopening the comment period did not include adequate notice to the abutters.

Recommend Favorable Action (4-1)

Vote Language:

**That the Zoning Bylaw and Zoning Map/Table be and hereby is amended as follows:**

# **DRAFT AMENDMENT**

## **\_ District Parcel List for the Neighborhood Multi-Family (NMF) Subdistrict as follows:**

Add a row to the Parcel List table to include the property at 5-7 Winter Street; so that said row reads as follows:

<b>Address</b>	<b>Owner</b>	<b>Existing Use Codes</b>	<b>Existing Use Description</b>	<b>Parcel Acres</b>	<b>Parcel Square Footage</b>
5-7 Winter St.	AML Realty Trust	104	Two Family Residential	0.42025	18,306

**Additional Materials:**  
Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 32

Warrant Article Title:

ZONING BYLAW AMENDMENT / TRAFFIC VISIBILITY

Warrant Article Text:

To see if the Town will vote to amend Section 5.3.12(A) of the Town's Zoning Bylaws to permit buildings, structures or vegetation across street corners if it can be shown that they will not restrict visibility in such a way as to hinder the safe transit of a vehicle through the subject intersection; or take any action related thereto.

Requested by:

Inserted at the request of Caitlin Monaghan and ten registered voters

Report Excerpt:

Article 32 would allow an exception to the restrictions on the height and placement of structures including fences, vegetation, and buildings on corner lots in Section 5.3.12.A of the Zoning Bylaw, if the proposed element can be shown to not restrict visibility for drivers. Section 5.3.12.B already allows such for an

exception next to driveways on non-corner lots so long as “it can be shown that the vegetation or structure will not restrict visibility as to hinder the safe entry of a vehicle from any driveway to the street.” The proposed exception would allow for the placement of structures, vegetation, and buildings that are tall enough to protect children and pets. Given that Section 5.3.12.B already allows an exception to the restrictions on structures and vegetation near driveways, some Board members felt that it made sense to allow a similar exception for corner lots in Section 5.3.12.A.

Some Board members felt that allowing an exception for fences that are “transparent enough” not to restrict visibility was too vague, and a specific percentage of transparency should be included. The Board did not feel qualified to determine what percentage of transparency would make such a fence safe for visibility around corners and did not want to include a specific percentage of transparency without more information.

One Board member, at the suggestion of the Board, consulted with the Inspectional Services Department (ISD) and reported to the Board

that ISD wrote that it would not support the increased height as it risked reducing visibility around corners for vehicular traffic. ISD requested that if the Board were to support Article 32, language be added indicating that the visibility would not be restricted in the future, for example, if vegetation had grown to an impermissible height or density. Several different versions of the language to be added to Section 5.3.12.A were proposed, but some Board members stated that they could not support a change that was not supported by ISD, which would be responsible for enforcing it.

**Recommend No Action (3-2)**

**Vote Language:**

**That no action be taken on Article 32.**

**Additional Materials:**

Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 33

Warrant Article Title:

ZONING BYLAW AMENDMENT / REAR  
YARD SETBACKS IN  
BUSINESS DISTRICTS

Warrant Article Text:

To see if the Town will vote to amend the Zoning Bylaw Section 5.5.2 DIMENSIONAL AND DENISTY REGULATIONS to adjust the rear yard setback requirement for uses of four or more stories in Business Districts; or take any action related thereto.

Requested by:

Inserted at the request of Andrew Greenspon and ten registered voters

Report Excerpt:

Article 33 seeks to amend the current bylaw which requires a 20-foot rear setback for a commercial property abutting a residential property for buildings up to three stories and requires a 30-foot rear setback for buildings of four or more stories. Article 33 would require a 20-foot rear setback for the first three stories

and a 30-foot setback for any additional stories. The proponent argued and the Board agreed that allowing the smaller setback on lower stories may provide for more commercial space in mixed-use developments, which may make them more economically feasible to build. Because upper stories will still be subject to the larger setback, this change will not be detrimental to residential properties abutting commercial and mixed-use properties.

Recommend Favorable Action (5-0)



Town of Arlington, Massachusetts

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Article 34

Warrant Article Title:

ZONING BYLAW AMENDMENT /  
RESIDENTIAL USES

Warrant Article Text:

To see if the Town will vote to amend Section 5.4 of the Town's Zoning Bylaws by changing the definitions, regulations and requirements of R0 Large Lot Single-Family Districts, R1 Single-Family Districts and R2 Two-Family Districts to permit the expansion of allowable residential uses in these districts, with the goal of diversifying the Town's housing stock; or take any action related thereto.

Requested by:

Inserted at the request of John Paul Lewicke and ten registered voters

Report Excerpt:

The proponents of Article 34 requested that this article be withdrawn or that the Redevelopment Board recommend no action. Voted (5-0).

Vote Language:

That no action be taken on Article 34.

**Additional Materials:**  
Arlington Redevelopment Board Report



Town of Arlington, Massachusetts

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Article 35

Warrant Article Title:

**APPROPRIATION / PEG ACCESS BUDGET**

Warrant Article Text:

To see if the Town will vote to appropriate or transfer a sum or sums of money for the support of public, educational, and/or governmental (“PEG”) access cable television services, said sum or sums to be provided for by the cable franchise agreements and cable licensing fees, detailed in an operational cost, building expenses, and capital expense budget, and expended under the direction of the Town Manager; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

These are funds which formerly were transferred directly from the cable providers to the cable access network (ACMi). However, the State has issued rules requiring these funds to be appropriated through Town Meeting. ACMi receives 5% of revenue derived from cable

subscriptions. Because many residents are cancelling subscriptions in lieu of streaming services, ACMi is anticipating a deficit of over \$50,000, which ACMi will have to make up. (16-0-1)

Vote Language:

That the Town appropriate the cable revenues projected for Fiscal Year 2025 as follows:

2025 PEG Access Budget	Amount
Total operating revenue anticipated from cable providers:	\$633,169
Total capital revenue anticipated from cable providers:	\$83,860
Misc. Income (including membership dues, workshops interest & donations):	\$7,290
Fidelity Investment account:	\$32,000
Total Revenues	\$756,319
Total Operating Expenses (including salaries and taxes)	
Salaries and Taxes:	\$501,378
Expenses:	\$223,000

Capital:  
Total Expenses

\$83,860  
\$808,238

**Additional Materials:**  
Finance Committee Report



Town of Arlington, Massachusetts

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Article 36

Warrant Article Title:

## ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES

Warrant Article Text:

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2025 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

Any deficit will be made up from the fund balance.

Vote Language:

That the Town does hereby endorse the following expenditures from the Parking Fund:

Projected Fiscal Year 2025 Meter Revenue  
\$422,034

Offset to Parking Budget \$

10,800

Offset to Parking Enforcement Budget

\$114,148

Parking Meter Operations

\$138,500

Center and Plaza Improvements

\$268,760

Projected Fiscal Year 2025 Expenditures

\$532,208

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

Article 37

Warrant Article Title:

POSITIONS RECLASSIFICATION

Warrant Article Text:

To see if the Town will vote to make additions, deletions and/or modifications to the Classification and Pay Plan, appropriate a sum of money to fund same if necessary, determine how the money will be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager and the Director of Human Resources

Vote Language:

That the Classification Plan, as established by Title 1, Article 6, Section 1, Schedule A of the By-Laws, be and hereby is amended as follows:

1. By reclassifying the following positions:

A. Zoning Assistant Inspections	OA4 to ATP4		
B. Administrative	IT OA7 to ATP4	FTE 1	\$660

Assistant Information Technology				
C. After School Program Director Recreation	MTP2 to MTP5			
D. Assistant After School Director Recreation	MTP1 to MTP5			
E. Program Supervisor Recreation	SEIU7 to SEIU8	FTE 1	\$2,505	
F. Admin. Asst./Billing Agent Health & Human Services/AYCC	ATP4 to APT5	FTE 1	\$3,592	
G. Clinical Director Health & Human Services/AYCC	MTP10 to MTP12	FTE 1	\$2,393	
H. Director of Youth Services Health & Human Services/AYCC	MTP13 to MPT14			
I. Working Foreman	MC7 to MC8	FTE 1	\$1,997	

Public Works/Pars Division			
J. Assistant Benefits Coordinator Human Resources	OA5 to OA6	FTE 0.8	\$739

And that the sum of \$11,886 be and hereby is appropriated as indicated above, said sum to be raised by general tax and included in the budgets of the departments affected.

2. By adding the following positions:

A. Office Manager - Inspections Inspections	ATP4		
B. Office Manager - IT Information Technology	ATP4		
C. Kid Care Director - Operations Recreation	MTP5		
D. Kid Care Director - Curriculum	MTP5		

Recreation			
E. Kid Care Assistant Preschool Director Recreation	MTP2		
F. Building Automation Systems Manager Facilities	MTP12		
G. Project Manager Facilities	SEIU11		
H. Budget Coordinator Town Manager's Office	MTP10		

3. By deleting the following positions:

A. Zoning Assistant Inspections	OA4		
B. IT Administrative Assistant Information Technology	OA7		
C. After School Program Director	MTP2		

Recreation			
D. Assistant After School Director Recreation	MTP1		
E. Sr. Clerk and Typist - COA Health and Human Services	OA2		
F. Sr. Clerk and Typist - Library Libraries	OA2		
G. Superintendent of Building Maintenance Facilities	SEIU11		
H. Budget Director Town Manager's Office	MTP10		
I. Grants Accountant Town Manager's Office	AO5		

**Additional Materials:**  
 Finance Committee Report  
 Pay & Classification Plan FY24 Revised



**Town of Arlington, Massachusetts**

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**Article 38**

**Warrant Article Title:**

**AMENDMENTS TO FY24 BUDGETS**

**Warrant Article Text:**

To see if the Town will vote to appropriate to and/or transfer funds between the FY2024 budget and appropriations and the long-term stabilization fund or other available funds as previously voted upon by the 2023 Annual Town Meeting; or take any action related thereto.

**Requested by:**

Inserted at the request of the Town Manager

**Report Excerpt:**

No such transfers are required at this time.

**Vote Language:**

That no action be taken under Article 38.

**Additional Materials:**

Finance Committee Report

Finance Committee Report



Town of Arlington, Massachusetts

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Article 39

Warrant Article Title:

## APPROPRIATION / TOWN BUDGETS

Warrant Article Text:

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended; or take any action related thereto: Finance Committee, Select Board, Town Manager, Human Resources, Comptroller, Information Technology, Town Treasurer and Collector of Taxes, Assessors, Legal and Workers' Compensation, Town Clerk, Registrars, Planning and Community Development, Redevelopment Board, Parking, Zoning Board of Appeals, Public Works, Facilities,

Cemeteries, Community Safety, School Department, Libraries, Human Services, Insurance, Non-Contributory Pensions, Contributory Pensions, Elections, Town Debt and Interest, Reserve Fund, and/or any other Town Departments, Boards, Commissions or Committees, Water and Sewer Enterprise Fund, Recreation Enterprise Fund, Council on Aging Transportation Enterprise Fund, Veterans' Memorial Rink Enterprise Fund, and Youth Services Enterprise Fund.

**Requested by:**

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

**Report Excerpt:**

Refer to Appendix B in the Additional Materials.

**Vote Language:**

That the sums be appropriated to defray obligations, outlays, and expenses for the Fiscal Year ending June 30, 2025 to be raised by general tax except as otherwise specifically voted, and expended.

**Additional Materials:**

Finance Committee Report

Appendix B



Town of Arlington, Massachusetts

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Article 40

Warrant Article Title:

## CAPITAL BUDGET

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money to defray the expense of purchasing, leasing, or bonding of capital equipment, infrastructure, buildings or other projects of the Town or to acquire real property for municipal purposes; to appropriate a sum of money to fund previously incurred or future Town debt, to acquire land for said projects where necessary by purchase, eminent domain taking or otherwise, determine how the money shall be raised including the possibility of borrowing any or all of the same, or the transfer of funds from any previous appropriation, determine how such money shall be expended; or take any action related thereto.

Requested by:

Inserted by the Select Board, and at the request of the Town Manager and the Capital Planning Committee

Vote Language:

1. That the sum of \$405,342.88 is hereby transferred from amounts previously appropriated and borrowed under the following warrant articles and for the purposes set forth below:

Item	Amount to be Transferred	From Original Purpose	Meeting Date	Warrant Article
1.1	\$205,652.15	Community Safety Building	4/29/2015	24
1.2	\$1,569.65	Library HVAC Replacement	4/25/2018	30
1.3	\$101,904.08	Radio Upgrade Replacement	5/08/2019	58
1.4	\$1,260.00	Repointing Library	5/08/2019	58
1.5	\$13,800.00	Ottoson Elevator	6/15/2020	54
1.6	\$5,483.23	Ottoson HVAC Rooftop	6/15/2020	54
1.7	\$30,607.61	Engineering Study - Schools	5/17/2021	56
1.8	\$40,776.16	Backhoe - Cemetery	5/16/2022	51
1.9	\$4,290.00	Bleacher Lift	6/15/2020	54
	<b>\$405,342.88</b>	<b>TOTAL</b>		

which amounts are no longer needed to complete the projects for which they were initially borrowed, to pay costs of the following:

Item	Amount to be Paid	For New Purpose
1.10	\$75,000.00	Town Hall Renovations
1.11	\$100,000.00	ADA Accessibility Construction
1.12	\$30,652.15	School Weatherization Projects
1.13	\$8,312.88	School Boilers
1.14	\$191,377.85	Sidewalks and Curbstones
	<b>\$405,342.88</b>	<b>TOTAL</b>

(2) That the sum of \$4,952,417 be and hereby is appropriated for various capital projects and equipment as shown below,

and expended under the direction of the Town Manager:

<b>Item</b>	<b>Amount</b>	<b>Project</b>	<b>Department</b>
		Ballot Envelope	
2.1	\$ 15,000	Addressing System	CLERK'S OFFICE
2.2	\$ 14,000	Ballot Opening System	CLERK'S OFFICE
		Firefighter Protective	COMMUNITY
2.3	\$ 39,000	Gear	SAFETY – Fire
		Vehicle Replacement	COMMUNITY
2.4	\$ 57,000	#1022 (2014 Ford Interceptor)	SAFETY – Fire
		Vehicle Replacement	COMMUNITY
2.5	\$ 160,000	Program	SAFETY – Police
		Dust Collection System	FACILITIES
2.6	\$ 18,000	– Maintenance Shop	
		Town Hall –	FACILITIES
2.7	\$ 75,000	Renovations	
		AHS – 1-to-1 Academic	INFORMATION
2.8	\$ 100,000	Device Program	TECHNOLOGY
		Conference Room	INFORMATION
2.9	\$ 45,000	Presentation	TECHNOLOGY
		Technology Program	INFORMATION
		Modernizing Agenda	TECHNOLOGY
2.10	\$ 70,000	and Minutes	INFORMATION
		Network Infrastructure	TECHNOLOGY
2.11	\$ 90,000	Schools – Admin	INFORMATION
		Computers and	TECHNOLOGY
2.12	\$ 80,000	Peripherals	
		Schools – Districtwide	INFORMATION
2.13	\$ 400,000	Replacement Academic	TECHNOLOGY
		PCs	
		Schools – Software	INFORMATION
2.14	\$ 23,000	Licensing	TECHNOLOGY
		Town Microcomputer	INFORMATION
2.15	\$ 65,000	Program	TECHNOLOGY
		Town Software	INFORMATION
		Upgrades and	TECHNOLOGY
2.16	\$ 30,000	Standardization	
		MLN Equipment	
2.17	\$ 54,700	Schedule	LIBRARY
		Design and engineering	PLANNING
2.18	\$ 35,000	consultants	
		Townwide ADA	PLANNING

2.19	\$ 100,000	accessibility upgrades Roadway Consulting	PUBLIC WORKS – Engineering
2.20	\$ 325,000	Services Accessibility Improvements (Override	PUBLIC WORKS – Highway
2.21	\$ 220,763	2019) Asphalt Pavement Hot	PUBLIC WORKS – Highway
2.22	\$ 50,000	Box Mobility Improvements	PUBLIC WORKS – Highway
2.23	\$ 200,000	(Override 2023) Roadway	PUBLIC WORKS – Highway
2.24	\$ 560,000	Reconstruction Roadway Reconstruction	PUBLIC WORKS – Highway
2.25	\$ 537,954	(Override 2011)	PUBLIC WORKS – Highway
2.26	\$ 18,000	Sander Body Sidewalk Ramp	PUBLIC WORKS – Highway
2.27	\$ 65,000	Installation Sidewalks and	PUBLIC WORKS – Highway
2.28	\$ 430,000	Curbstones Snow Plow	PUBLIC WORKS – Highway
2.29	\$ 12,500	Replacement	PUBLIC WORKS – Highway
2.30	\$ 105,000	Traffic Signal Upgrades	PUBLIC WORKS – Highway
2.31	\$ 81,000	Utility Trucks (2) 3/4 Ton Pickups (2 w/ liftgate, 1 w/ plow)	PUBLIC WORKS – Natural Resources
2.32	\$ 69,000		PUBLIC WORKS – Natural Resources
2.33	\$ 78,000	Stump Grinder	PUBLIC WORKS – Natural Resources
2.34	\$ 80,000	Utility Vehicles (2) Photocopier	PUBLIC WORKS – Natural Resources
2.35	\$ 74,700	Replacement Program ADA Study Implementation	PURCHASING
2.36	\$ 50,000	Program	RECREATION
2.37	\$ 10,000	Feasibility Study Playground Audit and	RECREATION
2.38	\$ 75,000	Safety Improvements	RECREATION
2.39	\$ 100,000	All Schools – Boilers All Schools – Photocopier Lease	SCHOOLS SCHOOLS

2.40	\$ 120,000	Program	
		All Schools – Security	SCHOOLS
2.41	\$ 50,000	Updates	
		Communication	SCHOOLS
2.42	\$ 15,000	Upgrades	
		School Weatherization	SCHOOLS
2.43	\$ 84,800	Projects	
		Thompson School –	SCHOOLS
2.44	\$ 70,000	Generator Upgrade	
	<b>\$</b>	<b>Total Cash</b>	
	<b>4,952,417</b>	<b>Expenditure</b>	

(3) That the sum of \$20,000,879 be and hereby is appropriated for debt service of the Town, and expended under the direction of the Town Manager, \$19,016,618 of said sum to be raised by general tax and \$221,344 from the Antenna Fund, \$691,661 from capital carryforwards, \$15,000 from Recreation Enterprise Funds, and \$56,256 from Rink Enterprise Funds, for a total of \$984,261 to be raised by transfers and capital carry forwards:

<b>General Fund Debt Service</b>	
Total Non-Exempt Debt	\$ 7,478,172
	\$
Exempt Debt	12,522,707
<b>Total Debt Service</b>	<b>\$</b>
<b>Appropriation</b>	<b>20,000,879</b>
<b>Less</b>	
<i>Antenna Fund</i>	\$ (221,344)
<i>Capital Carryforwards</i>	\$ (691,661)
<i>Recreation Enterprise Funds</i>	\$ (15,000)
<i>Rink Enterprise Funds</i>	\$ (56,256)
<b>Total Other Financing Sources</b>	<b>\$ (984,261)</b>
<b>NET General Fund Debt Service</b>	<b>\$ 19,016,618</b>
Cash Capital	\$ 4,952,417
<b>TOTAL NET Capital Appropriation</b>	<b>\$ 23,969,035</b>

(4) That the various capital projects and equipment purchases

shown below shall be undertaken and financed by grants or other funds as shown below, such grants to be expended under the direction of the Town Manager.

Item	Amount	Project	Department
4.1	\$ 32,000	Parking Control Vehicle	COMMUNITY SAFETY – Police HEALTH & HUMAN SERVICES
4.2	\$ 40,000	Council on Aging Van Replacement	PUBLIC WORKS – Administration
4.3	\$ 750,000	Solid Waste Trash and Recycling Toters – Grant	PUBLIC WORKS – Cemetery
4.4	\$ 10,000	Headstone Cleaning and Repair	PUBLIC WORKS – Highway
4.5	\$ 760,000	Chapter 90 Roadway Install Sidewalk	PUBLIC WORKS – Highway
4.6	\$ <u>10025,000</u>	Ramps - CDBG Drainage Rehab – Regulatory	PUBLIC WORKS – Water/Sewer
4.7	\$ 450,000	Compliance (Ch 308) Hydrant and Valve	PUBLIC WORKS – Water/Sewer
4.8	\$ 50,000	Replacement Program	PUBLIC WORKS – Water/Sewer
4.9	\$ 900,000	Sewer System Rehabilitation	PUBLIC WORKS – Water/Sewer
4.10	\$ 1,500,000	Water System Rehabilitation	PUBLIC WORKS – Water/Sewer
	<b>\$ 4,617,592,000</b>	<b>Total Other Expenditure</b>	

(5) That the sum of \$6,578,000 be and hereby is appropriated for extraordinary repairs to public facilities, acquisition of land and the purchase and installation of equipment and for costs incidental and related thereto as follows:

Item	Amount	Project	Department
5.1	\$ 725,000	Robbins Library – Main Entry Masonry Renovation	FACILITIES PUBLIC WORKS –
		Solid Waste Trash and	

5.2	\$ 750,000	Recycling Toters	Administration PUBLIC
5.3	\$ 125,000	1 Ton Dump Truck w/ Plow Sander	WORKS – Highway PUBLIC
5.4	\$ 230,000	44,000 lb GWV 4WD Truck w/ Dump Body	WORKS – Highway
5.5	\$ 600,000	Parallel Park	RECREATION
5.6	\$ 300,000	All Schools – Fire Alarm Upgrade	SCHOOLS
5.7	\$ 300,000	All Schools – Roof Top Units HVAC Upgrade	SCHOOLS
5.8	\$ 350,000	Bishop School – Front Office Reconfiguration	SCHOOLS
5.9	\$ 500,000	Bishop School – Envelope: Windows, Masonry	SCHOOLS
5.10	\$ 150,000	Brackett School – Exterior Door Replacement	SCHOOLS
5.11	\$ 800,000	Brackett School – Playground Renovation	SCHOOLS
5.12	\$ 250,000	Gibbs School – Additional Classrooms	SCHOOLS
5.13	\$ 600,000	Hardy School – Roof Replacement	SCHOOLS
5.14	\$ 348,000	Bishop School – Solar Array	SCHOOLS
5.15	\$ 400,000	Stratton School – Main Lobby Renovation and Office Additions	SCHOOLS
5.16	\$ 150,000	Student Transportation Vehicle Replacement Program	SCHOOLS
	<b>\$ 6,578,000</b>	<b>Total Bond Expenditure</b>	

and that the Treasurer, with the approval of the Select Board, is hereby authorized to borrow not exceeding the sum of \$6,578,000 under and pursuant to M.G.L. Chapter 44 and any other enabling authority, and to issue bonds or notes of the Town therefor, said sum to be expended under the direction of the Town Manager.

(6) That the Town Manager is authorized and directed to apply for and accept any further federal, state or other grants that may be available for any one or more of the foregoing projects and equipment.

(7) Notwithstanding the foregoing, in the event that monies are not expended for the purposes delineated above, then the Comptroller is authorized and directed not to transfer these excess funds to available funds, but said funds shall remain and be accounted for in the warrant article pending further vote of the Town Meeting, except as otherwise provided by law, and,

(8) That any amounts appropriated under Sections (2 or 5) above for a particular purpose under any section of Chapter 44 and not needed for such purpose may be expended by the Town Manager, with the approval of the Capital Planning Committee, for any other purpose listed in Sections (2 or 5) above under the same section of Chapter 44.

(9) That any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**Additional Materials:**

Capital Planning Committee Report



**Town of Arlington, Massachusetts**

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**Article 41**

**Warrant Article Title:**

**RESCIND PRIOR BORROWING  
AUTHORIZATIONS**

**Warrant Article Text:**

To see if the Town will vote to rescind the authority to borrow, from prior years authorizations, the amounts remaining with regard to any numbered prior Annual and/or Special Town Meeting Warrant Articles; or take any action related thereto.

**Requested by:**

Inserted at the request of the Town Treasurer

**Report Excerpt:**

No prior borrowing authorization rescission is required at this time.

**Vote Language:**

That no action be taken under this article.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 42

Warrant Article Title:

**APPROPRIATION / TRANSPORTATION  
INFRASTRUCTURE FUND**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money received by the Town from the Commonwealth Transportation Infrastructure Fund to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town including, but not limited to, the Complete Streets Program, accepted by Town Meeting on May 4, 2015, established in Massachusetts General Laws Chapter 90I, Section 1 and other programs that support alternative modes of transportation; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

The State assesses a tax on companies such as Uber and Lyft, and funnels a portion back to municipalities based on the number of rides originating in those cities and towns to support alternative modes of transportation. This year, monies received by Arlington from this fund will be used to support the Town's BlueBike program.

**Vote Language:**

That the Town appropriate the sum of \$23,615.20 received by the Town from the Commonwealth Transportation Infrastructure Fund to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town including, but not limited to, the Complete Streets Program, accepted by Town Meeting on May 4, 2015, established in Massachusetts General Laws Chapter 90I, Section 1 and other programs that support alternative modes of transportation.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 43

Warrant Article Title:

**APPROPRIATION / FINANCING OF  
CONSTRUCTION OR RECONSTRUCTION  
OF SEWERS AND SEWERAGE FACILITIES**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of sewers and sewerage facilities for inflow/infiltration reduction or system rehabilitation, including costs incidental and related thereto, and to determine how the appropriation shall be raised or expended, including the possibility of borrowing all or some of same; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager and the Director of Public Works

Report Excerpt:

This authorization allows the Town to receive an interest free loan from the MWRA and issue municipal debt in support of capital construction

projects. (requires a 2/3 vote)

**Vote Language:**

That the sum of \$800,000 be and hereby is appropriated for the purpose of financing the construction or reconstruction of sewers and sewerage facilities, inflow/infiltration reduction or system rehabilitation, including costs incidental and related thereto; that to raise this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$800,000 under and pursuant to Chapter 44, Section 7, of the General Laws, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor; and that the Select Board and the Town Manager be and hereby are authorized to enter into any agreements they determine to be necessary in connection with the project and its financing and are further authorized to accept and expend in addition to the foregoing appropriation any grants that may become available from the Massachusetts Water Resources Authority or other sources.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 44

Warrant Article Title:

APPROPRIATION / FINANCING OF  
CONSTRUCTION OR RECONSTRUCTION  
OF WATER MAINS AND WATER FACILITIES

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of water mains and water facilities, including costs incidental and related thereto, and to determine how the appropriation shall be raised and expended, including the possibility of borrowing all or some of same; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager and the Director of Public Works

Report Excerpt:

This authorization allows the Town to receive an interest free loan from the MWRA and issue municipal debt in support of capital construction projects. (requires a 2/3 vote)

**Vote Language:**

That the sum of \$1,400,000 be and hereby is appropriated for the purpose of financing the construction or reconstruction of water mains and water facilities, including costs incidental and related thereto; that to raise this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,400,000 under and pursuant to Chapter 44, Section 8, of the General Laws, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor; and that the Select Board and the Town Manager be and hereby are authorized to enter into any agreements they determine to be necessary in connection with the project and its financing and are further authorized to accept and expend in addition to the foregoing appropriation any grants that may become available from the Massachusetts Water Resources Authority or other sources.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 45

Warrant Article Title:

**APPROPRIATION / MINUTEMAN REGIONAL  
VOCATIONAL TECHNICAL HIGH SCHOOL  
AND OUT OF DISTRICT VOCATIONAL  
PLACEMENTS**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, tuition, and all of Arlington's other obligations under the Minuteman Regional School District Agreement for the Minuteman Regional Vocational Technical High School, as well as paying the tuition for all other out of district vocational education placements, determine how the money shall be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of Minuteman Regional Vocational School District Committee

Vote Language:

That the sum of \$8,562,229.00 be and hereby is appropriated for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, of the Minuteman Regional Vocational Technical High School District Budget; said sum to be raised by general tax and expended under the direction of the Minuteman Regional Vocational High School Committee.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 46

Warrant Article Title:

**APPROPRIATION / COMMITTEES AND COMMISSIONS**

Warrant Article Text:

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of various committees, commissions, and boards of the Town, determine how the money shall be raised; provided that any funds appropriated hereunder shall remain under the jurisdiction of said entities until expended at their direction, unless otherwise appropriated by the Town Meeting; the entities included hereunder, without limitation, are: Arlington Historical Commission, Arlington Recycling Committee, Avon Place Historic District Commission, Beautification Committee, Broadway Historic District Commission, Central Street Historic District Commission, Mt. Gilboa/Crescent Hill Historic District Commission, Jason/Gray Historic

District Commission, Pleasant Street Historic District Commission, Russell Historic District Commission, Conservation Commission, Capital Planning Committee, Commission on Disability, Human Recourses Board, Public Memorial Committee, Human Rights Commission, Arlington Committee on Tourism and Economic Development, Envision Arlington, Transportation Advisory Committee, Arlington Commission for Arts and Culture, Open Space Committee, and any other Town Committee or Commission; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Vote Language:

That the sum of \$97,975 be and hereby is appropriated to be expended by the following commissions, committees, and boards in the amounts indicated:

**A. Arlington Historical Commission – \$8,700**

**B. Historic District Commissions – \$6,000**

(Avon Place Historic District Commission, Broadway Historic District Commission, Central Street Historic District Commission, Jason/Gray Historic District Commission, Russell Historic District Commission, Pleasant Street Historic District Commission and Mount Gilboa/Crescent Hill Historic District Commission)

**C. Capital Planning Committee – \$0**

## D. Commission on Disability – \$20,000

(Under state law, the Town is authorized to allocate to the Disability Commission all fines collected by the Town for Handicap Parking violations. Since FY20, the Town has appropriated an amount at least equal to the fines collected by the Town for Handicap Parking violations. This appropriation is in lieu of the Town allocating such fines directly to the Disability Commission as it is authorized to do pursuant to MGL c. 40, Sec. 22G. The Disability Commission has used the majority of its appropriations since FY20 on repairs to Town Hall to improve accessibility, software to improve the accessibility of the Town website, and for ADA and MCAD training for Town staff. The Finance Committee has offered to provide a liaison to the Disability Commission to assist with planning, and any budgeting issues and/or questions related to potential expenses under the Town's 2020 ADA Transition Plan.)

## E. Zero Waste Committee – \$3,000

## F. Human Rights Commission – \$7,500 (15-1-0)

## G. Arlington Tourism and Economic Development Committee - \$4,275

## H. Envision Arlington - \$1,500

## I. Transportation Advisory Committee - \$2,000

## J. Scenic By-Way - \$5,000 (15-1-0)

## K. Open Space Committee - \$1,000 (13-0-1)

## L. LGBTQIA + Rainbow Commission - \$4,000

## M. Arlington Commission on Arts and Culture - \$35,000

(This appropriation will also fund Public Arts, Poet Laureate and Arlington Alive activities at the discretion and under the supervision of the Arlington Commission on Arts and Culture. The Commission will also be raising additional funds from their various activities).

Said sums to be raised by general tax and expended under the direction of the various commissions, committees, and boards. All

consultant services shall be supervised under the direction of the Town Manager.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 47

Warrant Article Title:

## APPROPRIATION / TOWN CELEBRATIONS AND EVENTS

Warrant Article Text:

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of the Town Manager for the following celebrations and memorials, determine how the money shall be raised and expended; or take any action related thereto:

Memorial Day Observation and the Patriots' Day Celebration

Display of American Flags on Massachusetts Avenue

Placing of American Flags on the Graves of Veterans

Town Day Celebration

Veterans' Day Parade

250th Anniversary Celebration

Requested by:

Inserted at the request of the Town Manager

Vote Language:

The sum of \$40,167 be and hereby is appropriated for the following celebrations and memorials in the amounts indicated:

- A. Patriots' Day Celebration, Veteran's Day Parade and the Memorial Day Observation - \$5,667
- B. Display of American Flags on Massachusetts Avenue - \$0
- C. Placing of American Flags on the Graves of Veterans - \$4,500
- D. Town Day Celebration - \$5,000
- E. 250<sup>th</sup> Anniversary Celebration - \$25,000 (15-0-1)

Said sums to be raised by general tax and expended under the direction of the Town Manager.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 48

Warrant Article Title:

## APPROPRIATION / MISCELLANEOUS

Warrant Article Text:

To see if the Town will vote the following: Legal Defense – To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title 1 of the Town Bylaws, Indemnification of Medical Costs, to appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred, determine how the money will be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

This Article comes before Town Meeting each year. No money is being sought to replenish the Legal Defense Fund. Like prior years, the Town

is indemnifying certain medical costs incurred by our police officers and firefighters who have retired with a disability.

Vote Language:

The sum of \$15,161.34 be and hereby is appropriated for the following purposes:

A. Legal Defense - To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13 of Title I of the Town By-Laws - \$0

B. Indemnification of Medical Costs – \$15,161.34

(To indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred during the previous calendar year that are the proximate result of the disability for which they were retired; and to defray the expenses of the Medical Panel required by law; provided, incurred expenses shall be considered for indemnification thereunder except only those such as are excess over covered benefits of any plan of Hospital, Surgical or other coverage which the retiree has or had available to him, either directly or through a member of his immediate family, which benefits shall be

considered primary, and which must be disclosed by such plan, or by the physician, hospital or other medical personnel or facility with or without the consent of the retiree.) Said sums to be raised by general tax and expended under the direction of the Town Manager. (16-0-1)

**Additional Materials:**  
Finance Committee Report



Town of Arlington, Massachusetts

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Article 49

Warrant Article Title:

**APPROPRIATION / WATER BODIES FUND**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money to the Town's Water Bodies Fund for the maintenance, treatment, and oversight of all the Town's water bodies, said sum to be raised by the general tax and expended under the direction of the Town Manager, who will also report to Town Meeting on the status of the fund; or take any action related thereto.

Requested by:

Inserted at the request of the Envision Arlington Standing Committee and its Spy Pond and Reservoir Task Groups, and the Arlington Conservation Commission

Report Excerpt:

The Water Bodies Fund, established by special legislation in 2008, is used for periodic testing, treatment, maintenance and oversight of the town's water bodies. The fund receives private donations as well as public appropriations

**Vote Language:**

That the sum of \$85,000 be and hereby is appropriated to the Water Bodies Fund for the purpose of testing, maintaining, treating and oversight of the Town's water bodies. Said sum to be raised by the general taxes and expended under the direction of the Town Manager.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 50

Warrant Article Title:

APPROPRIATION / COMMUNITY  
PRESERVATION FUND

Warrant Article Text:

To see if the Town will vote to make appropriations from the Community Preservation Fund for eligible community preservation projects; for community preservation reserve accounts for historic preservation, open space and recreation, and affordable housing; for Community Preservation Act Committee administrative expenses or other eligible expenses; or take any action related thereto.

Requested by:

Inserted at the request of the Community Preservation Act Committee

Report Excerpt:

Recommended votes on this article are divided into three sections: (a) votes to transfer funds to temporary dedicated reserves, as explained in the vote comment;

(b) votes on the thirteen CPA projects, and (c) a vote on administrative expenses. The moderator generally elects to address all of the sections in a single vote.

## COMMENT – Section 1 – transfer funds

These transfers, taken immediately prior to the CPA project appropriation votes that follow, ensure that the Town complies with the state legal requirement to either appropriate or reserve at least 10% of estimated annual CPA revenues (est. \$2,119,458) in each of the three CPA project areas.

Although these transferred funds are immediately recommended for appropriation in their entirety in the next vote, this action ensures that the Town maintains compliance should Town Meeting reduce or reject the recommended appropriations, or does not become retroactively out of compliance with state law should any approved project not proceed as planned. (In such an event, the reserved funds would remain in or be returned to the dedicated account for future appropriation

in that CPA project area.)

## COMMENT - Section 2 - Specific Projects

The CPAC recommends the above CPA projects to Town Meeting for FY2025 funding, having carefully vetted each application for compliance with the CPA law, feasibility, importance, cost justification, sustainability and other criteria.

## COMMENT - Section 3 - Administrative Expenses

These expenses are explained on page 9 of the CPA Committee Report in the Additional Materials section.

### Vote Language:

(1) That the Town take the following actions regarding dedicated CPA project area reserves:

(a) Transfer the sum of \$211,945 from FY2025 Community Preservation Fund revenues to a CPA Open Space and Recreation Reserve

account, for later Town Meeting appropriation for open space and recreational land purposes;

(b) Transfer the sum of \$211,945 from FY2025 Community Preservation Fund revenues to a CPA Historic Preservation Reserve account for later Town Meeting appropriation for historic preservation purposes; and

(c) Transfer the sum of \$211,945 from FY2025 Community Preservation Fund revenues to a CPA Community Housing Reserve account for later Town Meeting appropriation for community housing purposes.

(2) That the Town take the following actions to appropriate funds for FY2025 CPA projects, with each project considered a separate appropriation:

(a) Appropriate the sum of \$200,000 from the Community Preservation Fund revenues for the Special Needs Home Creation project for the support of community housing, subject to the condition that a grant agreement between the Arlington Housing Authority and the Town be executed, said funds to be expended under the direction of the Arlington Housing Authority and the Community Preservation Act

Committee;

(b) Appropriate the sum of \$500,000 from the Community Preservation Fund revenues for the 10 Sunnyside Avenue project for the support of community housing, with \$211,945 being appropriated from the Community Housing Reserve Account and \$288,055 being appropriated from Community Preservation Fund revenues, subject to the condition that a grant agreement between the Housing Corporation of Arlington and the Town be executed, said funds to be expended under the direction of the Housing Corporation of Arlington and the Community Preservation Act Committee;

(c) Appropriate the sum of \$50,000 from the Community Preservation Fund revenues for the Homelessness Prevention Program project for the support of community housing, subject to the condition that a grant agreement between the Housing Corporation of Arlington and the Town be executed, said funds to be expended under the direction of the Housing Corporation of Arlington and the Community Preservation Act Committee;

(d) Appropriate the sum of \$16,800 from

the Community Preservation Fund revenues for the Leasing Differential for Arlington Tenants project for the support of community housing, subject to the condition that a grant agreement between the Somerville Homeless Coalition and the Town be executed, said funds to be expended under the direction of the Somerville Homeless Coalition and the Community Preservation Act Committee;

(e) Appropriate the sum of \$30,000 from the Community Preservation Fund revenues for the Shea House Roof Repair project for the preservation of community housing, subject to the condition that a grant agreement between the Salvation Army (Cambridge Corps) and the Town be executed, said funds to be expended under the direction of the Salvation Army (Cambridge Corps) and the Community Preservation Act Committee;

(f) Appropriate the sum of \$40,000 from Community Preservation Fund revenues for the McClennen Detention Pond Survey project for the preservation of open space, said funds to be expended under the direction of the Department of Planning and Community Development and the Community Preservation Act Committee;

(g) Appropriate the sum of \$25,000 from Community Preservation Fund revenues for the Public Land Management Addendum project for the preservation of open space, said funds to be expended under the direction of the Department of Planning and Community Development and the Community Preservation Act Committee;

(h) Appropriate the sum of \$50,000 from Community Preservation Fund revenues for the Minuteman Bikeway Redesign at Ryder Street and Ed Burns Arena project for the preservation of open space, said funds to be expended under the direction of the Department of Planning and Community Development and the Community Preservation Act Committee;

(i) Appropriate the sum of \$150,000 from Community Preservation Fund revenues for the Crosby Park Court and Park Renovation project for the rehabilitation of recreational land,, said funds to be expended under the direction of the Arlington Parks and Recreation Commission and the Community Preservation Act Committee;

(j) Appropriate the sum of \$400,000 from Community Preservation Fund revenues for the Menotomy Rocks Park Play and Picnic Area

project for the rehabilitation of recreational land, with \$211,945 being appropriated from the Open Space and Recreation Reserve Account and \$188,055 being appropriated from Community Preservation Fund revenues, said funds to be expended under the direction of the Arlington Parks and Recreation Commission and the Community Preservation Act Committee;

(k) Appropriate the sum of \$77,597 from Community Preservation Fund revenues for the Digitizing and Preserving Arlington's Marriage Records project for the preservation of historic resources, said funds to be expended under the direction of the Arlington Town Clerk and the Community Preservation Act Committee;

(l) Appropriate the sum of \$115,506 from the Community Preservation Fund revenues for the Winfield Robbins Memorial Garden Restoration Planting project for the restoration of historic resources, said funds to be expended under the direction of the Town and the Community Preservation Act Committee;

(m) Appropriate the sum of \$450,000 from the Community Preservation Fund revenues for the "Foot of the Rocks" Battlefield Memorial

project for the rehabilitation and restoration of historic resources, with \$211,945 being appropriated from the Historic Preservation Reserve Account and \$238,055 being appropriated from Community Preservation Fund revenues, said funds to be expended under the direction of the Town and the Community Preservation Act Committee.

(3) That the Town take the following action regarding administrative expenses:

Appropriate \$74,181 from FY2025 Community Preservation Fund revenues to the CPA Administrative Expenses account for eligible FY2025 administrative expenses, such funds to be expended under the direction of the Community Preservation Act Committee.

**Additional Materials:**  
CPA Committee Report



Town of Arlington, Massachusetts

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Article 51

Warrant Article Title:

**APPROPRIATION / HARRY BARBER  
COMMUNITY SERVICE PROGRAM**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money for the Harry Barber Community Service Program for the Council on Aging, to determine how the money will be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Council on Aging

Report Excerpt:

This program affords the opportunity for senior citizens to provide service in various Town departments in exchange for payment, which they can use to help with taxes and rent.

Vote Language:

That the sum of \$7,500 be and hereby is appropriated for the purpose of conducting the Harry Barber Community Service Program; said sum to be raised by general tax and expended under the direction of the Town

# Manager

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 52

Warrant Article Title:

APPROPRIATION / PENSION ADJUSTMENT  
FOR FORMER  
TWENTY-FIVE YEAR/ ACCIDENTAL  
DISABILITY EMPLOYEES

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of Massachusetts General Laws Section 90A, 90C, 90D and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position formerly held by retired employees with twenty-five or more years of service to the Town and those employees who retired under an Accidental Disability; provided, however, that no one who retires after May 1, 2010 shall be eligible under this vote unless they qualify for at least a fifty percent pension, without this vote upon their retirement; this adjustment to be paid

to those who qualify and administered in accordance with prior practice and understanding relating to the retirement allowance of said retirees; determine how the money shall be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Contributory Retirement Board

Report Excerpt:

This vote, which is required annually, allows the Retirement Board to ensure that retired employees will not drop below 50% of the current salary of the position they held as an active Town employee. An amount of \$0 is voted so that funds may be expended under this article from other available sources without further appropriation.

Vote Language:

That the sum of \$0 be and hereby is appropriated to implement the provisions of Chapter 32 of Massachusetts General Laws Section 90A, 90C, 90D and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position

formerly held by retired employees with twenty-five or more years of service to the Town and those employees who retired under an Accidental Disability; provided, however, that no one who retires after May 1, 2010 shall be eligible under this vote unless they qualify for at least a fifty percent pension, without this vote, upon their retirement. This adjustment to be paid to those who qualify and administered in accordance with prior practice and understanding relating to the retirement allowance of said retirees; said sum to be expended under the direction of the Retirement Board.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 53

Warrant Article Title:

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

Warrant Article Text:

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.

Requested by:

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

Report Excerpt:

The sum of \$0 is voted so that funds may be expended under this article from other available sources without further appropriation.

**Vote Language:**

That the sum of \$0 be and hereby is appropriated to implement the provisions of the Commonwealth's Safe Routes to School Program; said sum to be raised by general tax and expended under the direction of the Town Manager

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 54

Warrant Article Title:

**APPROPRIATION / PRIVATE WAY REPAIRS  
REVOLVING FUND**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money into the Private Ways Repairs Revolving Fund; determine how much should be appropriated into such revolving fund; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

This sum is to be used to help replenish the Private Way Repairs Revolving Fund. Reimbursements from abutters go directly to the General Fund.

Vote Language:

That the sum of \$100,000 be and hereby is appropriated to the Private Ways Repairs Revolving Fund.

Additional Materials:

Finance Committee Report



Town of Arlington, Massachusetts

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Article 55

Warrant Article Title:

APPROPRIATION / MASSACHUSETTS  
PUBLIC LIBRARY CONSTRUCTION  
PROGRAM MATCH

Warrant Article Text:

To see if the Town will vote to apply for, accept and expend Massachusetts Public Library Construction Program (“MPLCP”) grant funds if approved, and vote to raise and appropriate or take from available funds the sum of \$150,000 if said MPLCP grant is approved, said sum to be expended by the Town for library assessment, planning, feasibility and design; or take any action related thereto.

Requested by:

Inserted at the request of the Board of Library Trustees and the Library Director

Report Excerpt:

The Town is embarking on an analysis of a potential rebuild of the Fox Library. State grant monies are available for the assessment, planning and design phase of such a project,

contingent on the Town first raising the sum of \$150,000. The Library Trustees and Library Director have pledged to raise \$75,000 from funds controlled by them; the Finance Committee recommends an appropriation of \$75,000 from the general fund to match that amount. It is the intention of the Committee that the \$75,000 be expended only if that sum is matched and only upon receipt of a grant of additional funds from the state.

**Vote Language:**

That the sum of \$75,000 be and hereby is appropriated to be expended by the Town for library assessment, planning, feasibility and design of the Fox Library, said sum to be raised by the general tax and expended under the direction of the Town Manager contingent on both the raising of an additional \$75,000 by the Board of Library Trustees and the receipt of a grant from the Massachusetts Public Library Construction Program.

**Additional Materials:**

Finance Committee Report  
Video Tour of Fox Library

**ATTACHMENTS:**

	Description	Type	File Name
▢	FAQ and Supporting Materials, Anna Litten	Reference Material	Art_55_FAQ_and_Supporting_Materials.pdf



Submitted by the Robbins Library Board of Library Trustees and the Library Director

We seek your support for Town Meeting Warrant Article 55, “To see if the Town will vote to apply for, accept and expend Massachusetts Public Library Construction Program (“MPLCP”) grant funds if approved, and vote to raise and appropriate or take from available funds the sum of \$150,000 if said MPLCP grant is approved, said sum to be expended by the Town for library assessment, planning, feasibility and design; or take any action related thereto.”

### **EVERYTHING YOU NEED TO KNOW ABOUT ARTICLE 55**

The Town of Arlington is in the process of applying for MPLCP planning grant funds to design a new Fox Branch Library, located at 175 Mass Ave. If awarded, the grant will provide state funds of up to \$100,000 for planning and design. Should the project proceed with construction and future town support, an MPCP grant could provide up to 60% of eligible construction costs.

**To remain eligible for this significant grant Town Meeting must approve an appropriation for \$150,000 for the planning and design stage of the project. Article 55 is the request for this appropriation.**

*Why should the Town rebuild the Fox Branch Library?*

The branch is an essential destination in Arlington despite the fact that the building is not ADA accessible and doesn’t support the spaces needed for modern library use. **We seek to create a welcoming library that supports the needs of all in East Arlington and beyond.**

*How can I learn more about the Fox Branch Library and this project?*

- Visit our website [A New Future for the Fox](#);
- Attend one of the [six tours offered at the Fox Branch Library in April](#);
- Take a [4 minute video tour](#).

*Has FinCom endorsed this warrant article?*

Yes. On March 20, 2024 FinCom voted to take favorable action on Warrant Article 55.

*How will this appropriation be funded?*

The appropriation is split between a general fund appropriation of \$75,000 and an appropriation split between Library Trust Funds, to be approved by the Board of Library Trustees and, and other funds available to the library.

*Why approve this action now?*

The MPLCP program last opened a grant round in 2016, and there is no current information about future grant rounds. **If we do not make this appropriation and apply for this grant round now, we will miss out on an opportunity to receive millions of dollars in state funding for a much-needed project in Town.**

# 4 FACTS ABOUT FOX

1

The Fox Branch Library was last renovated in 1969 and the building is not accessible to visitors using a mobility device. Creating a fully accessible library is our priority.



82K

2

Residents made 82,000 visits to the Fox Branch Library in FY23. The Library provides collections and services, and spaces for children, teens, and adults.

3

Fox Branch Library has seen huge growth over the past 10 years. In FY23, patrons checked out 121,000 books, AV items, and other library materials, **up 200% from FY13** when library patrons checked out 40,000 items.



4

The Fox Branch Library is an important community space for library programs and community meetings. 347 meetings and events were offered in the Fox Branch Library Community Room in FY23. None of those events were open to anyone using a mobility device.



Town of Arlington, Massachusetts

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Article 56

Warrant Article Title:

LOCAL OPTION / ACCEPTANCE OF M.G.L.  
CHAPTER 203C THE PRUDENT INVESTOR  
RULE

Warrant Article Text:

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 203C and to authorize the trustee of the town's previously established Trust Funds, as authorized by Chapter 32B, Section 20 G.L. c. 44, § 54 and G.L. c. 44, §§ 55, 55A and 55B of the General Laws, as amended, to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws; or take any action related thereto.

Requested by:

Inserted at the request of the Town Manager

Report Excerpt:

The Finance Committee supports affording greater choice in the selection of appropriate

investment vehicles for the Town's several existing trust funds. Before this state statute is adopted, however, the Finance Committee recommends that the Town's Investment Policy with respect to these funds be updated and further oversight added. With these additional safeguards in place, the Finance Committee looks forward to this Article being brought before Town Meeting in the near future.

**Vote Language:**

The no action be taken under Article 56.

**Additional Materials:**

Finance Committee Report



**Town of Arlington, Massachusetts**

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**Article 57**

**Warrant Article Title:**

**APPROPRIATION / MASTER PLAN UPDATE**

**Warrant Article Text:**

To see if the Town will vote to appropriate \$50,000 to update the Master Plan as endorsed by Town Meeting on May 11, 2015; or take any action related thereto.

**Requested by:**

Inserted at the request of the Director of Planning and Community Development

**Report Excerpt:**

The Committee understands that funding for the Master Plan update will come from other sources

**Vote Language:**

That no action be taken under Article 57.

**Additional Materials:**

Finance Committee Report



**Town of Arlington, Massachusetts**

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**Article 58**

**Warrant Article Title:**

**LOCAL OPTION TAXES**

**Warrant Article Text:**

To see if the Town will vote to accept any local option taxes or other revenue raising options, which are made available to cities and towns through enactments of the legislature, by state regulation or court action; or take any action related thereto.

**Requested by:**

Inserted at the request of the Finance Committee

**Report Excerpt:**

There are no such options available at this time

**Vote Language:**

That no action be taken under Article 58.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 59

Warrant Article Title:

APPROPRIATION / OTHER POST  
EMPLOYMENT BENEFITS (OPEB) TRUST  
FUND

Warrant Article Text:

To see if the Town will vote to accept into the Other Post Employment Benefits (OPEB) Trust Fund, established by Chapter 161 of the Acts of 2005, an appropriation of funds and/or the transfer of additional monies that the Town may deem advisable from other sources in order to administer and fund its OPEB obligations and administrative costs as described in said Chapter 161 of the Acts of 2005; determine how the monies shall be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Finance  
Committee

Report Excerpt:

These recommendations continue the program to fund the Town's unfunded liability for retiree

health insurance. It has been a long-standing practice of Town Meeting to appropriate no less than \$655,000 to OPEB each year. In connection with the November 2024 override vote, the Select Board committed to appropriating an additional \$150,000 into the OPEB fund. This vote keeps that promise.

Vote Language:

That the Town takes the following actions:

- a. appropriates into said Other Post-Employment Benefits (OPEB) Trust Fund, authorized by Chapter 161 of the Acts of 2005, for investment and expenses the sum of \$500,000 representing that amount of money that was previously appropriated for the Non-Contributory Pension when this funding program started; said sum to be raised by the general tax.
- b. appropriates into said fund the sum of \$155,000 representing the increased share of retiree HMO contributions as voted by the Select Board on November 6, 2006; said sum to be raised by the general tax.
- c. appropriate into said fund the sum of \$150,000 from monies raised by the November 2024 override vote and thus

raised by the general tax.

**Additional Materials:**

Finance Committee Report



**Town of Arlington, Massachusetts**

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**Article 60**

**Warrant Article Title:**

**TRANSFER OF FUNDS / CEMETERY**

**Warrant Article Text:**

To see if the Town will vote to transfer a sum of money to the Cemetery Commissioners for the improvement of Town cemeteries, said sum shall be taken from the Mt. Pleasant Cemetery "Sale of Lots and Graves" and/or "Perpetual Care Funds"; or take any action related thereto.

**Requested by:**

Inserted at the request of the Finance Committee

**Vote Language:**

That the Town transfers \$240,000 to the Cemetery Commissioners for the care of Town cemeteries, and \$10,000 to the Capital Budget for headstone maintenance and repair, said sums to be taken from the Perpetual Care Fund.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 61

Warrant Article Title:

**APPROPRIATION / OVERLAY RESERVE**

Warrant Article Text:

To see if the Town will vote to appropriate a sum of money from previous years overlay reserve surplus accounts, determine to what purpose this appropriation shall be made; or take any action related thereto.

Requested by:

Inserted at the request of the Finance Committee

Report Excerpt:

Each year, monies are set aside to cover tax abatements and exemptions. Unused accumulated "overlay" amounts are held in reserve until the Assessors determine that they are no longer needed, at which point the Assessors release funds, which can be used for other Town purposes.

Vote Language:

That the sum of \$750,000 be and hereby is appropriated, to be transferred from Overlay

Reserve Surplus Accounts of previous fiscal years, said sum to be utilized in the determination of the tax rate.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 62

Warrant Article Title:

**APPROPRIATION / LONG TERM  
STABILIZATION FUND**

Warrant Article Text:

To see if the Town will make an appropriation to the Long-Term Stabilization Fund in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law, determine how the money shall be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Finance  
Committee

Report Excerpt:

The Finance Committee strongly recommends that Town Meeting continue its long-standing practice of appropriating this amount each year into the Long-Term Stabilization Fund into order to protect the financial position of the Town and to reinforce the Town's strong bond rating.

**Vote Language:**

That the sum of \$100,000 be and hereby is appropriated to the Long-Term Stabilization Fund, said sum to be raised by general tax.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 63

Warrant Article Title:

## USE OF FREE CASH

Warrant Article Text:

To see if the Town will vote to authorize the taking of a sum of money voted for appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2024; or take any action related thereto.

Requested by:

Inserted at the request of the Finance Committee

Report Excerpt:

“Free Cash” or “Unencumbered Funds” is that surplus amount left after the close of a fiscal year. Once the funds are certified by the State Bureau of Accounts, they can be used for another fiscal year budget. It is the long-

standing practice of the Town to use 50% of the available “free cash” in the next year after certification. This vote accomplishes that.

**Vote Language:**

That the sum of \$8,941,936 be taken from available funds in the treasury, and that the Board of Assessors is instructed to use said amount in the determination of the tax rate.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 64

Warrant Article Title:

**APPROPRIATION / FISCAL STABILITY  
STABILIZATION FUND**

Warrant Article Text:

To see if the Town will make an appropriation to or from the Fiscal Stability Stabilization Fund created under Article 65 of the 2005 Annual Town Meeting or any other enabling action of Town Meeting in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law, determine how the money shall be raised and expended; or take any action related thereto.

Requested by:

Inserted at the request of the Finance  
Committee

Report Excerpt:

An appropriation out of the Fiscal Stability Stabilization Fund will be required to balance the FY 2025 budget. How much of an appropriation is needed will depend on the

amount of the appropriation needed in connection with Article 65, Collective Bargaining. At the time of the writing of this Report, no agreements have been reached; however, agreements could be reached before Town Meeting concludes. Even if agreements are not reached, the Finance Committee will recommend an appropriation of \$1,107,282 to help fund the Salary Reserve account for future contracts.

**Vote Language:**

The Finance Committee will report on this Article at Town Meeting.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 65

Warrant Article Title:

## COLLECTIVE BARGAINING

Warrant Article Text:

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining units, and to fund for non-union, M Schedule, and elected officials' salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

- A. Service Employees International Union;
- B. American Federation of State, County and Municipal Employees;
- C. Robbins Library Professional Association;
- D. Arlington Police Patrol Officers' Association;
- E. Arlington Ranking Officers'

- Association;
- F. Arlington International Association of Firefighters; and
- G. Management and Non-Union Employees
- H. Full-time elected officials

**Requested by:**

Inserted at the request of the Town Manager

**Report Excerpt:**

At the time of the writing of this Report, no agreements have been reached; however, agreements could be reached before Town Meeting concludes. Even if agreements are not reached, the Finance Committee will recommend an appropriation of \$1,107,282 to help fund the Salary Reserve account for future contracts.

**Vote Language:**

The Finance Committee will report on this Article at Town Meeting.

**Additional Materials:**

Finance Committee Report



Town of Arlington, Massachusetts

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Article 66

Warrant Article Title:

## RESOLUTION / MBTA SERVICE

Warrant Article Text:

To see if the Town will vote to endorse a resolution calling for improvements to service provided to the Town of Arlington by the Massachusetts Bay Transportation Authority; or take any action related thereto.

Requested by:

Inserted at the request of Paul Schlichtman and 10 registered voters.

Report Excerpt:

Voted (3-1). Mr. Hurd was not present. Mr. Diggins voted in the negative. The majority of the Select Board supports the resolution in spirit, 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. The members voting in favor of the proposed

resolution support the movement to revisit the historical statutory formula by which assessments are determined so that all current MBTA communities pay their fair share.

Further, the Board members in attendance were unanimous in their questioning regarding 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. DeCoursey 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.”

Vote Language:

That Town Meeting does and hereby resolves as follows:

Whereas, the last streetcar from Arlington

Heights to Harvard Square ran on November 18, 1955; and

Whereas, the last MBTA train from Arlington to North Station ran on January 10, 1977; and

Whereas, the last 79 bus from Arlington Heights to Alewife ran on March 12, 2021; and

Whereas, on December 18, 2022, six days after the Green Line Extension opened to Tufts-Medford, the MBTA reduced service on the 80 bus that connects Arlington Center with the Green Line Terminus, and

Whereas, the lack of frequent bus service from Arlington to Tufts-Medford prevented Arlington commuters from connecting to the Green Line or the Lowell Commuter Rail line as a viable alternative for travel to and from Boston during the recent shutdown of the Red Line, and

Whereas, despite challenges faced by Arlington commuters and student pass holders due to poor service, the MBTA reduced service on the 77 bus on December 18, 2022, and

Whereas, the deterioration of MBTA bus service has become extreme enough that, for the first time, the Arlington School Committee has been forced to run parallel bus service for Ottoson Middle School students beginning on January 29, 2024, and

Whereas, the Town of Arlington and the City of Cambridge have built bus lanes to facilitate the movement of buses along Massachusetts Avenue, at the same time the MBTA reduced bus service along this artery, and

Whereas, the Town of Arlington's projected FY25 MBTA assessment is three times the per-capita assessment of two municipalities categorized under the MBTA Communities ACT as Rapid Transit Communities, as well as 33 municipalities classified as Commuter Rail Communities, and

Whereas, the assessment multiplier used to determine Arlington's projected FY 25 MBTA assessment of \$3,403,415 is the fourth highest (along with 10 other cities and towns) among

the 176 communities within the MBTA service territory. Of the 11 communities, Arlington is one of only two (along with Watertown) that do not host either a rapid transit or commuter rail station, and one of only three (along with Belmont and Watertown) that are not designated as Rapid Transit Communities in the MBTA Communities Act, and

Whereas, the Town of Arlington demonstrated its commitment to transit-oriented housing when Town Meeting voted 189-35 on October 25, 2023 to create a MBTA Communities Overlay District that significantly exceeds the town's requirement for permitting multifamily transit-friendly residential units by right, and

Therefore be it resolved, the Town of Arlington asks the MBTA to provide frequent, reliable service along Massachusetts Avenue with convenient connections to the Red Line, and

Be it also resolved, the Town of Arlington asks the MBTA to provide frequent, reliable service from Arlington Heights, through Arlington Center, and along Medford Street and Boston

Avenue with convenient connections to the West Medford commuter rail station and the Tufts- Medford terminus of the Green Line Extension, and

Be it also resolved, the Town of Arlington seeks a partnership with the MBTA to plan significant improvements to the transit infrastructure in Arlington, and

Be it also resolved, the Town of Arlington invites Transportation Secretary Monica Tibbits-Nutt and MBTA General Manager Phillip Eng to conduct a community forum relative to the transportation needs and expectations for service in the Town, and

Be it also resolved, the Town Clerk of the Town of Arlington shall transmit a copy of this resolution to Governor Maura Healey, Lieutenant Governor Kim Driscoll, United States Senators Ed Markey and Elizabeth Warren, United States Representative Katherine Clark, State Senator Cindy Friedman, State Representatives Sean Garballey and Dave Rogers, Transportation Secretary Monica

# Tibbits-Nutt, and MBTA General Manager Phillip Eng.

**Additional Materials:**  
Select Board Report