



## **Town of Arlington Select Board**

### **Meeting Agenda**

March 25, 2019

7:15 PM

Select Board Chambers, 2nd Floor, Town Hall

1. Mill Brook Presentation  
Clarissa Rowe, Select Board

#### **CONSENT AGENDA**

2. Minutes of Meetings: January 23, 2019; March 11, 2019
3. Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)  
Jefferson Cutter House Lawn, May 18, 2019 (rain date May 19th), 10:30 a.m. - 5:30 p.m.  
Sagar Rastogi  
The AHS Scoops Club
4. Legal Ad Only - Change of Stock Interest - All Alcohol License  
Shu Ying Zeng, 303A Broadway, Fusion Taste  
(Approved 02.25.2019 meeting)
5. Request: Special (One Day) Beer & Wine License, 3/31/19 @ Whittemore Robbins House for a Private Event  
Mary Marcel
6. Appointment of New Election Workers: (1) Camilla B. Haase, 88 Park Ave., D, Pct. 20; (2) Robert J. Largenton, 10 Webster St., D, Pct. 13; (3) Marilyn A. Scribner, 81 Gloucester St., U, Pct. 10

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

7. Request: One Space, Handicap and Overnight Parking @ 1277 Massachusetts Avenue  
Michelle F. Connolly
8. Discussion & Vote: Grant Application to Eversource for Electric Vehicle Charging Station Installation  
Ken Pruitt, Energy Manager
9. Discussion & Vote: Visibility Improvements for Safety at Crosswalk Near Trader Joe's and Starbucks  
Daniel Amstutz, Senior Transportation Planner
10. Discussion & Vote: Support for Electric Bicycle Legislation  
Daniel Amstutz, Senior Transportation Planner

11. Discussion & Vote: Letter of Support for Safe Routes to Schools Grant  
Daniel Amstutz, Senior Transportation Planner
12. Review and Approval: Host Community Agreement Process and Criteria  
Douglas W. Heim, Town Counsel
13. Discussion & Vote: Registering as Entity to Vote for International Energy Conservation Code  
Adam W. Chapdelaine, Town Manager
14. Discussion: Override and Debt Exclusion  
Daniel J. Dunn, Chair

#### **WARRANT ARTICLE HEARINGS**

15. Articles for Review:
  - Article 79 Resolution/Overnight Parking Exemption Program for Medical and Financial Hardships (tabled from 2/11/19 meeting)
  - Article 26 Bylaw Amendment/Billboards and Signs
  - Article 38 Vote/Set Senior Tax Deferral Limit
  - Article 39 Vote/Authorization to Deaccession Town Property-Library Art Prints
  - Article 40 Vote/Robbins Library Parking Costs (tabled from 2/11/19 meeting)
  - Article 43 Home Rule Legislation/Means-Tested Senior Tax Relief
  - Article 46 Acceptance of Legislation/Establishment of a Commission on Disabilities Fund (tabled from 2/25/19 meeting)
  - Article 51 Endorsement of CDBG Application
  - Article 52 Revolving Funds

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

Articles for Review:

- Article 27 Bylaw Amendment/Time Limit for Town Meeting Speakers
- Article 30 Bylaw Amendment/Waterline Replacement
- Article 34 Bylaw Amendment/Regulation of Outdoor Lighting-Dark Skies Bylaw
- Article 35 Bylaw Amendment/Short-Term Rental Regulations
- Article 41 Vote/Arlington Redevelopment Board Membership and Terms
- Article 53 Endorsement of Parking Benefit District Expenditures
- Article 78 Resolution/Indigenous Peoples' Day

#### **CORRESPONDENCE RECEIVED**

16. Town of Arlington Comments re Better Bus Project Proposals  
Adam W. Chapdelaine, Town Manager
17. Request for Traffic Calming on Herbert Road at the Entrance to Magnolia Park  
Ceilidh Yurenka, 68 Fremont Street and Sharon Jacobson, 72 Magnolia Street on behalf of Magnolia Park Parents and Neighbors
18. Request Changes to Parking and Traffic Direction on Bartlett Avenue  
Steven Krausman via Request/Answer Center

#### **NEW BUSINESS**

#### **EXECUTIVE SESSION**

Next Scheduled Meeting of Select Board April 8, 2019





## **Town of Arlington, Massachusetts**

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### **Mill Brook Presentation**

#### **Summary:**

Clarissa Rowe, Select Board



## **Town of Arlington, Massachusetts**

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### **Minutes of Meetings: January 23, 2019; March 11, 2019**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	1.23.19_draft_minutes.docx	01.23.19 Draft Minutes
▢	Reference Material	3.11.19_draft_minutes.docx	03.11.19 Draft Minutes

TOWN OF ARLINGTON  
SELECT BOARD

Meeting Minutes  
January 23, 2019  
7:15 PM

Present: Mr. Dunn, Chair, Mrs. Mahon, Vice Chair, Mr. Curro, Mr. Hurd and Ms. Rowe  
Also Present: Mr. Chapdelaine, Mr. Heim, and Mrs. Krepelka

**CONSENT AGENDA**

1. Minutes of Meetings: January 7, 2019  
Ms. Rowe moved to table until the next meeting. SO VOTED (5-0)
  
2. Request: Special (One Day) Beer & Wine License, 2/2/19 @ Robbins Memorial Town Hall for Arlington Center for the Arts 'Blue Jean Ball'  
Linda Shoemaker, Director, Arlington Center for the Arts  
Mrs. Mahon moved approval subject to all conditions as set forth. SO VOTED (5-0)

**APPOINTMENTS**

3. Clean Energy Future Committee (terms to expire 1/31/2022)  
Nellie Aikenhead  
Pasi Miettinen  
Ms. Rowe moved approval. SO VOTED (5-0)

**CITIZENS OPEN FORUM**

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

Mr. Dunn advised citizens if they were here to speak on a warrant article not to do so during citizens open forum and to wait until the warrant article hearings.

Ben Rudick presented his proposed warrant article, which would allow residents of Arlington to vote in Town elections.

Kim Holt wanted to express that she is a supporter of Ben Rudick's warrant article and to express her support of the overnight parking program warrant article.

Lynette Culverhouse also addressed the parking issue and concerns for low-income people that may not be able to afford to add a driveway or to park their car.

Steve Revilak supports the petition to have a parking program for low-income or disabled persons.

Lynette Martin came to support the parking program that will come up in the future at a warrant article hearing.

Shalene Proccess also came to express her support of the parking program.

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

4. Approval: Memorial to Honor the late Patricia C. Fitzmaurice  
Alexander J. Salipante, Chairman, Public Memorials Committee  
Ms. Rowe moved approval. SO VOTED (5-0)

5. Request: 2nd Space, On Street Overnight Parking @ 15 Lafayette Street  
Steven M. Steinke and Mary G. Kowalczuk  
Mrs. Mahon denied the request for 2nd space. SO VOTED (4-1)  
Ms. Rowe voted in the negative.

6. Update: Envision Arlington Fiscal Resources Task Group  
Gordon Jamieson  
Gordon Jamieson, Co-Chair of Envision Arlington Fiscal Resources Task Group, provided a summary of the update of the Envision Arlington Fiscal Resources Task Group. Mr. Jamieson talked about their articles in the Advocate called "citizens corner." The Task Group has been conducting leadership interviews with members of the new Finance Department. Every year the Fiscal Resource Task Group looks at the Annual Warrant and the Financial Plan. The Envision Arlington Fiscal Resource Task Group meets monthly and everyone is welcome to attend. Mr. Dunn thanked Mr. Jamieson for the update and discussion.

7. Discussion & Vote: Police Chief Appointment Process - Warrant Article Submission  
Adam W. Chapdelaine, Town Manager  
Mr. Chapdelaine wanted to clarify that his intention is to get a vote of agreement to add this to the warrant for later discussion and hearing.  
Mr. Curro moved to place on the warrant and to address at hearing. SO VOTED (4-1)  
Mrs. Mahon voted in negative.

8. For Discussion and Approval: Select Board Warrant Articles  
Senior Circuit Breaker Tax Relief  
Early Voting  
Waterline Connection Replacement and Repair Bylaw  
Short Term Rentals - Community Agreements and Regulations  
Tax Deferral Limits  
Update the Town Manager Act to Reflect Changes to Treasurer's Office  
Deaccession of Town Property - Library Art Prints  
Indigenous Peoples' Day Resolution  
Douglas W. Heim, Town Counsel

Adam W. Chapdelaine, Town Manager  
Mrs. Mahon moved approval.

SO VOTED (5-0)

9. FY 2020 Budget Presentation  
Adam W. Chapdelaine, Town Manager  
Mrs. Mahon moved receipt of FY 2020 Budget Proposal.

10. Vote: 2019 Debt Exclusion and Operating Override  
Daniel J. Dunn, Chair  
(tabled from 12.10.18 and 1.7.19 meetings)

Mr. Curro and Ms. Rowe moved approval to adopt commitment as presented by Chairman Dunn.

SO VOTED (5-0)

### **NEW BUSINESS**

Mr. Chapdelaine attended the annual MMA meeting and had the opportunity to interact with other local officials and share what we are doing here in Arlington. The keynote speaker on the Friday meeting focused on women empowerment in government and diversity inclusion. Mr. Chapdelaine also attended the MAPC Metro Common Planning Kickoff for the inner core communities in Somerville. Mr. Chapdelaine thanked the DPW for working long hours and cleaning up after the storms.

Ms. Rowe saw a wonderful film about Mill Brook, talking about the history and future. It was an excellent presentation of an underused resource in Town.

Ms. Mahon asked, when appropriate, to bring in Acting Chief Juliann Flaherty to a meeting for the viewers to see and meet her.

Mr. Hurd attended the MAPC Event and said it was great to hear solutions to some common problems. Mr. Hurd also attended the MLK Celebration and said it was a great event.

Mr. Curro stated Acting Chief Flaherty and the police were also at the MLK Celebration making sure people were able to cross and get there safely with the weather conditions. Mr. Curro added the Parking Implementation Governance Committee has met and one of the things they talked about is the recommended use of Parking Benefits district for money. One of their recommendations is to use the money for the brick issues in Arlington Center and the sidewalks. Mr. Curro, as the liaison, attended the last Council on Aging meeting. The Council on Aging is available to help seniors see which programs they are qualified for.

Mr. Dunn had the opportunity to sit on the Audit Advisory Committee, which met for 93 minutes. Everyone will get copies of the audit when it is final. Mr. Dunn also met the new School CFO.

Ms. Mahon moved to adjourn at 9:50 p.m.

SO VOTED (5-0)

Next Scheduled Meeting of Select Board January 28, 2019

A True Record Attest

Marie A. Krepelka  
Board Administrator

1/23/2019

Agenda Item	Documents Used
1	Minutes of Meeting 1.7.19
2	Request: Special (One Day) Beer & Wine License, 2/2/19 @ Robbins Memorial Town Hall for Arlington Center for the Arts 'Blue Jean Ball'
3	Appointments: Clean Energy Future Committee (terms to expire 1/31/2022)
4	Approval: Memorial to Honor the late Patricia C. Fitzmaurice
5	Request: 2nd Space, On Street Overnight Parking @ 15 Lafayette Street
6	Update: Envision Arlington Fiscal Resources Task Group
7	Discussion & Vote: Police Chief Appointment Process - Warrant Article Submission
8	For Discussion and Approval: Select Board Warrant Articles
9	FY 2020 Budget Presentation - Adam Chapdelaine, Town Manager
10	Vote: 2019 Debt Exclusion and Operating Override - Daniel Dunn, Chair, Select Board

TOWN OF ARLINGTON  
SELECT BOARD

Meeting Minutes  
March 11, 2019  
7:15 PM

Present: Mr. Dunn, Chair, Mrs. Mahon, Vice Chair, Mr. Curro, Mr. Hurd, and Ms. Rowe  
Also Present: Mr. Chapdelaine, Mr. Heim, and Mrs. Krepelka

1. Opening of Robbins Town Garden May 18, 2019  
Patsy Kraemer

Mrs. Kraemer stated that there will be a garden party to celebrate the restoration of the Reflecting Pool on Saturday, May 18, 2019 at 6:30 p.m., Winfield Robbins Memorial Garden. This event is co-sponsored by Arlington Garden Club, Arlington Historical Commission, Cyrus Dallin Art Museum, Friends of Robbins Town Gardens and Town of Arlington.

**CONSENT AGENDA**

2. Minutes of Meetings: February 25, 2019
3. Request: Special (One Day) Beer & Wine License, 3/19/19 at Robbins Memorial Town Hall for Chamber Annual Dinner  
Beth Locke, Arlington Chamber of Commerce
4. Request: Special (One Day) Beer & Wine License, 3/23/19 at Robbins Memorial Town Hall for 'Beats for EATS' Fundraiser  
Lauren Ledger, Arlington EATS
5. Request: Special (One Day) Beer & Wine License, 3/30/19 at Robbins Memorial Town Hall for 'Hardy School Silent Auction' Fundraiser  
Patsy O'Brien, Hardy School PTO
6. Request: Special (One Day) Beer & Wine License, 3/31/19 at Robbins Memorial Town Hall for a Private Event  
Cathy Cabrera
7. Reappointment: Board of Youth Services  
Justine Bloch (term to expire 1/31/2022)  
Mrs. Mahon moved approval. SO VOTED (5-0)

**LICENSES & PERMITS**

8. For Approval: Common Victualler License  
Villa House of Pizza, 1367 Massachusetts Avenue, Sumendra Shrestha  
Mrs. Mahon moved approval. SO VOTED (5-0)

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

9. For Discussion and Approval: Authorization to Execute Consolidated Revised Community Host Agreement with "Apothca, Inc." Previously Known as the Massachusetts Patient Foundation, and Provide Letter of Non-Opposition  
Adam Chapdelaine, Town Manager  
Douglas Heim, Town Counsel

Town Counsel Heim stated Apothca would like a revised host agreement with the Town. The company intends to seek approval from the appropriate state regulatory authority to move its operation from 11 Water Street, Suite 3B, to 1386 Massachusetts Avenue. Select Board Member Hurd expressed displeasure with learning about this request on short notice. Ms. Rowe agreed with Mr. Hurd saying people will be looking at this carefully. Select Board Member Curro asked the Town Manager if there were any other potential applicants. Mr. Chapdelaine stated that three groups had reached out to his office, but only Apothca had submitted their request.

Attorney Philip Silverman of Vicente Sederberg and Joseph Lekach, an Apothca Partner, represented the applicants for a revised host agreement. They feel moving from Water Street to 1386 Massachusetts Avenue is a better location with more parking. Mr. Lekach stated that his company's success included a site on the Lynnway which 50,000 vehicles pass daily.

Attorney John Leone introduced potential competition, Steve LaBelle of East Freetown. Attorney Leone stated his client was seeking no immediate decision but wanted to inform the Board his clients are looking at 1306-1308 Massachusetts Avenue for a marijuana outlet. Mr. LaBelle said he and his partner were consultants and have a complete package ready to submit.

Ms. Rowe feels that the two candidates seeking the seat on the Select Board should be informed of these applications.

As to a timeline, Select Board Member Dunn stated the next Board meeting would be set aside to discuss the process for dealing with applicants and he expects votes on a host agreement in late April or May. Select Board Member Hurd moved to table until the Board's next meeting on March 25th.

SO VOTED (5-0)

## **WARRANT ARTICLE HEARINGS**

10. Articles for Review:

Article 27 Bylaw Amendment/Time Limit for Town Meeting Speakers

Mr. Michael Jacoby Brown submitted his petition asking to amend the Town Bylaws to reduce the time limits for Town Meeting speakers by two minutes. Mr. Brown feels that presentations could be made in a shorter time frame. The Board recommended to refer this Article to the Town Meeting Procedures Committee and the Town Moderator.

Mr. Curro moved favorable action.

SO VOTED (4-1)

Mr. Hurd voted in the negative.

Article 30 Bylaw Amendment/Waterline Replacement

Michael Rademacher, Director of Public Works

Mr. Rademacher stated the intent of the proposed Bylaw, as he understands it, would require water service lines to be inspected prior to the sale of a property, and if found to be defective, that the line be replaced prior to the sale. Mr. Rademacher stated the inspection of the service line is often overlooked during the sale of a home, possibly leaving a new homeowner with the added cost of replacing the water



service should it fail. He believes such a bylaw will have the benefit of protecting new home buyers as well as help the Town reduce its unaccounted for water.

Mrs. Mahon moved favorable action.

SO VOTED (3-2)

Mr. Dunn and Mr. Hurd voted in the negative.

Article 35 Bylaw Amendment/Short-Term Rental Regulations

Mr. Curro moved favorable action.

SO VOTED (5-0)

Article 41 Vote/Arlington Redevelopment Board Membership and Terms

Christopher Loreti

Mr. Loreti stated that he would like Town Meeting Members to vote to change the membership of the Arlington Redevelopment Board from four members appointed by the Town Manager and one appointed by the State to four members elected by the voters of the Town and one appointed by the State, and change the terms of all members to five years.

Mrs. Mahon moved no action.

SO VOTED (4-1)

Mr. Hurd voted in the negative.

Article 53 Endorsement of Parking Benefit District Expenditures

Mrs. Mahon moved favorable action.

SO VOTED (5-0)

Article 78 Resolution/Indigenous Peoples' Day

Christine Bongiorno, Director of Health and Human Services, asked the Board to table Article 78.

The Human Rights Commission Co-Chairs reported that they would like to take time over the next year to finalize plans for this article.

Mrs. Mahon moved no action.

SO VOTED (5-0)

## **FINAL VOTES & COMMENTS**

Articles for Review:

Article 31 Bylaw Amendment/Rename Community Preservation Committee

Article 32 Bylaw Amendment/Tree Protection and Preservation

Article 33 Bylaw Amendment/Notice of Demolition

Article 36 Vote/Election Modernization Study Group

Article 37 Vote/Remove Police Chief From Civil Service

Article 42 Home Rule Legislation/Town Treasurer

Article 47 Acceptance of Legislation/PEG Access Fund

Article 50 Local Option/ Short Term Rental Impact Fees

Mrs. Mahon moved approval.

SO VOTED (5-0)

## **NEW BUSINESS**

Mr. Heim stated that he was looking for an Article presented to Town Meeting in 1971 and came across hand written notes from former Town Counsel Joseph Purcell and wanted the Board to know that all 132 Articles were hand written by Attorney Purcell.

Mr. Chapdelaine attended the EcoFest at Town Hall on Sunday, March 3rd and it was a great event.

Ms. Rowe stated she attended the Police Department Annual Award Ceremony on Thursday, March 7th and had a great time.

Mr. Hurd stated he also attended the EcoFest Event and the Police Award Ceremony and had a great time at both events.

Mr. Curro and Mr. Dunn both attended that Long Range Planning Committee meeting this morning. At the meeting Michael Mason, CFO School Department, presented a 5 year plan regarding enrollment growth from FY20 - FY24 which was very well received. The next meeting will be Wednesday, March 20th.

Ms. Rowe asked if Mrs. Krepelka would make arrangements to have a five minute presentation about Mill Brook shown to the Board at their March 25th meeting.

Mrs. Mahon moved to adjourn at 9:50 p.m.

SO MOVED (5-0)

Next Scheduled Meeting of Select Board March 25, 2019

A true record attest

Marie A. Krepelka  
Board Administrator

3/11/2019

Agenda Item	Description
1	Opening of Robbins Town Garden, May 18, 2019, Patsy Kraemer
2	Minutes of Meeting - February 25, 2019
3	Request: Special (One Day) Beer and Wine License, 3/19/19 at Robbins Memorial Town Hall for Chamber Annual Dinner, Beth Locke, Arlington Chamber of Commerce
4	Request: Special (One Day) Beer & Wine License, 3/23/19 at Robbins Memorial Town Hall for "Beats for EATS' Fundraiser - Lauren Ledge, Arlington EATS
5	Request: Special (one Day) Beer & Wine License, 3/30/19 at Robbins Memorial Town Hall for "Hardy School Silent Auction' Fundraiser - Patsy O'Brien, Hardy School PTO
6	Request: Special (One Day) Beer & Wine License, 3/31/19 at Robbins Memorial Town Hall for a Private Event - Cathy Cabrera
7	Reappointment: Board of Youth Services, Justine Bloch (term to expire 1/31/2022)
8	For Approval: Common Victualler License, Villa House of Pizza, 1367 Massachusetts Avenue, Sumendra Shrestha
9	For Discussion and Approval: Authorization to Execute Consolidated Revised Community Host Agreement with "Apothca, Inc." Previously known as the Massachusetts Patient Foundation and Provide Letter of Non-Opposition, Adam Chapdelaine, Town Manager, Douglas, Town Counsel
10	Articles for Review: Article 27 - Bylaw Amendment/Time Limit for Town Meeting Speakers Article 30 Bylaw Amendment Waterline Replacement Article 35 Bylaw Amendment/Short-Term Rental Regulations Article 41 - Vote/Arlington Redevelopment Board Membership and Terms

	Article 53 - Endorsement of Parking Benefit District Expenditures Article 78 - Resolution/Indigenous Peoples' Day
FINAL VOTES & COMMENTS	Article 31 Bylaw Amendment/Rename Community Preservation Committee Article 32 Bylaw Amendment/Tree Protection and Preservation Article 33 Bylaw Amendment/Notice of Demolition Article 36 Vote/Election Modernization Study Group Article 37 Vote/Remove Police Chief From Civil Service Article 42 Home Rule Legislation/Town Treasurer Article 47 Acceptance of Legislation/PEG Access Fund Article 50 Local Option/Short Term Rental Impact Fees



## Town of Arlington, Massachusetts

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### **Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)**

#### **Summary:**

Jefferson Cutter House Lawn, May 18, 2019 (rain date May 19th), 10:30 a.m. - 5:30 p.m.

Sagar Rastogi

The AHS Scoops Club

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	AHS_Scoops_Club_.pdf	Request from the AHS Scoops Club

*Agenda*  
*3/25/19*

To,

The Arlington Selectmen,

730 Massachusetts Ave,

Arlington, MA-02476

SUB: Request for permission to use 611 Mass. Ave.,

on May 18th (rain date May 19th), from 10:30-5:30, as a venue for a fundraiser

Dear Selectmen,

For the past few years, multiple groups of proactive students at Arlington High School have committed to raising money with the Jimmy Fund for cancer research, put on a town-wide ice cream fundraiser. The event, inspired by Boston's own Scooper Bowl, has consisted of a day-long ice cream festival in the Jefferson Cutter House lawn, during which we scooped our hearts out to raise money for research and care at the Dana-Farber Cancer Institute (DFCI) in Boston. The majority of our donation to DFCI has come from the \$5 entry fee for children and \$7 for adults to the all-you-can-eat event. Our goal has been to inspire community support for the cause and to raise money for DFCI, especially since several members of our community are currently battling cancer. In the past four years we have raised a sum of \$12,000 for the Jimmy Fund.

This year, we are hoping to put on the same fundraiser, so we can continue uniting Arlington in the fight against cancer. We request that you allow us a permit to use the Jefferson Cutter House lawn from 10:30AM - 5:30PM, on May 18th (rain date May 19th) as the venue for our event, as the lawn is ideal due to its easy visibility through traffic. We thank you greatly for your support and consideration!

Most Sincerely,

Sagar Rastogi

The AHS Scoops Club

617-840-7876

[srastogi2021@spyponders.com](mailto:srastogi2021@spyponders.com)



## Town of Arlington, Massachusetts

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### Legal Ad Only - Change of Stock Interest - All Alcohol License

#### Summary:

Shu Ying Zeng, 303A Broadway, Fusion Taste  
(Approved 02.25.2019 meeting)

#### ATTACHMENTS:

	Type	File Name	Description
▯	Reference Material	Fusion_Taste_Change_of_Stock_Interest_Application.pdf	Common Virtual Application



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street, Boston, MA 02114*  
*[www.mass.gov/abcc](http://www.mass.gov/abcc)*

**APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest**

☐ **Change of Officers/ Directors/LLC Managers** ☒ **Change of Stock Interest**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- CORI Authorization
- Vote of the Entity
- Payment Receipt
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

(e.g. New Stockholders or Transfer or Issuance of Stock)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)\*
- Payment Receipt
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☐ **Change of Ownership Interest**

(e.g. LLC Members, LLP Partners, Trustees etc.)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)\*
- Payment Receipt
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☐ **Non-Profit Club Change of Officers/ Directors**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Payment Receipt
- Business Structure Documents -**Articles of Organization** from the Secretary of the Commonwealth

☐ **Management Agreement**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Management Agreement
- Vote of Entity
- Payment Receipt

*\*If abutter notification and advertisement is required for transaction, please see the local licensing authority.*

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Y Plus Y, Inc.	Arlington	00030-RS-0030

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The two departing shareholder sold their respective shares to the remaining shareholder. The remaining shareholder is now 100% holder of all issued and outstanding shares of the corporation's stock.

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Wei Jia, Esq.	Lawyer	jiawei2001@msn.com	6175421548



## APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

### 2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB	Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Shu Ying Zeng				President/Treasurer/Secretary/Manager	100%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
						<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
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Additional pages attached? ☐ Yes ☒ No

#### CRIMINAL HISTORY

Has any individual listed in question 2, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

#### MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?  
Please provide a copy of the management agreement.

☐ Yes ☒ No



## APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

### **3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST**

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Jason Zhen Ye	President/Director	65%
Name of Principal	Title/Position	Percentage of Ownership
kang Zhu Chen	Treasurer/Director	15%
Name of Principal	Title/Position	Percentage of Ownership
Shu Ying Zeng	Secretary/Director	20%
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

### **4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 2, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Three Treasures Concept, Inc.	Sec. 12 Restaurant	Wine and Malt Beverages	Brookline

### **5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 2, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### **6. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 4 or 5 ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

## 7. FINANCIAL DISCLOSURE

Associated Cost(s):

\$280,000

### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Shu Ying Zeng	\$45,000
Total:	\$45,000

### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Jason Zhen Ye	\$192,500	Seller financing	<input type="radio"/> Yes <input checked="" type="radio"/> No
Kang Zhu Chen	\$42,500	Seller financing	<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

The buyer pays a total of \$45,000 in cash to both sellers. The balance of the purchase price in the amount of \$235,000 is evidenced by two promissory notes in favor of the two sellers in the form of seller financing.

## APPLICANT'S STATEMENT

I, Shu Ying Zeng the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager  
Authorized Signatory

of Y Plus Y, Inc.  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Shu Ying Zeng

Date:

1-30-19

Title:

President

License Notification – All Alcohol Beverages

**LEGAL NOTICE  
PUBLIC NOTICE**

In accordance with Chapter 138 of the Massachusetts General Laws and the regulations of the Arlington Select Board there will be a public hearing on the petition of Y Plus Y, Inc. d/b/a Fusion Taste, Shu Ying Zeng, Manager/President located at 303A Broadway, Arlington, MA 02474, for a license change of New Stockholder/Transfer of Stock This hearing will take place on Monday, March 25, 2019 at 7:15 p.m. in the Select Board Chambers, Second Floor, Town Hall, 730 Massachusetts Avenue, Arlington, MA.

Arlington Select Board

Daniel J. Dunn  
Diane M. Mahon  
Joseph A. Curro, Jr.  
John V. Hurd  
Clarissa Rowe

3/21/19 Arlington Advocate edition



## Town of Arlington, Massachusetts

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**Request: Special (One Day) Beer & Wine License, 3/31/19 @ Whittemore Robbins House for a Private Event**

**Summary:**

Mary Marcel

**ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Marcel_Special_License_Application.pdf	Special Beer and Wine Application



OFFICE OF THE SELECT BOARD



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Mary Marcel

Address, phone & e-mail contact information: **16 Dalton Road, Belmont, MA 02478; 781-697-0813; uvamarcel@gmail.com**

Name & address of Organization for which license is sought: \_\_\_\_\_

VICKI LEE BOYAJIAN

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

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

Address, phone & e-mail contact information: 105 Trapelo Road, Belmont, MA 02478; 617-489-5007; Vicki@vickilees.com

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

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

24-Hour contact number for Responsible Manager of Alcohol Event date: 617-489-5007

Title of Event: Tenure Celebration

Date/time of Event: March 31, 2019/ 11am-6pm

Location of Event: Whittemore Robbins House

Location/Event Coordinator: Victoria Rose

Method(s) of invitation/publicity for Event: mail, email

Number of people expected to attend: 100

Expected admission/ticket prices: N/A

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

Will persons under age 21 be on premises? NO

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

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

**OFFICE USE ONLY**

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

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

*Off. Corey P. Rabeau* Date 3-13-19  
Off. Corey P. Rabeau  
Printed name/title

POLICE COMMENTS:

Need name/organization for license

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

What types of food and non-alcoholic beverages do you plan to serve at the Event? **See attached Menu.**

Who will be responsible for serving alcoholic beverages at the Event? **Kim E. Parker, bartender.**

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.  
**TIPS on Premise 3.0**

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

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: [www.mass.gov/abcc](http://www.mass.gov/abcc)) **Kappy's in Everett, MA**

---

Date of Delivery: **March 30, 2019**

Alcohol Serving Time (s): **1:00pm-4:30pm**

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?  
**Unopened will be picked up by Kappy's service; Opened, unused will be put in the trunk of designated person by the responsible manager.**

Date of Pick-Up: **April 1, 2019**

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.) **General and Liquor Liability Insurance, TiPS Certificate are included**

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

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

Signature: **Mary Marcel**

Printed name: **Mary Marcel**

Printed title & Organization name: **Tenure Celebration**

Email: **uvarmarcel@gmail.com**



**AFTERNOON RECEPTION  
SUNDAY MARCH 31, 2019**

**PASSED HORS D'OEUVRES**

MINIATURE CRAB CAKES  
Jalapeno aioli  
BEEF EMPANADAS  
Chipotle dipping sauce  
POTATO PANCAKES – veg  
Crème fraiche  
WILD MUSHROOM PALMIERS - veg  
Puff pastry  
VIETNAMESE SPRING ROLLS – vegan/gf  
Sriracha cilantro sauce  
FILLO CUPS WITH LEEK CHIFFONADE - veg  
Fresh dill  
BUTTERNUT TARTES - veg  
Butternut tarts, creamy tahini, za'atar, toasted pistachios

**STATIONARY SNACKS**

TRIO OF SKEWERS - gf  
Including Petite salmon cakes, Mediterranean chicken, Teriyaki beef  
Assortment of dipping sauces, and salsas  
ROASTED CAULIFLOWER & WHITE BEAN DIP – gf/veg/vegan  
Assorted crisp veggies, marinated olives, blistered shishito,  
Served with crostini  
ARTISINAL CHEESE PLATTER – veg/gf  
New England cheeses, artisan crackers, demi baguettes  
SEASONAL FRESH FRUIT PLATTER – gf / vegan

**DESSERT & COFFEE**

PETITE PASTRY BOARD  
Yogurt Panna cotta with salted caramel, princess parfaits & pot de crème  
ASSORTED MINIATURE COOKIES  
Including coconut macaroons, amaretti and chocolate! - gf  
FRESH BREWED COFFEE / MEM TEAS  
Regular and Decaffeinated

vicki lee's bakeshop, catering, take-away  
105 trapelo road, Belmont, ma 02478  
617-489-5007

*Mary Marcel*  
*Tenure Celebration*  
*uvamarcel@gmail.com*

*March 10, 2019*

A Tenure Celebration will be held at the Whittemore Robbins House on Sunday, March 31, 2019 from 1:00pm-5:00pm.  
Alcohol service will end at 4:30pm.

A Special Alcohol License Application has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 100 guests to attend. There will be no guests under the age of 21.

Victoria Rose, Event Coordinator, will be on site to monitor the use of the Whittemore Robbins House. Vicki Lee's will be catering the event and will provide the food service and beverage service. Vicki Lee Boyajian, Responsible Manager and bartender, Kim Parker, and the event coordinator are all responsible for ensuring that the event runs smoothly.

Parking for the event will be available in the Whittemore Robbins House parking lot, Robbins Library parking lot and on the side streets, as well as Massachusetts Avenue.

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



eTIPS On Premise 3.0

CERTIFIED

Issued: 7/24/2016

Expires: 7/24/2019

ID#: 4311249

Kim E Parker

84 Beach St

Revere, MA 02151-5006

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







# CERTIFICATE OF LIABILITY INSURANCE

OP ID: DD

DATE (MM/DD/YYYY)

03/07/2019

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

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

<b>PRODUCER</b> Commercial Ins. Agency, Inc. 385 Concord Ave Suite 101 Belmont, MA 02478 Dorothy Fernsler daCruz		<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS: PRODUCER CUSTOMER ID #: <b>VICKI-1</b>	
<b>INSURED</b> <b>Vicki Lee Boyajian, Inc</b> <b>105 Trapelo Road</b> <b>Belmont, MA 02478</b>		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A : Acadia Insurance Company</b> <b>INSURER B :</b> <b>INSURER C :</b> <b>INSURER D :</b> <b>INSURER E :</b> <b>INSURER F :</b>	
		<b>NAIC #</b> <b>31325</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b>	X		BOA 5158813	07/07/2018	07/07/2019	EACH OCCURRENCE \$ <b>2,000,000</b>
	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>300,000</b>
	<input type="checkbox"/> <b>CLAIMS-MADE</b> <input checked="" type="checkbox"/> <b>OCCUR</b>						MED EXP (Any one person) \$ <b>5,000</b>
	<input checked="" type="checkbox"/> <b>Liquor</b>						PERSONAL & ADV INJURY \$ <b>2,000,000</b>
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ <b>4,000,000</b>
	<input checked="" type="checkbox"/> <b>POLICY</b> <input type="checkbox"/> <b>PRO-JECT</b> <input type="checkbox"/> <b>LOC</b>			BOA 5158813	07/07/2018	07/07/2019	PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b>
							<b>Liquor</b> \$ <b>1,000,000</b>
A	<b>AUTOMOBILE LIABILITY</b>			BOA 5158813	07/07/2018	07/07/2019	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b>
	<input type="checkbox"/> <b>ANY AUTO</b>						BODILY INJURY (Per person) \$
	<input type="checkbox"/> <b>ALL OWNED AUTOS</b>						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> <b>SCHEDULED AUTOS</b>						PROPERTY DAMAGE (PER ACCIDENT) \$
A	<input checked="" type="checkbox"/> <b>HIRED AUTOS</b>						\$
A	<input checked="" type="checkbox"/> <b>NON-OWNED AUTOS</b>						\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> <b>OCCUR</b>						EACH OCCURRENCE \$
	<b>EXCESS LIAB</b> <input type="checkbox"/> <b>CLAIMS-MADE</b>						AGGREGATE \$
	<b>DEDUCTIBLE</b>						\$
	<b>RETENTION \$</b>						\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						WC STATU-TORY LIMITS <input type="checkbox"/> <b>OTH-ER</b>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> <b>Y/N</b>						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

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

RE: Arlington EATS taking place 03/31/19 at the Whittemore Robbins House.  
Town of Arlington is listed as additional insured

**CERTIFICATE HOLDER****CANCELLATION**

<b>Town of Arlington</b> <b>Town Hall</b> <b>Arlington, MA 02474</b>	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>  <b>AUTHORIZED REPRESENTATIVE</b> 
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## **Town of Arlington, Massachusetts**

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**Appointment of New Election Workers: (1) Camilla B. Haase, 88 Park Ave., D, Pct. 20; (2) Robert J. Largenton, 10 Webster St., D, Pct. 13; (3) Marilyn A. Scribner, 81 Gloucester St., U, Pct. 10**

### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Election_Workers_Master_Record.pdf	Election Workers Records

ELECTION WORKER'S MASTER RECORD

Date: 3/20/19

Check One:       ✓       New Employee  
                     Change to Existing Employee

Vendor #	_____	Position	Inspector
Name:	Camilla B. Haase	Democrat	✓
Address:	88 Park Ave #401	Republican	_____
	Arlington, MA	Unenrolled	_____
Zip Code	02476	Precinct	20
Alpha/ Last Name	_____	Phone #	_____

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

## ELECTION WORKER'S MASTER RECORD

Date: 3/20/19

Check One: ☒ New Employee  
☐ Change to Existing Employee

OK

Vendor # \_\_\_\_\_ Position inspector  
Name: Robert J. Largenton Democrat ☒  
Address: 10 Webster St. #2 Republican \_\_\_\_\_  
Arlington, MA Unenrolled \_\_\_\_\_  
Zip Code 02474 Precinct 13  
Alpha/ Last Name \_\_\_\_\_ Phone # \_\_\_\_\_

Position Codes:      10 – Warden                      60 – Deputy Clerk  
                             20 – Deputy Warden                      70 – Teller  
                             30 – Inspector                              80 – Substitute  
                             40 – Deputy Inspector                      90 – Custodian  
                             50 – Clerk

## ELECTION WORKER'S MASTER RECORD

Date: 3.20.19

Check One:      ✓      New Employee  
                     Change to Existing Employee

Vendor #	_____	Position	inspector
Name:	Marilyn <sup>A</sup> Scribner	Democrat	_____
Address:	81 Gloucester St.	Republican	_____
	Arlington, MA	Unenrolled	✓
Zip Code	02476	Precinct	10
Alpha/ Last Name	_____	Phone #	_____

Position Codes:	10 – Warden	60 – Deputy Clerk
	20 – Deputy Warden	70 – Teller
	30 – Inspector	80 – Substitute
	40 – Deputy Inspector	90 – Custodian
	50 – Clerk	





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## Town of Arlington, Massachusetts

**Request: One Space, Handicap and Overnight Parking @ 1277 Massachusetts Avenue**

**Summary:**

Michelle F. Connolly

**ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	1277_Mass._Ave..pdf	Police Recommendation, Handicap Application, Meeting Notice

# ARLINGTON POLICE DEPARTMENT

**JULIANN FLAHERTY**  
Acting Chief of Police



*Town of Arlington*  
MASSACHUSETTS 02474

**POLICE HEADQUARTERS**  
112 Mystic Street  
781-316-3900

## MEMORANDUM

TO: Marie Krepelka  
Board Administrator

FROM: Officer Corey P. Rateau  
Traffic and Parking Unit

DATE: March 14, 2019

RE: Handicap/Overnight Parking Request - 1277 Massachusetts Avenue

---

Per your request, the Traffic and Parking Unit looked into the petition submitted by Michelle Connolly to have a HP parking space designated in front of her residence at 1277 Massachusetts Avenue. **After reviewing the petition, we have no objection to the having the space designated at this location.** We also have no objection to allowing Ms. Connolly to use the space and be exempt from the overnight parking ban as long as there isn't a declared snow emergency or any other directive to close the road and/or restrict parking in the area. Please have Ms. Connolly provide this Division with the make, model, and registration number of her vehicle so that it can be placed on an overnight exemption list.

Please advise Ms. Connolly that this space is not for her exclusive use and that any person possessing a valid HP placard may utilize it.

CPR

Cc: Juliann Flaherty  
Acting Chief of Police

Capt. Paul Conroy  
Support Services Commander

Deputy Chief Kevin Kelly  
Arlington Fire Operations

Adam Chapdelaine  
Town Manager

**"Proactive and Proud"**

RECEIVED  
SELECTMEN'S OFFICE  
ARLINGTON, MA 02476

TOWN OF ARLINGTON  
Residential Handicap Parking Sign Application

2019 FEB 23 AM 9:47

Name: Michelle F. Connolly

Address: 1277 Massachusetts Ave #1 Arlington

Telephone: Home:                      Work:                     

Date: 3/1/19

Please read the Board of Selectmen Residential Handicap Parking Sign Policy prior to completing this application. If you have any questions regarding the application process, please contact the Office of the Board of Selectmen.

1. Please attach a photocopy of your handicap placard, or documentation that you have a handicap plate. It is not necessary to attach any additional documentation.
2. Are you the owner of your residence? no
3. Do you have off-street parking? yes
4. If yes, how many off-street spaces? 2

On the reverse side of this page, please provide the general reasons why the granting of such a space will increase your ability to access/egress your home. When providing your reasoning, you should address those questions listed in the Off-Street Parking section of the Board's policy, found on page two, that are relevant to your application.

When you have completed this application, and attached a photocopy of your placard, or documentation of your plate, please forward your application to the Office of the Board of Selectmen. Within two weeks you will be contacted regarding your application.

3/1/19

I currently rent the first floor apartment of a four family home. Although off street parking is provided in my lease, the parking is accessible via two sets of stairs or via a steep driveway which I am unable to access. I have multiple sclerosis and my mobility has declined such that it is no longer accessible. My landlord has agreed with me that this space would be the best option for continued access and will be happy to assist in any way. I have attached pictures to show the current situation and the space available in front of my building. The property manager of La Court Realty is Nick - he can be reached at 617-616-5185. Please let me know if any additional information is needed. Thank you for your kind consideration. This proposed space would help immensely.

Michelle Connolly



**PL0820812**

**Expires:**

**07-10-23**

**Disabled Persons  
Parking Identification Placard**



*Chas. A. Dwyer*  
Register

CONNOLLY

MICHELLE

F

**Commonwealth of  
Massachusetts**



















## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 5, 2019

Michelle F. Connolly  
1277 Massachusetts Avenue #1  
Arlington, MA 02476

Dear Michelle:

The Select Board will be discussing your request for a residential handicap parking space at their meeting on Monday, March 25<sup>th</sup> in the Select Board Chambers, Town Hall, 2<sup>nd</sup> Floor. The meeting begins at 7:15 p.m. You or your representative is invited to be in attendance at this meeting.

Kindly call the Office of the Select Board to confirm the date and time with either Ashley or Lauren.

Thank you.

Very truly yours,  
SELECT BOARD

*Marie A. Krepelka*

Marie A. Krepelka  
Board Administrator

MAK:am



---

## Town of Arlington, Massachusetts

### Discussion & Vote: Grant Application to Eversource for Electric Vehicle Charging Station Installation

#### Summary:

Ken Pruitt, Energy Manager

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	EV_Presentation_to_Select_Board.pdf	Electric Vehicle Charging Presentation



Ken Pruitt

Department of Planning and  
Community Development

# Expanding Electric Vehicle Charging



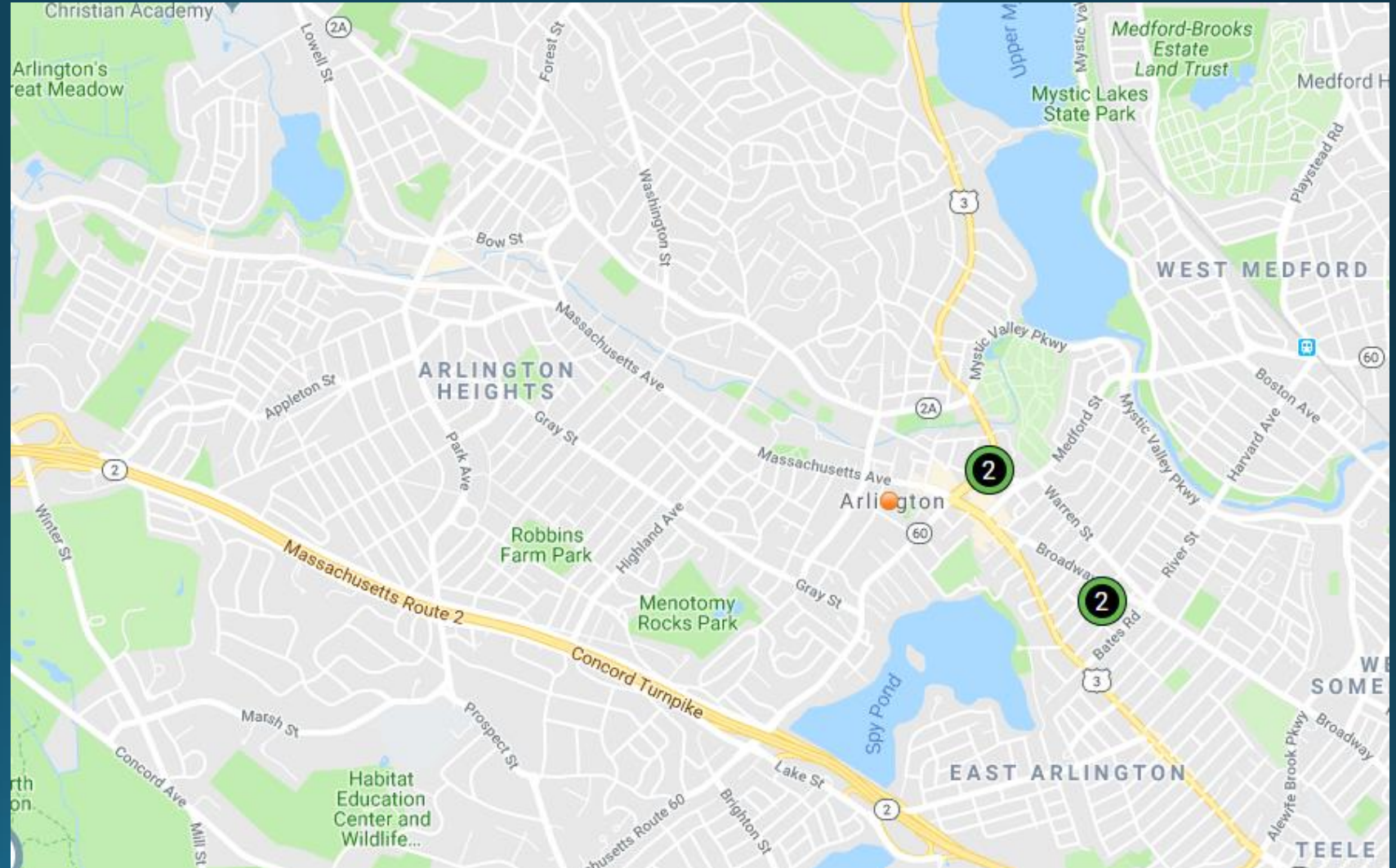
# Why Public EV Charging?

- Consistent with Net Zero by 2050 goal
- Benefits residents without a home charger, including those who live in multi-unit developments
- Benefits businesses by attracting residents & non-residents to charging locations near retail



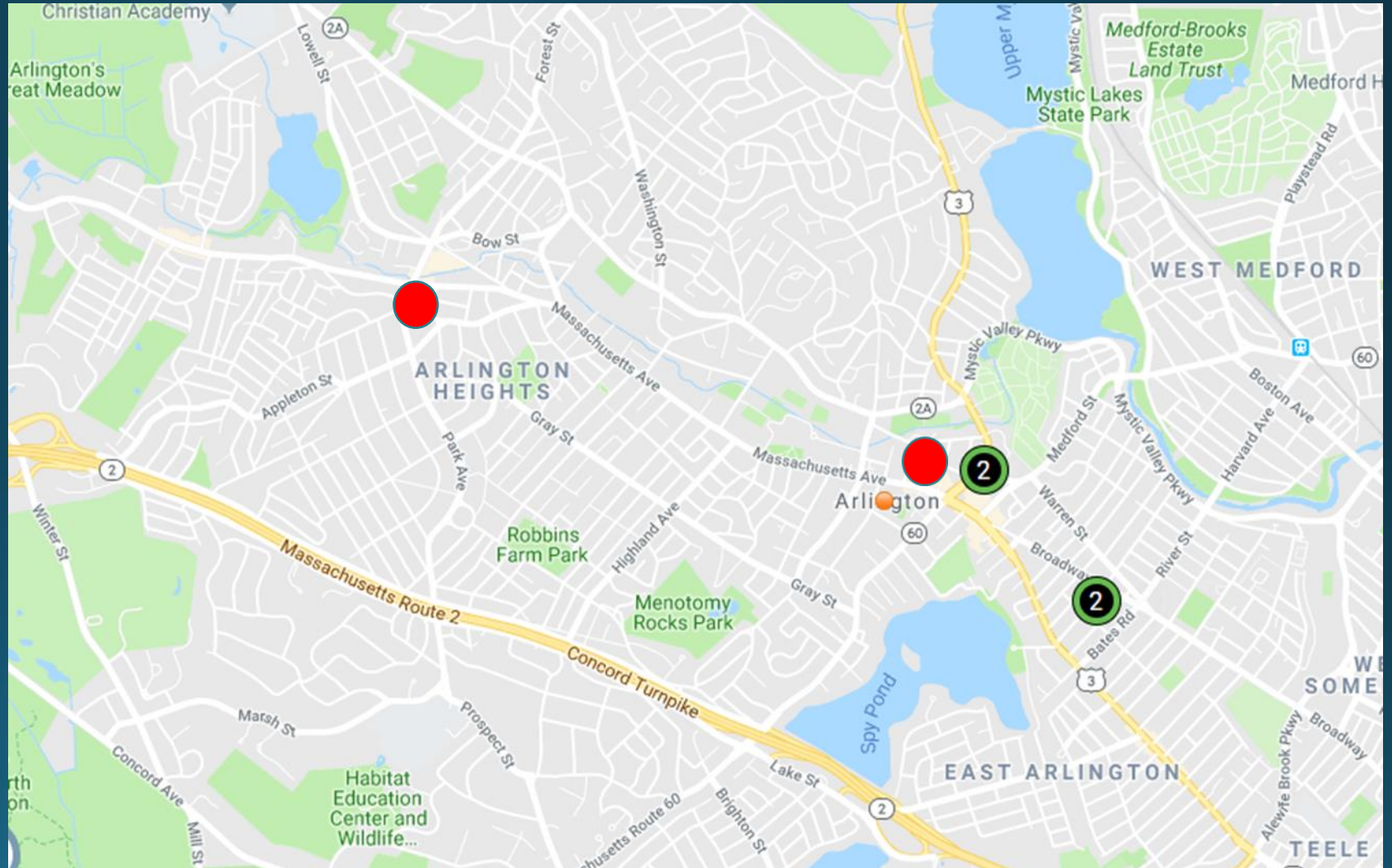
# Existing Public Charging

- Russell Common Lot (dual-port ChargePoint)
- Gibbs School (dual-port ChargePoint). Only available to public after school hours.



# Proposed Public Charging

- Railroad Lot (dual-port ChargePoint EVSE serving two parking spots closest to Water St.)
- Park Avenue (dual-port ChargePoint EVSE serving two parking spots in front of ACMi)





# Eversource MakeReady

- Pays 100 percent of infrastructure costs for EV charging station sites
- Does not pay for charging stations
- Eversource and utility contractors conduct work
- Arlington commits to purchasing at least one charging station for location within 30 days of MakeReady completion
- Arlington can apply for additional MakeReady projects as often as desired

# Horizon ChargePoint Promotion

- Horizon Solutions is Eversource Preferred Vendor. Has done most Green Community grant projects in Arlington for 5 years.
- Horizon offering Arlington two free ChargePoint dual-port stations in 2019 (\$14K value). Free additional charging station each year we give Horizon \$50K of work.
- Arlington responsible for \$560 annual ChargePoint networking fee per dual-port charging station.

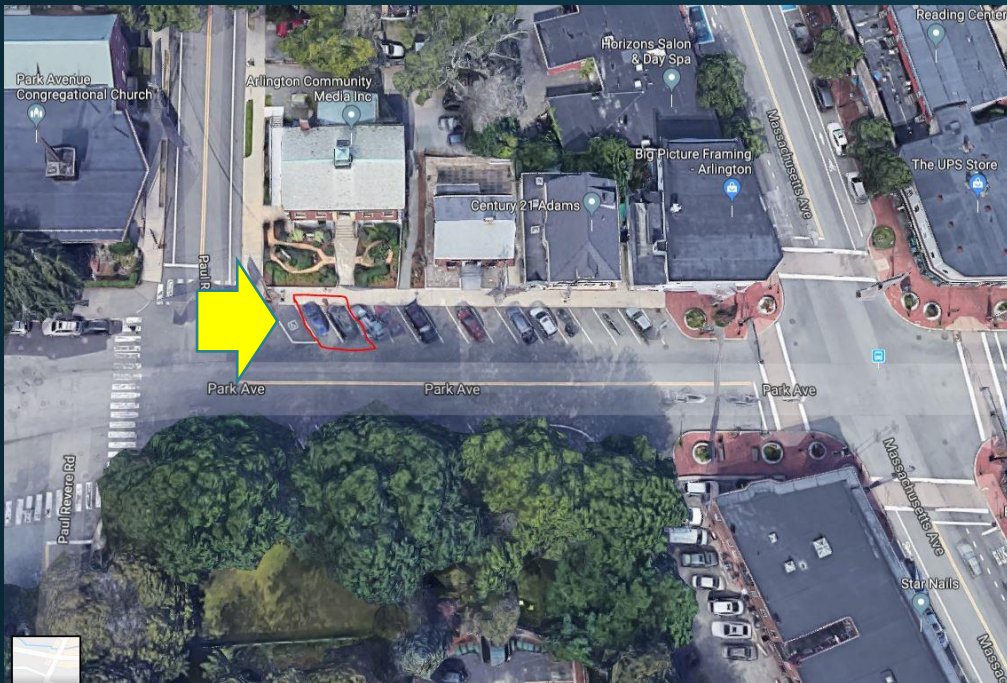


# Railroad Lot

- Install distribution cabinet
- Trenching, conduits, wiring
- Install one dual-port charging station
- Potential for up to 4 additional stations in future
- Request is to designate two parking spaces EV only, effective once station is operational.







# Park Avenue

- In front of ACMi. Norm McLeod, ED, supports
- Install distribution cabinet
- Trenching, conduits, wiring
- Install one dual-port charging station
- Potential for up to 4 additional stations in future
- Request is to designate two parking spaces EV only, effective once charging station is operational





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## Town of Arlington, Massachusetts

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### **Discussion & Vote: Visibility Improvements for Safety at Crosswalk Near Trader Joe's and Starbucks**

#### **Summary:**

Daniel Amstutz, Senior Transportation Planner

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Crosswalk_at_Trader_Joes_Safety_Improvements.pdf	Memo from Planning Department



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

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

**MEMORANDUM**

To: Adam Chapdelaine, Town Manager

From: Daniel Amstutz, Senior Transportation Planner

CC: Jennifer Raitt, Director, Department of Planning and Community Development  
Michael Rademacher, Director, Department of Public Works  
Juliann Flaherty, Acting Chief of Police, Arlington Police Department

Date: February 28, 2019

RE: Visibility Improvements for Safety at Crosswalk Near Trader Joe's and Starbucks

---

Since the beginning of the year, there have been three pedestrian crashes at the crosswalk on Massachusetts Avenue in front of Trader Joe's/Starbucks in Arlington Heights. All three pedestrians were struck in the crosswalk while crossing Mass Ave. Staff from the Department of Planning and Community Development, Arlington Police Department, and Department of Public Works have reviewed the situation at the crosswalk and have discussed recommendations for short and long term pedestrian safety improvements at this location.

**Location Context, Crash Data, and Staff Observations**

The marked crosswalk is at the intersection of Mass Ave and Dundee Road and crosses Mass Ave directly in front of the building housing the Starbucks and Trader Joe's in Arlington Heights. The crosswalk is uncontrolled, meaning there are no traffic control devices (such as a STOP sign or traffic signal) to designate right of way for pedestrians versus automobile drivers. However, drivers must yield the right of way to pedestrians when pedestrians are in the crosswalk.

The three crashes at this crosswalk all occurred while the pedestrians were in the crosswalk, based on the police reports provided by the Arlington Police Department. The crashes occurred on January 3, 16, and 19. All of the crashes occurred under low light conditions: two of the crashes occurred at around 7:00 p.m. and 7:30 p.m., while one occurred at 6:50 a.m. One was a hit and run; in the other two cases, the drivers remained at the scene and said they did not see the pedestrian in the crosswalk before the crash. The pedestrians were in the process of crossing the street at the time of the crashes.

Observations at the location by DPCD staff were done on a weekday morning between 8:15-9:00 a.m. Parking is clearly well-used at this location, even early in the morning. Drivers



parking on-street usually went into Starbucks for a short time before leaving again. The crosswalk was also used fairly frequently, with around a dozen pedestrians using the crosswalk during the period of observation.



Figure 1: Mass Ave at Dundee Road/Trader Joe's Crosswalk

Besides the standard “ladder” crosswalk pavement markings indicating the crossing, there are also advance pedestrian warning signs for the crosswalk and an in-road pedestrian warning sign. However, there are several issues with this crosswalk that limit visibility of pedestrians entering the crosswalk:

- Drivers are allowed to park on-street immediately adjacent to either side of the crosswalk on the Starbucks side of the road, without any clear space between the vehicle and the crosswalk. On the other side of Mass Ave at Dundee Road, vehicles can similarly park right up to the crosswalk (but not on the other side since that is in the intersection with Dundee Road). This severely limits the visibility of pedestrians entering the crosswalk.
- Eastbound on Mass Ave approaching the crosswalk, there is a sign for the Mystic Valley Freemasons Lodge that is badly worn with peeling paint. This sign is directly in front of the advance pedestrian warning sign for the crosswalk and partially blocks its visibility.
- There is a street light on a utility pole on the Trader Joe's side of Mass Ave approximately 25' east of the crosswalk. This appears to be the closest street light to the crosswalk. There is a utility pole directly adjacent to the crosswalk on the opposite side of the street (near Dundee Road), but there is no street light on this pole. Using a light meter, DPW has confirmed that light levels are low at this location during night time.



- Pedestrians must cross the entire length of the street, a distance of approximately 48'. This increases the exposure of pedestrians to vehicle traffic as they cross. At an average walking speed of 3.5 feet per second, it can take pedestrians 13 seconds to cross the street here. Due to the presence of on-street parking, pedestrians usually must already be in the street for them to be seen by drivers.

Although not related specifically to visibility, the vehicle travel lanes in this segment of Mass Ave are 15' wide, which can contribute to higher speeds by drivers. Higher speeds increase the distance by which drivers can safely stop to yield to pedestrians, limits their reaction time, and reduces their field of vision in order to see pedestrians at the edge of the road in the first place.



Figure 2: Vehicles parked directly before the crosswalk block visibility of pedestrians entering the crosswalk

### Short Term Improvements

The following short term improvements (that can be implemented immediately or in the next few months) are recommended to improve pedestrian visibility and thus safety at this crosswalk:

- Parking should be restricted with appropriate signage before the crosswalk on the eastbound and westbound approaches to improve visibility. Generally, 20 feet (the length of one parking space) is recommended as a best practice for pedestrian safety for crosswalks. The Transportation Advisory Committee voted to approve new crosswalk guidelines that include the 20 foot parking restriction as a guideline at their January 2019 meeting. However, due to site constraints, the recommendation for each side are as follows:

- On the westbound side, closest to Starbucks, there is a 15' gap between a handicap parking spot and the crosswalk. To avoid moving this parking spot, simply removing parking in between the crosswalk and the handicap spot is sufficient.
- On the eastbound side, parking should be restricted before the crosswalk by 20'.
- Parking should be restricted five feet following the crosswalk on the westbound side to enable motorists to exit the next parking space without backing into the crosswalk.
- Pavement markings should be used to further indicate that parking in these locations is not allowed. Hatch marks (i.e., diagonal lines) can be used for this purpose. A similar treatment can be observed on the westbound side of Mass Ave approaching the crosswalk at Water Street/Peg Spengler Way.
- The Mystic Valley Freemasons sign should be removed to prevent it from blocking visibility of the pedestrian crosswalk signs. It is in poor condition and may be returned to the local Lodge. It could also be moved to a more appropriate location along the corridor, but preferably as a new sign.
- Considering that all three crashes occurred in low light conditions, and DPW has confirmed the low light levels, Town staff (including DPW, APD, and DPCD) will explore lighting options to better illuminate the crosswalk, including installing a new street light if necessary. DPW will evaluate the lighting conditions to make this determination and the proper location of a new light.

### **Long Term Improvements**

Certain potential improvements will require more study or will be more costly to implement. Longer-term improvements may include:

- Curb extensions should be considered at this location to improve visibility and reduce the crossing distance for pedestrians.
- Narrowing of travel lanes on Mass Ave to encourage speed reduction at or below posted speeds. This may also allow for the installation of full bicycle lanes through this portion of Mass Ave.
- A thorough evaluation of the intersections of Mass Ave and Dundee Road and Mass Ave and Paul Revere Road to recommend improvements for pedestrian safety. This evaluation could include a review of potential geometric changes to both intersections, crash data, signalization including a full traffic signal or pedestrian signal, and parking needs. The locations of the existing crosswalks at the section of Mass Ave should also be reviewed through this process.

### **Conclusion**

Staff request the Select Board approve implementing the parking restrictions at this location. Staff plan to implement the updates to street lighting and adjustments to warning signage as well. Long term improvements will be included in staff long term planning and review for future project work. Please advise if further questions or clarifications about this request are needed.



## Town of Arlington, Massachusetts

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### Discussion & Vote: Support for Electric Bicycle Legislation

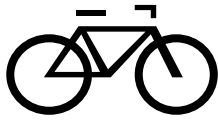
#### Summary:

Daniel Amstutz, Senior Transportation Planner

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	ABAC_E-Bike_Reference.pdf	ABAC Reference
▢	Reference Material	TAC_E-Bike.pdf	TAC Reference

ARLINGTON  
BICYCLE  
ADVISORY  
COMMITTEE



[www.abac.arlington.ma.us](http://www.abac.arlington.ma.us)

February 27, 2019

TO: **Arlington Select Board**

CC: Adam Chapdelaine, Town Manager  
Howard Muise, Transportation Advisory Committee  
Daniel Amstutz, Department of Planning & Community Development

FROM: Christopher Tonkin, chairperson,  
Arlington Bicycle Advisory Committee (ABAC)

RE: **Support for Electric-Bicycle Legislation**

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During our February 20<sup>th</sup> meeting, the Arlington Bicycle Advisory Committee (ABAC) voted to request your municipal support for pending state legislation regarding the definition and regulation of low-powered, pedal-assist electric bicycles.

Pedal-assist electric bicycles have become popular for various reasons. With an e-bike, more people can ride more often, farther, and for more trips. E-bikes are designed to be as safe as traditional bicycles and benefit people who may be discouraged from riding a traditional bicycle due to limited physical ability, hilly terrain, or convenience.

*An Act Relative to Electric Bicycles* (HD.1596 / SD.1882) was recently introduced in the Massachusetts Legislature. This bill clarifies the definition of electric bicycles, recommends basic regulations to treat low-speed electric bikes as regular bikes, and empowers municipalities to regulate their use on roads, trails, and paths (including the Minuteman Bikeway). This legislation will help our efforts to promote sensible and safe electric-bicycle usage, clarify how e-bikes are defined in Massachusetts law, and provide guidelines for where they can be ridden.

For reference, see the two attachments related to this e-bike bill.

On a related topic, Lime is now proposing to operate more pedal-assist, electric Lime-E bikes in Arlington and surrounding communities this year for their regional dockless bike-sharing system. Again, this proposed legislation would clarify and regulate how low-powered electric bikes can be operated on roads, bike lanes, and bike paths like the Minuteman Bikeway.

ABAC supports this e-bike bill, and we request that you consider endorsing it with our local state representatives on behalf of the Town. We would be happy to attend one of your upcoming meetings to discuss this topic further; please contact me with any comments or questions. I can be reached at [tonkinc@comcast.net](mailto:tonkinc@comcast.net) or 617-974-3349.

Thank you for your consideration.

**Attachments:**

- Text of *An Act Relative to Electric Bicycles* (HD.1596 / SD.1882)
- Summary information on the proposed Massachusetts E-Bike Law

**HOUSE . . . . . No.****The Commonwealth of Massachusetts**

PRESENTED BY:

***Dylan A. Fernandes and Jonathan Hecht****To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electric bicycles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

*Tommy Vitolo*

*15th Norfolk*

# HOUSE . . . . . No.

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[Pin Slip]

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act relative to electric bicycles.

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

1           SECTION 1. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016  
2   Official Edition, is hereby amended by adding the following definition: -

3           “Electric bicycle” shall mean a bicycle or tricycle equipped with fully operable pedals  
4   and an electric motor of less than 750 watts that meets the requirements of one of the following  
5   three classes:

6           (a) “Class 1 electric bicycle” shall mean an electric bicycle equipped with a motor that  
7   provides assistance only when the rider is pedaling, and that ceases to provide assistance when  
8   the bicycle reaches the speed of 20 miles per hour.

9           (b) “Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that  
10   may be used exclusively to propel the bicycle, and that is not capable of providing assistance  
11   when the bicycle reaches the speed of 20 miles per hour.



(c) “Class 3 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

SECTION 2. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 265, after the word “hour.” the following sentence:- The definition of “motorized bicycle” shall not include an electric bicycle.

SECTION 3. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 270, after the word “motorcycle” the following words:- or electric bicycle

SECTION 4. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 288, after the word “include ” the following words:- electric bicycles or

SECTION 5. Section 1 of Chapter 90D of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 25, after the word “include ” the following words:- electric bicycles or

SECTION 6. Chapter 85 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 11B1/2 the following section:-

Section 11B3/4. For the purposes of this section, the terms “electric bicycle,” “class 1 electric bicycle,” “class 2 electric bicycle,” and “class 3 electric bicycle” shall have the same definitions as in section 1 of chapter 90. The terms “bike path,” “bike lane,” and “bike route” shall have the same definitions as in section 1 of chapter 90E.

Electric bicycles and operators of electric bicycles shall be subject to the following regulations:

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. Electric bicycles may be ridden on a street, road, way, bike lane, bike path or bike route that is open for use by bicycles; provided, however:

(i) A municipality, local authority or state agency having jurisdiction over a bike path or shared-use path may prohibit the operation of class 1 or class 2 electric bicycles on that path.

(ii) Class 3 electric bicycles shall not be ridden on a bike path or shared-use path unless permitted by the municipality, local authority or state agency having jurisdiction over that path.

(iii) This subsection shall not apply to a trail designated for nonmotorized traffic if such trail has a natural surface tread made by clearing and grading the soil and no surfacing materials have been added. A municipality, local authority or state agency may regulate the use of electric bicycles on such a trail within its jurisdiction.

(2) Electric bicycles shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission established in 16 C.F.R. 1512.

(3) On and after January 1, 2020, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle containing the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless they appropriately replace the label required by subsection (3).

(5) Class 3 electric bicycles shall be subject to the following additional regulations:

(i) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(ii) All operators and passengers of class 3 electric bicycles shall wear a properly fitted and fastened bicycle helmet that meets the standards provided by either the United States Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by those entities. A violation of this clause shall not be used as evidence of contributory negligence in a civil action.

(iii) All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

(iv) A municipality or local authority having jurisdiction over streets, roads, or ways may prohibit the operation of class 3 electric bicycles on those streets, roads, or ways.

The Secretary of the Massachusetts Department of Transportation may promulgate additional regulations regarding electric bicycles in the Commonwealth, including but not limited to their safe operation and proper labeling. The Secretary shall submit any such proposed regulations to the Clerks of the House and Senate and to the Joint Committee on Transportation at least 30 days prior to their effective date.





## An Act relative to electric bicycles

HD 1596 - Representative Dylan Fernandes

Representative Jonathan Hecht

SD 1882 - Senator Sal DiDomenico

### CHANGES TO MASSACHUSETTS' E-BIKE LAW

This bill would regulate low speed electric bicycles like bicycles. The same rules of the road would apply to both e-bikes and human-powered bicycles when it comes to speed, proper passing, following local traffic laws, obeying posted speed limits, and other state and local ordinances.

**Changes to the Massachusetts General Laws would define an electric bicycle as a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and an electric motor having a power output of not more than 750 watts. An electric bicycle would meet the one of the following three classes:**

- » CLASS 1: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.
- » CLASS 2: Bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the e-bike reaches 20 mph.
- » CLASS 3: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph.

In the interest of safety, local governments would be allowed to restrict, regulate or prohibit the use of e-bikes in their parks, on paths and trails. In the absence of local ordinances, the slower Class 1 and Class 2 e-bikes would be allowed on paths and trails; while the Class 3 e-bikes would only be allowed on roadways. The e-bike class model also allows local agencies to permit e-bikes on paths or bikeways where they are traditionally not allowed, in the event that the alternative route is considered hazardous. This is a local jurisdictional decision.

#### These regulatory updates would also mean that:

- » The definitions of motorized bicycle or motor vehicle would exclude that of an electric bicycle.
- » Helmets would be required for riders of Class 3 e-bikes.
- » Persons under 16 years of age would not be able to ride a Class 3 e-bike, unless as a passenger.
- » All e-bike manufacturers must apply a standard label to each e-bike specifying its type and wattage.
- » Any tampering or modification of the motor would require replacement of the standard label.

### With an e-bike, bicyclists can ride more often, farther, and for more trips.

Electric bicycles are designed to be as safe as traditional bicycles, do not compromise consumer safety, and benefit bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience.

In many states, e-bikes are regulated under antiquated laws primarily aimed at combustion engine vehicles such as mopeds or scooters.



**If you have any questions or want a copy of the final bill language:**  
for HD 1596 please reach out to Elizabeth Roche at [Elizabeth.Roche@masshouse.gov](mailto:Elizabeth.Roche@masshouse.gov)  
for SD 1882 please reach out to Christopher Smith at [Christopher.Smith@masenate.gov](mailto:Christopher.Smith@masenate.gov)



## **TRANSPORTATION ADVISORY COMMITTEE**

Town of Arlington

Planning and Community Development Department, 730 Mass Ave,

Arlington MA, 02476

c/o Daniel Amstutz

**To: Select Board**

**From: Arlington Transportation Advisory Committee**

**Subject: Electric Bicycles**

**Date: March 18, 2019**

---

At its March 13 meeting, the Arlington Transportation Advisory Committee (TAC) voted to support the Arlington Bicycle Advisory Committee's (ABAC) request for your endorsement of pending state legislation regarding the definition and regulation of low-powered, pedal-assist electric bicycles. The proposed legislation would define three classifications of electric bicycles, establish basic regulations to treat low-speed electric bicycles as regular bicycles, and empower municipalities to regulate their use on roads, trails, and paths (e.g., the Minuteman Bikeway). TAC agrees with ABAC that this legislation would help promote sensible and safe electric-bicycle usage, clarify how e-bikes are defined in Massachusetts law, and provide guidelines for where they can be ridden.

Respectfully submitted,

Howard Muise, Chair



## Town of Arlington, Massachusetts

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### Discussion & Vote: Letter of Support for Safe Routes to Schools Grant

#### Summary:

Daniel Amstutz, Senior Transportation Planner

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Arlington_Safe_Routes_To_Schools_Project_Support_Letter_-_Select_Board.pdf	Letter of Support



## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 25, 2019

David J. Mohler  
Executive Director  
Office of Transportation Planning  
Massachusetts Department of Transportation  
10 Park Plaza  
Boston, MA 02116

Re: Safe Routes to Schools Infrastructure Grant Application Results

Dear Mr. Mohler:

Thank you for selecting the Town of Arlington's Hemlock Street and Dickson Avenue Improvement Project to move to the next phase of funding through the MA Safe Routes to School Infrastructure Grant Program. This project will fill a critical infrastructure gap for residents walking in the neighborhood and children and parents traveling to and from the M. Norcross Stratton Elementary School in Arlington. Providing safe infrastructure to access schools by walking and bicycling is a key goal of the Town. We are committed to supporting the project through its planning, development, and construction, and to ensure it is completed in a timely manner.

We look forward to working with MassDOT on the next steps of developing this project. Should you have any questions, please contact Daniel Amstutz, Senior Transportation Planner, at [damstutz@town.arlington.ma.us](mailto:damstutz@town.arlington.ma.us) or at 781-316-3093.

Sincerely,

Dan Dunn, Chair  
Select Board

Cc: Adam Chapdelaine, Town Manager



## Town of Arlington, Massachusetts

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### Review and Approval: Host Community Agreement Process and Criteria

#### Summary:

Douglas W. Heim, Town Counsel

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Draft_Select_Board_Host_Community_Agreement_Process___Criteria.pdf	Reference

# ARLINGTON SELECT BOARD



## HOST COMMUNITY AGREEMENT PROCEEDS & CRITERIA

### I. Statement of Purpose:

The purpose of this policy is to outline the process and criteria by which Host Community Agreements (“HCAs”) will be authorized by the Select Board for existing or prospective marijuana establishments. It is likely that there will be a greater number of applicants than available permits/licenses. Thus, the Board anticipates that selection criteria will determine not only general suitability, but the best fits for Arlington in a competitive market. The Town Manager shall negotiate specific details and execute HCAs consistent with Board findings for approved applicants.

### II. Summary of Marijuana Establishment Licensing and Permitting in Arlington

The Select Board holds a limited, but important role as the first step of the lengthy process of licensing, permitting, and opening a marijuana establishment in Arlington. As part of the legalization of adult-use (recreational) marijuana sales, M.G.L. c. 94G sec. 3(d) requires each marijuana establishments (recreational and medical) intending to site within Arlington execute an HCA as a condition of state licensure.<sup>1</sup> While the Manager executes contracts and agreements for the Town, the language of c. 94G requires the Select Board’s authorization to enter such agreements with each applicant.

The scope of host agreements varies by community due to differences in municipal structure and where and how local permitting and licensing has been vested in each community. However, all HCAs set forth basic financial impact-mitigation as well as other identified responsibilities of marijuana establishments.

Here, the Arlington Redevelopment Board (“ARB”) and the Board of Health (“BOH”) are the entities primarily responsible for ensuring that marijuana establishments meet zoning standards and requirements (including siting restrictions) and state and local health and safety regulations respectively. Accordingly, some areas which might be addressed in other communities by an HCA will be scrutinized during the special permit and license processes of the ARB and BOH, which will also impose conditions related to the time, place, and manner of marijuana establishment operations.

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<sup>1</sup> While the Town and the Massachusetts Patient Foundation/Apothca entered an HCA for the medical dispensary on Water Street in February of 2016, it should be noted that HCAs were not a required by law at that time.

The overall process of receiving all necessary local and state approvals for a marijuana establishment applicant in Arlington proceeds approximately as follows:

1. HCA authorization, negotiation and execution with the Town;
2. Hosting a community meeting as required by state regulations;
3. Applying to the Cannabis Control Commission ("CCC") for licensure;
4. Concurrently applying for a special permit to operate a marijuana establishment and operator permit before the ARB and BOH respectively;
5. Obtaining other required approvals – building permits, certificate of occupancy, etc.
6. Final inspections to ensure regulatory compliance by the CCC, Health Department, and Inspectional Services prior to receiving final state licensure.

While applicant-specific circumstances and other factors such as priority certification with the CCC for registered marijuana dispensaries could slow or accelerate successful applicants' timelines to opening, it is likely that the series of licenses and permits required for operation would take at least 9 to 12 months from the date of HCA execution.

### III. Authority & Legal Considerations

#### A. Select Board Authority Under c. 94G sec. 3(d)

The Select Board's authority and scope of consideration for HCAs are set forth in c. 94G sec. 3(d) which reads as follows:

*"A marijuana establishment or a medical marijuana treatment center seeking to operate or continue to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center. An agreement between a marijuana establishment or a medical marijuana treatment center and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not amount to more than 3 percent of the gross sales of the marijuana establishment or medical marijuana treatment center or be effective for longer than 5 years. Any cost to a city or town imposed by the operation of a Marijuana Establishment or medical marijuana treatment center shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4."*

(emphasis added).



The CCC interprets c. 94G narrowly, noting that HCAs are intended to complement the substantial framework of 935 CMR 500<sup>2</sup>, which regulates many issues of concern over retail marijuana establishments on a statewide level. Those regulations control many facets of the types of signage allowed for marijuana establishments, require criminal history background checks, prohibit delivery of recreational marijuana, and establish quality control measures such as a “seed-to-sale” tracking system.<sup>3</sup>

According to the CCC, examples of policy-oriented stipulations and conditions which may be set forth in an HCA include:

- Relocation notice, terms and requirements;
- Prioritizing local residents for jobs created at the establishment;
- Termination conditions and/or requirements for ceasing to operate, or relocating outside of the municipality;
- Security system minimum requirements for accessing the establishment and marijuana inventories;
- Providing police details for the purposes of traffic and crowd management during peak hours of operation;
- Obligations of municipalities to submit requested and required information to the CCC;
- Provision for cooperation on municipality-sponsored public health and drug abuse prevention educational programs; and
- Agreement for cooperation with community support, public outreach and employee outreach programs between the municipality and the establishment.

*See e.g. Attachment “A” CCC Guidance on Host Community Agreements.*

With respect to financial terms of HCAs, both the law and the CCC cap financial arrangements at a community impact fee of 3% of gross revenue of total sales for any establishments.<sup>4</sup> Communities may agree to less, but not more.

## **B. Arlington Zoning Bylaw & ARB Review**

While the Select Board may authorize some terms and conditions of operating a marijuana establishment through an HCA, it is important to do so within the context of the Arlington Zoning Bylaw marijuana regulations. As approved on December 5, 2018, the Arlington Zoning Bylaw sections 3.4, 5.5 and 8.3 govern the siting and operation of marijuana establishments. Marijuana establishments may only be sited in those districts allowing them

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<sup>2</sup> A full copy of the CCC’s 37-pages of regulations on adult-use and medical marijuana establishments can be found here: <https://www.mass.gov/files/documents/2018/03/27/935cmr500.pdf>

<sup>3</sup> Moreover, as noted above, Arlington’s BOH has incorporated the State’s marijuana regulations and enhanced them where permissible and harmonious with state law.

<sup>4</sup> Some communities and establishments have negotiated terms which applicants allege exceed such limits by requiring donations to certain non-profit entities or like financial commitments. I respectfully advise against the inclusion of such terms as indeed some of those same communities are presently facing or may soon face litigation by unsuccessful applicants on the basis that competitors agreed to terms not authorized by c. 94G sec. 3(d).

(B2A, B3, B4, B5, and Industrial districts). In order to attain a special permit in any such district, applicants must further comply with “environmental design review” (“EDR”) standards.

The purpose of EDR is “to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare.” Zoning Bylaw Sec. 3.4.1. The twelve (12) criteria of EDR are:

- Preservation of Landscape;
- Relation of Buildings to Environment;
- Open Space;
- Circulation;
- Surface Water Drainage;
- Utility Service;
- Advertising Features;
- Special Features;
- Safety;
- Heritage;
- Microclimate; and
- Sustainable Building and Site Design.

Furthermore, marijuana establishments are also subject to special regulations set forth in section 8.3. *See*, Attachment “B,” Zoning Bylaw Section 8.3. Most germane to the Select Board’s consideration, the Zoning Bylaw limits the number of special permits for marijuana establishment to a total of three (3), and prohibits placement of such establishments within the following “buffer zones”:

- 500 feet of K-12 schools;
- 300 feet of Town playgrounds and recreational facilities;
- 200 feet of Town libraries; and
- 2,000 feet of another like marijuana establishment of the same kind.<sup>5</sup>

### **C. Board of Health Licensing & Enforcement**

Finally, the Board of Health has promulgated its “Regulation to Ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana,” which addresses a broad range of operational and product safety subjects including how products are displayed within stores and what kind of products can be sold. Specific prohibitions include self-service displays, “out-of-package” and/or “roll-your-own” sales, and product vending machines. *See* Attachment “C” BOH Regulations. Additional requirements include annual community meetings to hear abutter feedback, and requiring surety bonds to cover Town costs in the event of unanticipated closure. These regulations also incorporate the 900 CMR 500 (the

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<sup>5</sup> i.e. no recreational establishment within 2,000 feet of another recreational establishment or no medical dispensary within 2,000 feet of another medical dispensary.

CCC's regulations) in order to assure consistency, continuity, and maximum enforcement authority for Health Department agents and the BOH.

#### IV. Recommended Selection Process, Criteria and Minimum HCA Terms

Neither CCC guidance materials nor the regulations of 935 CMR 500 provide a specific process for vetting HCA applicants, especially where the limited number of special permits/licenses practically require awarding an HCA to some applicants and not others. Based upon the foregoing outline of the authorities and responsibilities, the Board's initial comments, a review of standards used by the Board to competitively select recipients for package store licenses from a pool of applicants in 2011, and surveyed criteria employed by other municipalities for awarding HCAs, this Office recommends the process, criteria, and minimum HCA terms and conditions set forth below.

##### **A. Process**

##### **1. HCA Application & Preliminary Review**

Applicants will provide a complete HCA application to the Select Board Office, including but not limited to:

- a. Detailed business information, including identifying the type of business, the management team, and the names of all partners or managers with an ownership stake greater than 10%.
- b. Narrative response to an "Operating Questionnaire" designed to provide applicants the opportunity to highlight how they will meet the selection criteria approved by the Board (set forth in section C below: Selection Criteria).
- c. Regulatory compliance information, including detailing the license status of any marijuana license held throughout the Commonwealth, any violations of state or local rules and regulations within the last three (3) years relative to marijuana establishments or any Arlington bylaws, rules, or regulations;
- d. Supporting Materials, including the following:
  - A business plan;
  - A preliminary security plan;
  - A preliminary traffic and parking management plan;<sup>6</sup>
  - Evidence of site control; and

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<sup>6</sup> The Select Board does not require a full and finalized traffic study or security plan given that the EDR Process as well as BOH regulations will heavily examine

- Certification of Zoning Compliance.<sup>7</sup>

e. Proposed HCA with all minimum terms and conditions included; and

f. Priority application status.<sup>8</sup>

A Preliminary Review Team (“PRT”) consisting of the Chief of Police, the Health Director, the Planning Director, the Building Inspector, the Town Counsel, and the Town Manager or their respective designees shall review applications for completeness and provide the Board with comments, objections to applicants, or further questions for the applicants in advance of presentations to the Select Board.

An application fee of \$ \_\_\_\_\_ shall also be provided to the Select Board Office.

## 2. Presentations before the Select Board

Following PRT preliminary review, applicants will be invited to make a \_\_\_\_\_ minute presentation to the Select Board, further addressing the HCA Selection Criteria, their proposed HCA, and other information they wish to emphasize to the Board and the public.

### B. Selection Criteria

The Board will consider the following criteria as probative of the quality of applicants experience and plan for operating in Arlington:

- a. Completeness and quality of application;
- b. Demonstrated direct experience in the cannabis industry or a similar industry, such sensitive retail and related commercial uses – package stores, establishments with other types of alcohol licenses or age-restricted products;
- c. Relevant business experience in Arlington;
- d. Relevant business experience in the Commonwealth of Massachusetts;

<sup>7</sup> As noted above, the Zoning Bylaw allows for marijuana establishments by special permit only in certain districts, and further establishes a variety of buffer zones where establishments may not be sited without further relief from the ARB. The ARB may grant an exception to buffer zones as provided in Zoning Bylaw sec. 8.3(b)(2). However, Given the likely competition for licenses, all applicants for HCAs should demonstrate site control in one of the zoned districts for marijuana establishments as well as siting outside a buffer zone *or* substantial evidence that an exception is feasible due to site specific conditions.

<sup>8</sup> In surveying other communities which have engaged in a competitive HCA process, I note for the Board’s consideration that many such as Somerville and Salem afford “priority status” to two types of applicants – existing Registered Marijuana Dispensaries (RMDs) operating in their communities, and Economic Empowerment Applicants (typically businesses where a majority of ownership are minorities and/or have resided or operated in areas disproportionately impacted by prior drug policies as identified by the CCC).



- e. A sound preliminary business plan which evidences applicants' financial resources, proposed scale of operation, inventory sources and plans for inventory management, as well as anticipated costs and revenues;
- f. A strong employee training process and plan to ensure regulatory compliance;
- g. A sound preliminary security plan including inventory;
- h. A sound preliminary traffic and parking plan demonstrating basic feasibility of the site and/or intended traffic and parking mitigation measures;
- i. For adult-use applicants, intention to co-locate RMD operations to ensure access to Arlington medical marijuana patients;
- j. Commitment to youth safety, abuse prevention, and community education;
- k. Commitment to diversity and local hiring; and
- l. Maintenance of geographic balance in the distribution of marijuana establishments.

The aforementioned criteria are not exhaustive, nor are any single criteria determinative. The Board shall also weigh any objections, concerns, or comments of the PRT. Applicants are encouraged to inform the Board of unique qualifications they may possess. Further, to the extent the criteria are overlap with those which would be applied during ARB or BOH permit and license reviews, applicants are advised that the grant of an HCA by the Select Board shall not be considered as evidence of appropriateness in such processes.

### **C. Minimum HCA Terms & Conditions**

Applicants are invited to provide their own HCA proposals with the following minimum requirements and restrictions:

1. A Community Impact Fee equal to 3.0% of the establishment's gross sales;
2. Annual filing of financial statements with the Town;
3. Provision of financial reporting records required by the CCC to the Town within a reasonable timeframe;
4. Maintenance of books and other financial records pertaining to the requirements of the HCA consistent with accounting standards and guidelines of the CCC;
5. Commitment to hiring local, qualified employees, and diverse employees to the extent consistent with the law;
6. Commitment to hiring local vendors, suppliers, and contractors from diverse businesses to the extent permitted by law;
7. Commitment to participation in youth health and safety prevention programs;

8. Cooperation with the Arlington Police Department to ensure effective security, including periodic meetings to review of security protocols and agreement on the placement of exterior security cameras and devices; and
9. If applicable, commitment to cooperate with the Town to prevent Hardship Cultivation Registration for medical marijuana patients;

In light of the CCC's Guidance, the Select Board will not accept additional financial incentives or payments to private entities as a condition of HCAs.

#### V. HCA Application Decisions

The Select Board endeavors to make determinations on HCA applications in an efficient and transparent manner, mindful that successful applicants for an HCA will be scrutinized in detailed fashion during the lengthier state licensure, special permit, and BOH licensure processes. The Board will not formally score applications, nor will it issue written decisions. The Board must determine which applications will be approved in an open, public meeting. If equipped with sufficient information, the Board shall vote after hearing all applicant presentations.

**ATTACHMENT "B"**

- B. Special permits shall lapse within three years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

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### **3.4 ENVIRONMENTAL DESIGN REVIEW**

#### **3.4.1. Purposes**

The purpose of Section 3.4 is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1.

#### **3.4.2. Applicability**

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and (c) is one of the uses listed in subparagraphs A through J below, the special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

- A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.
- B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, to be constructed within a two-year period.
- C. Auto service stations.
- D. Single-room occupancy building or bed and breakfast, with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- E. Nonresidential uses and hotels/motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- G. Mixed-Use.
- H. Outdoor uses.
- I. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons,



which signage may be in effect between March 15 and December 15 of any calendar year.

- J. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, as provided and limited by the provisions of G.L. c. 40A, § 3, that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

The following uses shall also be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4:

- (1) Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- (2) Parking in the Open Space District.
- (3) Medical Marijuana Treatment Center.
- (4) Marijuana Establishment.

#### 3.4.3. Procedures

- A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's ("Board") rules and regulations.
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.
- D. A favorable decision by the Board shall require the votes of at least four members.
- E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.

#### 3.4.4. Environmental Design Review Standards

The following standards shall be used by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards in order to administer this Section 3.4, and maintain those guidelines on file with the Department and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

- A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
- C. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
- D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- E. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an

underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

- F. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
- G. Advertising Features, subject to the provisions of Section 6.2 below. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- H. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- I. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
- J. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- K. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.
- L. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a

current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED® performance objectives will be incorporated into the project.

- E. Affordable units shall be dispersed throughout the development and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

#### 8.2.4. Incentive

Notwithstanding the special permit requirement under Section 6.1.10, Location of Parking Spaces, and 6.1.11, Parking and Loading Space Standards:

- A. The applicant shall have the option to reduce the number of spaces required in Section 6.1.4, Table of Off-Street Parking Regulations by up to 10 percent.
- B. In the case of a single-room occupancy building or dormitory, where more than 50% of the units are affordable to households earning no more than 60% of Area Median Income, the number of parking spaces for the affordable units may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

#### 8.2.5. Administration

- A. The Arlington Redevelopment Board shall administer this Section 8.2 and may adopt administrative rules and regulations to implement its provisions.
- B. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a prorata basis.
- C. Sales prices, resale prices, initial rents and rent increases for affordable units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.
- D. The affordable units shall be subject to a marketing plan approved by the Director of Planning and Community Development, consistent with federal and state fair housing laws and the Town of Arlington's approved Affirmatively Furthering Fair Housing plan and policies, on file in the Department of Planning and Community Development.
- E. To the extent not inconsistent with the provisions of G.L. c.183A, condominium documentation shall provide the owners of the affordable units with voting rights sufficient to ensure an effective role in condominium decision-making.

All legal documentation shall be subject to review and approval by Town Counsel or its designee.

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### 8.3 STANDARDS FOR MARIJUANA USES

For all marijuana uses, the following standards apply:

- A. General



- (1) Marijuana Establishments and Medical Marijuana Treatment Centers shall be allowed only after the granting of an Environmental Design Review Special Permit by the Arlington Redevelopment Board, subject to the requirements of Section 3.4 and this Section.
- (2) Marijuana Retailers and Marijuana Production Facilities, as defined in Section 2, may be established to provide Marijuana Products for medical use, non-medical use, or both, in accordance with applicable state laws and regulations.
- (3) Marijuana Establishments and Medical Marijuana Treatment Centers shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized pursuant to applicable state and local regulations.
- (4) Marijuana Production Facilities shall not be greater than 5,000 square feet in gross floor area, and shall be licensed as a Marijuana Microbusiness if Marijuana Products are cultivated or produced for non-medical use.
- (5) A Marijuana Retailer or Marijuana Production Facility that has previously received an Environmental Design Review Special Permit from the Arlington Redevelopment Board for a Medical Marijuana Treatment Center shall be required to amend its previously issued Special Permit to authorize the conversion to or co-location of a Marijuana Establishment for the non-medical use of marijuana.

**B. Location**

- (1) Pursuant to 935 CMR 500.110, Marijuana Establishments shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12. This standard also applies to Medical Marijuana Treatment Centers not already permitted by the date of this bylaw.
- (2) Marijuana Establishments and Medical Marijuana Treatment Centers, not already permitted by the date of this bylaw, shall not be located within 300 feet of Town-owned playgrounds and recreational facilities and 200 feet of public libraries, unless a finding of the Arlington Redevelopment Board determines that the location, based on site-specific factors, or if the Applicant demonstrates, to the satisfaction of the Arlington Redevelopment Board, that proximity to the aforementioned facilities will not be detrimental based upon criteria established in 3.3.3 and 3.3.4.
- (3) A Marijuana Retailer shall not be permitted within 2,000 feet of another Marijuana Retailer; A Medical Marijuana Treatment Center shall not be permitted within 2,000 feet of another Medical Marijuana Treatment Center.

**C. Cap on the number of Special Permits for Marijuana Retailers**

- (1) The Arlington Redevelopment Board shall not grant a special permit if doing so would result in the total number of Marijuana Retailer licenses to exceed a maximum of three.

**ATTACHMENT "A"**

## **Guidance on Host Community Agreements**

To be licensed, a Marijuana Establishment must execute a Host Community Agreement (“HCA”) with the municipality in which it intends to be located. *See* 935 CMR 500.101 (1)(a)(8) and (2)(b)(6).<sup>1</sup> This document provides guidance to municipalities and applicants so that they can work cooperatively to structure an HCA in compliance with M. G. L. c. 94G, § 3(d).

Section 3(d) of chapter 94G, states, in relevant part:

“A marijuana establishment or a medical marijuana treatment center seeking to operate or continue to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center. An agreement between a marijuana establishment or a medical marijuana treatment center and a host community may include a community impact fee for the host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not amount to more than 3 percent of the gross sales of the marijuana establishment or medical marijuana treatment center or be effective for longer than 5 years. Any cost to a city or town imposed by the operation of a Marijuana Establishment or medical marijuana treatment center shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4.”

Under the statute, HCAs must include the terms necessary for a Marijuana Establishment to operate within a community. As with any agreement, terms should be negotiated between willing parties to the contract. In this context, the parties to the HCA are the owners or otherwise authorized representatives of the Marijuana Establishment and the contracting authority for the municipality. The parties should negotiate and agree to their respective responsibilities. The parties should also be aware of and abide by the constraints imposed by the plain language of M. G. L. c. 94G, § 3(d). It is clear from the statute, that the Legislature intended for a municipality to act reasonably in negotiating with a Marijuana Establishment that seeks to operate within its community. The costs and impacts of hosting a Marijuana Establishment will understandably vary from municipality to municipality and negotiated HCAs should reflect the particular impacts on the host community.

It is also important that the parties to the HCA be mindful of not only the statutory language in M. G. L. c. 94G, but also the context in which an HCA is required to be negotiated. Section 3(d) of chapter

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<sup>1</sup> A Marijuana Establishment with multiple physical locations, such as a craft marijuana cultivation cooperative, must execute a HCA for each municipality in which it has a physical presence.

94G should be read in conjunction with M. G. L. 64H and 64N, the statutes that allow for the taxation of adult-use marijuana. Taken together, these statutes authorize and limit the assessments allowed on marijuana, marijuana products and Marijuana Establishments.

**Taxes.** The Legislature explicitly authorized municipalities to adopt an optional local excise tax of up to 3%, as applied to retail transactions, in addition to state sales and excise taxes.<sup>2</sup> In so doing, the Legislature established the ceiling for state-authorized taxes that may be assessed on a Marijuana Establishment:

- the 6.25% sales tax;
- the 10.75% excise tax on marijuana and marijuana products; and
- the optional 3% local tax, which may be applied to retail sales only.

**Community Impact Fee.** The community impact fee authorized by G.L. c. 94G, § 3(d) is optional and separate and apart from the taxes described above. To be authorized under the statute, and consistent with the decisional law on fees, a community impact fee included in an HCA must meet certain legal requirements.<sup>3</sup> The fee charged must be in exchange for a benefit that is sufficiently specific and special to the Marijuana Establishment and assessed in such a way that it justifies assessing the cost to this limited group as opposed to the general public, even if the public sees some benefit.<sup>4</sup> Moreover, the fee should be reasonably designed to compensate the municipality for the costs of providing the benefit.<sup>5</sup>

Accordingly, any HCA structured consistent with G. L. c. 94G, § 3(d), may include a community impact fee, provided that the community impact fee does not amount to more than 3% of the gross annual sales of the Marijuana Establishment and meets the legal requirements of permissible fees. A community impact fee included in an HCA must be more than simply called a community impact fee; it must be structured appropriately.

### **What are examples of required conditions?**

Under section 3(d) of Chapter 94G, all HCAs should include terms that describe the conditions that the municipality and Marijuana Establishment must satisfy for that establishment to operate within that host community.

Individual conditions can vary widely. The following list should not be construed as exhaustive or exclusive, but merely serves as an illustration of conditions:

- In the case that the Company desires to relocate the Marijuana Establishment within [Name of Municipality] it must first obtain approval of the new location before any relocation

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<sup>2</sup> See M. G. L. c. 64H, § 2 and M. G. L. c. 64N, §§2 and 3(a).

<sup>3</sup> See generally *Emerson College v. Boston*, 391 Mass. 415 (1984).

<sup>4</sup> *Denver St. LLC v. Town of Saugus*, 462 Mass. 651, 659-660 (2012).

<sup>5</sup> *Silva v. City of Attleboro*, 454 Mass. 165, 173 (2009).



- The Company agrees that jobs created at the facility will be made available to [Name of Municipality] residents. [Municipality] residency will be one of several positive factors in hiring decisions at the facility but shall not be determinative and shall not prevent the Company from hiring the most qualified candidates and complying with all Massachusetts anti-discrimination and employment laws.
- Termination by the Company: The Company may terminate this Agreement ninety (90) days after the cessation of operations of any facility within [Name of Municipality]. The Company shall provide notice to [Municipality] that it is ceasing to operate within the [Municipality] and/or is relocating to another facility outside the [Municipality] at least ninety (90) days prior to the cessation or relocation of operations. If the Company terminates this Agreement, the final annual payment as defined in Paragraph X of this Agreement shall be paid to the [Municipality] by the Company. The Company shall pay the final annual payment to [Municipality] within thirty (30) days following the date of termination.
- A key-and-lock system shall not be the sole means of controlling access to the Marijuana Establishment. The Company agrees to implement a method such as a keypad, electronic access card, or other similar method for controlling access to areas in which marijuana or marijuana products are kept in compliance with 935 CMR 500.110.
- The Company agrees to provide a paid police detail for the purposes of traffic and crowd management during peak hours of operation, which shall include, but may not be limited to, Fridays between 3:00 pm -8:00 pm; Saturdays and Sundays.
- [Municipality] agrees to submit to the Commission, or other such licensing authority as required by law or regulation, certification of compliance with applicable local bylaws relating to the Company's application for licensure and/or operation where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request including but not limited to Special Permit or other zoning applications submitted by the Company in any particular way other than in accordance with the municipality's governing laws.
- The [Municipality] agrees to work with the Company, if approved, to assist the Company with community support, public outreach and employee outreach programs.
- The Company agrees to work collaboratively with the Municipality and provide staff to participate in a reasonable number of Municipality-sponsored educational programs on public health and drug abuse prevention geared toward public health and public safety personnel.

The type and nature of the conditions included in an HCA are unlimited by Section 3(d) of Chapter 94G. Indeed, the only required prerequisite is that the HCA identifies the party responsible for fulfilling its

respective responsibilities under the agreement. As such, the Commission is likely to take a broad view of acceptable conditions.

### **What is permissible as part of a community impact fee?**

Under Section 3(d), an HCA may also “include a community impact fee for the host community.” The statute does not include a definition of what constitutes a “community impact fee” and does not provide for elements of the fee, but it does impose other express limitations on any community impact fee included as part of an HCA:

1. **The community impact fee must be “reasonably related to the costs imposed upon the municipality by the operation of the Marijuana Establishment or medical marijuana treatment center.”**

There are two categories of generally acceptable types of fees: user fees and licensing or regulatory fees. A licensing or regulatory fee is based on the municipality’s authority to regulate businesses or activities. Regardless of what category it falls into, the fee charged must be in exchange for a benefit received by the Marijuana Establishment in such a way that justifies assessing the cost to that establishment, even if the public also receives some benefit.

The Commission views fees that are “reasonably related” as those that compensate the municipality for its actual and anticipated expenses resulting from the operation of the Marijuana Establishment. While some latitude is to be given to municipalities to plan for their expenses, the municipality must identify the plan specifics to justify the fee. As section 3(d) requires, it is important that the fee bears some reasonable relation to the costs of providing municipal services or other benefits and not merely be a fee without designation of its origins or justification of its amount. Moreover, there must be a proportionality between the cost or impact claimed by the community and the fee required of the Marijuana Establishment.<sup>6</sup> Municipalities are cautioned against relying on fees that are simply revenue generators in negotiating with Marijuana Establishments and planning their municipal budgets, as these fees may not withstand judicial scrutiny.

Some anticipated costs that may reasonably be included in a fee of up to 3% of gross annual sales include services such as:

- Traffic intersection design studies where additional heavy traffic is anticipated because of the location of retail establishment;
- Environmental impact or storm water or wastewater studies anticipated as the result of cultivation;
- Public safety personnel overtime costs during times where higher congestion or crowds are anticipated;
- Additional substance abuse prevention programming during the first years of operation;

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<sup>6</sup> Koontz v. St. John’s River Water Management District, 133 S. Ct. 2686 (2013); See also Attorney General’s letter on Hanover Annual Town Meeting Warrant Articles #22 and 23 (Zoning), December 1, 2014.

- Municipal inspection costs.

The list delineated above is not intended to be exhaustive or exclusive and is merely provided as illustrative examples.

**2. The HCA must limit the community impact fee to not more than 3% of the gross annual sales of the Marijuana Establishment.**

The Commission emphasizes that there is a strict limitation on the amount of the community impact fee that a Municipality may collect as part of an HCA. The fee is capped at 3% of the Marijuana Establishment's gross annual sales.

Any fee that is more than 3% of gross annual sales is not a valid community impact fee. Moreover, any fee whether characterized as a fee, donation or other exaction, including any assessment above 3% of gross annual sales, must also comply with applicable law and the legal requirements discussed above. The Commission reiterates that, consistent with the statutory requirement of "reasonable relation" and case law on exactions there must be a proportionality between the cost or impact claimed by the community and the fee required of the Marijuana Establishment. As stated G.L. c. 94G, §3 (d), the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center.

**3. The community impact fee is limited to a term of 5 years.**

The Commission reads this provision consistent with the plain language of the statute, which states in relevant part that "the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center and shall not...be effective for longer than 5 years." The community impact fee is strictly limited to a term of 5 years or less. Parties may consider negotiating a fee with a shorter duration. This may be particularly helpful to reaching an agreement where the parties have difficulty ascertaining specific costs and wish to revisit the community impact fee once more information relevant to the particular Marijuana Establishment is available. Both G.L. c. 94G, §3 (d) and the Commission's regulations at 935 CMR 500. 103 (4)(d) anticipate the collection and publication of additional information on the costs imposed by the operation of Marijuana Establishments.

At, or before, the conclusion of the term of the preceding community impact fee, the parties may choose to negotiate a new, optional community impact fee which shall similarly be limited to a term of 5 years or less. Regardless of whether the parties choose to negotiate a new community impact fee, the Commission interprets the strict time limitation of G.L. c. 94G, §3 (d) as extinguishing the preceding community impact fee upon the expiration of 5 years or less, whichever was originally agreed to by the parties.

Applicants for licensure as a Marijuana Establishment are strongly encouraged to seek legal advice from a licensed attorney regarding the negotiation of an HCA. Eligible licensees and applicants for licensure may be qualified to receive services through the Commission's Social Equity program. If you are a participant in the Social Equity program or are interested in learning more about the services offered as part of the Social Equity program, please contact the Commission at (617) 701-8400.

**ATTACHMENT "C"**





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

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**Regulation of the Arlington Board of Health Restricting the Sale of Medical Marijuana**

**A. Statement of Purpose:**

Whereas the citizens of Massachusetts voted in November of 2012 to declare there should be no punishment under state law for Qualifying Patients and health care professionals, Personal Caregivers for patients, or Registered Marijuana Dispensary Agents for the medical use of marijuana.

Whereas the Town of Arlington aims to abide by the aim of this law and ensure that Registered Marijuana Dispensaries abide by further regulations to ensure the public health and public safety of our residents.

Now, therefore it is the intention of the Town of Arlington to regulate the cultivation and sale of medical marijuana.

**B. Authority:**

This regulation is promulgated pursuant to the authority granted to the Arlington Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

**C. Definitions:**

For the purpose of this regulation, the following words shall have the following meanings. Terms not herein defined shall be used as defined in 105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA.

**Blunt Wrap:** Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

**Board of Health:** The Town of Arlington Board of Health and any of its authorized agents and representatives.

**Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Card Holder:** A Registered Qualifying Patient, a Personal Caregiver, or a Dispensary Agent of a Registered Marijuana Dispensary who has been issued and possesses a valid Registration Card.

**Cultivation Site:** The building, structure, enclosed space, area, room or group of rooms, and associated equipment and fixtures, where the cultivation of marijuana occurs pursuant only to a Hardship Cultivation

Registration. This shall not refer to a site or facility where the cultivation of marijuana by a Registered Marijuana Dispensary occurs, which shall be considered a Registered Marijuana Dispensary requiring a Permit to Operate a Medical Marijuana Dispensary.

Dispensary Agent: A board member, director, employee, executive, manager, or volunteer of a Registered Marijuana Dispensary, who is at least 21 years of age and who has received approval from the state under 105 CMR 725.030. Employee includes a consultant or contractor who provides on-site services to a Registered Marijuana Dispensary related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Dispensary Agent Permit: A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, which permits an eligible person to be employed by a Registered Marijuana Dispensary.

Dispensary Agent Permit Holder: Any employee at a Registered Marijuana Dispensary who applies for and receives a Dispensary Agent Permit.

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Hardship Cultivation Permit: A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, which permits a Personal Caregiver or a Registered Qualifying Patient to cultivate medical marijuana at a cultivation site within the Town of Arlington.

Hardship Cultivation Permit Holder: Any Personal Caregiver or Registered Qualifying Patient engaged in the hardship cultivation of marijuana who applies for and receives a Hardship Cultivation Permit.

Hardship Cultivation Registration: A registration issued to a Registered Qualifying Patient under the requirements of 105 CMR 725.035.

Limited Access Area: A building, room, or other indoor or outdoor area on the registered premises of a Registered Marijuana Dispensary where marijuana, MIPs, or marijuana by-products are cultivated, stored, weighed, packaged, processed, or disposed, under control of a Registered Marijuana Dispensary, with access limited to only those Dispensary Agents designated by the Registered Marijuana Dispensary.

Marijuana: All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products (MIPs) except where the context clearly indicates otherwise.

**Marijuana-Infused Product (MIP):** A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

**Nicotine Delivery Product:** Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

**Non-Residential Roll-Your-Own (RYO) Machine:** A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

**Paraphernalia:** "Drug paraphernalia" as defined in M.G.L. Ch. 94C, §1.

**Permit to Operate a Registered Marijuana Dispensary** (hereafter referred to as "RMD Operating Permit"): A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, that permits a Registered Marijuana Dispensary to operate within the Town of Arlington. A separate RMD Operating Permit is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Registered Marijuana Dispensary is approved by the Massachusetts Department of Public Health to cultivate marijuana or prepare MIPs.

**Permit to Operate a Registered Marijuana Dispensary Holder** (hereafter referred to as "RMD Operating Permit Holder"): Any not-for-profit entity engaged in the sale of medical marijuana that applies for and receives a RMD Operating Permit.

**Personal Caregiver:** A person, registered by the Massachusetts Department of Public Health, who is at least 21 years old, who has agreed to assist with a Registered Qualifying Patient's medical use of marijuana, and is not the Registered Qualifying Patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a Qualifying Patient may serve as a Personal Caregiver, including to patients under 18 years of age as a second caregiver.

**Qualifying Patient:** A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

**Registration Card:** An identification card issued by the Massachusetts Department of Public Health, valid for one year from the date of issue, to a Registered Qualifying Patient, Personal Caregiver, or Dispensary Agent. The Registration Card verifies either that a certifying physician has provided a written certification to the Qualifying Patient and the patient has been registered with the Massachusetts Department of Public Health; that a patient has designated the individual as a Personal Caregiver; that a patient has been granted a hardship cultivation registration; or that a Dispensary Agent has been registered with the Massachusetts Department of Public Health and is authorized to work at a Registered Marijuana Dispensary. The Registration Card allows access into appropriate elements of a Massachusetts Department of Public Health-supported, interoperable

database in which detailed information regarding certifications and possession criteria are stored. The Registration Card identifies for the Massachusetts Department of Public Health and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and MGL Ch. 369.

**Registered Marijuana Dispensary:** A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their Personal Caregiver(s). Unless otherwise specified, Registered Marijuana Dispensaries refers to the site(s) of dispensing, cultivation, and preparation of marijuana (for the purpose of this regulation a Medical Marijuana Treatment Facility shall also be called a Registered Marijuana Dispensary).

**Registered Qualifying Patient:** A Qualifying Patient who has applied for and received a registration card from the Massachusetts Department of Public Health.

**Self-Service Display:** Any display from which customers may select a marijuana product without assistance from a Dispensary Agent or store personnel.

**Smoking:** The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

**Thirty-Day Supply:** That amount of marijuana, or equivalent amount of marijuana in MIPs, that a Registered Qualifying Patient would reasonably be expected to need over a period of 30 calendar days for his or her personal medical use, which is a maximum of 5 ounces.

**Tobacco Product:** Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff, blunt wraps or tobacco in any of its forms.

**Vending Machine:** Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

**Written Certification:** A form submitted to the Massachusetts Department of Public Health by a Massachusetts licensed certifying physician, describing the Qualifying Patient's pertinent symptoms, specifying the patient's debilitating medical condition, and stating that in the physician's professional opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient.

#### **D. Permit to Operate a Registered Marijuana Dispensary:**

1. No person shall sell or otherwise distribute marijuana or marijuana products within the Town of Arlington without first obtaining a Permit to Operate a Registered Marijuana Dispensary ("RMD Operating Permit") issued annually by the Board of Health. Only Registered Marijuana Dispensaries with a permanent, non-mobile location in Arlington, meeting zoning restrictions, are eligible to apply for a RMD Operating Permit to maintain a supply of marijuana or marijuana products at the specified location in Arlington.
2. As part of the application process, the applicant will submit to the Board of Health the detailed summary of operating policies and procedures for the Registered Marijuana Dispensary as submitted with their Phase II application per 105 CMR 725.100, including, but not limited to, provisions for security, prevention of

diversion, storage of marijuana, transportation of marijuana, inventory procedures, procedures for quality control and testing of product for potential contaminants, procedures for maintaining confidentiality as required by law, personnel policies, dispensing procedures, record-keeping procedures, plans for patient education, and any plans for patient or Personal Caregiver home-delivery.

3. As part of the RMD Operating Permit application process the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and understands that under this regulation they are responsible for complying with all local and state regulations pertaining to the operation of the Registered Marijuana Dispensary. Specifically, a violation of any provision of 105 CMR 725.000 or other applicable state regulation constitutes a violation of this regulation, which may be enforced by the Board of Health.
4. Each applicant is required to provide proof of a current Certificate of Registration to Operate a Registered Marijuana Dispensary, issued by the Massachusetts Department of Public Health, before a RMD Operating Permit can be issued.
5. The Board of Health will hold a public hearing for the applicant to speak regarding their initial application. The Board of Health may require the applicant to furnish additional information regarding their application before voting to grant or deny the RMD Operating Permit. The Board will not hold a public hearing for renewal applications.
6. Each RMD must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD's operating practices, policies and plans. The community meeting shall be advertised by the RMD through direct-mail or other written communication to abutters. A notice of the same shall be advertised in the local newspaper. A report outlining the attendance, comments received, and proposed responses and plans to address the comments shall be submitted to the Board with the renewal application.
7. As a condition of RMD Operating Permit issuance, the Registered Marijuana Dispensary agrees to provide to the Board of Health a copy of their Certificate of Registration, annual renewals thereafter, any changes to the business as described in 105 CMR 725.100(F) and current written operating procedures required in 105 CMR 725.105.
8. As a condition of RMD Operating Permit issuance, the Registered Marijuana Dispensary agrees to provide a home delivery service in accordance with 105 CMR 725.000 to patients who demonstrate an inability to access the Registered Marijuana Dispensary.
9. As a condition of RMD Operating Permit issuance, the Registered Marijuana Dispensary agrees to notify the Board of Health orally and in writing within 24 hours of a visit to the premises or request for information by any representative of the Massachusetts Department of Public Health acting in an official capacity. The Registered Marijuana Dispensary shall provide the Board of Health with any reports, written or electronic correspondence, or information from the Department of Public Health on demand or, in any case, within five (5) business days after receipt by the Registered Marijuana Dispensary.
10. No applicant is permitted to sell alcohol, tobacco products and/or nicotine delivery products and must not be in possession of either a tobacco sales permit or a liquor license issued by the Town of Arlington and/or its Board of Health.

11. No applicant is permitted to hold a common victualler license or food service permit issued by the Board of Health for on-premises food consumption.
12. Applicants who wish to prepare or sell edible MIPs at their Registered Marijuana Dispensary must undergo the Board of Health plan review process for food establishments prior to beginning operations. All edible MIPs shall be prepared, handled and stored in accordance with the requirements of 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments at all times during operation.
13. No applicant is permitted to be a Massachusetts lottery dealer.
14. A separate RMD Operating Permit is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Registered Marijuana Dispensary is approved by the Massachusetts Department of Public Health to cultivate marijuana or prepare MIPs.
15. The RMD Operating Permit shall be displayed in an open, conspicuous place in view of the public.
16. Permit to Operate a Registered Marijuana Dispensary Holders ("RMD Operating Permit Holders") shall at all times ensure the buildings, structures, physical facilities, vehicles, fixtures and equipment of the Registered Marijuana Dispensary are being maintained in a sanitary condition, in good repair, free from defects, and in every way fit for the use intended so as to prevent the occurrence of any nuisance conditions or other conditions which may endanger or impair health, safety or wellbeing of an occupant or the general public.
17. Applicants shall develop a plan, subject to review and approval by the Board of Health, for the safe and secure storage and disposal of all marijuana waste and refuse. The plan shall ensure all marijuana waste and refuse is rendered unusable and is disposed of in accordance with applicable law.
18. RMD Operating Permit Holders shall at all times be subject to periodic, unannounced inspections conducted by the Board of Health. Denial of access to the Board of Health may be grounds for immediate suspension or revocation of a RMD Operating Permit.
19. Issuance and maintaining a RMD Operating Permit shall be conditioned on the RMD Operating Permit Holder's compliance with any orders issued by the Board of Health to correct any deficiencies or violations identified during an inspection.
20. Issuance and maintaining a RMD Operating Permit shall be conditioned on an applicant's on-going compliance with this regulation, the requirements set forth in 105 CMR 725.000, a violation of which constitutes a violation of this regulation, which may be enforced by the Board of Health, all other current Commonwealth of Massachusetts requirements and policies regarding marijuana sales, as well as all bylaws and zoning bylaws of the Town of Arlington.
21. RMD Operating Permit Holders agree that a Registered Marijuana Dispensary will not open for business before 9:00 am and shall close no later than 8:00 pm daily.
22. A RMD Operating Permit is non-transferable. A new owner of a Registered Marijuana Dispensary must apply for a new RMD Operating Permit. No new RMD Operating Permit will be issued unless and until all outstanding penalties incurred by the previous RMD Operating Permit Holder are satisfied in full.



23. A RMD Operating Permit will not be renewed if the RMD Operating Permit Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding RMD Operating Permit suspensions.
24. The fee for a RMD Operating Permit shall be determined by the Board of Health annually.

**E. Dispensary Agent Permit:**

1. No Dispensary Agent or person shall sell or otherwise distribute marijuana or marijuana products at a Registered Marijuana Dispensary within the Town of Arlington without first obtaining a Dispensary Agent Permit issued annually by the Board of Health.
2. As part of the Dispensary Agent Permit application process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and understands that under this regulation they are responsible for complying with all local and state regulations pertaining to the operation of the Registered Marijuana Dispensary. Specifically, a violation of any provision of 105 CMR 725.000 or other applicable state regulation constitutes a violation of this regulation, which may be enforced by the Board of Health.
3. Each applicant is required to provide proof by means of a valid government-issued photographic identification containing the bearer's date of birth that the applicant is 21 years old or older.
4. Each applicant is required to provide proof of a current Dispensary Agent registration, issued by the Massachusetts Department of Public Health, before a Dispensary Agent Permit can be issued.
5. Each applicant is required to provide the Criminal Offender Record Information (CORI) report submitted on their behalf to the Massachusetts Department of Public Health by the Registered Marijuana Dispensary.
6. Issuance and maintaining a Dispensary Agent Permit shall be conditioned on an applicant's on-going compliance with this regulation, the requirements set forth in 105 CMR 725.000, a violation of which constitutes a violation of this regulation, which may be enforced by the Board of Health, as well as all other current Commonwealth of Massachusetts requirements and policies regarding marijuana sales.
7. A Dispensary Agent Permit will not be renewed if the Dispensary Agent Permit Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding Dispensary Agent Permit suspensions.
8. Dispensary Agents must present their Massachusetts Department of Public Health Registration Card and Dispensary Agent Permit to any law enforcement officer or municipal agent who questions the agent concerning their marijuana-related activities.
9. The fee for a Dispensary Agent Permit shall be determined by the Board of Health annually.

**F. Marijuana Sales at Registered Marijuana Dispensaries:**

1. No person shall sell marijuana from any location other than at a Registered Marijuana Dispensary that possesses a valid RMD Operating Permit issued by the Board of Health.

2. Registered Marijuana Dispensaries shall only permit Dispensary Agents to transport marijuana or MIPs on their behalf, whether between dispensaries, dispensary sites, or to Registered Qualifying Patients or Personal Caregivers and follow Massachusetts Department of Public Health guidelines found in 725.110(E) which shall be made available to the Arlington Police Department upon request.
3. Registered Marijuana Dispensaries shall permit entry to the Registered Marijuana Dispensary, to specifically engage in activity expressly or by necessary implication permitted by the MGL Ch. 369 and 105 CMR 725.000, to only Registered Qualifying Patients, Personal Caregivers, Dispensary Agents, persons authorized by 105 CMR 725.105(P) and, subject to the requirements of 105 CMR 725.110(C) (4), outside vendors, contractors and visitors.
4. Registered Marijuana Dispensaries shall limit entry to their "Limited Access Areas" to Dispensary Agents and outside vendors, contractors and visitors meeting the requirements found at 105 CMR 725.110(C).
5. Registered Marijuana Dispensaries shall limit sales and/or transactions to quantities of marijuana, or equivalent amounts of marijuana in MIPs, not to exceed a thirty-day supply. A period of time not less than thirty days must elapse before a Registered Qualifying Patient or Personal Caregiver can obtain another thirty day supply from the Registered Marijuana Dispensary.
6. Dispensary Agents shall verify the Registration Card of the Card Holder by means of a valid government-issued photographic identification. No separate identification is required for valid Registration Cards bearing a photograph of the Card Holder.
7. No person shall distribute, or cause to be distributed, any free samples of marijuana or marijuana products. No means, instruments or devices that allow for the redemption of marijuana or marijuana products are prohibited.
8. Registered Marijuana Dispensaries are prohibited from using self-service displays, vending machines or Non-Residential Roll-Your-Own machines. All retail sales of marijuana must be face-to-face between the Dispensary Agent and the Card Holder and occur at the permitted location, unless the Card Holder is the proper recipient of home delivery in accordance with 105 CMR 725.000.
9. The owner or other person in charge of a Registered Marijuana Dispensary shall conspicuously post signage at all entrances indicating that the entry to persons not possessing a valid Registration Card is prohibited. The notice shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person approaching the Registered Marijuana Dispensary.

#### **G. Hardship Cultivation Permit:**

1. No Registered Qualifying Patient, Personal Caregiver or other person shall cultivate marijuana pursuant to a Hardship Cultivation Registration in accordance with 105 CMR 725.000 within the Town of Arlington without first obtaining a Hardship Cultivation Permit issued annually by the Board of Health.
2. Each applicant is required to provide proof of a current Hardship Cultivation Registration and, where applicable, a current registration card for a Personal Caregiver issued by the Massachusetts Department of Public Health before a Hardship Cultivation Permit can be issued.

3. As part of the Hardship Cultivation Permit application process, Personal Caregivers and Registered Qualifying Patients who cultivate marijuana in the Town of Arlington shall submit a copy of the documents provided to the Massachusetts Department of Public Health as outlined in 105 CMR 725.020(A) to the Board of Health.
4. Each Hardship Cultivation Permit Holder shall at all times ensure the cultivation site is being maintained in a sanitary condition, in good repair, free from defects, and in every way fit for the use intended so as to prevent the occurrence of any nuisance conditions or other conditions which may endanger or impair health, safety or wellbeing of an occupant or the general public.
5. A portable fire extinguisher that complies with the regulations and standards adopted by the State Fire Marshal and applicable law shall be securely mounted at each entrance to the room where the cultivation occurs.
6. Hardship Cultivation Permit Holders shall at all times be subject to cultivation site inspections conducted by the Board of Health. Denial of access to the Board of Health may be grounds for immediate suspension or revocation of a Hardship Cultivation Permit.
7. Issuance and maintaining a Hardship Cultivation Permit shall be conditioned on the Hardship Cultivation Permit Holder's compliance with any orders issued by the Board of Health to correct any deficiencies or violations identified during an inspection.
8. Issuance and maintaining a Hardship Cultivation Permit shall be conditioned on the applicant or Hardship Cultivation Permit Holder's on-going compliance with this regulation, the requirements set forth in 105 CMR 725.000, as well as all bylaws and zoning bylaws of the Town of Arlington.
9. The fee for a Hardship Cultivation Permit shall be determined by the Board of Health annually.

#### **H. Registration Card Holders:**

A Registered Qualifying Patient, Personal Caregiver or a Dispensary Agent must notify the Arlington Police Department after he or she discovers that his or her Registration Card has been lost or stolen.

#### **I. Financial Security:**

**RMD Operating Permit Holders shall provide a non-cancellable surety bond or other form of surety approved by the Board of Health to cover the cost of removal, closure and/or clean-up in the event the Town must remove, close and/or clean-up the Registered Marijuana Dispensary. The amount and form of the surety bond or any other form of surety shall be determined by the Board of Health, but in no event shall exceed more than 150 percent of the cost of removal, closure and/or clean-up. The RMD Operating Permit Holder shall submit a fully inclusive estimate of the costs associated with removal, closure and/or clean-up, prepared by a qualified Hazardous Waste Remediation Contractor.**

#### **K. Violations:**

1. Upon a finding that a RMD Operating Permit Holder, a Dispensary Agent Permit Holder or a Hardship Cultivation Permit Holder has violated any provision of this regulation, the Board of Health may order, in writing, the person(s) responsible for violating this regulation to correct any violation of the provisions of this regulation within a specified timeframe.
2. It shall be the responsibility of the RMD Operating Permit Holder and the Dispensary Agent Permit Holder to ensure compliance with all sections of this regulation pertaining to his or her distribution and/or cultivation of marijuana and/or marijuana products. The violator shall receive:
  - a. In the case of a first violation, a fine of three hundred dollars (\$300.00).
  - b. In the case of a second violation within 36 months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the RMD Operating Permit or Dispensary Agent Permit shall be suspended for seven (7) consecutive business days.
  - c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the RMD Operating Permit or Dispensary Agent Permit shall be suspended for thirty (30) consecutive business days.
  - d. The Board of Health reserves the right to permanently revoke a RMD Operating Permit, Dispensary Agent Permit or Hardship Cultivation Permit for cause.
  - e. If a permit holder has obtained a permit or license from any other licensing or permitting authority within the Town of Arlington, the Board of Health shall notify such authority in writing of any violations of this regulation
  - f. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the RMD Operating Permit and/or Dispensary Agent Permit.
  - g. In addition to the monetary fines set above, any RMD Operating Permit Holder or Dispensary Agent Permit Holder who engages in the sale or distribution of marijuana or marijuana products while his or her RMD Operating Permit or Dispensary Agent Permit is suspended may be subject to the suspension and/or revocation of all Arlington-issued permits and licenses.
  - h. The Board of Health shall provide notice of the intent to suspend or revoke a RMD Operating Permit, Dispensary Agent Permit, or Hardship Cultivation Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The RMD Operating Permit Holder, Dispensary Agent Permit Holder, Hardship Cultivation Permit Holder or other involved party shall have an opportunity to be heard at such hearing. At the conclusion of the hearing, the Board of Health shall vote to suspend or revoke the RMD Operating Permit, Dispensary Agent Permit or Hardship Cultivation Permit if cause for such action is found. All involved parties shall be notified in writing of the Board of Health's decision within seven (7) days of the hearing. For purposes of such suspensions or revocations, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All marijuana and marijuana products shall be removed from the retail

establishment upon suspension of the RMD Operating Permit. Failure to remove all marijuana and marijuana products shall constitute a separate violation of this regulation.

**L. Non-Criminal Disposition:**

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

**M. Enforcement:**

Enforcement of this regulation shall be by the Arlington Board of Health or its designated agent(s).

Any resident who desires to register a complaint pursuant to this regulation may do so by contacting the Arlington Board of Health or its designated agent(s) and they shall investigate.

**N. Severability:**

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**O. Effective Date:**

This regulation shall take effect on \_\_\_\_\_, 2018.

- |                           |                        |
|---------------------------|------------------------|
| 1. _____                  | 2. _____               |
| Michael Fitzpatrick, DMD  | Marie Walsh-Condon, MD |
| 3. _____                  |                        |
| Kenneth Kohlberg, JD, MPH |                        |



## **Town of Arlington, Massachusetts**

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### **Discussion & Vote: Registering as Entity to Vote for International Energy Conservation Code**

#### **Summary:**

Adam W. Chapdelaine, Town Manager

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Sustainable_Arlington.pdf	Letter of Support from Sustainable Arlington Co-Chairs, A. Meeks and B. Moulton



**From:** Brucie Moulton <moultonsb1@gmail.com>  
**To:** mkrepelka@town.arlington.ma.us  
**Cc:** Amos Meeks <am0053@gmail.com>  
**Date:** 03/08/2019 10:15 AM  
**Subject:** Sustainable Arlington, re Select Board agenda

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*Agenda  
3/25/19*

Dear Members of the Select Board,

As the co-chairs of Sustainable Arlington, we would like to tell you about one of the easiest ways that you, representing the citizens of Arlington, can have a significant impact on reducing energy consumption and greenhouse gas emissions. You have the opportunity to vote to improve the energy efficiency measures in the International Energy Conservation Code (IECC), which is used to define building codes here in Massachusetts and across the country.

Amendments to the IECC are voted on every three years by community officials like you from all over the country. In the last cycle there were *only 450* community officials nationwide casting votes. In the last two cycles, or six years, the energy efficiency requirements of the IECC have barely budged, meaning that our national base code is not doing what it has to do to reduce greenhouse gas emissions and help fight the growing effects of climate change.

We are proud that Arlington was an early adopter of the Stretch Energy Code. That means that we have already been going above and beyond in working toward a net zero future. Now we need to do more. By voting to raise base code efficiency requirements, you can also help build the case for upgrading the Stretch Code which has not been significantly improved since we adopted it.

We therefore ask the Select Board to become an official entity in the 2019 round of IECC voting. We know that you preparing for Town Meeting. Nevertheless, we ask you: please find the time to add this to your load, and take another step toward a clean energy future. By voting to become an official entity for the 2019 IECC voting process, you can help raise the bar for building efficiency across the country while helping Arlington achieve our Net Zero by 2050 goals and our commitment to goals set out in the Paris Accord.

This ask comes with some urgency as the deadline for community government entities including the Select Board, to register is March 29th. The cost to register is \$135 per entity, and that single registration gives you up to four votes. While March 29th is the deadline to register as entity, selection of voters for a given entity can be made until September. Actual voting is in November and takes an hour or two.

The Massachusetts Climate Action Network, Metropolitan Area Planning Council, Northeast Energy Efficiency Partnerships, and Sierra Club support this initiative. Based on their analysis of proposed IECC amendments, they will provide education and guidelines for voters.. We hope you will be able to take advantage of this opportunity in 2019 as it only occurs every three years. Given what has been said in recent reports about the need for urgent action in the next

decade to avert the worst effects of climate change, we can't afford to wait another three years to take aggressive action on energy efficiency.

Sincerely,

Amos Meeks and Brucie Moulton

Co-Chairs, Sustainable Arlington

An environment committee of Envision Arlington



## Town of Arlington, Massachusetts

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### Discussion: Override and Debt Exclusion

#### Summary:

Daniel J. Dunn, Chair

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Draft_FY_20_Override_Commitments_-_v._3.pdf	Draft FY20 Override Commitments
▢	Reference Material	Complete_Streets_Policy_and_Guidelines.pdf	Complete Streets Policy and Guidelines
▢	Reference Material	Complete_Streets_and_Age-Friendly_Community_Initiatives.pdf	Complete Streets and Age-Friendly Community Initiatives
▢	Reference Material	Age-Friendly_Cities_Checklist.pdf	Age-Friendly Cities Checklist
▢	Reference Material	Override_Options_for_3.22.19.docx	Override Options

# Draft FY20 Override Commitments

## 1. Exercise fiscal discipline, and provide quality municipal services.

- a. Commit to no Proposition 2½ overrides for at least four years.
- b. Continue to increase general education operating budgets by 3.5% annually.
- c. Continue to increase general government operating budgets by 3.25% annually.
- d. Continue to fund special education cost growth at a rate of 7% per year.

## 2. Respond to ongoing school enrollment growth pressures.

Increase the education budget for future enrollment increases at a rate of 50% of per pupil expenditures.

## 3. Build Arlington's future.

- a. Phase in funding of the School Committee's Multi-Year Plan to: address the impact of explosive enrollment growth of 27% since 2011; improve instruction; close the achievement gap for high needs students; ensure safe and supportive schools; and attract, retain, and develop talented staff. Adopt the following schedule of increases to base operating budgets: FY20 - \$600,000; FY21 - \$600,000; FY22 - \$800,000; FY23 - \$800,000.
- b. Improve mobility for all residents, and support the goals of the Town's [Complete Streets](#) and [Age-Friendly Community](#) initiatives by adding \$250,000 to the base budget for pedestrian infrastructure and senior transportation.

## 4. Minimize impact on taxpayers, particularly seniors and others with income challenges.

- a. Advance new tax relief programs, including a municipal circuit breaker and increased eligibility for property tax deferral options, and publicize existing relief programs.
- b. Remove certain water and sewer debt costs from property tax bills.
- c. Pursue new revenue sources.
- d. Work with financial leadership to develop bonding schedules that will minimize single-year tax increases and debt service costs related to the Arlington High School rebuild.

## 5. Protect against future fiscal shocks, and maintain the Town's strong bond rating.

Maintain financial reserves at 5% or better for the duration of the four-year plan.



## **Town of Arlington**

Adam W. Chapdelaine  
Town Manager  
Diane M. Mahon, Chair  
Board of Selectmen

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3020

### **Arlington Complete Streets Policy and Guidelines**

*Adopted by Board of Selectmen on April 11, 2016*

*Accepted by MassDOT on 5/16/16*

#### Purpose and Goals

The purpose of this policy is to improve the quality of life in Arlington by:

- Promoting a sustainable, cohesive, connected transportation network
- Improving access and safety for pedestrians, bicyclists, motorists, transit riders, and freight carriers.
- Facilitating better pedestrian, bicycle and transit travel for users of all ages and abilities throughout the Town.
- Improving overall safety and ADA/AAB accessibility for users of all modes of transportation.
- Developing and supporting a transportation system that accommodates active transportation modes that promote public health.
- Promoting economic development by encouraging accessible, safe and compact business districts

#### Applicability:

- Complete Streets elements shall be incorporated into all roadway, bridge and development projects, including new construction, reconstruction, and municipal road repair or expansion wherever possible and where road widths allow. Roads designated as Arterials and Collectors<sup>1</sup> shall receive priority for Complete Streets treatment.
- Safe access for all modes shall be maintained during construction and maintenance activities, including temporary traffic controls and snow removal, to the fullest extent possible.
- The network of streets, sidewalks and bike lanes shall be connected in a cohesive way, and coordinated with streets in abutting communities.

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<sup>1</sup> “Arterials” and “Collectors” are designated by MassDOT. A map showing Road Functional Classification is attached to this policy.

- Complete Streets principles shall be applied to new streets constructed on private property as part of private development projects, through the permitting and review process. Such streets shall be interconnected with the Town's street network in a way that furthers the purposes of this policy. The Arlington Redevelopment Board (ARB), acting as the Town's Planning Board, shall adopt these or similar guidelines to apply to projects under its jurisdiction.

### Design Guidelines

This Complete Streets policy complies with the following guidelines:

- The Town of Arlington "Context Sensitive Bike Facility Design Guide Matrix", adopted by Selectmen, December, 2014
- Massachusetts Department of Transportation Project Design and Development Guidebook
- The latest edition of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices
- 2012 MBTA Bus Stop Design Guide (draft), PROWAG).
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations

The Town will follow guidelines to provide appropriate accommodation for all users within the constraints of the project. Design solutions shall reflect the unique context and character of surrounding built and natural environments in Arlington. At a minimum, the following shall be considered:

1. Pedestrian accommodation shall be fully considered in the design of intersections including crossings and pedestrian curb cut ramp locations, minimizing curb radii at corners, pedestrian capacity, and traffic control. All new and reconstructed sidewalks will be accessible to and usable by persons with disabilities in accordance with Americans with Disabilities Act and the Massachusetts Architectural Access Board.
2. On roads that are on the Town of Arlington Bike Facility Network Map<sup>2</sup> dedicated bicycle facilities including conventional and physically separated bike lanes or cycle tracks must be fully considered in the design of streets and intersections wherever possible.
3. Where motorized and non-motorized users cannot be separated, traffic calming shall be considered.

### Implementation

- The Director of Public Works ("The Director") shall be the primary administrator of this policy. The Director shall work in concert with the Town Manager, the Town Engineer, Police Traffic Division, Transportation Advisory Committee, and Bicycle Advisory Committee. This policy shall be the policy of the Board of Selectmen, the Traffic Authority for the Town of Arlington.

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<sup>2</sup> Massachusetts Avenue, Lowell Street, Park Avenue, Park Avenue Extension, Summer Street, Mill Street, Mystic Street, Mystic Valley Parkway, Chestnut Street, Medford Street, Pleasant Street, Warren Street, Broadway, River Street, Bates Road, Lake Street.



- The Director shall maintain an inventory of the existence and condition of pedestrian, bicycle, and transit facility infrastructure, and will use it to prioritize projects to eliminate gaps in the sidewalk, bikeway, and transit network and increase safety for pedestrians, bicyclists, and transit riders.
- Prioritization and project funding criteria shall favor all modes equally.
- Efforts shall be made to educate the public and Town employees about Complete Streets principles.

#### Jurisdiction

- Any project receiving funding from state, federal or private entities is expected to follow a Complete Streets approach.
- Any project that works in conjunction with other state, local or private agencies or entities is expected to follow a Complete Streets approach.
- Exceptions may apply, as outlined in the following section.

#### Exceptions

Under certain circumstances it may not be possible or appropriate to provide a Complete Street. Such circumstances might include:

- A roadway or facility intended exclusively for motor vehicles, such as State Route 2, or one that is meant to exclude motor vehicles, such as the Minuteman Bikeway.
- An existing right-of-way with insufficient width for separate bicycle or pedestrian accommodation, or where topography prevents bicycle accommodation. In the case of insufficient width, alternatives shall be considered, in keeping with the “Context Sensitive Bike Facility Design Guide Matrix”, adopted by the Board of Selectmen in December, 2014.
- A circumstance where cost or impacts of accommodation are excessively disproportionate to the need or probable future use.
- Lightly travelled Local Streets<sup>3</sup>

#### Performance Measures

The Town shall develop performance measures to periodically assess the rate, success and effectiveness of its Complete Streets Policy. A Working Group made up of representatives of the Police Department and the Transportation Advisory Committee (TAC) as designated by the Town Manager will determine frequency of assessment and appropriate metrics for analyzing the success of this policy. These metrics may include:

- Total number of new bicycle lanes
- Linear feet of new or improved pedestrian accommodations
- Number of intersection improvements made to improve mobility and safety for vehicles, pedestrians, and bicycles
- Decreased rate of crashes by mode
- Increased rate of children walking or bicycling to school
- Changes to the number of trips by mode.

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<sup>3</sup> “Local Streets” is a functional classification made by MassDOT. A map showing Road Functional Classification is attached to this policy.

# Complete Streets and Age-Friendly Community Initiatives

## Complete Streets

In 2015, Town Meeting accepted Complete Streets legislation. The following year, the Select Board adopted a policy to make Arlington streets better and safer for all modes of travel—walking, biking, driving, and transit. The policy encourages the Town to consider all modes when making street and sidewalk repairs and improvements.

The policy was developed by the Transportation Advisory Committee (TAC), in consultation with the Departments of Public Works and Planning and Community Development. In May 2016, the policy was endorsed by the Massachusetts Department of Transportation (MassDOT), making the Town eligible for funding under the State's Complete Streets Program. In September 2016, Lieutenant Governor Karyn Polito visited Arlington and signed a Commonwealth Community Compact, which contained a reaffirmation by the Town to support Complete Streets principles.

Consistent with its emphasis on the need to support all modes of transit in any roadway improvement project, Arlington's Complete Streets Policy seeks to readjust the balance of transportation infrastructure, which has historically favored automobiles. Specifically, the policy includes as a purpose and goal:

Facilitating better pedestrian, bicycle and transit travel for users of all ages and abilities throughout the Town.

One of the associated implementation actions is to “maintain an inventory of the existence and condition of pedestrian, bicycle, and transit facility infrastructure, and will use it to prioritize projects to eliminate gaps in the sidewalk, bikeway, and transit network and increase safety for pedestrians, bicyclists, and transit riders.”

The policy specifies performance measures to assess effectiveness, including:

- Linear feet of new or improved pedestrian accommodations.
- Number of intersection improvements made to improve mobility and safety for vehicles, pedestrians, and bicycles.
- Increased rate of children walking or bicycling to school.

A commitment of the last override in 2011 was to add \$400,000 to the roadway construction budget. This commitment has been maintained.

Augmentation of funding for pedestrian infrastructure and transit options in this override will assist the Town in fulfilling Complete Streets Policy goals and will address a frequently expressed desire of Arlington

residents and business owners. A doubling in the number of weekday walkers — as measured by the Transportation Advisory Committee between 2011 and 2016 — serves as but one indicator of the value of this investment.

## Age-Friendly Community

In 2016, the Council on Aging held a special meeting to discuss the American Association of Retired Persons (AARP) Age-Friendly Community initiative. As described by AARP:

The AARP Network of Age-Friendly Communities is an affiliate of the World Health Organization's Age-Friendly Cities and Communities Program, an international effort launched in 2006 to help cities prepare for rapid population aging and the parallel trend of urbanization. The program has participating communities in more than 20 nations, as well as 10 affiliates representing more than 1,000 communities.

The WHO defines eight domains of livability and provides communities with a toolkit and checklist of recommended actions supporting each domain. The first two domains are *Outdoor Spaces and Buildings* and *Transportation*. There is significant concordance between these action items and the spirit of the Complete Streets policy described above, including:

- Pavements are well-maintained, free of obstructions and reserved for pedestrians.
- Pavements are non-slip, are wide enough for wheelchairs and have dropped curbs to road level.
- Pedestrian crossings are sufficient in number and safe for people with different levels and types of disability, with non-slip markings, visual and audio cues and adequate crossing times.
- Specialized transportation is available for disabled people.
- A voluntary transport service is available where public transportation is too limited.

In early 2017, the Town of Arlington filed an application for designation as an Age-Friendly Community and was accepted into the network in exchange for a commitment to work toward the program goals. A commitment for additional funding for pedestrian infrastructure and senior transportation will move this initiative forward.

In this fiscal year to date, there has been a 23% increase in rides on Council on Aging vans, as compared to the same period last year. The overall increase in rides is tied to moving medical rides to volunteer medical escort drivers and utilizing the van -- which is grant-funded -- for more people. There has also been a marked increase in "everyday errand runs," indicating an unmet need and providing our seniors with more opportunities to go food shopping and to hairdressing appointments, visit the pharmacy and friends, and be more visible in their community, reducing isolation and ageism.

The FY20 budget -- as currently proposed -- includes funding for a sustainable mobility plan that will ultimately guide the investments that are proposed here.



# Checklist of Essential Features of Age-friendly Cities

This checklist of essential age-friendly city features is based on the results of the WHO Global Age-Friendly Cities project consultation in 33 cities in 22 countries. The checklist is a tool for a city's self-assessment and a map for charting progress. More detailed checklists of age-friendly city features are to be found in the WHO Global Age-Friendly Cities Guide.

This checklist is intended to be used by individuals and groups interested in making their city more age-friendly. For the checklist to be effective, older people must be involved as full partners. In assessing a city's strengths and deficiencies, older people will describe how the checklist of features matches their own experience of the city's positive characteristics and barriers. They should play a role in suggesting changes and in implementing and monitoring improvements.

## Outdoor spaces and buildings

- ☐ Public areas are clean and pleasant.
- ☐ Green spaces and outdoor seating are sufficient in number, well-maintained and safe.
- ☐ Pavements are well-maintained, free of obstructions and reserved for pedestrians.
- ☐ Pavements are non-slip, are wide enough for wheelchairs and have dropped curbs to road level.
- ☐ Pedestrian crossings are sufficient in number and safe for people with different levels and types of disability, with non-slip markings, visual and audio cues and adequate crossing times.
- ☐ Drivers give way to pedestrians at intersections and pedestrian crossings.
- ☐ Cycle paths are separate from pavements and other pedestrian walkways.
- ☐ Outdoor safety is promoted by good street lighting, police patrols and community education.
- ☐ Services are situated together and are accessible.
- ☐ Special customer service arrangements are provided, such as separate queues or service counters for older people.
- ☐ Buildings are well-signed outside and inside, with sufficient seating and toilets, accessible elevators, ramps, railings and stairs, and non-slip floors.
- ☐ Public toilets outdoors and indoors are sufficient in number, clean, well-maintained and accessible.

## Transportation

- ☐ Public transportation costs are consistent, clearly displayed and affordable.
- ☐ Public transportation is reliable and frequent, including at night and on weekends and holidays.
- ☐ All city areas and services are accessible by public transport, with good connections and well-marked routes and vehicles.

- ☐ Vehicles are clean, well-maintained, accessible, not overcrowded and have priority seating that is respected.
- ☐ Specialized transportation is available for disabled people.
- ☐ Drivers stop at designated stops and beside the curb to facilitate boarding and wait for passengers to be seated before driving off.
- ☐ Transport stops and stations are conveniently located, accessible, safe, clean, well-lit and well-marked, with adequate seating and shelter.
- ☐ Complete and accessible information is provided to users about routes, schedules and special needs facilities.
- ☐ A voluntary transport service is available where public transportation is too limited.
- ☐ Taxis are accessible and affordable, and drivers are courteous and helpful.
- ☐ Roads are well-maintained, with covered drains and good lighting.
- ☐ Traffic flow is well-regulated.
- ☐ Roadways are free of obstructions that block drivers' vision.
- ☐ Traffic signs and intersections are visible and well-placed.
- ☐ Driver education and refresher courses are promoted for all drivers.
- ☐ Parking and drop-off areas are safe, sufficient in number and conveniently located.
- ☐ Priority parking and drop-off spots for people with special needs are available and respected.

## **Housing**

- ☐ Sufficient, affordable housing is available in areas that are safe and close to services and the rest of the community.
- ☐ Sufficient and affordable home maintenance and support services are available.
- ☐ Housing is well-constructed and provides safe and comfortable shelter from the weather.
- ☐ Interior spaces and level surfaces allow freedom of movement in all rooms and passageways.
- ☐ Home modification options and supplies are available and affordable, and providers understand the needs of older people.
- ☐ Public and commercial rental housing is clean, well-maintained and safe.
- ☐ Sufficient and affordable housing for frail and disabled older people, with appropriate services, is provided locally.

## **Social participation**

- ☐ Venues for events and activities are conveniently located, accessible, well-lit and easily reached by public transport.
- ☐ Events are held at times convenient for older people.
- ☐ Activities and events can be attended alone or with a companion.
- ☐ Activities and attractions are affordable, with no hidden or additional participation costs.

- ☐ Good information about activities and events is provided, including details about accessibility of facilities and transportation options for older people.
- ☐ A wide variety of activities is offered to appeal to a diverse population of older people.
- ☐ Gatherings including older people are held in various local community spots, such as recreation centres, schools, libraries, community centres and parks.
- ☐ There is consistent outreach to include people at risk of social isolation.

### **Respect and social inclusion**

- ☐ Older people are regularly consulted by public, voluntary and commercial services on how to serve them better.
- ☐ Services and products to suit varying needs and preferences are provided by public and commercial services.
- ☐ Service staff are courteous and helpful.
- ☐ Older people are visible in the media, and are depicted positively and without stereotyping.
- ☐ Community-wide settings, activities and events attract all generations by accommodating age-specific needs and preferences.
- ☐ Older people are specifically included in community activities for “families”.
- ☐ Schools provide opportunities to learn about ageing and older people, and involve older people in school activities.

- ☐ Older people are recognized by the community for their past as well as their present contributions.
- ☐ Older people who are less well-off have good access to public, voluntary and private services.

### **Civic participation and employment**

- ☐ A range of flexible options for older volunteers is available, with training, recognition, guidance and compensation for personal costs.
- ☐ The qualities of older employees are well-promoted.
- ☐ A range of flexible and appropriately paid opportunities for older people to work is promoted.
- ☐ Discrimination on the basis of age alone is forbidden in the hiring, retention, promotion and training of employees.
- ☐ Workplaces are adapted to meet the needs of disabled people.
- ☐ Self-employment options for older people are promoted and supported.
- ☐ Training in post-retirement options is provided for older workers.
- ☐ Decision-making bodies in public, private and voluntary sectors encourage and facilitate membership of older people.

### **Communication and information**

- ☐ A basic, effective communication system reaches community residents of all ages.
- ☐ Regular and widespread distribution of information is assured and a coordinated, centralized access is provided.



- ☐ Regular information and broadcasts of interest to older people are offered.
- ☐ Oral communication accessible to older people is promoted.
- ☐ People at risk of social isolation get one-to-one information from trusted individuals.
- ☐ Public and commercial services provide friendly, person-to-person service on request.
- ☐ Printed information – including official forms, television captions and text on visual displays – has large lettering and the main ideas are shown by clear headings and bold-face type.
- ☐ Print and spoken communication uses simple, familiar words in short, straightforward sentences.
- ☐ Telephone answering services give instructions slowly and clearly and tell callers how to repeat the message at any time.
- ☐ Electronic equipment, such as mobile telephones, radios, televisions, and bank and ticket machines, has large buttons and big lettering.
- ☐ There is wide public access to computers and the Internet, at no or minimal charge, in public places such as government offices, community centres and libraries.

## **Community and health services**

- ☐ An adequate range of health and community support services is offered for promoting, maintaining and restoring health.
- ☐ Home care services include health and personal care and housekeeping.
- ☐ Health and social services are conveniently located and accessible by all means of transport.
- ☐ Residential care facilities and designated older people's housing are located close to services and the rest of the community.
- ☐ Health and community service facilities are safely constructed and fully accessible.
- ☐ Clear and accessible information is provided about health and social services for older people.
- ☐ Delivery of services is coordinated and administratively simple.
- ☐ All staff are respectful, helpful and trained to serve older people.
- ☐ Economic barriers impeding access to health and community support services are minimized.
- ☐ Voluntary services by people of all ages are encouraged and supported.
- ☐ There are sufficient and accessible burial sites.
- ☐ Community emergency planning takes into account the vulnerabilities and capacities of older people.

## Baseline Scenario

Assumes 50% average student cost for enrollment growth, starting in FY20.

Ch. 70: FY20, Governor's budget, then 4%, 3%, 2%, 1% increases.

What If Summary Page.								
	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Revenue	161,278,001	168,568,000	176,014,751	183,647,055	176,400,333	179,309,103	183,271,753	187,347,388
Expenses	161,278,001	168,568,000	176,014,751	183,647,055	191,372,108	199,913,115	208,636,374	217,485,423
Balance: Surplus or (Deficit)	0	0	0	0	(14,971,776)	(20,604,012)	(25,364,621)	(30,138,035)
Stabilization Fund Balance	21,224,443	21,274,917	13,182,197	974,835	0	0	0	0
Stabilization Fund Use or (Deposit)	(2,786,331)	50,474	(8,092,720)	(12,207,362)	0	0	0	0
Override (Enter an Amount)								
Years before next override								
Avg. Single Family Tax Impact		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Additions								
Town Additions								
Notes: Assumes 50% per student growth starting in FY20								
Ch. 70, FY20, Gov's, then 4%, 3%, 2%, 1%								

## Baseline Scenario – Override

	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Revenue	161,278,001	169,818,474	176,052,676	183,685,928	191,411,953	183,669,098	187,457,963	191,638,253
Expenses	161,278,001	169,818,474	176,052,676	183,685,928	191,411,953	199,953,956	208,678,236	217,528,332
Balance: Surplus or (Deficit)	0	0	0	0	0	(16,284,858)	(21,220,273)	(25,890,079)
Stabilization Fund Balance	21,224,443	24,974,917	20,636,772	12,277,849	275,888	0	0	0
Stabilization Fund Use or (Deposit)	(2,786,331)	3,750,474	(4,338,145)	(8,358,923)	(12,001,960)	0	0	0
Override (Enter an Amount)		3,700,000						
Years before next override		4						
Avg. Single Family Tax Impact		\$250.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Additions								
Town Additions								

Additional School and Town increases, Scenario: 6,6,8,8 & 250 – Baseline.

	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Revenue	161,278,001	169,418,000	177,493,876	182,292,765	175,425,498	179,309,103	183,271,753	187,347,388
Expenses	161,278,001	169,418,000	177,493,876	185,977,304	194,583,249	203,235,958	212,074,806	221,043,467
Balance: Surplus or (Deficit)	0	0	0	(3,684,539)	(19,157,751)	(23,926,855)	(28,803,053)	(33,696,079)
Stabilization Fund Balance	21,224,443	20,424,917	10,853,072	0	0	0	0	0
Stabilization Fund Use or (Deposit)	(2,786,331)	(799,526)	(9,571,845)	0	0	0	0	0
Override (Enter an Amount)								
Years before next override								
Avg. Single Family Tax Impact		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Additions		600,000	600,000	800,000	800,000			
Town Additions		250,000						

Additional School and Town increases, Scenario: 6,6,8,8 & 250 – 4 year Override

	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Revenue	161,278,001	171,718,474	177,551,276	186,036,139	194,643,555	185,725,710	189,607,639	193,841,671
Expenses	161,278,001	171,718,474	177,551,276	186,036,139	194,643,555	203,297,771	212,138,165	221,108,410
Balance: Surplus or (Deficit)	0	0	0	0	0	(17,572,061)	(22,530,526)	(27,266,739)
Stabilization Fund Balance	21,224,443	26,024,917	22,135,672	13,422,726	235,255	0	0	0
Stabilization Fund Use or (Deposit)	(2,786,331)	4,800,474	(3,889,245)	(8,712,946)	(13,187,470)	0	0	0
Override (Enter an Amount)		5,600,000						
Years before next override		4						
Avg. Single Family Tax Impact		\$379.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Additions		600,000	600,000	800,000	800,000			
Town Additions		250,000						



## Town of Arlington, Massachusetts

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### Articles for Review:

#### Summary:

Article 79 Resolution/Overnight Parking Exemption Program for Medical and Financial Hardships (tabled from 2/11/19 meeting)  
Article 26 Bylaw Amendment/Billboards and Signs  
Article 38 Vote/Set Senior Tax Deferral Limit  
Article 39 Vote/Authorization to Deaccession Town Property-Library Art Prints  
Article 40 Vote/Robbins Library Parking Costs (tabled from 2/11/19 meeting)  
Article 43 Home Rule Legislation/Mean-Tested Senior Tax Relief  
Article 46 Acceptance of Legislation/Establishment of a Commission on Disabilities Fund (tabled from 2/25/19 meeting)  
Article 51 Endorsement of CDBG Application  
Article 52 Revolving Funds

### ATTACHMENTS:

Type	File Name	Description
Reference Material	Warrant_Article_Text_03.25.19.docx	Warrant Article Text
Reference Material	3.25.19_mtg.docx	Town Counsel Comments W.A. #38 T. Counsel Supporting Reference, Ch. 312 of Acts of 2018
Reference Material	Article_38_Reference_Chapter_312_of_the_Acts_of_2018.pdf	W.A. #43 T. Counsel Supporting Reference
Reference Material	W.A._#43_D._Heim_Supporting_Reference.pdf	W.A #79 Parking Fact Sheet 2008-Present
Reference Material	Parking_Fact_Sheet.pdf	W.A. #79 P. McKenna__reference_#79.pdf
Reference Material	P.McKenna__reference_#79.pdf	W.A. #79 L. Kiesel Reference 3.25.19
Reference Material	W.A._#79_L._Kiesel_Reference_3.25.19.pdf	W.A. #79 Original Reference from 2.11.19
Reference Material	W.A._#79_Original_Reference_from_2.11.19_meeting.pdf	

Meeting

- Reference

Material

W.A.\_#\_26\_Supporting\_Memo\_from\_Deputy\_Planning\_Director.pdf
- Reference

Material

Warrant\_Article\_39\_Art\_Prints\_Letter\_Select\_Board.pdf
- Reference

Material

Warrant\_Article\_39\_Art\_Prints\_FAQ.pdf
- Reference

Material

Art\_Prints\_Select\_Board\_pres\_3.25.19.pdf
- Reference

Material

Warrant\_Article\_Text\_03.25.19.docx
- Reference

Material

W.A.\_#46\_Reference\_D.\_Devney.pdf
- Reference

Material

W.A.\_#51\_Grant\_Evaluation\_Criteria\_and\_CDBG\_Subcommittee\_Score\_Sheet.pdf
- Reference

Material

W.A.\_#51\_CDBG\_Report\_to\_Town\_Meeting.pdf
- Reference

Material

W.A.\_#52\_Revolving\_Funds\_Expenditures\_FY18.pdf
- Reference

Material

W.A.\_#52\_Revolving\_Funds\_Balances\_FY18.pdf
- Reference

Material

10\_Registered\_Voter\_Letter.pdf

meeting  
 W.A. #26 E.  
 Zwirko  
 Reference  
 W.A. #39  
 Letter from  
 Robbins  
 Library Board  
 of Trustees  
 W.A. #39  
 FAQ  
 W.A. #39  
 Powerpoint  
 W.A. #40  
 Original  
 Reference  
 from 2.11.19  
 Meeting  
 W.A. #46 D.  
 Devney  
 Reference  
 W.A. #51  
 Grant  
 Evaluation  
 Criteria and  
 CDBG  
 Subcommittee  
 Score Sheet  
 W.A. #51  
 CDBG  
 Report to  
 Town Meeting  
 W.A. #52  
 FY2018  
 Expenditure  
 Detail  
 W.A. #52  
 Revolving  
 Funds  
 Balances  
 10 Registered  
 Voter Letter

**ARTICLE 26****BYLAW AMENDMENT/BILLBOARDS AND SIGNS**

To see if the Town will vote to amend the Town Bylaws, Title V, Article 1 “Billboards and Signs: Restrictions on Use,” by removing paragraphs A through I to support consolidation of the sign regulations in the Zoning Bylaw; or take any action related thereto.

(Inserted at the Request of the Town Manager)

**ARTICLE 38****VOTE/SET SENIOR TAX DEFERRAL LIMIT**

To see if the Town will vote to set a Senior Property Tax Deferral Limit consistent with Chapter 312 of the Acts of 2018; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 39****VOTE/AUTHORIZATION TO DEACCESSION TOWN  
PROPERTY-LIBRARY ART PRINTS**

To see if the Town will vote to authorize the Library Board of Trustees to deaccession and/or dispose of by sale, donation, or other means, the Robbins Art Print Collection; or take any action related thereto.

(Inserted by the Select Board and at the request of the Library Board of Trustees)

**ARTICLE 40****VOTE/ROBBINS LIBRARY PARKING COSTS**

To see if the Town will vote to change the cost of parking in the spaces behind and in front of the Robbins Library; or take any action related thereto; or take any action related thereto.

(Inserted at the request of Andrew Fisher and ten registered voters)

**ARTICLE 43****HOME RULE LEGISLATION/MEANS-TESTED SENIOR  
TAX RELIEF**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option “circuit breaker” program; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 46****ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF  
A COMMISSION ON DISABILITIES FUND**

To see if the Town will vote to accept provisions of Mass General Law 40, Section 22G regarding allocating all funds received from fines assessed for violations of handicap parking to the Arlington Commission on Disabilities. Funds so received shall be deposited by the city or Town Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Commission of Disabilities in accordance with the accepted procedures of the Town for the disbursement of funds, including the approval of the Town Manager or Select Board. The Town Treasurer shall submit annually a report of said account to the Town Manager or Select Board for review and a copy of said report shall be forwarded to the Bureau of Accounts; or take any action related thereto.

(Inserted at the request of the Commission on Disabilities)

**ARTICLE 51**

**ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2020 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 52**

**REVOLVING FUNDS**

To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 79**

**RESOLUTION/OVERNIGHT PARKING EXEMPTION PROGRAM  
FOR MEDICAL AND FINANCIAL HARDSHIPS**

To see if the Town will vote to provide a non-binding resolution to support an overnight parking program that provides exemptions for persons with medical and/or financial hardships; or take any action related thereto.

(Inserted at the request of Laura Kiesel and ten registered voters)





**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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To: Select Board

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator  
Andrea Nicolay, Library Director  
Resident Petitioners

From: Douglas W. Heim, Town Counsel

Date: March 21, 2019

Re: Annual Town Meeting Warrant Articles: 26, 38, 39, 40, 43, 46, 51, 52, and 79

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I write to provide the Select Board a summary of the above-referenced 2019 Annual Town Meeting warrant articles in advance of its upcoming hearing on March 25, 2019. As the Board will recall, where draft motions appear, new or additional language is underscored, while removed language is provided in “~~strikethrough~~.”

## ARTICLE 26

## BYLAW AMENDMENT/BILLBOARDS AND SIGNS

**To see if the Town will vote to amend the Town Bylaws, Title V, Article 1 “Billboards and Signs: Restrictions on Use,” by removing paragraphs A through I to support consolidation of the sign regulations in the Zoning Bylaw; or take any action related thereto.**

(Inserted at the Request of the Town Manager)

This article proposes to eliminate much of Town Bylaws Title V, Article I as a complimentary action to Article 17, which proposes to entirely revamp the Zoning Bylaw’s sign regulations. In brief, in the wake of *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2227 (2015), a Supreme Court decision with wide-ranging impacts on local regulation of non-commercial signage, as well as the Town’s comprehensive Zoning Recodification effort, the Department of Planning and Community Development engaged a consultant in a two-year process to develop an up-to-date set of sign regulations that are constitutionally sound and responsive to present needs. Among the suite of recommendations is the instant article to eliminate redundant regulation of signs and billboards, currently vested largely with the Zoning Enforcement Officer (the Building Inspector), the Zoning Board of Appeals and the ARB, and in smaller part with the Select Board under Title V, Article 1: Billboards and Signs.

A detailed rationale for striking most of this bylaw is provided in the attached memorandum from Deputy Planning Director Erin Zwirko. The portion which is proposed to remain in the Title V, Article 1 is continued regulation of so-called “notices” – temporary flyers advertising one-time yard sales, lost pets, or non-commercial public events. Notices would remain under the Select Board’s jurisdiction because they are predominantly posted in the public way (on light poles, medians, etc), which is controlled by the Board. Violations for illegally posted notices could still be enforced under the revised bylaw and Board regulations (which need not be changed). Should the Select Board be inclined towards favorable action, a motion before Town Meeting would be along the lines of the following:

VOTED: That the Town does and hereby amends Title V, Article 1 (Billboards and Signs) by deleting Sections 1 and 2 in their entirety with the exception of Section 1(J), renaming the article "The Display of Notices", and renumbering the bylaw so as to read in its entirety as follows:

ARTICLE 1: Billboards and Signs-The Display of Notices

**Section 1. Restrictions on Use**

~~No person, firm, association, or corporation shall erect, display, or maintain, within the limits of the Town, a billboard, sign, or other outdoor advertising device, unless it meets the following requirements or unless it was approved by the Massachusetts Outdoor Advertising Board under Section 30 and 32 of Chapter 93 of the General Laws, or by any amendments or additions thereto, in which case any such sign, billboard, or other outdoor advertising device shall comply with the requirements of this Section (1) one by January 1, 1973:~~

- ~~A. Within fifty (50) feet of any public way;~~
- ~~B. Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same;~~
- ~~C. Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboards, signs or other advertising devices are placed back to back;~~
- ~~D. On any location at the corner of any public way and with a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect;~~
- ~~E. Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet or a height of four (4) feet;~~
- ~~F. Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twenty five (25) feet or a height of twelve (12) feet;~~
- ~~G. In any event if such billboard, sign or other advertising device shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.~~
- ~~H. No billboard, sign, or other advertising device shall be erected, displayed or maintained in any residence district or in any block in which one half or more of the buildings on both sides of the street are used partially or wholly for residential purposes, or in any Planned Unit Development district.~~
- ~~I. No billboard, sign, or other advertising device shall be erected, displayed or maintained until a license has been issued by the Board of Selectmen. Upon receipt of an application for a license to erect, display or maintain a billboard within the limits of the Town, the Selectmen shall hold a public hearing on said application in the Town, notice of which shall be given by posting the same in three or more public places in said Town at least one week before the date of such hearing, or by publication in a local newspaper of general circulation in the Town at least one week before the date of the public hearing. A written statement as to the results thereof shall be forwarded to the applicant containing;~~

~~in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of submission of the application to the Selectmen.~~

- J. Signs erected by a person, town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet are hereby referred to as "notices" and are ~~exempt from the provisions of this article of the Town Bylaws~~ subject to Select Board regulations of "The Display of Notices" ~~to be promptly promulgated by the Select Board. upon the passage of this section.~~

### ***Section 2. Signs Related to Premises***

~~This By-Law shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter.~~

### ***Section 32. Fines for Violations***

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such billboard, sign or other outdoor advertising device for twenty (20) days thereafter shall be punished by a fine of not more than five hundred dollars (\$500).

### ***Section 43. Severability Clause***

If any provision of this By-Law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme judicial Court of the Commonwealth, the validity of the remaining provisions of this By-Law shall not be affected thereby.

## **ARTICLE 38**

## **VOTE/SET SENIOR TAX DEFERRAL LIMIT**

**To see if the Town will vote to set a Senior Property Tax Deferral Limit consistent with Chapter 312 of the Acts of 2018, or take any action related thereto.**

Following the 2018 Town Meeting's approval of your plan to expand access to senior tax deferrals by submitting special legislation to increase qualifying senior income limits above \$57,000 (the State's default limit), the Legislature and the Governor approved "An Act Relative to Real Property Tax Deferrals" (Chapter 312 of the Acts of 2018). The Act allows the Town to increase Tax Deferral Program eligible incomes above the \$57,000 limit by vote of the Select Board and Town Meeting. There is an eligibility cap, which remains anchored to the state circuit breaker limit for married couples filing jointly income eligibility set by the Commissioner of Revenue. Such limit is presently \$88,000. Thus in short, the Town can set eligibility at an level at or below \$88,000 for both single and joint filers.

*VOTED: That the maximum qualifying gross receipts amount for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws and Chapter 312 of the Acts of 2018 be set at \$88,000, beginning in fiscal year 2020.*

**To see if the Town will vote to authorize the Library Board of Trustees and the Town to deaccession and/or dispose of by sale, donation, or other means, the Robbins Art Print Collection.**

As the Board may recall, this article was inserted at the request of the Library Board of Trustees in order to obtain permission from the Town to sell, donate, or otherwise dispose of the entirety of the “Robbins Art Print Collection” – more than 150,000 art prints, only 20 percent of which have been catalogued over the past century. Along with relevant provisions of c. 30B, Town Bylaws Title I Article 8 requires approval of Town Meeting prior to the disposal (sale or donation) of property worth more than \$500.

- Volumes of Library Board of Trustees minutes and Town Reports spanning the last 50 years;
- Historical documents including the wills of Winfield, Caira, and Ida Robbins, Arlington Advocate archived articles, receipts for gifts from the Robbins family to the Town and/or the Library;
- Correspondence between the Robbins family and the earliest curators of the Collection;
- Receipts for art prints acquired, sold, and donated by Collection curators (alternatively referred to as a “coordinators” in later years); and

- Appraisals of the Collection and various expert opinions regarding same.

The consistent conclusions drawn over the past fifty years by Library Board of Trustees and various volunteers, staff, and interested parties has been that the collection is difficult to manage, out-of-sync with the Town Library's mission, and of very modest artistic interest to Arlington, the Greater Boston Area, or the region. To illustrate this point, please find below the minutes of a discussion of this same matter over 25 years ago from a 1992 Library Board of Trustees meeting, wherein Ms. Marjorie Cohn, a curator of prints at the Fogg Museum opined extensively on the monetary and fine art value of the collection:

**Robbins Library Board of Trustees**  
Wednesday, Oct. 28, 1992

• **Robbins Print Collection:** A majority of the board of trustees was present for a meeting called by Library Director Maryellen Remmert-Loud with representatives of community arts groups who have been discussing how to advise the library on the disposition of the Robbins Print Collection.

Trustees present were Joan Atlas, David Castiglioni, Kay Jorgensen, Barbara Muldoon and Joyce Radochia.

Community representatives were Marjorie Cohn, curator of prints at the Fogg Museum; David Ardito, chairman of the Arlington Council for the Arts; Raymond Lum, co-chair of the Arlington Historical Commission; Susanna Forster-Castillo, director of the Arlington Historical Society and Smith Museum; and James McGough, chairman of the Dallin Committee.



The Director opened the meeting by reviewing the history of the collection which could number as many as 200,000 pieces. She said that for 30 to 40 years trustees have grappled with what to do with the collection which is not fully catalogued or displayed properly. Over the years various experts have inspected the prints.

The bulk of the collection is prints from Europe with a focus on people. The collection includes duplicates of some of the works. According to the experts, the collection has little artistic merit and has no gems of great value. The trustees want to keep some of the collection at the library, which will have a new print room when construction is finished. They are looking for guidance in how to select what to keep and what to do with the remainder of the collection which has been in storage for years.

If the trustees were to dispose of some of the works which were donated by Winfield Robbins, there are legal questions about his will and conditions which would have to go before Probate Court and Town Meeting.

Mrs. Cohn said that the consensus of professional opinion is that to fully catalogue and identify the sources of the many prints which are pages torn out of books would be an enormous curatorial effort. She described the low end of the collection, which is not mounted or catalogued, as "just a mass of paper." She said the level of professional help needed to catalogue the collection is very expensive and she didn't think the effort worthwhile.

The monetary value of the collection, item by item, is minimal, she said, and does not represent a monetary treasure.

While the collection may have some intellectual value and be of value as a research collection which people would use for reference, Mrs. Cohn said she does not see the library as setting up the collection as if it were a rare book collection.

She noted that within a few miles are print collections with international reputations. If Arlington were in Kansas, for example, the interest in the collection would be different. As it is, area museums have much better collections with better works and copies of the prints which are represented in the Robbins collection.

While a catalogued collection could be useful culturally, as opposed to artistically, Mrs. Cohn said that she doesn't think in this day of video that people want to be educated at small print shows. Why should Arlington have a fourth-rate small collection of what the Museum of Fine Arts and Fogg Museum have excellent examples of, she asked, saying it is "silly of Arlington as a point of pride" to have its own print collection. She favors disposing of the collection with proceeds to benefit the library.

Ms. Forster-Castillo said the Historical Society wants to know what Winfield Robbins collected, something Ms. Remmert-Loud said may never be known because later acquisitions have been mingled with the original Winfield Robbins collection.

Ms. Forster-Castillo said the society is prepared to accept custody of the collection. She offered her services in arranging for art history interns to catalogue the collection, saying she did not like to deaccession (dispose of) materials until you know what you have.

Mr. McGough told the group that his committee is in the planning stages for a Dallin art museum which they would like to see sponsored by the town in the Dallin branch library, but financially self-sustaining. That facility could store and exhibit the Robbins print collection; however, he said there is a need to determine which prints are valuable to keep in the community. He questioned the value of the duplicates and the pages torn out of books.

Mr. Ardito, an art history teacher, said he can tell, as a user, that the library's collection of arts slides gets little use. He said as a teacher he does not see how he could use the print collection. He suggested that after works are selected for artistic, exhibit and teaching use, that the remainder of the collection be sold, with proceeds going to benefit the new Dallin museum.

Mr. Lum said he would prefer to see exhibit space devoted to things of Arlington interest. He said he is interested in the preservation and dissemination of Arlington history and he saw no value in the collection, except for the Winfield Robbins connection.

Minutes submitted by Kay Jorgensen, secretary

Since 1992, Library and Legal Department staff conducted substantial research to establish clear title to the Collection for the purposes of deaccession. Further, the recent comprehensive effort to appraise the Collection by the Childs Gallery of Boston confirmed not only that the Collection is sharply declining in monetary and fine art value, but also that perspective and impressions of the many trustees, staff and volunteers over the past fifty years is correct – the Collection is more of a burden than a blessing to the Library.

While deaccession is a worthwhile endeavor on its own merits, the trust funds supporting the art prints also warrant consideration. Winfield and Ida Robbins at different points in time provided bequests for the benefit of the Print Collection with very narrow purposes – “*the care, preservation and increase of my Collection of Prints to be under the sole control of Caira Robbins so long as she may desire,*” and “*for the purchase and care of prints*” respectively.

The present trusts, as valuable as they are (approximately \$1.3 million) are unlikely to be sufficient to care for and showcase 150,000+ prints, but can also only be used for a limited more current purposes without amendment or disbursement. It may be that if Town Meeting agrees to deaccession the entirety of the Print Collection, the Town could either work with the Division of Public Charities to amend the trust, or allow a friendly action to disburse the trust in probate consistent with the *cy pres* doctrine to the benefit of the Library the Robbins family helped to establish.

Should the Select Board be inclined towards positive action, a vote to deaccession the collection could be as follows:

*VOTED: That the Town hereby authorizes and requested that the Library Board of Trustees, through the Town Manager, dispose of the entirety of the Robbins Art Print Collection through sale, donation or other means, including all prints and pieces of artwork donated or bequeathed directly by Winfield, Caira, or Ida Robbins, and those artworks acquired with funds from trusts established to further the Collection in a manner consistent with the requirements of the General Laws and the Town of Arlington Bylaws.*

#### **ARTICLE 40**

#### **VOTE /ROBBINS LIBRARY PARKING COSTS**

**To see if the Town will vote to change the cost of parking in the spaces behind and in front of the Robbins Library, or take any action related thereto.**

(Inserted at the request of Andrew Fischer and 10 registered voters)

***\*Tabled from February 11, 2019***

As the Board knows, it serves as the Parking Commissioners for the Town of Arlington pursuant to G.L. c. 90 sec. 20A and 20A 1/2, setting the parking rules and regulations for the Town, including its parking fees. Thus, while Mr. Fischer may certainly present his perspective on the fees charged for Robbins Library Parking, Town Meeting cannot supersede your statutorily granted authority to do so by vote, resolution, or otherwise. At most, Town Meeting could take a non-binding vote to express its collective opinion about parking fees.

#### **ARTICLE 43**

#### **HOME RULE LEGISLATION/MEANS-TESTED SENIOR TAX RELIEF**

**To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option “circuit breaker” program; or take any action related thereto.**

(Inserted by the Select Board)

In keeping with the Board's commitment to easing the tax burden for long-time residents on limited, fixed incomes such as retired persons, this article proposes to establish a local means-tested "circuit breaker" tax relief program for Arlington Seniors. The concept was first employed as a pilot special legislation program in Sudbury and adopted by other similar communities including Concord. The Sudbury model is summarized as follows:

- Town residents over 65 years of age;
- Residing in Arlington for more than 10 years;
- Who own homes worth less than the median assessed value in Arlington; and
- Have incomes less than the State "circuit breaker" ceiling (\$58,000 for singles, and \$88,000 for couples, the latter of which is also consistent with the recommended Senior Tax Deferral Limit);
- May apply to have their property tax not exceed 10 % of total income.

The Board may of course elect to modify the foregoing criteria to achieve differing results. The model special legislation requires acceptance of the program via town-wide local ballot question before implementation, includes a revocation mechanism, and includes an automatic sunset provision, absent an affirmative action to extend the program. Applied most recently to Concord, approximately 200 residents were eligible for the local circuit-breaker, and the non-eligible average tax-bill was estimated to increase by \$70 to cover the cost of the benefit to eligible seniors. I have also attached Concord's means-tested tax relief application guide for your review as reference material.

Should the Board be inclined towards positive action, Sudbury's model legislation is included herein for reference:

*AN ACT AUTHORIZING THE TOWN OF SUDBURY TO ESTABLISH A MEANS TESTED  
SENIOR CITIZEN PROPERTY TAX EXEMPTION.*

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

*SECTION 1. With respect to each qualifying parcel of real property classified as Class one, residential in the town of Sudbury there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of (i) 10 per cent of the total annual qualifying income for purposes of the states "circuit breaker" income tax credit, and (ii) the amount of the state's "circuit breaker" credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual*

*qualifying income may be raised by section 3. In no event shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.*

*SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:*

*(a) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;*

*(b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;*

*(c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;*

*(d) the applicant or at least 1 of the joint applicants has been domiciled in the town of Sudbury for at least 10 consecutive years before filing an application for the exemption;*

*(e) the maximum assessed value of the domicile is no greater than the prior year's average assessed value of a Sudbury single family residence plus 10 per cent; and*

*(f) the board of assessors has approved the application.*

*SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to .5 per cent of the fiscal year's total residential property tax levy for the town of Sudbury, including the levy for the regional high school if not included in the town of Sudbury's tax levy at some subsequent date with the total exemption amount granted by this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act shall be set annually by the board of selectmen within a range of .5 to 1 per cent of the residential property tax levy for the town of Sudbury, including the levy for the regional high school. In the event that benefits to the applicants may be limited because the percentage established annually by the selectmen would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this act shall be reduced to meet the need.*

*SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by*

*the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.*

*SECTION 5. Acceptance of this act by the town of Sudbury shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.*

*SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.*

*SECTION 7. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.*

*SECTION 8. This act shall expire after 3 years of implementation of the exemption.*

*Approved, July 27, 2012.*

## **ARTICLE 46**

### **ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF A COMMISSION ON DISABILITIES FUND**

**To see if the Town will vote to accept provisions of Mass General Law 40, Section 22G regarding allocating all funds received from fines assessed for violations of handicap parking to the Arlington Commission on Disabilities. Funds so received shall be deposited by the city or Town Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Commission of Disabilities in accordance with the accepted procedures of the Town for the disbursement of funds, including the approval of the Town Manager or Select Board. The Town Treasurer shall submit annually a report of said account to the Town Manager or Select Board for review and a copy of said report shall be forwarded to the Bureau of Accounts; or take any action related thereto.**

**(Inserted at the request of the Commission on Disabilities)**

***\*Tabled from February 25, 2019***

In 1993 the Town voted to establish a Disability Commission by special act (rather than by adoption of G.L. c. 40 sec. 8J). However, the Town has yet to vote to adopt G.L. c. 40 sec.



22G, which allows a Disability Commission to receive the proceeds of fines associated with violations of handicap parking rules and apply such funds directly the benefit of disability programs without requiring specific appropriation by Town Meeting. If adopted, such expenditures must still be approved by the Town Manager or Select Board and reported annually.

Should the Board be inclined towards positive action, a recommended vote would be substantially as follows:

*VOTED: That the Town hereby accepts G.L. c. 40 sec. 22G and establishes a dedicated fund for fines assessed for violations of handicap parking in the Town of Arlington; such funds to be expended as recommended by the Arlington Commission on Disabilities upon the approval of the Town Manager/Select Board.*

#### **ARTICLE 51**

#### **ENDORSEMENT OF CDBG APPLICATION**

**To see if the Town will vote to endorse the application for Federal Fiscal Year 2020 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.**

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

This article presents the annual vehicle for consideration and endorsement of Community Development Block Grant expenditures. Julie Wayman, CDBG Administrator is expected to present a summary of grants for the Board's approval. The Board and Manager are reminded that the Manager also holds a vote on approval of this item.

#### **ARTICLE 52**

#### **REVOLVING FUNDS**

**To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.**

(Inserted by the Select Board)

This article represents our standard annual warrant article for reporting revolving fund receipts and expenditures to Town Meeting under Town Bylaws, Title I, Article 22. The Board

will also receive any proposed votes to adopt new funds and/or appropriate money into funds from the Comptroller and Deputy Town Manager.

## **ARTICLE 79**

### **RESOLUTION/OVERNIGHT PARKING EXEMPTION PROGRAM FOR MEDICAL AND FINANCIAL HARDSHIPS**

**To see if the Town will vote to or take any action related thereto: A non-binding resolution to support an overnight parking program that provides exemptions for persons with medical and/or financial hardships.**

Inserted at the request of Laura Kiesel and 10 Registered Voters  
*\*Tabled from February 11, 2019 Meeting with Additional Comments Below*

This resident petition article calls for a Town Meeting resolution to support a change in the present Overnight Parking Ban Policy in the interests of providing a broader, or at least more procedurally efficient and private, exemption for residents with financial and medical hardships. The proponents of this article understand that Town Meeting lacks the authority to dictate a policy to the Select Board, and as such, have brought forth the instant request for a resolution.

As the Board knows, it acts as Parking Commissioners for the Town pursuant to M.G.L. c. 90 sec. 20A and 20A 1/2 , and therefore is charged with establishing parking rules and penalties. Relative to overnight parking, the Select Board's Parking Policies and Regulations forbid parking for more than one hour from the hours of 1:00 a.m. to 7:00 a.m. This memo will not detail the history and policy rationale behind the ban, but it should be noted that as recently as 2013, a non-binding local ballot question on whether or not the Overnight Parking Ban should be maintained was "approved" by 64% of voters.

The Select Board's articulation of the Overnight Parking Ban allows for both waivers and overnight on-street parking permits (both temporary and permanent) based upon the following criteria/circumstances:

*Overnight On-Street Parking Permit (permanent or temporary) is provided by the Board of Selectmen for the following circumstances:*

- 1. Engineering impossibilities for having a driveway (permanent)  
Example: utilities running through property disallowing construction;*
- 2. Medical Services (temporary and permanent)*

*Example of temporary: Hospice care and rehab care Example of permanent: Daily medical care;*

*3. Driveway construction (temporary)*

*Example of temporary: driveway and/or side walls being built;*

*4. Extenuating circumstances (temporary and permanent) Example of temporary: family living arrangement transitions Example of permanent: family living arrangement for safety (ie. restraining order)*

The Board's policy also outlines a procedure for residents seeking a permanent on-street permit:

*How to Request an Overnight Parking Permit:*

*To request an On-Street Permit (permanent):*

- *Request in writing to the Board of Selectmen's Office. This request will be processed and the applicant will be scheduled as an agenda item within four (4) to six (6) weeks after submittal.*

*Inspection reports will be requested from Police and Fire Departments for recommendations.*

*The fee is \$160.00 for the initial year and renewable yearly for \$75.00.*

*Overnight Parking Permit requests require the following information:*

- *Address (your address, car must be parked in front of your house)*
- *Car registration # and State*
- *Phone number (to best reach you)*
- *Reason for the request*
- *Date of request*

I expect the resident petitioners will outline reasons why either an entirely new exemption scheme or adjustments to the present regulations are compelling and/or necessary. However, it must be stressed that only the Select Board has the authority to establish such a scheme or make such adjustments.

As a final note, permit me to address an issue raised by an advocate for the resolution at the Select Board's last meeting, which appeared to be that the Town faces some potential liability for exclusionary policies under a theory of disparate impact on low and moderate income or disabled persons. In brief, the burden-shifting analysis required to examine disparate impact liability likely rests upon whether or not there are substantial and legitimate reasons for

the Town's Overnight Parking Ban and whether or not less impactful alternatives exist. To this Office's understanding, there are a variety of sound reasons for the overnight parking ban. Moreover, comprehensive alternatives have been thoroughly explored and deemed cost-prohibitive. As such, the Board and Town Meeting's exploration of this article should be guided primarily by those principles which are always considered – balancing competing policy needs with the interests in equity of groups detrimentally affected by a policy like the Overnight Parking Ban – rather than acute concern for legal liability.

**\*\*\*Additional Comments**

As discussed at the Board's first hearing on this article, permit me to present two options for addressing the substance of the proponent's concerns.

*Option 1: Amending Existing Select Board Parking Policies and Regulations & No Town Meeting Action*

If the Board is inclined to adopt an exemption program in keeping the goal of the proponents' article, it may do so without further action from Town Meeting by asserting a "No Action" posture towards the article, but taking the following votes relative to your current policies and regulations.

**VOTED: That the Select Board hereby amends Traffic Rules and Orders Article V (Parking), Section 14 (ALL NIGHT PARKING) as follows:**

**Section 14.**

**(A) ALL NIGHT PARKING** – Between the hours of 1:00 A.M. and 7:00 A.M. no vehicles shall be allowed to park on any public street in the Town for more than one (1) hour, unless such parking is for good cause as determined and authorized by the Director of Community Safety, Director of Police Services, or in their absence, the on-duty senior superior officer (shift Commander) of the Police Services Division, or as permitted pursuant to part B of this Section, below.

**(B) HARDSHIP EXEMPTIONS** – The Town shall exempt from the all night parking prohibition those persons who can demonstrate long-term hardship, providing a renewable overnight parking permit on an annual basis. To qualify for long-term hardship, residents must establish first their lack of viable off-street parking, and second, either (1) a long-term or permanent disability which requires on-street overnight parking in the immediate vicinity of such residents' housing; or (2) demonstrated economic hardship.

**And;**

**FURTHER VOTED:**           **That the Select Board hereby amends Section I of its Parking regulations as follows:**

**I.       Overnight Parking**

There is an On Street Overnight Parking Ban: Between the hours of 1:00 A.M. to 7:00 A.M. no vehicles shall be allowed to park on any public street in the Town for more than one (1) hour, unless such parking is for good cause as determined and authorized by the Arlington Police Department (Police Chief, or in their absence, the on-duty Senior Superior Officer/Shift Commander) and/or the Select Board.

Furthermore, residents with permanent disabilities and/or demonstrated economic hardship warrant exemption from the parking ban where sufficient immediate access to overnight parking resources is unavailable to them.

Thus, the Town recognizes ~~there are a few~~ distinct categories of circumstances where a resident may need an:

- Overnight parking waivers provided by the Police Department for short-term parking relief;
- Discretionary Overnight parking permit provided by the Treasurer's Office or Select Board Office for long-term and short-term parking relief; and
- Overnight parking exemption permits provided by the Select Board Office for long-term parking relief for qualifying disabled and/or low-income residents.
- the Treasurer's Office Waivers.

*A. Overnight Parking Waivers (Short-term)*

An overnight On-Street Parking Waiver (Temporary/Maximum 14 per calendar year) is provided by the Police Department with no fee for the following circumstances:

1.     Expecting an overnight guest
2.     Disabled motor vehicle
3.     For a driveway out of service: contact the Inspectional Services office at 781- 316-3390 for a pod, dumpster, or other building related circumstances.

~~How to~~ Requesting an Overnight Parking Waiver from the Arlington Police Department:

1. Make a Request online at: [www.arlingtonma.gov](http://www.arlingtonma.gov) via the Request/Answer Center (login required).
  - Select Make a Request
  - Select “Overnight Parking Request” (login or create an account) and fill out form; or
2. Call the Overnight Parking Request Hotline at 781-316-3960  
Overnight Parking Waivers requests require the following information:
  - Address (your address, car must be parked in front of your house)
  - Car registration # and State
  - Phone number (to best reach you)
  - Reason (one of three only: overnight guest, disabled vehicle, driveway maintenance)
  - Date of Request (Note: Saturday at 10:00 P.M. is the latest you can request a parking waiver for Sunday 1:00 A.M. to 7:00 A.M., and so on)

If you submit your Overnight Parking Request before the deadline, your waiver will automatically be approved, unless you have previously used your 14 per calendar year waivers.

*Waivers are at the discretion of the Arlington Police Department*

These limited Overnight Parking Waivers are approved at the discretion of the Arlington Police Department and are granted as a courtesy for the above mentioned circumstances. The APD feels these guidelines will be sufficient for most residents and provides a balance between upholding the overnight parking bylaw and providing some relief to residents. This process will also eliminate abuses of this courtesy and allow police dispatch to focus on emergency calls and other higher priority tasks. If you have an extenuating circumstance not listed above, please contact the Select Board’s Office at 781-316-3020.

*B. Discretionary Overnight Permits Temporary and Annual (Short-term & Long-term)*

Discretionary Permits to Park Overnight in Arlington, either in Municipal Lots and On-Street are provided to those residents who cannot otherwise accommodate demonstrable parking needs either because they warrant long-term relief for a more specifically tailored long-term circumstance other than a qualifying exemption.

“On-Street Permits” are generally limited to residents who specifically require parking at or near their residence because of an articulable and urgent need.

1. Discretionary Municipal Lot Parking Overnight Permits (permanent) is are provided by the Treasurer’s Office for a fee for residents who do not have permanent off-street parking available for all vehicles in their household. Residents are advised that there

is limited space in municipal lots, and conditions and limitations apply. the following circumstance for those residents

~~Need overnight parking—long term Example: a residence without permanent off-street parking for all household vehicles.~~

2. Discretionary Overnight On-Street Parking Permits (short-term and long-term permanent or temporary) is are provided by the Select Board for the following limited circumstances:

a. Engineering impossibilities for having a driveway (permanent)

Example: utilities running through property disallowing construction.

b. Medical Services (temporary and permanent) Example of temporary: Hospice care and rehab care

Example of permanent: Daily medical care

c. Driveway construction (temporary)

Example of temporary: driveway and/or side walls being built

d. Non-exempt Extenuating circumstances (temporary and permanent)

Example of temporary: family living arrangement transitions

Example of permanent: family living arrangement for safety (ie. restraining order)

On-street permits are valid only for space immediately in front of or adjacent to the permit holder's residence.

How to Request ~~an~~ Regular Overnight Parking Permit To request a Municipal Lot Permit (~~permanent~~):

- Buy permits at the Treasurer's Office with proof of Arlington residence for one of multiple municipal lot locations (see attached Parking Map).

The fee is \$365.00 annually and prorated every three (3) months.

How to request a Discretionary ~~an~~ On-Street Permit (Long-term or temporary permanent):

- Request in writing to the Select Board's Office. This request will be processed and the applicant will be scheduled as an agenda item within four (4) to six (6) weeks after submittal.



Inspection reports will be requested from Police and Fire Departments for recommendations and input may be sought from the Safety Officer and Parking Clerk is necessary.

The fee is \$160.00 for an annual permit the initial year and renewable yearly for \$75.00.

To request an On-Street Permit (~~Short-term~~ temporary):

- ~~Request in writing to the Select Board Office. This request will be processed by the Office with input from the Safety Officer and Parking Clerk when necessary.~~

The fee is determined on an individual basis per circumstance.

### C. ~~Permits~~ Overnight Exemption Permits (Long-term)

Permits to Park Overnight in Arlington, either in Municipal Lots and On-Street are provided to those residents who cannot otherwise accommodate demonstrable parking needs either because they qualify for the Overnight Parking Exemption because they ....

Under both categories, “On-Street Permits” are generally limited to residents who specifically require parking at or near their residence, usually because of an identifiable disability or other pressing need.

#### 3. Overnight Parking Exemption Permits

Pursuant to Traffic Rules and Orders Section 14(B), Arlington residents who can establish *both* that off-street parking is unavailable to them; *and* that they:

- Have a long-term or permanent disability; or
- Cannot afford off-street parking due to economic hardship.

Residents qualifying for exemption permits based upon a disability will be afforded on-street parking permits at no-cost.

Residents qualifying for exemption permits based upon economic hardship will be afforded municipal lot or on-street parking permits at no cost depending upon the reasonable proximity of lots, availability, and other as otherwise merited by cause. All on-street permits are valid only for space immediately in front of or adjacent to the permit holder’s residence as identified by the Board Office.

### How to apply for an Overnight Parking Exemption Permit:

- Request in writing to the Select Board's Office. This request will be administratively processed to ensure qualification for exemption with recommendations from the Police and Fire Departments, including the Safety Officer, but without requiring appearance at a public hearing.
- For applicants claiming an exemption on the basis of disability, written proof of qualification may be demonstrated by proof of registration of a handicap parking plate, enrollment in SSDI (demonstrated by a disability benefits letter), or a letter identifying the resident as disabled on a physician's/medical professional's letterhead stationary.
- For applicants claiming an exemption on the basis of economic hardship, written proof of hardship may be demonstrated proof of eligibility for SNAP, Medicaid, SSI, or other eligibility for need-based which demonstrates income below 80 % AMI.
- Information submitted for exemption qualifications will be kept confidential to the maximum extent allowed by law.
- Denial of qualification for exempt status may be appealed to the Select Board.

### **Snow Operations & Snow Emergencies**

No waivers will be granted during snow emergencies, in snow removal operations as defined by Public Works, or when other parking restrictions are in place. This will allow Public Works to conduct their snow removal operations more effectively. This applies to all residents; *even those with parking permits must be off the street*. You can read more about Snow Emergency Declarations on the Snow & Ice Information page on the Town's website.

Both the online Overnight Parking Waiver System and the Hotline will not be in service during these times. If you previously were granted a waiver, it will automatically be null and void and you may not necessarily be alerted of this fact. To be alerted of snow emergencies via email, you can subscribe to "Town of Arlington Notifications" at [Arlingtonma.gov/subscriber](http://Arlingtonma.gov/subscriber).

### Option 2: Reporting to Town Meeting on the Resolution of the Proponents

If the Board is not inclined to adopt revisions to its policies at this time, it may of course vote upon its position relative to the contemplated resolution or develop a distinct resolution consistent with the scope and intent of the article.

As a draft resolution for the Board and Town Meeting's consideration, the proponents provided the "Whereas" language set forth below, and this office the "Resolved" language based upon my understanding of their goals.

*VOTED: It is hereby resolved that:*

"WHEREAS the best available peer review data reveals that car ownership is intimately and often inextricably connected to keeping and maintaining a job and therefore to economic viability and mobility for lower income and working class individuals and families in the United States; and

"WHEREAS car ownership has also has been found to play an integral role in enabling lower income and working class families to relocate to and reside in higher opportunity towns and cities such as Arlington--that is, places with stronger schools and housing markets, more green spaces, and better health outcomes; and

"WHEREAS many higher-paying jobs available to those without college degrees often mandate ownership of a car; and

"WHEREAS many jobs available are increasingly offered in the outer suburbs in areas not practically accessible by public transit; and

"WHEREAS many disabled folks require cars because our inadequate and inefficient public transportation does not allow them to independently meet their basic living needs in order to access work, medical appointments, and groceries, etc.--with the vast majority of MBTA subway and bus stops being non-compliant with the ADA; and

"WHEREAS there have been reported incidents of some landlords and/or real estate agents in Arlington being evasive or dishonest to prospective tenants about the availability of off-street parking or the existence of an overnight on-street parking ban; and

"WHEREAS there are documented incidents of landlords charging tenants extraneous--and in some cases, exorbitant--monthly parking fees for off-street parking on top of rent and citing the on-street parking ban as an incentive to do so; and

"WHEREAS the overnight on-street parking ban thereby unwittingly acts as an exclusionary zoning law that serves as an impediment for lower income and disabled folks to relocate here or remain in Arlington if they cannot find a residential dwelling with accessible or affordable off-street parking; and

"WHEREAS the current process for applying for a overnight parking waiver requires that a person attend a Select Board hearing in person to make their appeal, which occurs in the evening in a room that is not easily accessible for those with certain disability--posing a potential logistical challenge to attend; and

"WHEREAS this hearing also subjects the individual requesting the waiver to public scrutiny

and judgement, and is filmed and aired on live television, posing the dilemma of an invasion of privacy into the intimate details of one's financial and/or medical situation; and

“WHEREAS the Town of Arlington has outlined goals in its Envision 2020 to enhance its diversity and inclusion of under-represented members of the community and welcome all to live here, including those who are lower income and/or disabled, even as the current parking ban is counter-productive to fully realizing those goals; and

“WHEREAS the Town of Arlington's Diversity Taskforce Group (DTG) voted unanimously in favor of the creation of a warrant article that would support a culturally sensitive approach to overnight parking exemptions;

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting supports the establishment of an overnight parking ban exemption program for qualifying residents based upon disability or financial hardship and unavailability of off-street parking.

BE IT FURTHER RESOLVED, that Town Meeting urges the Town to identify and utilize objective criteria for determining applicant qualifications based upon existing local, state, and/or federal indicia of disability or financial hardship.

BE IT FURTHER RESOLVED, that Town Meeting supports the maximum protection of the privacy interests of applicants, particularly those seeking exemptions on the basis of disability by establishing a process that does not require public hearing, but rather uses the aforementioned criteria to determine eligibility in a confidential manner.

Chapter 312  
of the Acts of 2018

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninetieth General Court

AN ACT RELATIVE TO REAL PROPERTY TAX DEFERRALS IN THE TOWN OF ARLINGTON.

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

SECTION 1. Notwithstanding clause forty-first A of section 5 of chapter 59 of the General Laws or any general or special law to the contrary, the town of Arlington may, by vote of its town meeting and with the approval of its board of selectmen, adopt a maximum qualifying gross receipts amount in excess of \$57,000 for purposes of said clause forty-first A; provided, however, that such maximum qualifying gross receipts amount shall not exceed the income limit determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62 of the General Laws for married persons filing jointly, regardless of the taxpayer's marital status.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, November 21, 2018.

Passed to be enacted,

*Basil J. Donato* - Speaker.

In Senate, November 21, 2018.

Passed to be enacted,

*Patricia A. Hensley*, President.

*November 22*, 2018.

Approved,

at *3* o'clock and *15* minutes, *P*. M.

*Charles D. Baker*

Governor.

**MEANS TESTED SENIOR EXEMPTION TOWN OF CONCORD  
COMMONWEALTH OF MASSACHUSETTS CHAPTER 169 OF THE ACTS OF 2012  
Instructions for Filing**

**Fiscal Year 2019 Town of Concord**

**Completed Application and all documents must be submitted to the Board of Assessors no later than  
*September 1, 2018***

It is very important to read the Taxpayer Information about Concord Means Tested Senior Exemption below, prior to filling out the application. If anything is unclear to you or if you have any questions or concerns, please contact the Assessor's Office at 978-318-3070 or [assessing@concordma.gov](mailto:assessing@concordma.gov).

**The following documentation must accompany the filing of your application for the exemption:**

- A complete executed copy of Schedule CB Circuit Breaker Credit 2017 from your Massachusetts State Income Tax Return. If you did not file a Massachusetts State Income Tax Return for 2017, you must still complete, execute and submit a copy of Schedule CB Circuit Breaker Credit 2017. If you need a blank Schedule CB Circuit Breaker Credit 2017, please contact our office.
- A complete executed copy of pages 1 & 2 of your 2017 Federal Income Tax Form 1040.

The completed application and documentation must be returned to the Assessor's Office: P.O. Box 535, Concord, MA 01742 on or before September 1, 2018.

You may be eligible to reduce a portion of the taxes assessed on your domicile if you meet all of the following conditions, in addition to qualifying for the 2017 Circuit Breaker State Income Tax Credit.

Property Assessment (FY <u>2018</u> )  Must not exceed  \$838,900.	Property Owner  65 Years of Age  Property Co-Owner  At least 60 Years of Age	Residency Requirement:  <u>10</u> consecutive years in  Concord.
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**WHEN AND WHERE MUST THE APPLICATION BE FILED?** A person who seeks to qualify for property tax relief under the provisions of the exemption shall, before the deadline of September 1, 2018, file an application on the approved form with all supporting documentation of the applicant's income and assets. The application and supporting documentation shall be submitted to the Concord Assessor's Office, P.O. Box 535, Concord, MA 01742. **THE DEADLINE CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED OR IS INCOMPLETE BY THE DEADLINE FOR SUBMISSION YOU LOSE ALL RIGHTS TO THIS EXEMPTION AND THE ASSESSORS BY LAW CANNOT GRANT THIS EXEMPTION.**

**HOW WILL MY EXEMPTION AMOUNT BE DETERMINED:** This innovative exemption program is intended to help qualifying seniors reduce their real estate tax burden. In some instances there may be seniors whose tax bill will be reduced to be no more than 10% of their income. We will not know the actual amount of your exemption until all applications have been analyzed and the January tax bills are calculated. However, if you would like detail on the calculation



methodology, please contact the Assessor's Office and we will gladly provide the program detail.

**WHEN SHOULD I EXPECT TO SEE THE REDUCTION IN MY TAX BILL?** Filing of the application will not stay the collection of your taxes. Taxes should be paid as assessed. Should your application meet all requirements of the exemption, your actual FY 2019 tax bill is expected to reflect the reduction in taxes caused by implementation of this exemption. In other words, the exemption allowance will be directly applied to your actual tax bill for the year (i.e., the tax bill normally issued January 1<sup>st</sup>). If that does not happen for any reason, you will be notified.

#### **ASSESSORS APPLICATION REVIEW AND PROCESS**

It is important that applicants have an understanding of the application review process, and how their personal information will be treated:

- The application will be reviewed by the Board of Assessors along with a designated Assessor's staff member.
- The pertinent data from the application (i.e. qualifying income, age, assessed value) will be entered onto a worksheet. The applicant will not be identifiable on the worksheet. Each application and worksheet will be coordinated by an application numbering system. The verified information from the numbered worksheet will be used to determine eligibility and benefit.
- Those applicants determined to be ineligible will receive written notification as to their ineligibility. The eligible applicant pool is expected to vary from year to year. Eligibility in one year does not guarantee eligibility the following year. Applicants should understand that each year's qualification is subject to Circuit Breaker eligibility during the prior calendar year. In other words, in order to qualify for the program this year (FY 2019) the applicant must have met the income criteria of the 2017 Circuit Breaker State Income Tax Credit. To qualify for FY 2020 the

applicant will need to meet the criteria of the 2018 Circuit Breaker State Income Tax Credit and so on.

- Once eligibility has been determined, the quantifiable data will be used to calculate the exemption benefit.
- The Means Tested Senior Exemption Program (Chapter 169 of the Acts of 2012) is unlike any other property tax exemption/deferral program with which you may be familiar. If you normally file for the Veteran's, Blind, Surviving Spouse, Senior over the age of 65, Senior Tax Deferral (Clause 41A) etc. do not let the filing of this new application deter you from applying for the traditional programs.

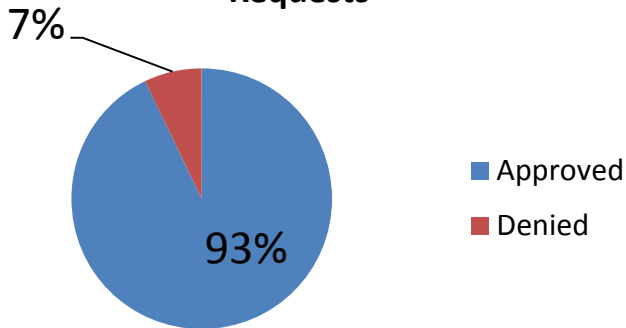
**The Board of Assessors may deny an application if it finds that the applicant has assets in excess of \$250,000. This places the applicant and any co-owners outside of the intended recipients of the Exemption.**

# Overnight Parking Waivers & Handicap Parking Requests

## Residential Handicap Spaces

**28** requests made since 2008.

### Residential Handicap Space Requests



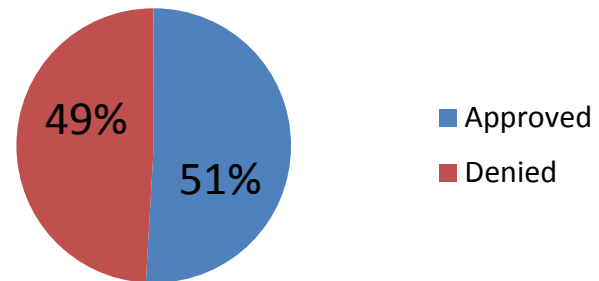
A designated on-street handicap parking space may be granted at a property if the resident possessing an HC placard from the RMV can demonstrate that the granting of such a space will increase their ability to access or egress their home, given that a demonstrated hardship exists.

Reasons for denial typically include that the space is deemed unneeded, or that the request was for a second space. However, requests may also be denied if they adversely affect traffic flow or the use of fire apparatus on the street.

## Full Year On Street Overnight Parking Waivers

**55** requests made since 2008.

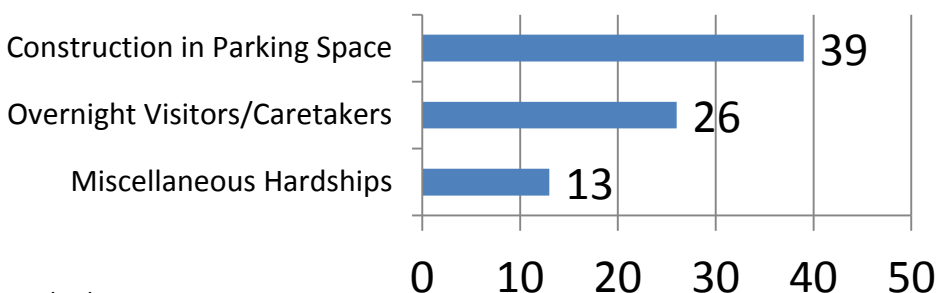
### Full-Year Overnight Parking Waiver Requests



A renewable one-year waiver (\$160 Initial, \$75 renewal) from the overnight parking restriction may be granted to properties if there is a demonstrated hardship caused by the restriction because of the conditions at the property.

Reasons for denial typically include that there is sufficient space within existing off-street parking, there is available alternative off-street parking, the resident can obtain a permit for a nearby parking lot, the resident can install new off-street parking, or that there is no hardship motivating the request.

## Temporary Waiver Requests by Category



**78** temporary (>14 but <365 days in length) overnight parking requests were granted in 2018.

\*APD received 9852 1-night waiver requests in 2018

*Agenda*  
*3/25/19*

**From:** "pamrory@gmail.com" <pamrory@gmail.com>  
allonK1@edinburgcenter.org, mrademacher@town.arlington.ma.us, Maureenhilaire@verizon.net,  
**To:** EvaluationResearchers@gmail.com, karen\_mathiasen@alum.mit.edu, paul@paulczechlaw.com,  
gmcarpenter1@gmail.com, paulraiaphd@gmail.com, cynthia.deangelis@icloud.com, ellen.leigh3@gmail.com  
**Cc:** mkrepelka@town.arlington.ma.us, ahrc@town.arlington.ma.us  
**Date:** 03/06/2019 12:49 PM  
**Subject:** Town of Arlington Warrant Article 80

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Dear Members of the Arlington Disability Commission:

I am writing to ask your support for Warrant Article 80, which would support a parking exemption for those experiencing medical and/or financial hardship. As a disabled, eight-year resident of Arlington, I believe it is in the town's best interest to promote a class- and ability-sensitive parking policy.

It is my understanding that a resident could try to obtain a waiver at a Select Board hearing. However, as someone who has had to go through the disability application process, I can attest that being forced to air your health and financial shortcomings in front of a group of strangers (and in the case of the parking waiver, on public television) is a degrading and dehumanizing process for the applicant. A much kinder approach would be to allow the resident to submit an application that is approved based on meeting specific criteria.

Thank you for your time and consideration regarding this matter.

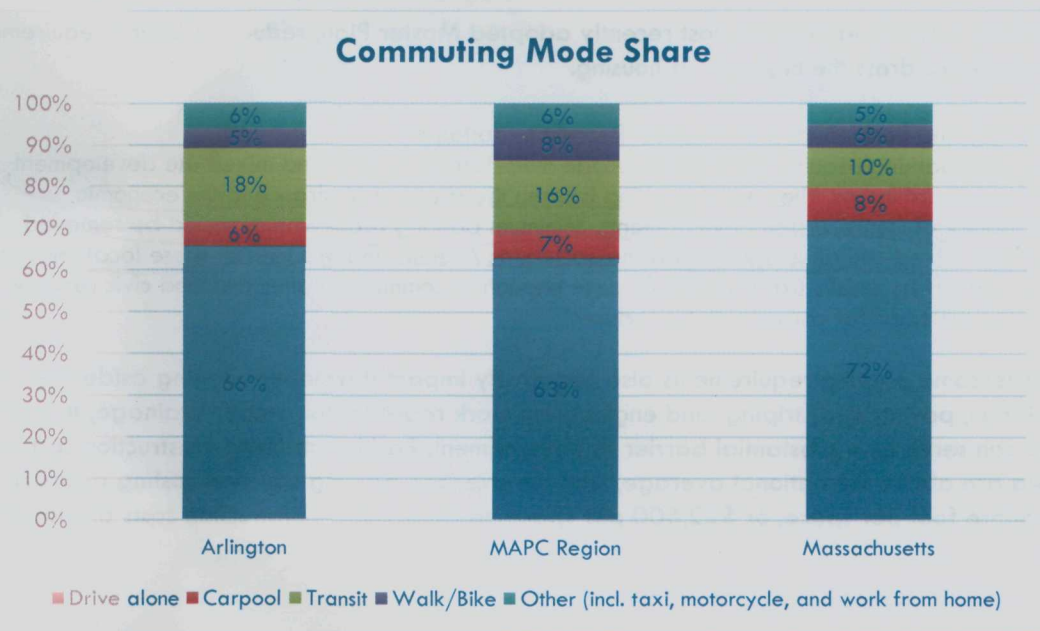
Warmly,  
Pam McKenna

36 Fountain Road  
Arlington, MA 02476

## Arlington Demographics

Using data from the 2010-2014 American Community Survey, MAPC explored how Arlington's commuting patterns and vehicle ownership rates may impact the need for parking at multi-family residential developments. Figure 1 below depicts commuting mode share in Arlington in comparison to the MAPC region and the state as a whole. Nearly one in three Arlington residents commute by a means other than driving alone. Based on national trends, the number of residents taking more sustainable modes of travel to work is expected to increase over time.

Figure 1. Comparison of Commuting Mode Share



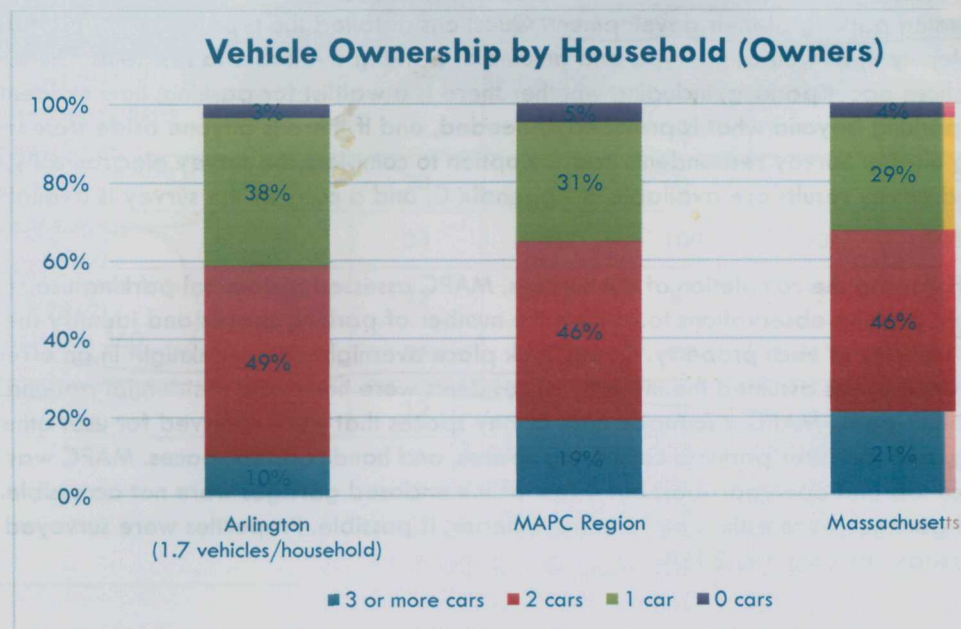
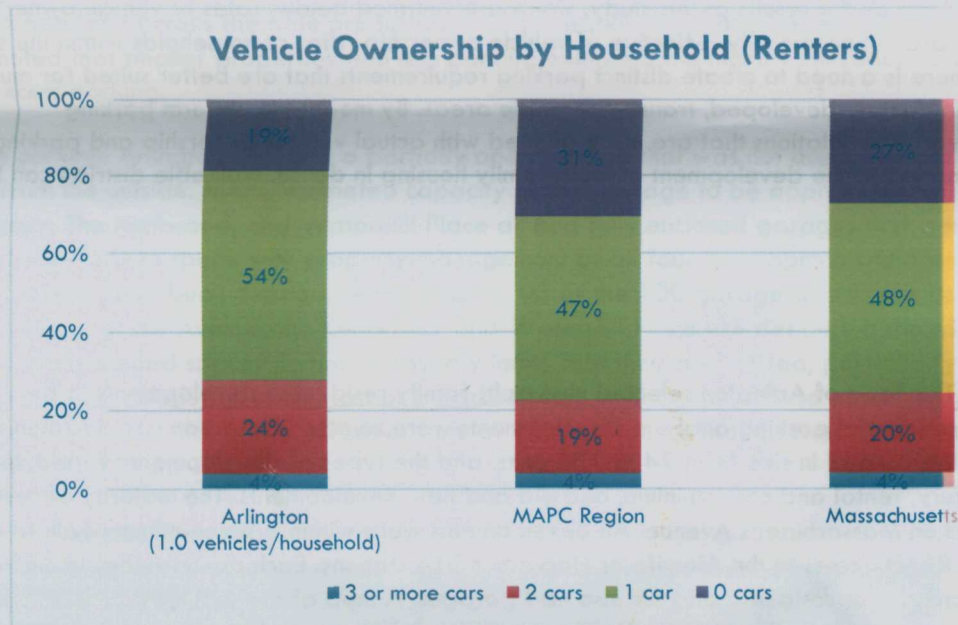
In addition to the commuting data, MAPC also evaluated rates of vehicle ownership at rental and ownership households. MAPC found that ownership households owned 1.7 vehicles per household on average, while rental households averaged a bit lower at 1.1 vehicles per household. Lower rates of

<sup>5</sup> "Transportation Cost and Benefit Analysis II – Parking Cost," Victoria Transport Policy Institute (December 10, 2015): 17, <http://www.vtpi.org/tca/tca0504.pdf>.



vehicle ownership among rental household in comparison to ownership households is a common trend within both the MAPC region and the state.

Figure 2. Vehicle Ownership by Household



“As the Peer Coordinator at Wayside Youth’s STEPS Resource Center in Arlington, which provided help and support to many marginalized young adults in the area that are struggling, I am writing you in full support of Warrant Article 80, co-sponsored by Laura Kiesel. It provides an exemption program to Arlington's overnight parking ban for those experiencing medical and/or financial hardship and who lack an affordable or accessible off-street parking space at their residence.

As someone who works with many disabled people on a daily basis, I believe that some sort of exemption program is crucial in this community, or the marginalized communities that are already struggling will only grow smaller and have less access than they already do.

Please consider STEPS in support of Laura Kiesel’s warrant and support our marginalized communities!”

Best regards,

***Olivia Chiacchia, BA, CPS***

[\(she/her/hers\)](#)

*Peer Program Coordinator*

*STEPS (Success Through Empowerment and Peer Support)*

*Wayside Youth & Family Support Network*

*12 Prescott St*

*Arlington, MA 02474*



“The Mystic Valley Area Branch of the NAACP will endorse the view of the Envision Arlington Diversity Task Group in support of potentially providing parking vouchers for people in need due to financial hardship, health reasons, or disability reasons. We are in support of anything that levels the playing field and creates a more equitable community for all Arlington Residents.”

- NAACP-Mystic Valley

“WHEREAS the best available peer review data reveals that car ownership is intimately and often inextricably connected to keeping and maintaining a job and therefore to economic viability and mobility for lower income and working class individuals and families in the United States

“WHEREAS car ownership has also has been found to play an integral role in enabling lower income and working class families to relocate to and reside in higher opportunity towns and cities such as Arlington--that is, places with stronger schools and housing markets, more green spaces, and better health outcomes

“WHEREAS many higher-paying jobs available to those without college degrees often mandate ownership of a car

“WHEREAS many jobs available are increasingly offered in the outer suburbs in areas not practically accessible by public transit

“WHEREAS many disabled folks require cars because our inadequate and inefficient public transportation does not allow them to independently meet their basic living needs in order to access work, medical appointments, and groceries, etc.--with the vast majority of MBTA subway and bus stops being non-compliant with the ADA

“WHEREAS there have been reported incidents of some landlords and/or real estate agents in Arlington being evasive or dishonest to prospective tenants about the availability of off-street parking or the existence of an overnight on-street parking ban

“WHEREAS there are documented incidents of landlords charging tenants extraneous--and in some cases, exorbitant--monthly parking fees for off-street parking on top of rent and citing the on-street parking ban as an incentive to do so

“WHEREAS the overnight on-street parking ban thereby unwittingly acts as an exclusionary zoning law that serves as an impediment for lower income and disabled folks to relocate here or remain in Arlington if they cannot find a residential dwelling with accessible or affordable off-street parking

“WHEREAS the current process for applying for a overnight parking waiver requires that a person attend a Select Board hearing in person to make their appeal, which occurs in the evening in a room that is not easily accessible for those with certain disability--posing a potential logistical challenge to attend

“WHEREAS this hearing also subjects the individual requesting the waiver to public scrutiny and judgement, and is filmed and aired on live television, posing the dilemma of an invasion of privacy into the intimate details of one’s financial and/or medical situation

“WHEREAS the Town of Arlington has outlined goals in its Envision 2020 to enhance its diversity and inclusion of under-represented members of the community and welcome all to live here, including those who are lower income and/or disabled, even as the current parking ban is counter-productive to fully realizing those goals

“WHEREAS the Town of Arlington’s Diversity Taskforce Group (DTG) voted unanimously in favor of the creation of a warrant article that would support a culturally sensitive approach to overnight parking exemptions

We are asking Arlington Town Meeting to pass a non-binding resolution urging the Town to consider implementing an exemption program to the overnight on-street parking ban for those who are experiencing medical or financial hardship and who lack an affordable or accessible off-street parking space at their current or intended place of residence based on an objective list criteria with no need of a public hearing process.”

“The Massachusetts Immigrant and Refugee Advocacy supports the proposed parking warrant. Massachusetts is home to over a million immigrants, who work disproportionately in low-earning jobs. Many work as janitors, nursing home attendants, and in other positions having non-traditional working hours, requiring transportation when public services are unavailable. The proposed warrant is reasonable, since it would provide alternatives only when off-street parking is unavailable, and only for those with the greatest need. We hope that the Select Board will give it careful consideration.”

Amy Grunder, Director of State Legislative Affairs of MIRA  
(Massachusetts Immigrant and Refugee Advocacy) Coalition

## **1. Why 80% of Area Median Income (AMI)?**

The Town's own zoning laws cite 80% AMI or lower as what defines or qualifies a household as eligible to live in an "affordable" unit. In particular, as the Town considers new zoning plans and upscaling density, our inclusionary zoning policy mandates that 15% of new housing developments (or 1 out of 6 units) be earmarked as "affordable" and available to those households with an annual income at or under 80% AMI. These "affordable" units would be available to those who have or hold Section 8 mobile vouchers, or are on the waiting list for a voucher. As noted previously, a study conducted of 12,000 households that were voucher holders in major metro areas--including Boston--found that those who owned cars were twice as likely to have a job and four times as likely to maintain that job over the long-term as compared to those who did not have cars. Additionally, they were also significantly more likely to relocate and maintain residence in high quality neighborhoods--that is, those with better schools, low crime, more green spaces, and superior health outcomes. In other words, towns like Arlington.

However, the Town's new density plans include proposals to reduce and even possibly altogether eliminate off-street parking minimums for new developments. This would make it much more difficult for voucher holders and other lower income and working class people who would qualify for these "affordable" units to relocate here and stay here over the long term if they do not have a place to park the cars they need in order to maintain the jobs required to afford rent. Furthermore, ownership of cars is often integral to assisting in economic mobility for a household and there is a problem with the cliff effect. If a lower income family achieves some economic mobility and rises from working class to lower-middle class, this AMI standard would give the family more breathing room to achieve that without forcing them out of Town.

Currently, income inequality in Arlington is growing at a breakneck pace with a depletion of our working class here in Town and racial diversity is still very low. African Americans and Hispanics still only comprise less than 6% of the entire of population of the Town. African Americans and Hispanics are nearly twice as likely to rent as whites and are more likely to be representative in lower income households due to systemic racism and its insidious impacts on employment opportunities and the racial wage gap. This problem is even more pronounced in the Boston metro area than any other major metro area in the nation.

If Arlington wishes to become more class and race diverse and inclusive in line with its own goals as set out in Vision 2020, we need to expand or amend some of our restrictive zoning policies (including that of our parking policies) so that people of different income levels and races can live here and stay here.

## **2. But won't using 80% AMI include too many people?**

While it's true that approximately a third of all Arlington's 18,632 households make at or below 80% AMI, it needs to be stressed that the eligibility criteria we are proposing mandates that one needs to both be under 80% AMI **AND** demonstrate they lack access to an off-street parking space at one's residence. Specifically, of the 6,536 households in Arlington that make under 80% AMI, at least 2,624 of them--or 40.1%--are owner occupied. While some homeowners can

qualify for this program, the vast majority of homeowners have access to an off-street parking space via a private driveway. The lion's share of this program will be utilized by renters. The latest census data shows about 3,912 of renter households make under 80% AMI in Town. Of those, at least 20% do not own cars, which leaves 3,130 renter households that own cars (DISCLAIMER: this is likely to be an overestimate since lower income people are much less likely to own cars). Considering the data offered in parking surveys of Arlington conducted by the Metropolitan Area Planning Council and other sources, it is fairly safe to assume that between  $\frac{2}{3}$  and  $\frac{3}{4}$  of these renter households with cars already have access to off-street parking spaces at their residences or live on a private way. This indicates that there would be a potential of between 782 and 1,048 applicants who make under 80% AMI (again, this is a generous number and likely an overestimate) who would qualify for this program. To put that in perspective, that only comprises between 1.7% and 2.3% of the entire population of the Town and only between 4.2% and 5.6% of all Arlington households.

Additionally, many of those applicants for this program who make under 80% AMI who also have a disability plate or placard may be entitled to a parking accommodation at their residence under the federal and state Fair Housing Acts, in which case the burden would be on the landlord and not the Town to offer off-street parking, which would further deduct from the above estimate.

### **3. Why is the program available to both people who have a medical hardship and those who have a financial hardship separately?**

While there is a huge intersection between those who have a disability and those who are lower income, they don't always easily overlap in clearly definable terms and they can have a different set of needs, especially pertaining to the uses of an automobile. However, lower income people can be effectively disabled, yet often lack official recognition or status. As our state's own Disability Policy Consortium (an endorser of our Warrant) recently noted regarding perceptions of what qualifies as disabled: "... many people with disabilities do not meet [the Social Security Administration's] narrow definition. ... There are many more people who do in fact need [relevant programs] because of pre-existing conditions and poverty...who [otherwise] will not have their needs met."

We want to recognize this and devised our criteria with all of this in mind. Therefore, *in the attempt to make this program true to its goal of attempting to enhance inclusion and equity, we felt it was necessary to consider income status and disability separately so as not to impose or perpetuate the very hardships we are attempting to rectify.*

Most Massachusetts state programs and other programs offered by other municipalities in the state offer discounted or exempted services or passes to disabled individuals regardless of their income. For instance, state-issued disability placards and plates are available based solely on demonstration of medical need or hardship and are not considered in the context of income status. Since the program proposed in our Warrant would use the possession of a handicap plate or placard in determining eligibility for a medical hardship, it seems unethical to also impose

income limitations especially as parking needs in these cases may be further dictated by access or proximity to the home rather than financial barriers or need to work. The state also has a Transportation Access Pass (TAP) alternative to the Charlie card, which offers heavily discounted rates on all MBTA public transit systems and that is issued based on demonstrated medical need or disability regardless of income. The City of Somerville waives the fee for the on-street parking pass for all disabled residents regardless of income. In other words, there is strong precedent in the state for offering exemption or discount programs for transportation and parking-related policies for disabled individuals regardless of income and separate from income-based programs.

**4. There are well over 3,000 people with handicap placards and plates in Arlington--doesn't that mean that all of those people will now be parking on the street overnight and will take up the limited designated handicap spaces in the Town and crowd out others who need those spaces?**

No. Again, only those people who have a placard or plate AND lack access to a feasible off-street parking space at their residence would qualify. Considering nearly 60% of the Town are homeowners, it is safe to assume that well over half of placard/plate users have already access to an off-street space via a private driveway. Of the remaining half, it is safe to assume at least  $\frac{3}{4}$  are renters who either already have access to an off-street parking space or would qualify for a FHA parking accommodation with their landlord. Additionally, since lower income households do overlap somewhat significantly with disabled households, many will be the same households who are under 80% AMI.

Also, our program is not entitling people who have handicap placards or plates who are granted exemptions to the overnight on-street parking ban to park in designated handicap spaces. Rather, our program would offer a sticker (similar to a car inspection sticker) that would enable the person to park in another area of their street or neighborhood of their choosing.

According to the conversation we had with the APD parking unit, handicap plate/placard holders already do sometimes park overnight in designated handicap spaces. These designated spaces are not exempt from the ban; however, the APD says they rarely ticket those who park there if they have handicap placards or plates. It would seem those with handicap placards or plates who lack off-street parking feel safer parking in those spots because it seems to add them extra immunity from being ticketed. However, if they had a sticker, they could confidently park elsewhere. This would help alleviate pressure on those spaces rather than exacerbate them. It would address the arbitrary system of ticketing those parking overnight in such spaces based on the personal judgement of individual police officers.

**5. So, wouldn't anyone who doesn't want to pay for parking at their residence qualify for this program?**

No. Those with bundled parking (that is, it is included in their rent) would not qualify. To elaborate, the vast majority of rentals in Arlington include parking that is bundled in the rent--and all of Arlington Housing Authority and Housing Corporation of Arlington rentals are



bundled. For those in market rent housing where parking is charged separately, it would only be for those who make under a certain income (under 60% AMI or in an eligible low income program like SSI, SSDI, SNAP, Medicaid, voucher holder) and when the parking rate charged is at or above a certain amount (perhaps \$50/month).

**6. Doesn't the Fair Housing Act entitle residents to an off-street parking space at their residence anyway?**

Yes and no. While the Fair Housing Act entitles a disabled tenant the right to request an off-street parking space at their place of residence, there are several exemptions to FHA in this regard and so not all disabled tenants would be protected. For instance, the FHA does not apply to residences with four (4) or less units, or townhouses without an elevator. The request also has to be "reasonable," which means landlords are not expected to have to purchase new lot space if they are over capacity, or to defy the laws of physics to accommodate their tenants. We think our program can offer a reprieve for those disabled tenants in situations for which the FHA does not apply to their landlords, or offer tenants a temporary on-street parking pass while their FHA request is pending with their landlord.

**7. Wouldn't this program shift the burden to the Town to offer an on-street space, relieving the landlords of their legal obligations?**

Unfortunately, landlords are already shirking their duty to adhere to the FHA even when it applies, forcing tenants to park illegally on the street and suffer repeated ticketing through no fault of their own and burdening the Town with that enforcement. This program would actually call those landlords into account and better rein in illegal overnight on-street parking.

Our program would screen to ensure that disabled tenants have filed for a FHA parking accommodation with their landlord and if the landlord rejected it, the Town would follow up with those landlords to clarify why. Most of our neighboring municipalities with high renter populations comparable ours--including Brookline, Newton, Somerville and Cambridge--process Fair Housing Act requests and denials--with many having their own FHA Commission or Sub-Committee run through another Commission (often a Human Rights or Disability Commission). Local governments also can be and have been found accountable to the FHA for parking requests of municipal residents (See: *Travato v. City of Manchester*, 1997).

Only in those cases where an otherwise qualifying disabled renter is not eligible for a FHA requested parking space with their landlord, would they be eligible for an annual pass with our program.

**7. Wouldn't this lead to cars clogging up the streets and making it more difficult for emergency vehicles and snow clearance?**

Many comparatively less affluent municipalities with much greater density, narrower roads and snowier winters have managed to accommodate street parking for their residents. However, it

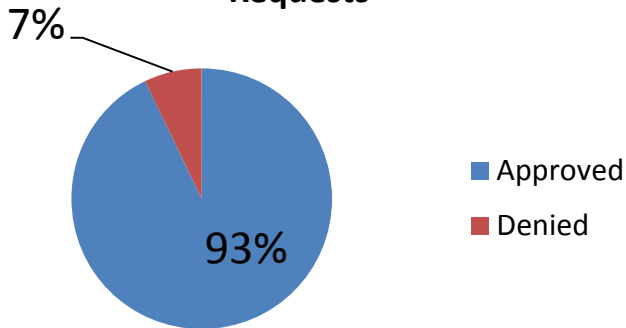
needs to be stressed that again we are only speaking about 1.7 - 2.3% of the Town's population. Tenants are already parking on the street due to this issue without any legal recourse and the problem is already concentrated on certain streets and in some neighborhoods. Implementing this program could actually help monitor and regulate on-street parking and implement necessary criteria--whether that be alternate-side street parking or moving to municipal lots during snow emergencies--that can better accommodate emergency vehicles. Additionally, many/most emergencies occur during daytime hours when on-street parking is already allowed for any automobile on most residential streets, regardless of whether the owners of those vehicles are residents of Arlington.

# Overnight Parking Waivers & Handicap Parking Requests

## Residential Handicap Spaces

**28** requests made since 2008.

### Residential Handicap Space Requests



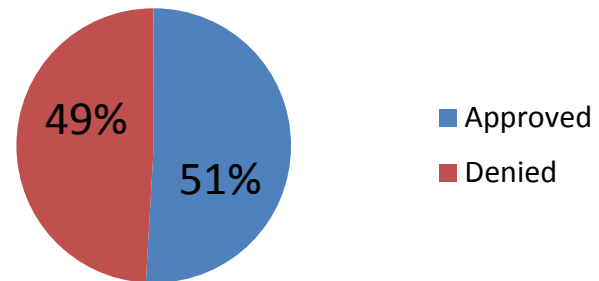
A designated on-street handicap parking space may be granted at a property if the resident possessing an HC placard from the RMV can demonstrate that the granting of such a space will increase their ability to access or egress their home, given that a demonstrated hardship exists.

Reasons for denial typically include that the space is deemed unneeded, or that the request was for a second space. However, requests may also be denied if they adversely affect traffic flow or the use of fire apparatus on the street.

## Full Year On Street Overnight Parking Waivers

**55** requests made since 2008.

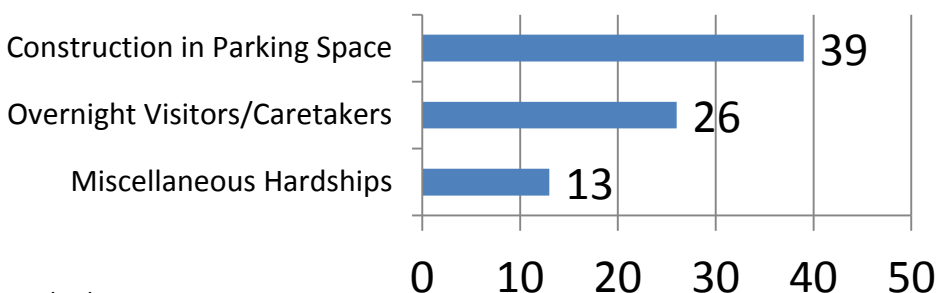
### Full-Year Overnight Parking Waiver Requests



A renewable one-year waiver (\$160 Initial, \$75 renewal) from the overnight parking restriction may be granted to properties if there is a demonstrated hardship caused by the restriction because of the conditions at the property.

Reasons for denial typically include that there is sufficient space within existing off-street parking, there is available alternative off-street parking, the resident can obtain a permit for a nearby parking lot, the resident can install new off-street parking, or that there is no hardship motivating the request.

## Temporary Waiver Requests by Category



**78** temporary (>14 but <365 days in length) overnight parking requests were granted in 2018.

\*APD received 9852 1-night waiver requests in 2018

## Updated Listed of Supporters/Endorsers of the Warrant

- NAACP-Mystic Valley Chapter
- MIRA (MA Immigration and Refugee Advocacy) Coalition
- Wayside Youth's Arlington STEPS Program and Resource Center
- The Boston Center for Independent Living
- The Disability Policy Consortium
- MassADAPT
- The Arlington, MA Chapter of the American Chronic Pain Association
- The Ehlers Danlos Syndrome and Connective Tissue Disease New England/MA Support Group
- The MA Chapter of the Marfan Foundation
- The Arlington Envision 2020 Diversity Taskforce Group (DTG)
- Progressive MA Arlington Chapter
- The Tenants for a Livable Arlington (TLA)

## **Proposed Eligibility Criteria for Exemption\*\*:**

- Income is at or less than 80% Area Median Income (AMI), with proof of income required (most recent tax return receipt, or letter from employer or paystubs if recent, etc.), to tie it in with the Town's inclusionary zoning definition of what qualifies as affordable housing

(Including automatic eligibility for those enrolled in one or more of the following programs: SNAP, Medicaid, SSI, SSDI, and/or a housing voucher holder, for those with proof of enrollment required, i.e., award letter, payment stub; if on SSI/SSDI or otherwise disabled, must prove you have filed a FHA request first)

OR

- Possession of a handicap placard or plates and confirmation in those cases when Fair Housing Act accommodations with the landlord are not applicable

AND

- Proof of lack of an off-street parking option at residence (copy of lease, landlord letter, notice of parking fee if parking is not bundled in rent above \$35/mo, or in the case of disability)

## **Other Logistics:**

- No hearing required
- Only 1 exemption allowed per driver's license & car registration
- Sticker displayed with month/year of its issue (similar to a car inspection sticker) subject to annual review
- May charge a nominal fee sliding scale between \$25 and \$165 depending on % of AMI or FPL
- Available as both a digital and hardcopy paper application that can be either submitted online, mailed in or dropped off at Town Hall during business hours

*\*\* This criteria was formulated in consultation with representatives of the Town's Planning Department and the Parking Implementation and Governance Committee and is based on the precedent of pre-existing state hardship exemption programs and other parking pass waiver programs in other municipalities in the United States.*

From: Laura Kiesel <lakiesel@gmail.com>  
To: Fran Reidy <FReidy@town.arlington.ma.us>  
Date: Wed, 20 Mar 2019 16:00:54 -0400  
Subject: Re: Select Board Meeting February 11th, Warrant Article Hearing

Hi Fran,

These are all new materials, so please add them to the pre-existing materials from 2/11. Also, I am proposing updated eligibility criteria as well.

If these links could also be added, that would be great:

<https://www.somervillema.gov/departments/fair-housing-commission>

<https://www.cambridgema.gov/Departments/humanrightscommission>

Thanks so much!

-Laura



# Why A Non-Binding Resolution?

- Since Town Meeting does not have the authority to amend the parking ban, we wanted to foster public discourse and raise awareness as to how the ban adversely impacts lower income and disabled individuals without undermining the Select Board's jurisdiction..
- Wanted an opportunity to offer an informed blueprint regarding an eligibility criteria for an exemption program to the ban for qualified individuals experiencing financial and/or medical hardship.

# The Dilemma

- Many tenants have reported that realtors or landlords were misleading about the overnight parking ban and the availability of an off-street parking space, putting them in vulnerable positions after they moved here.
- Some landlords are charging extraneous and exorbitant parking fees on top of high rents--sometimes proposing these fees mid-lease on some tenants.
- Virtually all of the tenants who have reported issues of this nature to the Tenants for Livable Arlington are members of one or more marginalized demographic--women, people of color, immigrants, those with disabilities and many of lower or modest income.

# The Dilemma

- Car ownership is intimately tied to job security and economic/social mobility for lower income and working class people.
- Public transportation is underfunded, inadequate, and in many cases, continues to be non-compliant with the ADA.
- As such, redevelopment and zoning proposals in the Town that seek to reduce or eliminate off-street parking spaces while maintaining our current overnight on-street parking ban without exemptions has harmed some lower income and disabled folks who currently reside here and might discourage people from these demographics from relocating here.
- This puts these plans at odds with the Town's own diversity goals.

# What Does the Data Say?

A study by the Urban Institute, the University of Maryland and UCLA of 12,000 families in 10 major metro areas (including Boston) participating in two HUD programs--Moving to Opportunity for Fair Housing and Welfare to Work Vouchers--found that *voucher recipients who owned automobiles were twice as likely to find a job and four times as likely to remain employed.*

The study also revealed that those who owned cars tended to live and remain in higher-opportunity neighborhoods—places with lower poverty rates, higher social status, stronger housing markets & schools, more green spaces, and lower health risks.

## Study Conclusion

Of their findings, the researchers stated in a *CityLab* guest column: “The importance of automobiles arises...because public transit systems in most metropolitan areas are slow, inconvenient, and lack sufficient metropolitan-wide coverage to rival the automobile.”

# Cars Ownership Programs that Help the Poor

- Good News Garage
- Vehicles for Change
- Goodwill Industries Wheels for Work
- Cars 4 Christmas
- Charity Cars



# Do These Programs Help the Poor?

The director of Vehicles for Change reported to *The Atlantic* that recipients who receive a car through their program get a job within a year and see an average annual income boost of \$7,000.

# Many jobs mandate cars

- Many jobs in the care industry open to those without Bachelor degrees that pay more competitive rates require ownership of a car, such as Nanny, Home Health Aide, Certified Peer Specialist, Therapeutic Mentor, etc.
- Many blue collar jobs in carpentry, construction, landscaping, etc. also require cars.

# Other studies and findings

- A recent Federal Reserve Board report found that “America's highly segregated and car-dependent cities and counties make it difficult for many workers to reach the facilities where the jobs are. And the jobs are increasingly in the suburbs...”
- A report released in January 2018 by the Federal Reserve Bank of Pennsylvania noted that “for residents without access to a car...[it] can be a formidable barrier to employment, hampering both an applicant's ability to apply for a job and an employed resident's ability to retain one.”

# Impacts on Survivors of Domestic Violence

A white paper compiled by the National Center on Domestic and Sexual Violence stated “Access to a car is a major factor [for victims of domestic violence] in being able to obtain and sustain employment, in caring for children, and important in being able to maintain independence and safety. Even in areas with extensive mass-transit systems, studies have shown that less than half of entry-level jobs are accessible by public transit — two-thirds of new jobs are in the suburbs...”

# Impacts on Immigrants

“Latino immigrants report that transportation plays a role in decisions regarding whether to work and which jobs to accept. Indeed, workers with cars tend to make more money than those who commute by other means, and lack of access to [personal] transportation may constrain upward economic mobility and contribute to the perpetuation of poverty. For immigrants, this also means reducing the possibility for social assimilation among the first generation, and reducing the prospects for socioeconomic mobility for their children and grandchildren.” - American Immigration Council

# Impacts on Disabled

- The Boston Center Independent Living, one of the largest advocacy groups for people with disabilities in the Greater Boston Metro area, sued the MBTA in 2002 for not being compliant with the federal Americans with Disabilities Act (ADA). In 2010, the independent judge monitoring the settlement asserted that though the MBTA has made progress toward accessibility, riders with disabilities still faced daily obstacles to using the public transit system. BCIL Executive Director Bill Henning has asserted that despite improvements, many obstacles remain in place for disabled folks using the T.

# MBTA's Internal Plan for Accessible Transit

- 84% of bus stops have at least one significant access barrier.
- 34 commuter rail stations are completely inaccessible.
- Many of the street-running Green Line stations are completely inaccessible, and every subway station in the system was found to have at least one serious access barrier.
- A significant backlog in sidewalk repairs means that even if the transit itself is accessible, there are no accessible routes to it from many residences in many towns/cities.



## How About Here in Arlington?

The predicament for reliable MBTA access for disabled folks may be particularly profound in Arlington as the *Boston Globe* reported just last year that two of the bus routes with the highest percentage of canceled trips were the 77 and 79, which serve our Town and connect it directly to the subway via the Red Line (at Alewife, Porter and Harvard)

## What Effects Does That Have on Our Access to Healthcare?

A 2012 survey of 698 low-income patients in a New York City suburb reported that patients who rode the bus to the doctor's office were twice as likely to miss appointments as patients who drove cars.

A 2013, a review published in the *Journal of Community Health* found that around 25 percent of lower-income patients have missed or rescheduled their appointments due to lack of [personal] transportation. The patients who reported issues with transportation also missed filling prescriptions more than twice as often as patients without that same problem.

# What About the Environment?

- Lower income people already have a much lower carbon footprint on average and disproportionately use public transit at much higher levels than middle and upper income individuals.
- Emissions from private car use by lower income people is very small compared to other emissions sources both within and in addition to the transportation sector.
- The parking ban will likely displace people, causing them to move farther away from public transit routes and walkable communities where they will be forced to drive more, not less.

# Can't People Ride Bikes Instead?

- People who ride [bikes] in metro areas are mostly wealthy/white.
- In 2012, low-income respondents reported spending nearly four hours more in weekly commute times compared to higher-income respondents in the same area.
- In 2013, respondents reported more than 30 barriers to cycling or walking: physical safety (32.6 percent), distance (30 percent) and comfort/cold/sweating (25.4 percent) were the most common objections. Other barriers included the difficulty of carrying bulky items, work attire, not knowing how to ride, theft risk, poor health or disability & the slower speed.

Their conclusion: “If transportation systems should speak to the reality and desires of communities they serve, our findings suggest policies might need to do a better job of listening to the poor.”

And that: “excessively denigrating automobiles might hinder cycling adoption and even poverty reduction goals. Yes, there are many ecological and social costs to car-dependent transport. But poor people face enormous multimodal challenges that should be considered in conjunction with such concerns...Reducing reliance on cars remains important for transportation systems, but we must also seriously consider...the most vulnerable members of society.”

# What can be done?

The Town can consider an exemption program to the overnight on-street parking ban for those who are experiencing either financial and/or medical hardship (whether temporary or permanent) who meet a certain pre-determined set of criteria and who lack adequate, accessible and/or affordable off-street parking options with no need of a public hearing and that is subject to annual review.

# What Would Be That Criteria?

- Automatic eligibility for those enrolled in one or more of the following programs: SNAP, Medicaid, SSI, SSDI, and/or a housing voucher holder (with proof of enrollment required, i.e., award letter, payment stub)  
OR
- Possession of a handicap placard or plates  
OR
- Income is at or less than 80% Area Median Income (AMI), with proof of income required (one month's pay stubs, most recent tax return receipt, letter from employer, etc.)



# Other Logistics

- Only 1 exemption per Driver's license/car registration
- Proof of lack of parking (lease, landlord letter, etc.)
- Sticker with month/year of review (similar to car inspection sticker)
- Charge a nominal fee (\$25-35/yr with possible discount or waiver for very low income individual & those w/disability)
- Online/paper application (which can be mailed in or dropped off)

# Far)

- The Diversity Taskforce
- The Boston Center for Independent Living
- The Disability Policy Consortium
- The MA Chapter of the Marfan Foundation
- The MA/New England EDS/CTD Support Group
- The Arlington Chronic Pain Support Group/Arlington  
MA Chapter of the American Pain Association

## **Proposed Eligibility Criteria for Exemption\*\*:**

- Automatic eligibility for those enrolled in one or more of the following programs: SNAP, Medicaid, SSI, SSDI, and/or a housing voucher holder (with proof of enrollment required, i.e., award letter, payment stub)

OR

- Possession of a handicap placard or plates (Note: will exempt those who already have an on-street designated handicap parking space from the ban)

OR

- Income is at or less than 80% Area Median Income (AMI), with proof of income required (one month's pay stubs, most recent tax return receipt, letter from employer, etc.), to tie it in with the Town's inclusionary zoning definition of what qualifies as affordable housing

AND

- Proof of lack of off-street parking options (copy of lease, landlord letter, notice of parking fee, or in the case of disability, doctor letter supporting access needs if there is an off-street space but it is inadequate)

## **Other Logistics:**

- No hearing required
- Only 1 exemption allowed per driver's license & car registration
- Sticker displayed with month/year of its issue (similar to a car inspection sticker)
- May charge a nominal fee of \$25 - \$35/year to defray administrative costs (with possible discount or waiver of fee for those who are very low income--i.e., on SNAP, SSI or making at or below 20-30% AMI--and those with disability placard/plates)
- Available as both a digital and hardcopy paper application that can be either submitted online, mailed in or dropped off at Town Hall during business hours
- Identities of applicants will not be available to public

*\*\* This criteria was formulated in consultation with representatives of the Town's Planning Department and the Parking Implementation and Governance Committee and is based on the precedent of pre-existing state hardship exemption programs and other parking pass waiver programs in other municipalities in the United States.*

Thanks! I am attaching the materials here. Can I include link to some articles as well to be added? If so, here are a few I would like to include:

<https://www.theatlantic.com/politics/archive/2014/07/how-car-ownership-helps-the-working-poor-get-ahead/431160/>

<https://www.yourarlington.com/easyblog/entry/29-town-parking/2513-parking-081918.html>

Sincerely,

Laura Kiesel

Cars are often integral for job security and economic/social mobility for lower income and working class individuals and families, as well as to the autonomy and safety of disabled people. This is not just a theory, but it well supported by the best available data and the conclusions of those researchers who analyze these issues.

**INCOME:** Recent collaborative research conducted by the Urban Institute, the University of Maryland and UCLA of two Department of Housing and Urban Development demonstration programs--Moving to Opportunity for Fair Housing and Welfare to Work Vouchers--found that housing voucher recipients with cars tended to live and remain in higher-opportunity neighborhoods—places with lower poverty rates, higher social status, stronger housing markets and public school systems, green spaces and lower health risks. Cars were also found to be associated with improved neighborhood satisfaction and better employment outcomes, *with those voucher recipients who owned automobiles twice as likely to find a job and four times as likely to remain employed.* The analysis was of 12,000 families from 10 major cities, including Boston. As reported in *The Atlantic* that same year, “Recent research suggests that, particularly for single moms...owning a car can mean access to better jobs and safer neighborhoods.” 1.

Of their findings at Urban Institute, the researchers stated in a *CityLab* column: “The importance of automobiles arises...because public transit systems in most metropolitan areas are slow, inconvenient, and lack sufficient metropolitan-wide coverage to rival the automobile.” 2.

According to a *Business Insider* article reporting recent Federal Reserve Board findings, “America's highly segregated and car-dependent cities and counties make it difficult for many workers to reach the facilities where the jobs are. And the jobs are increasingly in the suburbs...” 3. And a report released in January 2018 by the Federal Reserve Bank of Pennsylvania noted that “for residents without access to a car...[it] can be a formidable barrier to employment, hampering both an applicant's ability to apply for a job and an employed resident's ability to retain one.” 4.

According to a paper prepared by the National Center on Domestic and Sexual Violence entitled *Helping Survivors of Domestic Violence Get Where They Need to Go*: “Lack of transportation is a major problem for victims of domestic violence...Evidence is mounting that the only effective transportation for single working parents is the use of a car. Access to a car is a major factor in being able to obtain and sustain employment, a major factor in caring for children, and important in being able to maintain independence and safety. Even in areas with extensive mass-transit systems, studies have shown that *less than half of entry-level jobs are accessible by public transit — two-thirds of new jobs are in the suburbs...Low-income workers are in fact not less in need of cars than higher-income workers —* many have children who must be delivered to day care, and many entry-level jobs require...hours when buses do not run regularly or are not located on mass transit routes. It is not hard to prove that access to transportation is an important need; in fact, it is critical to helping battered women maintain their independence and safety.” 5.

According to the American Immigration Council: “Latino immigrants report that transportation plays a role in decisions regarding whether to work and which jobs to accept. Indeed, workers with cars tend to make more money than those who commute by other means, and lack of access to transportation may constrain upward economic mobility and contribute to the perpetuation of poverty. For immigrants, this also means reducing the possibility for social assimilation among the first generation, and reducing the prospects for socioeconomic mobility for their children and grandchildren. For communities, transportation barriers experienced by Latino immigrants result in a portion of the workforce experiencing spatial and temporal constraints, which reduces the potential income of the Latino immigrants and their ability to contribute to the local economy through taxes, consumer spending, and other multifaceted ways.....

Due to the dispersed spatial layout of U.S. communities, which perpetuates the dependence of U.S. society on automobiles, most institutions and businesses assume that clients, customers, and participants have access to private vehicles. For this reason, scholars focusing on various social institutions also find that transportation barriers pose significant barriers to participation in organizations. Scholars who focus on the health system identify transportation as a limitation that prevents disadvantaged individuals, including Latino immigrants, from accessing medical care and free public health events, thus reducing the use of preventive medical care and increasing risks of illness and more costly visits to the emergency room. Additionally, researchers have found that transportation barriers prevent immigrants from attending community college classes and participating in events at their children’s schools. Moreover, transportation barriers reduce the enrollment rates and participation of children of Latino immigrants in early childhood education programs.” 6.

**DISABILITY:** The Boston Center Independent Living, one of the largest advocacy groups for people with disabilities in the Greater Boston Metro area, sued the MBTA in 2002 for not being compliant with the federal Americans with Disabilities Act (ADA). The suit led to a settlement in 2006 to make its systems more accessible. However, in 2010, the independent judge monitoring the settlement asserted that though the MBTA has made progress toward accessibility, riders with disabilities still faced daily obstacles to using the public transit system. 7. BCIL Executive Director Bill Henning has affirmed that despite improvements, many obstacles remain in place for disabled folks using the T. The predicament for reliable MBTA access for disabled folks may be particularly profound in Arlington as the *Boston Globe* reported just last year that two of the bus routes with the highest percentage of canceled trips were the 77 and 79, which serve our Town and connect it directly to the subway via the Red Line (at Alewife, Porter and Harvard). 8.

“A 2012 survey of 698 low-income patients in a New York City suburb reported that patients who rode the bus to the doctor’s office were twice as likely to miss appointments as patients who drove cars. 9. A 2013, a review published in the *Journal of Community Health* found that around 25 percent of lower-income patients have missed or rescheduled their appointments due to lack of personal transportation. The patients who reported issues with transportation also missed filling prescriptions more than twice as often as patients without that same problem.” 10.

Under the federal and state Fair Housing Acts, disabled tenants have rights to accessible parking. Under the FHAA, municipalities are usually expected to make reasonable exemptions for residents to their zoning ordinances, especially if or when exclusionary zoning bylaws conflict with disability access. For example, in a 1997 court case, the City of Manchester, New Hampshire was found at fault for failing to provide reasonable accommodations under the FHAA by denying a proposed zoning variance requested by individuals with disabilities who wanted permission to build accessible parking spaces in front of their home at which they could park. 11.

1. “Driving to Opportunity: Understanding the Links among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients,” Urban Institute, 2014.  
<https://www.urban.org/research/publication/driving-opportunity-understanding-links-among-transportation-access-residential-outcomes-and-economic-opportunity-housing-voucher-recipients>
2. “How Access to Cars Could Help The Poor,” *CityLab*, 2014;  
<https://www.citylab.com/transportation/2014/04/why-poor-still-need-cars/8769/>
3. <https://www.businessinsider.com/lack-of-transport-is-a-major-obstacle-to-employment-for-americas-poor-2018-1>
4. <https://www.philadelphiafed.org/-/media/community-development/publications/special-reports/public-transit-and-job-access-in-northeastern-pennsylvania/getting-to-work-on-time.pdf>
5. [http://www.ncdsv.org/images/Transportation\\_TA.pdf](http://www.ncdsv.org/images/Transportation_TA.pdf)
6. <https://www.americanimmigrationcouncil.org/research/living-car-culture-without-license>
7. [http://archive.boston.com/news/local/massachusetts/articles/2010/12/07/mbta\\_earns\\_mixed\\_grades\\_on\\_accessibility\\_in\\_review\\_of\\_ada\\_settlement/](http://archive.boston.com/news/local/massachusetts/articles/2010/12/07/mbta_earns_mixed_grades_on_accessibility_in_review_of_ada_settlement/)
8. <https://www.bostonglobe.com/metro/2018/04/06/these-are-mbta-bus-routes-with-most-cancelled-trips/ZEkw8PfBnZLkFv14XCIPqK/story.html>
9. <https://www.ncbi.nlm.nih.gov/pubmed/22512007>
10. <https://www.ncbi.nlm.nih.gov/pubmed/23543372>
11. <http://www.southwestada.org/html/topical/housing/housing-parking.html>





# Envision Arlington Diversity Task Group

The Diversity Task Group (DTG) is a group of Arlington residents committed to making the town community inclusive, fostering awareness and education, and creating safe spaces where all voices are welcome and supported. DTG ascribes to a concept of diversity that includes people with low income and persons with disabilities. The DTG has heard concerns from people in the town that the overnight parking ban has a disproportionately large impact on low income and disabled town residents. The parking ban interferes with the quality and management of life possessed by people with disabilities. As a group of town residents seeking to educate and advocate for the supportive treatment across all kinds of diversity, a motion was made for “the DTG to support the creation of a warrant article for a culturally sensitive approach to overnight parking exemptions in Arlington.” This was seconded and approved January 14, 2019. DTG supports the town examining the possibility of accommodation for Arlington neighbors with disabilities and low income specifically pertaining to the overnight parking law.

Envision Arlington Diversity Task Group

Michaiah Healy  
Chair



January 23, 2019

To Whom it May Concern:

The Boston Center for Independent Living (BCIL) is a frontline civil rights organization led by people with disabilities that advocates to eliminate discrimination, isolation, and segregation by providing advocacy and services in order to enhance the independence of people with disabilities. Over 4,000 people annually benefit from our services, and we have a caseload of 71 people from Arlington.

We recently have been informed of challenges that individuals with disabilities may face because of Arlington's overnight parking ban. While BCIL recognizes the societal necessity of supporting a range of safety measures and public transportation options, especially ones that are environmentally friendly, we also hope that all policies will consider the ability of disabled individuals to move about their community, something fundamental to integration, general wellbeing, and civic participation.

Public transportation is typically a point-to-point service, with much focus on getting to and from larger cities such as Boston and Cambridge. But most people also travel to places off of main travel routes, something that can be most challenging for many persons with disabilities. In many cases a car is not only the best option, it may be the only option, and restricting access to vehicles may restrict free movement within the community. Services such as The Ride work for very structured situations—they are from one location to another and require a 24-hour reservation, which is how people may live relative to a doctor's appointment or getting to and from a job. But it's a service that is severely confining in terms of spontaneity, errand running, and sudden need, things that characterize so many lives these days. Trips for family visits, shopping, entertainment, schools and classes, and many other such things that mark a vibrant life and a livable municipality are significantly restricted by narrowed transportation options.

BCIL hopes the concerns of disability advocates regarding automobile regulation will be given a full hearing.

Thank you.

Sincerely,

*Bill Henning*

Bill Henning

Executive Director

Advocacy, Service, Action!

---

60 Temple Place, 5<sup>th</sup> Floor, Boston, MA 02111-1324

617 338-6665 (voice) | 617 338-6662 (tty) | 617 338-6661 (fax) | 866 338-8085 (toll free)

[www.bostoncil.org](http://www.bostoncil.org)



11 Dartmouth Str.  
Suite 301  
Malden, MA 02148

# Disability Policy Consortium

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Colin Killick

**My Ombudsman****Director**

Jennifer Morazes

---

Arlington Select Board  
Arlington Town Hall  
730 Massachusetts Avenue  
Arlington, MA 02476;

Dear Chair Dunn and Members of the Arlington Select Board,

Disability Policy Consortium (DPC) is an advocacy and research organization representing people with disabilities across the state. We work with policymakers at the federal, state, and municipal levels to promote universally-designed public policy that promotes independence and autonomy for people with disabilities. We are writing to you in regard to the Town of Arlington's overnight parking ban, and the proposed reduction in off-street parking capacity in the town.

DPC strongly believes in promoting transit access for people with disabilities; as an institutional member of the state's Riders Transportation Access Group, we are engaging with policymakers and community members to make the MBTA as accessible as possible. However, although it contributes significantly to the independence of thousands of people with disabilities, our public transit system as it currently is does not provide sufficient access and mobility by itself. According to the MBTA's internal Plan for Accessible Transit Infrastructure (PATI), 84% of bus stops have at least one significant access barrier. 34 commuter rail stations are completely inaccessible. Many of the street-running Green Line stations are totally inaccessible, and every subway station in the system was found to have at least one serious access barrier. Furthermore, a significant backlog in sidewalk repairs means that in many Massachusetts municipalities, even if the transit itself is accessible, there are no accessible routes to it from many residences. As for The RIDE, while it is a key lifeline service, the need to book service 24 hours in advance, the limited service area, and the "premium" fares for longer trips mean it is not always a viable option.

For many members of our community, the ability to drive and to park is therefore critical for the kind of independence that non-disabled people enjoy—the freedom to move through the world independently, to make spontaneous decisions about where we go and what to do, and to arrive at our destinations in safety and comfort. Moreover, because people with disabilities are disproportionately low-income, and because single-family homes in Massachusetts are predominantly inaccessible, people with disabilities are less likely to own or rent property with personal driveways.

By making reasonable accommodations, it is perfectly possible to pursue policies that promote both accessibility and transit-oriented development. Allowing holders of disability placards to park overnight on the street would allow for access while preserving off-street space for more valuable uses. Reducing off-street parking minimums while maintaining or increasing the number of off-street accessible parking spaces (formerly known as handicapped parking spaces) would promote the use of transit and bicycles by those who can without penalizing those who cannot. Finally, prioritizing sidewalk repair along major pedestrian corridors and increasing the availability of seating at bus stops would make your existing transit network more usable by people with disabilities. Together, we can make our municipalities environmentally friendly and accessible for all.

Regards,  
Colin Killick  
Deputy Director  
Disability Policy Consortium  
11 Dartmouth St, Suite 301  
Malden, MA 02148

Dear Arlington Select Board Members,

As a longtime disability and medical advocate for those with rare health disorders, the President of the Massachusetts Chapter of the Marfan Foundation, and the Founder and Co-Leader of the Ehlers Danlos Syndrome and CTD (Connective Tissue Disease) New England/Massachusetts Support Group, I am writing you today concerning your Town's stringent overnight on-street parking ban and implore you to consider an exemption program for those experiencing medical hardship who lack adequate off-street parking options.

Though it may not seem so at first glance, this ban is potentially--if not already actively--harmful to those of us with certain disabling and painful medical conditions who require cars to maintain function in the day-to-day grind of modern life and meet our basic living needs, whether that be running errands, tending to our children, or attending our many medical appointments (something which is a very regular occurrence for those of us with rare disorders). Unfortunately, the current state of our public transit, even for those living in close proximity to bus stops and T stations, is still quite inaccessible to many of us living with disability and not a practical alternative for those of us with extreme pain who are prone to injury. Connective tissue disease is characterized by the propensity toward injury. As such, something as simple as being bumped into by another passenger on the train or tripping over a crack in the sidewalk or step on the bus can lead to fractures or subluxations that can take weeks or months to heal. Bicycle riding is also something that is simply not possible for many of us with painful and vulnerable medical conditions, or even when it is, it may not be on a sustained or frequent basis. In light of this, many of us depend on our cars as a matter of survival. Ownership of a personal automobile can make a significant difference in the ability to hold down a job (for those of us who still work), ability to access both the routine and emergency medical care crucial to our health and well-being, and ultimately, to maintain a minimum of independence.

If those of us cannot reside in an area because we do not have legal parking options for the cars we need to secure our access to the services that enable us to live as autonomous and healthy lives as possible given our physical limitations, then we are basically being excluded from and disenfranchised in those communities. Therefore, I hope the Town of Arlington will reconsider its parking ban and make allowances for those us with extenuating medical circumstances. Thank you for your consideration.

Sincerely,

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

Monday, February 4, 2019

Dear Select Board Members of the Town of Arlington,

My name is Cindy Steinberg and I am the National Director of Policy and Advocacy at the U.S. Pain Foundation and Chair of the Policy Council of the Massachusetts Pain Initiative. I serve on a number of state-based and national pain-related oversight committees, task forces and commissions. I am also the founder and leader of the Arlington, MA Chapter of the American Chronic Pain Association, a free chronic pain support group which meets monthly at the Robbins Library in Arlington the second Friday of every month. Our group has been meeting continuously year round for 18 years. Though we have members who attend our support group from all over the greater metro area and state, many of our members are local residents of the Town.

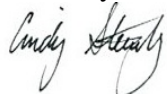
I have recently been alerted to the adverse impacts of the Town's overnight on-street parking ban on some individuals with chronic pain and disability, and concerns that recent housing development plans that are being considered have proposed minimizing off-street parking space availability in favor of encouraging more prospective residents to use public transit or bicycles to travel.

As someone with chronic pain who has been leading meetings for those with chronic pain for nearly two decades, I can both personally and professionally attest that taking public transit is not always (or even usually) a practical option for many of us. For some, it may not even be feasible at all. Those who live with moderate to severe chronic pain on a daily basis tend to experience serious limitations to their mobility. Even something as simple as walking a few blocks can be excruciating, so unless a public transit stop is located right outside their doorway and is taking them directly to their intended destination, they may not be able to access it. Even for those located on direct public transit routes, taking crowded buses and trains where seats may not be available and that can take much longer than a car trip, can seriously exacerbate pain and use up what little energy the person has to function that day or week. Most of our members cannot ride bicycles, so that is also not an option for many with severe chronic pain.

For those of us with chronic pain, cars can enable us to function in ways that many take for granted--allowing us to attend social events (and leave suddenly if needed), run errands, or even make it possible for those of us who are still employed to continue working. Without access to cars, many of us would lead more socially isolated and disenfranchised lives than we already do due to our condition. As such, I believe the Town should allow an exemption program to the overnight parking ban for those experiencing medical hardship who do not have access to off-street parking. In doing this, the Town will be advancing its own goals of being an inclusive municipality that values compassion. It will be sending a clear message that it welcomes residents who have chronic pain and disability and does not wish to set up barriers for them to live in Arlington.

I thank you for your consideration of this request and am happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Steinberg", with a stylized flourish at the end.

Cindy Steinberg



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

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

**MEMORANDUM**

To: Doug Heim, Town Counsel

From: Erin Zwirko, Assistant Director, Planning and Community Development

CC: Jennifer Raitt, Director, Planning and Community Development

Date: March 18, 2019

RE: 2019 Annual Town Meeting Article 26

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As noted in the Zoning Audit of the Master Plan and during recodification of the bylaw last year, there are sign rules and regulations in the Zoning Bylaw, Town Bylaw, and Arlington Historic Districts Commission bylaw, which create conflicts in interpretation and make the bylaws difficult to use. Section 6.2 of the Zoning Bylaw, which regulates the size and number of permanent and temporary signs allowed in each zoning district, has been amended many times and is not in compliance with a recent Supreme Court ruling.

Using a 2017 appropriation, the Town contracted with Lisa Wise Consulting (LWC) to draft new sign regulations that are well-organized, straightforward to understand and administer, consistent with state and federal law, and representative of best practices. Roger Eastman, the Project Manager, has 25 years of experience working on sign regulations, including on a similar project in Portland, Maine. As part of the scope of work, LWC and Department staff interviewed stakeholders, held a public forum, provided a draft analysis, discussed the analysis with Redevelopment Board members, provided an Analysis and Recommendations Report, and drafted the proposed amendments. The Department is overseeing this process with input and assistance from the Zoning Bylaw Working Group and Town Counsel.

In addition to overhauling the sign regulations, LWC was tasked with recommending whether the updated sign regulations should be in the Town Bylaw or the Zoning Bylaw. In the Analysis and Recommendations Report, LWC recommended that the sign regulations remain in the Zoning Bylaw for the following reasons:

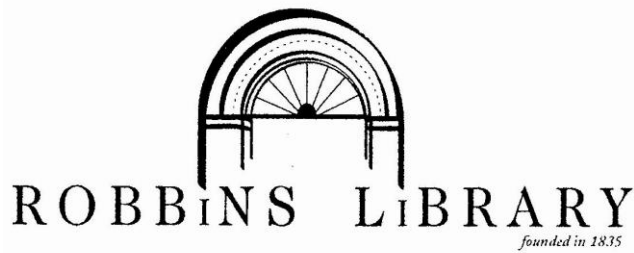
1. It is a more typical national practice to include sign regulations in a Zoning Bylaw than to include them in a Town Bylaw;
2. The Building Inspector, who is charged with the administration and enforcement of the Zoning Bylaw, will retain primary responsibility over sign review. Therefore, it makes sense for sign procedures and enforcement to remain within the Zoning Bylaw;
3. Including the sign regulations in the Zoning Bylaw make it easier to cross reference to other zoning standards, such as zoning districts or applicable administrative procedures;

4. Town residents and business owners are used to reviewing the sign regulations in the Zoning Bylaw;
5. The Town has historically regulated signs in the Zoning Bylaw rather than the Town Bylaw; and
6. Regulation of signs is more closely related to community or neighborhood character than it is to general public health and welfare.

With that recommendation in mind, LWC noted that there were duplicative provisions in Section 6.2 of the Zoning Bylaw and Title V, Article 1 of the Town Bylaws. Title V, Article 1 establishes standards for billboards, signs, and other outdoor advertising devices. Section 6.2.13 contains many of the same provisions. LWC recommended that the language in Title V, Article 1, with the exception of paragraph J, be consolidated into the Zoning Bylaw. After consulting with the Zoning Bylaw Working Group, the Department staff, and Town Counsel, LWC carried forward this recommendation into the Zoning Bylaw amendments.

The revised sign regulations in the Zoning Bylaw are subject of Article 17 and the consolidated and updated text regarding billboards can be found in Section 6.2.5(F) of the amendments. In order to delete the duplicative text in the Town Bylaw, Article 26 was also submitted. Article 26 maintains paragraph J in Title V, Article 1 of the Town Bylaws, which allows the Select Board to review notices, specifically temporary signs erected by a person or non-profit organization for the purpose of advertising an individual yard sale, public event, or lost pet on public or private ways. The appropriate cross references in the amended Zoning Bylaw point readers to the Select Board's authority of these types of notices.

To support the overhaul of the sign regulations, the Department would appreciate the Select Board's positive recommendation of Article 26; however, should Article 17 fail at Town Meeting, it is recommended that no action is taken on Article 26.



March 2019

Dear Select Board,

We are writing to request your support of Town Meeting Warrant Article 39 "To see if the Town will vote to authorize the Library Board of Trustees to deaccession and/or dispose of by sale, donation, or other means, the Robbins Art Print Collection; or take any action related thereto."

### **Background**

Town resident and patron Winfield Robbins amassed a collection of 150,000 art prints during his travels to Europe, most of which he purchased indiscriminately in bulk. At the time of his death in 1910, he left the collection as a gift to the Town to be held in the Robbins Library. The collection came with a very specific bequest to the Library for the "care, preservation, increase and purchase of his print collection" (\$25,000 in 1910, now worth approximately \$641,000) and his sister Ida Robbins also provided a bequest for "the purchase and care of Prints" (\$30,000 in 1949, now worth approximately \$317,000).

Unfortunately, these prints have been consistently declining in value and are of minimal interest to collectors and the public. As far back as 1925, concerns were expressed about the maintenance of this collection. And every decade since, the Library Board and Library Directors have struggled to find use for the collection and maintain it in accordance with the original bequest. We would like to move forward with resolving this issue once and for all.

### **Rationale for Article**

As the print collection was a gift to the Town, not the Library Board of Trustees, the Town has the ability to determine its fate. In this role, we strongly encourage you to consider the following rationale and support the article so that we may keep the libraries an active and vibrant resource for all community members:

- One of the primary concerns is space. The collection is stored throughout the Robbins Library taking up a significant amount of space and is virtually untouched. Put end to end, the prints would cover over 30 miles. Stacked, the tower of storage boxes would reach 13 stories. This is valuable space that could be used for other purposes that enable the Library to better meet patron needs, including things such as hosting rotating displays of current community artwork.
- The Library's mission states: "The Library is a vital community center for all. We create opportunities for lifelong learning, personal fulfillment and enjoyment that make Arlington a great place to live, work, study, and visit. We are committed to services that anticipate and respond to the needs and interests of all who use the library." It is not meant to curate a massive art collection that is larger than that of many dedicated art museums. Library staff should be focusing on work that is truly relevant to the public in meeting this mission.



- To “deaccession” means to sell or otherwise dispose of an item in a collection. This is common practice at museums and other institutions. In our libraries specifically, there is a collection policy that enables staff to actively cull books and other library collections to ensure we have living, breathing, and constantly evolving collections that meet the needs of our patrons. For years, this collection has been excluded from this standard practice.
- Professional appraisers have repeatedly affirmed that the value of the art print collection is steadily declining (it has dropped about 30% from 2001 to today), and it will only continue to go down until the collection is ultimately of no value.

### **Next Steps**

On the advice of Town Counsel, in agreement with the recommendation of Richard Baiano, the appraiser from Childs Gallery in Boston, if the warrant article were approved, the Library Board and Director would move forward in trying to divest the Winfield Robbins prints in bulk, the same way it was acquired. Selling the prints is the first priority, however, Mr. Baiano shared that it is highly unlikely that the appraised value of the collection (approximately \$365,000 in 2018) is achievable with a sale given the lack of interest in prints today. Therefore we may need to resort to donating or otherwise disposing of the prints. As this is Town property, any funds secured would be directed into the Town’s general fund. If feasible, our request is that these funds be earmarked for continued support of the libraries, as was Winfield Robbins’ original intention.

Town Counsel is also working on a parallel process with the Attorney General’s office to review the bequest language and determine if the original purpose has been frustrated, given that the Library has been unable for decades to use any significant amount of the funds towards the narrowly stated purpose. If that request were approved, the funds would be eligible for some other, yet to be determined, use in support of the Library. With significant renovations proposed in the coming years, we are hopeful that we would have access to these funds to help reduce the burden on the Town and we believe that use would still be well aligned with Winfield Robbins’ desire to support the Library and the community.

Please see the accompanying Frequently Asked Questions document for further details. Please feel free to contact Library Director Andrea Nicolay with additional questions or to arrange a visit to see the collection.

We appreciate your consideration and as we reimagine our libraries together for the next 50 years and beyond, we kindly ask that you approve the warrant article as written.

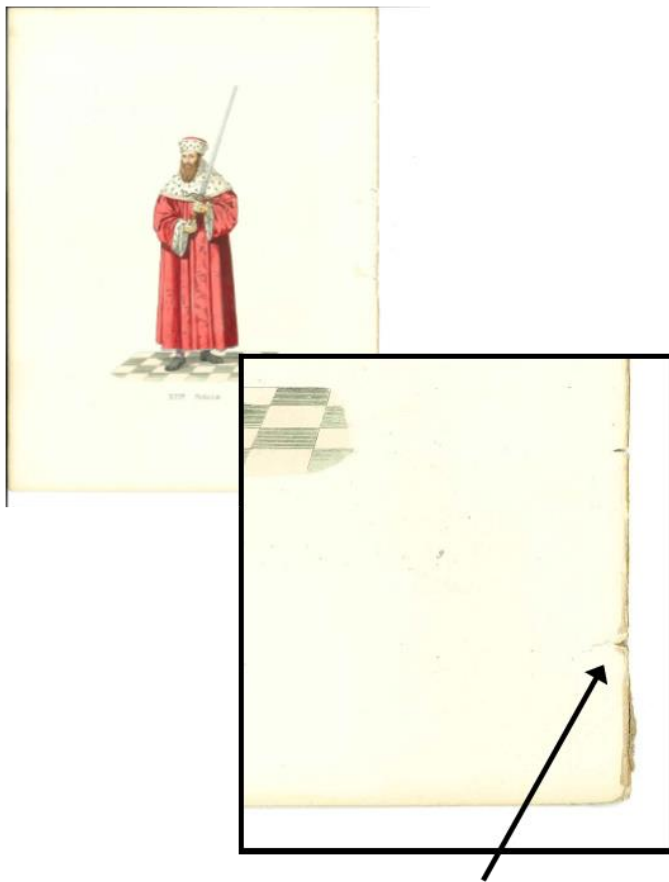
Respectfully,  
The Robbins Library Board of Trustees

## LIBRARY ART PRINTS WARRANT ARTICLE #39 - FAQ

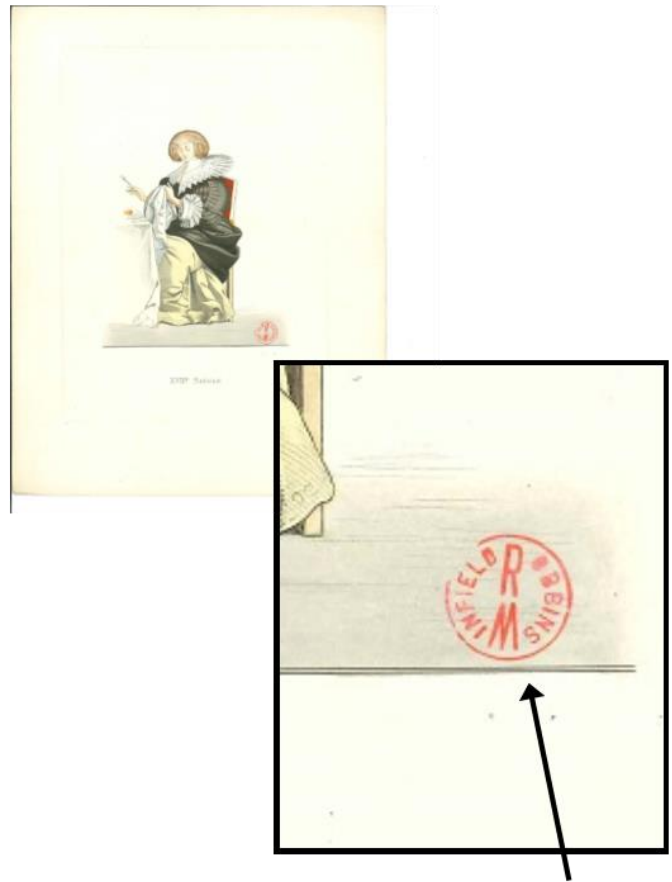
- 1. What are the Winfield Robbins Art Prints?** In the late 1800's Winfield Robbins toured Europe. He collected prints (largely in bulk) to save the medium from extinction, perceiving a threat from the new medium of photography. Mr. Robbins was infatuated with prints as a medium and was an enthusiastic, if indiscriminate, collector. The prints number approximately 150,000 of mostly European portraits. None are specifically related to the Town of Arlington.
- 2. Why is this Warrant Article coming to Town Meeting?** The art print collection was gifted to the Town of Arlington; therefore the Town must authorize the Library Board of Trustees to take action on its behalf with this property. For decades, Library Trustees and Directors have been seeking guidance from art world professionals, art museum curators, legal counsel, and others on how to address this collection and would like to move forward with resolving this issue once and for all.
- 3. Is it normal for the library to deaccession material?** Yes. In order to meet its mission and address the challenges of limited space, the Library's collection development policy states: "The library has the obligation not only to serve its current users but also to search for materials and methods that will meet the needs of new members of the community and those who have not been traditional library users. Continuous and periodic examination of the community and its changing needs is necessary to give purpose, vitality and relevancy to the selection of materials....De-acquisition, or weeding and discarding materials from the collection, occurs on a systematic basis and is necessitated by limitations of space, obsolescence of material, lack of use over extended period of time, physical condition of the item, and acquisition of new materials."
- 4. Why not keep the prints?** For two primary reasons: 1) The Art Print collection takes up a significant amount of space in the Library, which could be used for other purposes that better meet patron needs, and 2) Historic art prints are not an integral part of the library's overall mission: "The Library is a vital community center for all. We create opportunities for lifelong learning, personal fulfillment and enjoyment that make Arlington a great place to live, work, study, and visit. We are committed to services that anticipate and respond to the needs and interests of all who use the library." If anything, the Library would like to use its space to prioritize local artists' work.
- 5. How do you know the value of the prints?** The collection has been appraised on at least three occasions, most recently in 2018. Adjusted for inflation, the 2018 value of \$365,000 is almost 30% less than the value at the time of the previous appraisal in 2001 (approximately \$514,000). Expert art print and historical appraisers consider the collection to be of little fine art value. This opinion has not changed over the past 60 years and was confirmed again in the most recent appraisal. Given that, the appraiser cautioned that it is highly unlikely we would receive the appraised value, if the collection could even be sold given the lack of interest in art prints today. Therefore, we should anticipate that we might need to donate or otherwise dispose of the collection.
- 6. What did Winfield Robbins leave to the Library?** Along with the print collection donated to the Town, his bequest of 1910 states, "Fourth, I give and bequeath to the Robbins Library in the Town of Arlington state of Massachusetts, the sum of twenty-five thousand [25,000] dollars to be devoted to the care, preservation and increase of my collection of prints. The disbursement of the interest of the fund and the supervision of my collection to prints to be under the sole control of Caira Robbins [his cousin], so long as she may desire." This trust is currently worth approximately \$684,000. In addition, his cousin Ida Robbins' bequest of 1949 states, "I give and bequeath to the Robbins Library of said Arlington the sum of Thirty Thousand (30,000) Dollars, said sum to be kept as a fund the income only to be used for the purchase and care of prints." This trust is currently worth approximately \$548,000.

- 7. What happens to the trusts if the prints are deaccessioned?** There are no known direct descendants who could be contacted about revising the trust. Therefore, at the request of the Library Board of Trustees, Town Counsel has started a parallel process with the Attorney General's office to review the bequest language and determine if the original purpose has been "frustrated," meaning that it is impossible or impracticable to carry out. Ultimately, the aim would be to secure legal permission to release the trust funds for use in a manner "as nearly like" as possible to the original charitable purpose, i.e. in support of the Robbins Library for the benefit of the community. A probate judge would make the final decision and the process could take a year or more to conclude.

**Representative examples of the Winfield Robbins Art Print Collection  
showing features that affect fair market value:**



**Example 1:** magnified corner of print torn from book



**Example 2:** magnified property stamp on print face



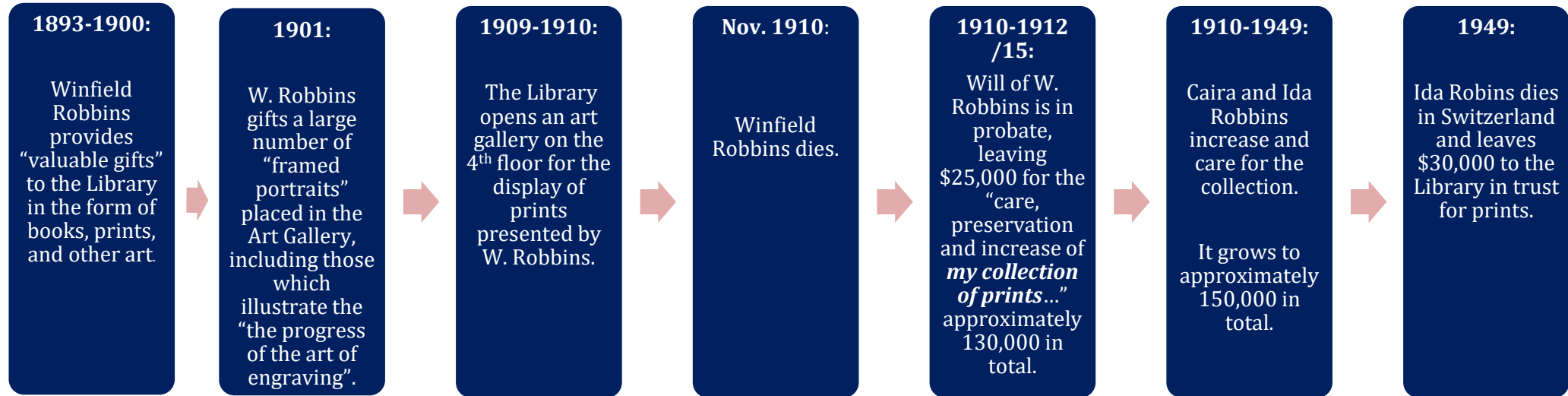


# A Brief History of Art Prints at the Robbins Library

# Will of Winfield Robbins

“Fourth, I give and bequeath to the Robbins Library in the Town of Arlington state of Massachusetts, the sum of twenty-five thousand dollars to be devoted to the *care, preservation and increase of my collection of prints.*”

# TIMELINE OF GIFTS & TRUSTS





# 1925 - Letter from Curator to Cairra Robbins

January  
6 t h  
1 9 2 5

-2-

Dear Cairra:

I am dropping you this line in order to get your advice on a few things pertaining to the management of the library. I am a little disturbed in regard to the safety of the collection of steel engravings.

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the value of the collection as a whole and thus determine how much insurance we should request the Town to carry. At the present time, the Town has but \$54,000 on the contents of the library, and I am fearful in case of a serious fire this would be a very inadequate sum with which to replace the books and the engravings.

Do you think it would be desirable to consider at this time some changes whereby the present generation might have, to some extent, the benefit of this splendid collection? Would it be wise to place the responsibility of their care on the shoulders of Miss Hubbert, and then arrange with some competent lecturer, whom we might secure from the Museum of Fine Arts or through the co-operation of Mr. Belden, to give a

I am a little disturbed  
in regard to the safety of the collec-  
tion of steel engravings.

undoubtedly it would stimulate the general interest of our citizens in the library. If this should seem to you a wise course to pursue, the expenses could be paid from the income of the Art Fund, and here again the library would be benefited, because we have a real problem in securing sufficient funds to carry on the work. The Town

-3-

appropriation has been increased to \$11,500, and the salaries alone at present amount to over \$10,000, so with all the other expenses to meet we are very much hampered, as in the past, to secure sufficient funds for the purchase of new books. Miss Hubbert is giving great satisfaction, and interest in the library has greatly increased during the year. Our circulation of books last year

at an annual salary of \$500, it would be splendid insurance for her continued interest in our welfare.

The matter of the safety of the collection seems very important, and I hope the suggestions for a greater use of these splendid works of art will not seem inopportune to you.

# 1942 – Curator rejects offer, citing restrictions

June 22, 1942

Mrs William P. Derby  
Saxonville Mass

Dear Mrs Derby:

It is with regret that I tell you that I am not allowed to buy anything but portraits for the Robbins Collection.

There are a few other subjects --- landscapes, Biblical subjects, etc. --- among our portraits; but they were deposited here when Mr Winfield Robbins, the donor, left

It is with regret that I tell you that I am not allowed to buy anything but portraits for the Robbins Collection.

Have you tried the Museum of Fine Arts in Boston for suggestions as to the best way to move your prints? Or any of our local galleries? My impression is that the print market is now in a depressed state; but you may be able to locate a collector who is on the alert for your very subjects.

Sincerely yours,

(Mrs F. W. Achuff)



# 1946 – Curator's letter to Library Trustees

Print Room  
Arlington Library  
Arlington Mass  
December 16 1946

Mr Francis Keefe  
Secretary, Trustees of the  
Robbins Library  
Arlington Mass

Dear Mr Keefe:

Miss Cairra Robbins once told me that her cousin Winfield wanted to "swallow the ocean" --- and as a result our print collection has an enormous number of portraits (possibly as many as 200,000) comprising images, real or imagined, of every conceivable kind of saint and sinner, hero and villain, and even a sprinkling of freaks. There ~~are~~ hundreds of prints which I shall not only not put into mats but not even catalogue.

Miss Robbins asked me to 'use my own judgment' in adding portraits from year to year. Not aspiring to the donor's hope of comprehensiveness, I

hero and villain, and even a sprinkling of freaks. There ~~are~~ hundreds of prints which I shall not only not put into mats but not even catalogue.

portraits, not expensive, and their subjects are important enough to warrant being included. In acquiring new prints I look for "bargains," getting a museum discount whenever possible; and I aim not to buy any portrait which hasn't at least a little esthetic or art value. I don't see any point in these days of photomechanical processes, when pictures of conspicuous persons may be found in every magazine and paper, in adding to an original print collection portraits which are totally without art value..... Those of Cordell Hull and Secretary Byrnes which I am presenting for approval now are good drypoints by a New York artist who apparently has made portraits of all the present court judges. Some of them I have no great craving to possess! But all the important ones ought to be in the Robbins Collection.

Sincerely Yours,

Kathryn M. Schuff  
Curator

# 1950 - Library Annual Report

## REPORT OF THE TRUSTEES FOR THE YEAR 1950

### To the Citizens of Arlington:

Robbins Library, in the year 1950, has continued to render as full and complete library service as its appropriation would permit. We have been unable to build the staff to its full complement due mainly to the shortage of trained workers available to us.

However, the fact that we have been able to render efficient library service under the circumstances has been due to the effort of the Librarian and to the loyalty of her Staff. The Trustees publicly express appreciation.

The year of 1950 completes the final full year of Mrs. Lucinda F. Spofford's tenure of office as Librarian because of the retirement act in effect in Arlington.

Mrs. Spofford came to Robbins Library January 2, 1928. The years that have followed, twenty-three of them, have been full of problems but her training and experience have been valuable assets in solving them. It is the experience of the present Board, and no doubt of previous ones, that she has maintained an active interest in library progress, modern methods developed in a changing world, and has kept the Board informed of new trends and methods in library activities. Mrs. Spofford

income from the

This collection has given the present Board much concern. The income from the bequests, amounting to about \$1,800.00 annually, can only be used for the care of the collection and to acquire additional prints. Over past years part of the income has been allowed to accumulate. The Trustees after considerable consideration decided that a survey should be made by some person with knowledge and training in this field. In our research for an authority Mr. Evan Turner was recom-

Under the Will of Miss Ida Robbins the Robbins Library, created by \$27,119.88, a partial payment of the legacy of \$30,000.00, the income from the fund to be used in connection with the print collection.

This collection has given the present Board much concern. The income from the bequests, amounting to about \$1,800.00 annually, can only be used for the care of the collection and to acquire additional prints. Over past years part of the income has been allowed to accumulate. The Trustees after considerable consideration decided that a survey should be made by some person with knowledge and training in this field. In our research for an authority Mr. Evan Turner was recom-

mended. He was employed and spent a number of months examining, classifying and filing. He presented the Trustees with a detailed report of his study.

In the budget for 1951 we are asking for funds to start a collection of records. There have been requests for this service and reports from other libraries indicate this to be a valuable addition. Also funds have been requested to acquire microfilming equipment, which will permit filming of local newspapers, magazines, and many other records that a library is expected to keep on file.

The report of the Librarian contains detailed information regarding the activities and general condition of the Library.

Respectfully submitted,

WILSON D. CLARK, JR.,

Chairman, Board of Trustees



# 1958 – Harvard Lamont Library letter

LAMONT LIBRARY  
HARVARD COLLEGE  
CAMBRIDGE 38 · MASSACHUSETTS

November 7, 1958

Miss Judith E. Stromdahl, Librarian  
Robbins Library  
Arlington, Massachusetts

Dear Miss Stromdahl:

Since our meeting last Spring, I have talked to several people at the Fogg Art Museum and have come to the following conclusions.

As I mentioned, print collecting and the appreciation

appeal to the average person. In my opinion, the maintenance of a print collection in a town library is rather questionable, since it would be of use primarily to a few people with a well developed knowledge and a keen interest in prints. To make

of a trained person with a good background and appreciation of the graphic arts. From my discussions with several people in the field and my own observations, the quality of the Robbins Collection, in my opinion, would hardly justify such an expenditure.

✓ The following courses of action, in the order listed, would, in my opinion, seem the best to follow.

1. Dispose of the collection

This would be carried out only if the terms of the bequest do not forbid such action and only if, on competent legal advice, there are no other factors barring such action. As it now stands, the collection is receiving little use and is taking up valuable space that could be put to better use. The best method of disposal would probably be to have a print dealer make an offer for the entire collection, or to take it on consignment to be sold for the best possible price.

(continued)

2. Store the collection

If it is necessary that the library retain the print collection, the next best solution would be to pack the collection carefully and store it in a safe place. This would free the space now occupied for other use, and would remove the necessity for keeping a staff member tied up in servicing the collection. If it is stored, it should be checked periodically to keep it in good condition.

3. Vitalize the collection

To me, this would be the least wise course of action, both from the point of effort expended and expense involved. It would mean attempting to create an interest in the graphic arts, finding money to hire a qualified full time curator and also to purchase modern prints to bring the collection up to date. This hardly seems justifiable considering the limited interest that probably would be aroused in a town such as Arlington.

I hope these ideas will be of some help to you.

Sincerely yours,

*William B. Ernst, Jr.*  
William B. Ernst, Jr.,  
Librarian

# 1965 – Smithsonian Loan

SMITHSONIAN INSTITUTION  
NATIONAL PORTRAIT GALLERY  
WASHINGTON, D.C. 20560

May 7, 1965

Miss Ellen Wiese, Curator  
The Robbins Print Collection  
The Robbins Library  
Arlington, Massachusetts

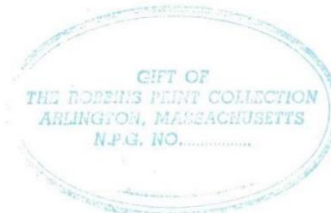
Dear Miss Wiese:

The imprint below will be used to stamp the collection of  
prints being given by your Trustees to the National Portrait  
Gallery. We are looking forward to receiving these.

Sincerely yours,



Charles Nagel  
Director



# 1970 – Curator's Report to Library Trustees

## THE ROBBINS PRINT COLLECTION: REPORT OF THE CURATOR

1970

During the year 1970 major attention has been given to investigating new approaches to the best use of Print Collection resources. Changing interests of the Library public, restrictions and rising expenses of loaned exhibitions, and some fresh opportunities for conservatorial improvement and innovative exhibitions have urgently prompted these efforts.

Regarding exhibitions: (a) Many potential sources (Museum of Fine Arts, Fogg Art Museum) refuse to lend to any institution which does not employ a regular

night watchman. (b) Collections of high quality of lending where there is no watchman probably approximately 20 per cent higher than they. In instances the fee has risen to an equivalent of the Binet Print Collection, which has given us used to let us have a nominally 3-week show season on exhibitions), now charges for the double. (c) Shipping services for loan prints. This has two unfortunate results: first, over the span of time for which we have rented the Library Staff, including Miss Stromstad tracing lost shipments and requesting proper

In response to these frustrations, I hope, hopefully those who do not require a rental protection while the works are in the Library dependence on local sources. Two different difficulties seem to have arisen:

the need to maintain the customarily high artistic quality of our exhibitions, which the level of cultural sophistication in Arlington demands of us; and (2) the delicate "political" position we must maintain, simply because exhibition space and time is limited. In the past we have adhered to the policy of favoring no

The Robbins Print Collection --2

one Arlington resident over another, in one-man shows; and we have welcomed group shows which develop a spirit of community enterprise.

Following this plan in 1970, we held two exhibitions, spring and fall, of recent paintings by the Arlington Art Association. Entries to these exhibitions are judged entirely by the Association committee. No one at the Library participates in the selection process, though we do enforce display regulations so that the walls will seem reasonably uncluttered. In addition, we were glad to give space in June to the artistic achievements of pupils in the Arlington public

Most of the exhibitions I have described seem a good step away from the proper activities of a Print Room. This has come about through a primary intent of maintaining a lively public interest in the displays of the Art Gallery, whatever their subject, and also from an effort to have some color on the walls for at least a fair part of the year, as against the black-and-white of many prints.

The December exhibition is again an attempt to uncover new fields of artistic activity: Robbins benefits from this diversity, imagination, and color. Through Janislee Wiese I discovered the craft work of the Mothers of the Cambridge Nursery School and obtained a selection of the articles (puppets, hand-dyed scarves, children's togs, Christmas tree ornaments) which they had had for sale in the

The Robbins Print Collection --3

pre-Christmas Sugar 'n' Spice Fair, in November. Many of these pieces show real inventiveness and are inspiring some of the Arlington mothers to similar activities; but above all they send a bright note into the holiday season at the Library.

Most of the exhibitions I have described seem a good step away from the proper activities of a Print Room. This has come about through a primary intent of maintaining a lively public interest in the displays of the Art Gallery, whatever their subject, and also from an effort to have some color on the walls for at least a fair part of the year, as against the black-and-white of many prints. We did have

The Robbins Print Collection --4

temptation to theft. Moreover, they do not leave the Library building except on very rare occasions, when they can be covered by the borrower. In this year of general belt-tightening, our customary practice of automatic policy renewal should, I believe, be soberly reconsidered.

Looking forward to a constructive and adventurous 1971, I respectfully submit this report.

Dr. Ellen Wiese

Curator  
The Robbins Print Collection



# 1977 – Local media coverage

The Arlington Advocate, Thursday, November 17, 1977

## *At Robbins Library*

# Winfield Robbins' Legacy Of Prints Intended To Preserve Doomed Art

By Richard G. Niebuhr

The Robbins Library houses on its third floor a collection of art prints whose large number would probably surprise most Arlington residents.

One hundred fifty thousand black and white and a few color prints are kept in long cardboard boxes stacked on the shelves of a series of wooden cabinets which line the three walls of the library's art room. Dating from the 19 and early 20th centuries, the collection

consists largely of prints from Europe and the United States.

According to Dr. Elmer Robbins, the collection, 120,000 prints, was given to the library by Winfield Robbins.

Winfield Robbins was a member of a family which gave so many names to the town. His aunt and uncle were Mr. and Mrs. Robbins. She gave the town its name in his husband's memory.

Nephew Winfield, who was not only the prints, but paintings and other works of art, left the collection in 1910 for construction of a town hall in his father, Amos', memory. His brother Milton, who died two months later, also contributed to this memorial.

Winfield's cousins Cairra, Eliza and Ida were the last of the Robbins family. Their contributions included the Robbins House, the



Robbins' motive in accumulating his massive collection lay in his belief that print-making was a doomed art which would eventually be replaced by photography.



Among the many historical prints in the Robbins collection is this one of a King Wilhelm.

His assumption was correct. Prints, which reached the height of their popularity during the 18th and early 19th centuries, were made to reproduce individual and group portraits, to record social and political events, and to recreate landscape scenes. All of these things the camera, as it became refined in the late 19th century, was able to do faster, cheaper, and with more realism.

The term print itself is a general one and refers to the picture produced when an artist applies an inked surface to paper. The type of

works by the 17th century Flemish artist Anthony Van Dyck.

These engravings, actually made after Van Dyck's death from plates he had engraved, confirm by their beauty the tribute that art historians have given Van Dyck as one of the greatest portrait artists of his time.

Other engravings in the Robbins collection are of historical interest for the portrayal of famous persons of past centuries such as Mary, Queen of Scots, at the time of her marriage to her second husband, Lord Darnley, a man who she later conspired to murder.

Though the production of a mezzotint, the third print in the Robbins collection, is not as complicated as that of either a woodcut or an engraving, the mezzotint has an advantage over the other two types of prints. Made by scratching a metal plate into which thousands of tiny holes of varying depths have been punched, the mezzotint contains different tones of gray, giving it a more three-dimensional appearance than the strictly black and white of the engraving.

The library's prints are of many different American origin, however, and include some Oriental prints including a number of brightly-colored folding booklets from 19th century Japan.

It does that, in the event of a fire, the collection of Robbins Library, which will be made more accessible to the public, he would like to see closer to the first floor of the library as some people have complained of having to come to the top floor to see the prints.

She also would like a cork-lined wall to display more prints than she now can with the library's limited number of picture frames.

She also would like a cork-lined wall to display more prints than she now can with the library's limited number of picture frames.

# 1978 – Library eliminates Curator role



700 Massachusetts Avenue, Arlington, Massachusetts 02174 617-643-0026

August 14, 1978

MEMO TO: Board of Trustees  
FROM: Jim Fish, Robbins Library Director  
RE: Print Collection Duties

There are, in my opinion, several "givens" that should serve as background in any discussion concerning the Robbins Library Print Collection.

RECOMMENDATION: The position of Print Curator be abolished as such and be replaced by a redistribution of responsibility between the Art and Music Librarian and a print consultant.

gallery. Since space needs have curtailed that function, there is limited space for exhibits, etc. In addition, perhaps because of the geographic isolation or the lack of appeal of the recent exhibits, very few exhibits draw much attention currently, and the Print Collection tends to remain locked up.

3. Presently, there are several functions associated directly or indirectly with the print collection: (a) exhibits; (b) care and preservation of the prints; (c) acquisition of new prints; (d) purchase of circulating prints.

RECOMMENDATION: The position of Print Curator be abolished as such and be replaced by a redistribution of responsibility between the Art and Music Librarian and a print consultant. The Art & Music Librarian would be responsible for exhibits (where closer coordination of activities could be maintained); housing the Robbins Print Collection (including the creation and maintenance of an up-to-date catalog, perhaps through a CETA project); and the purchase of circulating art. The consultant would be paid on a negotiated hourly basis when called upon to provide expertise in the areas of preservation, restoration, etc. and professional guidance in the acquisition of new prints.



# 1985 - Library addresses consultant role/cataloguing



700 Massachusetts Avenue, Arlington, Massachusetts 02174 617-643-0026

## MEMORANDUM

December 5, 1985

TO: Board of Trustees

FROM: Maryellen Remmert *mer*

RE: Robbins Print Collection

Before writing a report on the proposed duties of and art curator/consultant for the Robbins Print Collection, I first read reports written previously about this collection (copies are attached) and then physically viewed the collection.

The Robbins Print Collection consists of portraits - European (4 cabinets), American (3 cabinets), and general (10 cabinets) - and other prints:

Board of Trustees (continued)

December 5, 1985

to catalog any of those prints not already catalogued, to advise whether the print collection or any part of it would make an appealing display for residents of Arlington, and to make general recommendations as to the proper use of the print collection. Other areas which could be covered in the consultant's report are included in "Problems at Robbins", on page 5 of Trustee Bette Pinckney's April 1978 report.

As regards qualifications of the consultant, I would refer to the top of page 5 of Bette Pinckney's 1978 report.

MER:ck  
Attachments

Of concern, is whether the quality of the prints justifies the large expenditure which would be necessary for their cataloguing; and whether exhibits of the prints would attract an audience in Arlington. This concern was also expressed in 1958 by the Director of the Lamont Library at Harvard University. (A copy of this letter is attached.)

versity. (A copy of this letter is attached.)

It is thus questionable whether the entire collection even needs to be catalogued. Both the value of the individual prints and their intended use effect the amount of money allocated to their cataloguing. A decision may have been reached by a previous Board of Trustees to limit the library's efforts to storage of the original collection. (referred to in a 1978 memo from Jim Fish p.2 - Future). Perhaps, the trust fund money, which could be used for a curator to catalog the remaining collection, would best be used to renovate the art gallery area or purchase original works which would increase the collection.

My recommendation to the Board is to employ a consultant to assess the value of the collection, to advise whether the library should expend funds



# 1986 – Request for Town Counsel opinion



700 Massachusetts Avenue, Arlington, Massachusetts 02174 617-643-0026

MEMO

February 11, 1986

TO: John Maher, Town Counsel  
FROM: Maryellen Remmert, Director  
RE: Robbins Print Collection

As I mentioned in a recent telephone conversation, the Board of Trustees would like to know if it is possible for them to dispose of the Robbins Print Collection (or portions of it), either by gift, placing it on permanent loan or by selling it.

Mr. J. Maher

-2-

February 11, 1986

November 4, 1958

"The Librarian reported on her conversation with Town Counsel who has been asked for an opinion on the power of the Trustees to dispose of the collection, either by gift or placing it out on permanent loan. Mr. Purcell reported he is trying to establish permanent ownership of the collection. No record has yet been found indicating that the collection has been given either to the Town or Library; bequests for its care and upkeep have been left to the Trustees of the Robbins Library."

November 18, 1958

"Mr. Purcell stated that inasmuch as the bequest read, 'I give to Robbins Library, said sum, to be devoted to the care, preservation, and increase of my collection of prints' such ownership must be established before

Mr. J. Maher

-3-

February 11, 1986

1900 - Mr. Winfield Robbins has put us increasingly in his debt by the gift of many books and pictures.

1901 - It is a pleasure again to express our thanks to Mr. Winfield Robbins for his great generosity to the Library. In addition to the sixteen volumes which he has sent us the past year, he has recently given a large number of framed portraits of persons distinguished in the history of America and Europe.

These portraits have been selected with great care and form a collection of much interest and value. They have been placed in the Art Gallery where they will be enjoyed by large numbers of people for a long time to come. In the adjoining room is a smaller collection, also given by Mr. Robbins, of portraits distinguished for their artistic merit, or as illustrating the progress of the art of engraving.

As I mentioned in a recent telephone conversation, the Board of Trustees would like to know if it is possible for them to dispose of the Robbins Print Collection (or portions of it), either by gift, placing it on permanent loan or by selling it.

portrait collection and from 1926 to 1948 prints were added to the collection. The will (probated April, 1949) left \$30,000 to the library, the income only to be used for the purchase and care of prints. [now - Robbins Print Fund.]

In 1950, the library accepted a collection of portraits and prints from F.R. Fraprie.

Funds from the two trust funds over the years have been used for a curator, for cataloguing and preservation of the collection, and for purchasing new prints.

In 1958, the Board of Trustees employed a consultant to review the print collection as illustrated by minutes of the Trustee meetings.

"In searching through some old Library Reports for 1900-1920, the Librarian reported that she has found some references to the 'gift' of the Print Collection to the Library by Mr. Winfield Robbins. Mr. Purcell was contacted and he agreed these references might help to establish the ownership of the collection which is in question."

May 8, 1962

"The collection contains a large number of reproductions of paintings which could well be disposed of. However, when it was pointed out that under the present interpretation of the will, this could not be done, Miss Wiese suggested this material be stored away."

I reviewed Library reports for 1900-1920 for references to gifts of prints by Winfield Robbins. Some examples follow:

asking them to accept five (5) paintings.

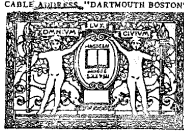
-Two articles from the Arlington Advocate concerning the wills of Winfield and Ida Robbins in regard to the print collection.

-A letter concerning the Fraprie Collection which was added to the Robbins Collection in 1950.

MER:ck

Enc. (5)

# 1986 – Letter from BPL Keeper of Prints



## Boston Public Library

Boston, Massachusetts 02117

29 August 1986

Maryellen Remmert, Director,  
Robbins Library  
700 Massachusetts Avenue  
Arlington, Massachusetts 02174

Dear Maryellen:

Thank you for your hospitality at the Robbins Library on the morning of August 5th. I was astounded at the very large size of the print collection at the Library and was fascinated to learn of the two funds connected with it, with principal if I understood correctly of \$25,000 and \$30,000; equally interesting was the history of the print collection at the Library—so long and persistent an effort to make the collection a working and useful

29 August 1986 - 2 -

you on how such a large inventory could be carried out, and might be able to suggest possible appraisers. Care is required to be sure the cost of appraisal is kept within acceptable limits.

I enclose an article from today's New York Times which deals with deaccessioning. I have marked two paragraphs which seem to me to contain some pertinent information.

Good luck, and let me know

if I can help you, in any way,

further along the road,

*Sinclair*  
Sinclair H. Hitchings  
Keeper of Prints

...equally interesting was the history of the print collection at the Library—so long and persistent an effort to make the collection a working and useful part of the institution, an effort in the end unsuccessful.

through one of the major auction houses. If you reach that point, Gunars Rutkovskis, who heads acquisitions here, and I could advise

# 1987 – Arlington Historical Commission letter



THE ARLINGTON HISTORICAL COMMISSION  
TOWN HALL  
ARLINGTON, MASSACHUSETTS 02174  
Menotomy • 1635 West Cambridge • 1807 Arlington • 1867

August 10, 1987

Maryellen Remmert  
Director  
Robbins Library  
Arlington, MA 02174

Dear Maryellen:

When I picked up the items from the Robbins Library to place in the Whittemore-Robbins House on loan this past spring, I dated and initialed the items that I took on my original request letter. Could I have a copy of that

of little value. I have to agree with the others who have gone through the collection and determined that it should be sold or otherwise disposed of, if at all possible. The European prints would have even less value to a local library collection.

collection and determined that it should be sold or otherwise disposed of, if at all possible. The European prints would have even less value to a local library collection.

I hope this is helpful to you. I look forward to a copy of our loan information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Franco".

Barbara Franco  
Secretary

# 1989 - Town Counsel opinion

JOHN F. MAHER  
TOWN COUNSEL

TOWN OF ARLINGTON  
MIDDLESEX COUNTY, MASSACHUSETTS



OFFICE:  
50 PLEASANT STREET  
ARLINGTON, MASS. 02174  
641-4589

MEMO TO: Board of Library Trustees  
Maryellen Remmert - Loud, Library Director  
FROM: John F. Maher, Town Counsel  
SUBJECT: Print Collection  
DATE: November 3, 1989

Your Board through the two basic questions to me of 150,000 prints that were given by Winfield Robbins and his son to the Town of Arlington in bequest of \$25,000 (and the amount of \$30,000), the income care of the prints. The first question is whether the Town or the Library is free to dispose of the collection or, on the other hand, is legally constrained from doing so. The second question is what the Town would have to utilize the bequest for.

library purposes other than strictly for the care of the prints. I shall treat each inquiry in turn.

There would clearly be a restraint upon the Town from disposing of the prints if they were given in trust to the Library or never given at all but rather

Library has been in possession of same, I am of the view that the Town has outright title to the prints. Also ameliorative of any remaining concern is that the Town of Arlington was, in fact, the beneficiary of the residuary clause in Mr. Robbins Will which means that anything not specifically bequeathed to anyone in his Will would pass to the Town.

were loaned to the Library. The surest way of establishing the existence of a trust is to locate the legal document which would have been necessary to establish same. I have not been able to locate in any of the Town records any trust document nor does any appear on record at the Middlesex Registry of Probate. I have, however, found through my research of Town records, the following indications of the donative intent of Mr. Robbins:

A. Excerpts from the Library Section of Town Reports for various years.

1893 - "The continued interest of Mr. Winfield Robbins in the library has been evidenced by various valuable gifts during the year".

1894 - "Mr. Winfield Robbins continues his generous gifts to the Library including two bronze statues".

1897 - "Mr. Winfield Robbins has continued his well known generosity by the gift of 31 volumes..."

1898 - "Mr. Winfield Robbins has added to his already numerous gifts...of seventeen volumes".

which he has sent us the past year, he has recently given a large number of framed portraits of persons distinguished in the history of America and Europe.

These portraits have been selected with great care and form a collection of much interest and value. They have been placed in the Art Gallery where they will be enjoyed by large numbers of people for a long time to come. In the adjoining room is a smaller collection, also given by Mr. Robbins, of portraits distinguished for their artistic merit, or as illustrating the progress of the art of engraving".

1899 - "We are now able to open to the inspection of the Town in our well-lighted art gallery the splendid collection of engravings presented to the Library by the late Winfield Robbins. The pictures which have been framed and hung upon the walls are only a part of Mr. Robbins's gift, and will excite the gratitude and pride of every citizen".

1910 - "Arlington is indeed fortunate to be the owner of this magnificent collection...engravings received from the late Winfield Robbins".

1912 - "Adjacent to the Music Department and on the

Collection. As curator of the collection, Dr. Ellen P. Wiese schedules exhibits of the prints and other works of art round the year".

Note should also be taken of these entries in the Board's Minutes:

December 5, 1910 - "Voted: Judge Permonter be authorized to investigate insurance on art collection given by Mr. Robbins to the Library." (emphasis supplied)

November 1, 1958 - "In response to wishes of the donor, Winfield Robbins, the (Caira Robbins) began the great task of cataloging the Print Collection." (emphasis supplied)

A review of an excerpt from the Arlington Advocate reveals the following:

January 26, 1961 - Few people perhaps know that the art gallery at Robbins Library is adorned by an excellent collection of engravings and prints collected by Mr. Winfield Robbins and presented to the Library." (emphasis supplied)

There are but two countervailing references of note. The first appears in a letter from the hired curator of the collection in a letter to the former Library Director, Miss Stromdahl dated October 24, 1958.

This action can be commenced only by ten taxpayers in a "friendly" lawsuit against the Town to which the Attorney General is made a party. In order to accomplish this the plaintiffs would need the assistance of counsel since my office would naturally represent the defendant Town and Board of Trustees. The only other option would be to induce the Attorney General to initiate the suit and serve as the plaintiff.

Of course, only if the prints were previously sold would the purpose of the trust fund be "impracticable to observe". No suit on Cy Pres could therefore be begun until same are disposed of.

One final note, in order for the Prints to be sold Town Meeting would have to authorize same. Any proceeds would enure to the benefit of the Town's free cash since if there is no trust for the benefit of the Library, they must as a matter of law be owned by the Town.

If the Robbins Trusts were changed by a cy pres action, then I am sure that the income would be applied to some library purpose.

I would be pleased to meet with the Board at its convenience to discuss this further if it wishes.

JFM/so

cc: Board of Selectmen  
Town Manager

and supervision of my collection to be under the sole control of Miss Caira Robbins". (emphasis supplied)

It could be argued obviously that reference by the munificent Mr. Robbins to "my collection" is indicative of a prior lack of donative intent when the prints were turned over to the Library. If, however, the gift of the prints was complete when received, then any attempt by Mr. Robbins to exert any control over them through his Will would be ineffective. Perhaps the reference to "my collection" can be seen as descriptive only.

And since Mr. Robbins clearly gave so many other gifts

spent for anything other than expenses related to the prints. However, in the event that the prints are sold or otherwise disposed of, then the doctrine of Cy Pres could be utilized. This doctrine permits the use of trust funds for purposes other than the express purposes provided in the trust.

"If it shall have become impracticable to observe or carry out such purpose or purposes, or such terms, or, if the occasion therefor shall have terminated... (The court) shall determine the purposes or uses to which the property involved shall be devoted..." Section 3(10) M.G.L. 24C.



# 1990 – Appraisal summary from James A. Bergquist

PO Box 2075

38 Stearns Street  
Newton, Massachusetts 02159  
20 November 1990

Robbins Library  
700 Massachusetts Avenue  
Arlington, Massachusetts 02174

Dear Maryellen,

Thank you again for your good labors in making the print collection accessible. I did, as I mentioned to you, manage to look at everything (excepting whatever may be framed or housed elsewhere in the library which, when you finally gather it together, I will evaluate for you). All twenty-four cabinets were openable and contain prints which can be divided into three categories.

Category One is American prints. Of the roughly 4,600 in this section, about 120--comprising the better Nineteenth- and early-Twentieth-Century portraits--are matted. There are, among these, about twenty which are worth a few hundred dollars each. The only commercially distinguished prints among them are three early-Eighteenth-Century mezzotint portraits of American Indians, which together have a value of \$4,000±. The remaining roughly 4,500

what are clearly the better European prints. These number roughly 1,750. Among them are perhaps forty prints which are worth at least a few hundred dollars; most of the rest, by virtue of being either unimportant portraits or prints in poor condition, are of nominal value.

In addition, there is a copper-plate for a Nineteenth-Century etched portrait of Victor Hugo (based, I believe, on a painting by Leon Bonnat). This has a value of \$250.

Category Three is Japanese prints, along with a few broken books of decorative Chinese paintings. My knowledge of Japanese prints is thinner than the paper on which they are printed! However, what exposure I have indicates to me that the twenty-odd volumes of Japanese prints are all from the later-Nineteenth or early-Twentieth Centuries and are of little significant artistic value. Their commercial value I will ascertain for you in January when I will be visited by one of my Japanese print dealer colleagues from London. I shall ring you then and arrange a time when we might view this material.

I have spoken at length about the American prints with Kenneth Newman of The Old Print Shop in New York City. From his reading of my descriptions, I would deduce the aggregate value of the

in New York City or Butterfield's in San Francisco. But transport and the low average-value of these prints probably precludes using these firms as well. Locally there are two auction houses of some note: Skinner's in Bolton, Mass., and Grogan's in Boston. It might be entertaining to have their appraisal. I suspect their answers would be to select-out a handful of the better things. Selling the remaining bulk prints in a local auction market would be difficult.

3) would be relatively quick and easy, provided you got a sufficient offer. That the collection is such a heterogeneous agglomeration could be overcome by, for example, selling it in its three parts to dealers in those three fields. On this, I would be happy to consult or to act as agent-seller.

Kindest regards. I look forward to speaking with you in the near future.

Cordially yours,

JAMES A. BERGQUIST

But there is precious little in this collection which would appeal to, for instance, the Boston Public Library or the Museum of Fine Arts. They, most auction houses, and most dealers would happily cull out a few hundred of the better images. But so doing would destroy the salability of the collection as a whole. I cannot think of a single non-profit institution which would pay a reasonable price for, or indeed would want to undertake accessioning, the entire collection.

such.

The upright cabinets contain, matted and in 134 archival boxes,

restriction on the minimum value of a single lot of £1,000. in London and \$2,000. in New York. This rules out everything in your collection. The next level down would be, perhaps, Doyle's

# 2000 – Letter of Advice from Marjorie Cohn

## HARVARD UNIVERSITY ART MUSEUMS

ARTHUR M. SACKLER MUSEUM   FOGG ART MUSEUM   BUSCH-REISINGER MUSEUM   STRAUS CENTER FOR CONSERVATION

32 QUINCY STREET  
CAMBRIDGE, MASSACHUSETTS 02138  
TELEPHONE 617.495.9400  
FAX 617.495.9936

18 March 2000

Maryellen Loud  
Librarian  
Robbins Library  
700 Massachusetts Avenue  
Arlington, MA 02476

Dear Maryellen,

Yes, we are returning to the same difficult questions. I have delayed this long in responding because I needed to ask several former and present graduate students who are competent in prints whether they wanted to survey the Library collection. Unfortunately, none of them are interested in the project, having too many other things 'on their plate.' Also, James Bergquist considers his earlier review of the collection sufficient, and so I have not found anyone for you who is trained in prints, with an eye to what might be valuable enough

I think that, given the quality of the prints, you are not going to find an art or general culture museum that will want them.

hire a teacher over the summer. This person could set aside any prints that seemed to have potential for classroom use or student projects. Also, if you feel that this person would be sensitive to formats and techniques, they could do a little classification and organization along those lines. I'd be glad to give a hands-on instructional session at the beginning of the project.

As for putting the work on deposit at another institution, I cannot conceive of any institution except a public library that would have use for the mass of material.. Obviously, if the prints were sorted strictly by subject, the collection could be split up and perhaps out to specialized repositories. But I think that, given the quality of the prints, you are not going to find an art or general culture museum that will want them.

Give me a call, or have Ms. Gentile a call, if you want to pursue this.

Sincerely yours,



Marjorie B. Cohn  
Carl A. Weyerhaeuser Curator of Prints

TEL: 617-495-2393  
FAX: 617-496-3800  
E-M: cohn@fas.harvard.edu

# 2008 – Memo from Town Counsel

TOWN OF ARLINGTON  
MIDDLESEX COUNTY, MASSACHUSETTS



JULIANA BEHAAN RICE  
TOWN COUNSEL

OFFICE:  
50 PLEASANT ST.  
ARLINGTON, MA 0  
781-316-3115  
FAX 781-316-31

## MEMORANDUM

To: Maryellen Loud, Library Director  
Cc: Brian Sullivan, Town Manager  
From: Juliana Rice, Town Counsel  
Date: November 10, 2008  
Re: Robbins Art and Robbins Print Funds

Maryellen,

You asked me to consider permissible uses for the Robbins Library Art Fund and Robbins Library Print Fund. The specified use of each fund is set forth below:

Extract from the Will of Winfield Robbins ("Robbins Library Art Fund")

Fourth  
State of  
to be  
devote  
under

Extract

I give  
(\$30,000)  
and care of prints.

You asked me whether interest from these funds could be used to:

1. Buy art books or DVDs on art appreciation, how to draw, paint, sculpt
2. Buy original artwork (oil paintings, watercolors, photographs)
3. Workshops, lectures for public: art appreciation, how to draw, etc.

Of these three proposed uses, in my view, the second one is the only one for which a reasonable argument can be made that it fits within the terms of the bequests as they currently stand.<sup>1</sup> The instruments creating both funds contain language that would support the idea of acquiring additional artwork. See Extract from the Will of Winfield Robbins ("to be devoted to the care, preservation and increase of my Collection of Prints"); Extract from the Will of Ida Robbins ("to be used for the purchase and care of prints") (emphasis added). Purchasing additional prints is clearly an acceptable use of the interest generated by either fund.

Purchasing non-print original artwork is a more difficult question, but I think we could still defend it. On one hand, someone could argue that oil paintings, watercolors, and photographs are not the same as prints and that, therefore, acquiring such items would not be a permissible use of the funds. In response, however, I would cite the December 16, 1946, letter of Kathryn Achuff, Robbins Library Print Room Curator, to Francis Keefe, Secretary to the Trustees of the Robbins Library (copy attached). In this letter, Mrs. Achuff recounts that Caira Robbins (tasked by her cousin Winfield Robbins with overseeing his print collection) instructed Mrs. Achuff to exercise her own judgment in acquiring additions to the print collection. Mrs. Achuff exercised that judgment by purchasing "portraits of contemporaries and near-contemporaries" that had "at least a little esthetic or art value." Although Mrs. Achuff's purchases could, of course, have no relevance on the intent of Winfield Robbins in making his bequest 40 years earlier, I see some import in the fact that Caira Robbins, a contemporary of Mrs. Achuff, apparently trusted her to carry out Winfield's intent.<sup>2</sup>

In this same letter, I note with interest Mrs. Achuff's statement that "Miss Caira Robbins once told me that her cousin Winfield wanted to 'swallow the ocean'" in

such purchases, I would advise hewing as closely as possible to the principles set forth in Mrs. Achuff's letter and Miss Newton's notes. I would concentrate on collecting portraiture and works created by artistic techniques at risk of dying out. I would also endeavor to select works with some inherent "esthetic or art value."

I hope these thoughts are helpful. Please bear in mind that I have no expertise whatsoever in art of any kind. I would be pleased to consider input from someone with such expertise and revise my advice accordingly.

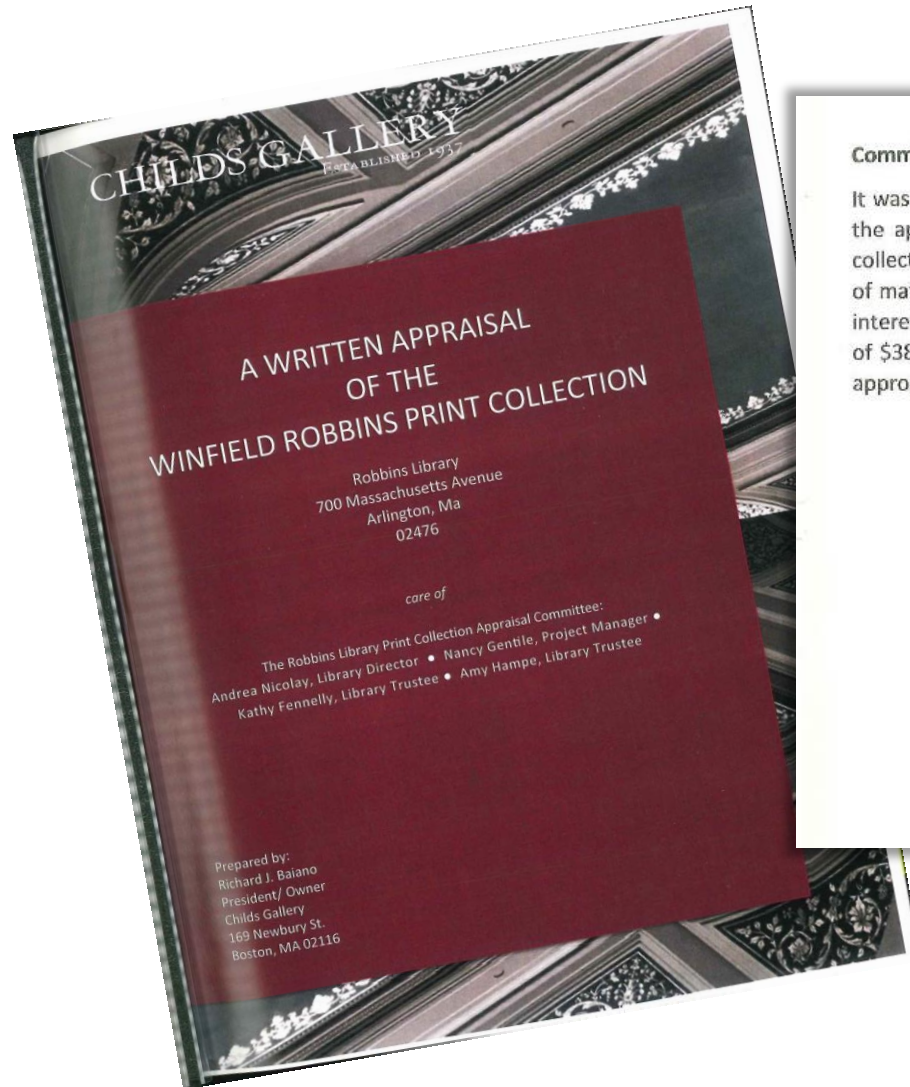
I hope these thoughts are helpful. Please bear in mind that I have no expertise whatsoever in art of any kind. I would be pleased to consider input from someone with such expertise and revise my advice accordingly.

<sup>1</sup> As John Maher has previously explained to you, the terms of a charitable bequest can be amended through a judicial action known as *cy pres* if the originally stated purpose has become impossible or impracticable. Such an action will succeed only if the underlying written instrument evidences a "general charitable intent." We would likely need to conduct a search for the entire wills of Winfield and Ida Robbins and other supporting documentation to prove such an intent to the Probate Court. The limited material in my possession is somewhat contradictory on the question of general charitable intent.

<sup>2</sup> Admittedly, this evidence would be less germane to the bequest by Ida Robbins, who survived her younger sister Caira by 11 years. Nonetheless, it would not be absurd to surmise that Ida was familiar with the terms of Winfield's bequest and with the work being done by Mrs. Achuff with regard to Winfield's print collection at the time that Ida made a bequest similar in content to Winfield's.



# 2018 – Appraisal by the Childs Gallery



## Commentary:

It was striking to me that the numerical value of the collection does not significantly vary from the appraisal completed in 2001. This is consistent with my opinion that the value of the collection has fallen since that time, due to an overall and continual declining market for this type of material. In my opinion, the collection is composed of primarily decorative art objects more interesting for subject matter than fine art importance. Adjusted for inflation, the 2018 value of \$381,724 is approximately \$150,000 less in value than in 2001 (\$514,261). This represents approximately a 25% decline of value of the collection from 2001 to today.

  
Richard J. Baiano, President  
Appraiser

# 2019 – Email from Marjorie Cohn

I hope [Town Meeting] votes to deaccession them. They have vexed too many generations at the library!

-- Jerry

Marjorie B. Cohn  
Carl A. Weyerhaeuser Curator of Prints, Emerita  
Harvard Art Museums

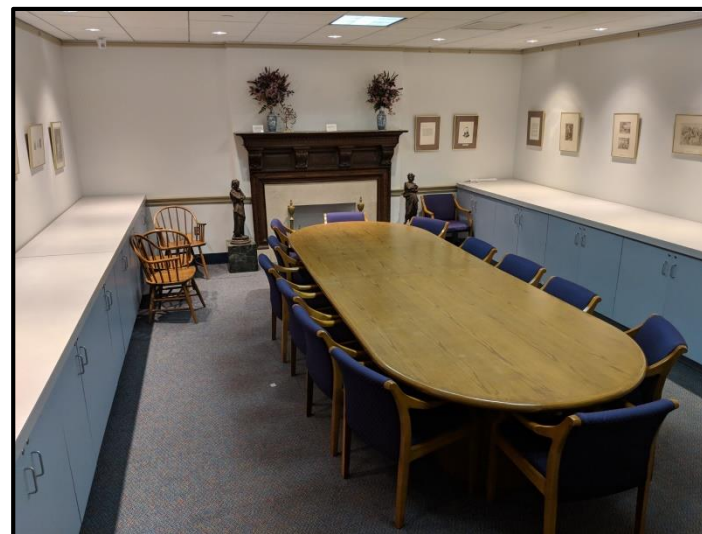
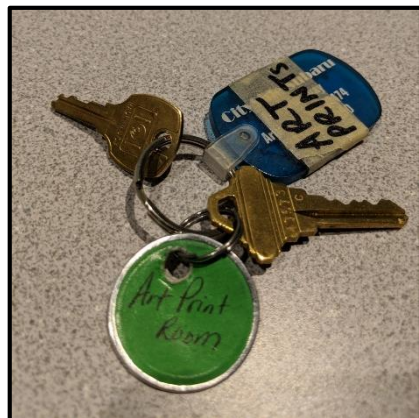
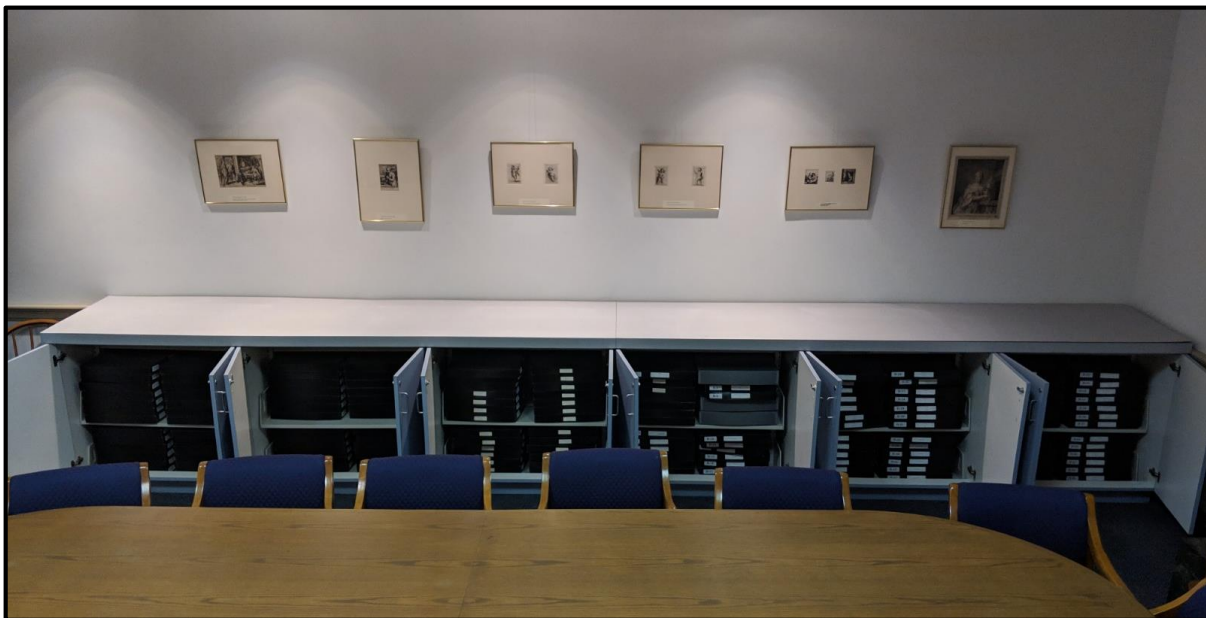


# Prints storage: 4<sup>th</sup> floor Art Print Room





# Print storage: 4<sup>th</sup> floor Conference Room





XVIII<sup>e</sup> SIÈCLE

Thank you

**ARTICLE 26****BYLAW AMENDMENT/BILLBOARDS AND SIGNS**

To see if the Town will vote to amend the Town Bylaws, Title V, Article 1 “Billboards and Signs: Restrictions on Use,” by removing paragraphs A through I to support consolidation of the sign regulations in the Zoning Bylaw; or take any action related thereto.

(Inserted at the Request of the Town Manager)

**ARTICLE 38****VOTE/SET SENIOR TAX DEFERRAL LIMIT**

To see if the Town will vote to set a Senior Property Tax Deferral Limit consistent with Chapter 312 of the Acts of 2018; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 39****VOTE/AUTHORIZATION TO DEACCESSION TOWN  
PROPERTY-LIBRARY ART PRINTS**

To see if the Town will vote to authorize the Library Board of Trustees to deaccession and/or dispose of by sale, donation, or other means, the Robbins Art Print Collection; or take any action related thereto.

(Inserted by the Select Board and at the request of the Library Board of Trustees)

**ARTICLE 40****VOTE/ROBBINS LIBRARY PARKING COSTS**

To see if the Town will vote to change the cost of parking in the spaces behind and in front of the Robbins Library; or take any action related thereto; or take any action related thereto.

(Inserted at the request of Andrew Fisher and ten registered voters)

**ARTICLE 43****HOME RULE LEGISLATION/MEANS-TESTED SENIOR  
TAX RELIEF**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option “circuit breaker” program; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 46****ACCEPTANCE OF LEGISLATION/ESTABLISHMENT OF  
A COMMISSION ON DISABILITIES FUND**

To see if the Town will vote to accept provisions of Mass General Law 40, Section 22G regarding allocating all funds received from fines assessed for violations of handicap parking to the Arlington Commission on Disabilities. Funds so received shall be deposited by the city or Town Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Commission of Disabilities in accordance with the accepted procedures of the Town for the disbursement of funds, including the approval of the Town Manager or Select Board. The Town Treasurer shall submit annually a report of said account to the Town Manager or Select Board for review and a copy of said report shall be forwarded to the Bureau of Accounts; or take any action related thereto.

(Inserted at the request of the Commission on Disabilities)

**ARTICLE 51**

**ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2020 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 52**

**REVOLVING FUNDS**

To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 79**

**RESOLUTION/OVERNIGHT PARKING EXEMPTION PROGRAM  
FOR MEDICAL AND FINANCIAL HARDSHIPS**

To see if the Town will vote to provide a non-binding resolution to support an overnight parking program that provides exemptions for persons with medical and/or financial hardships; or take any action related thereto.

(Inserted at the request of Laura Kiesel and ten registered voters)

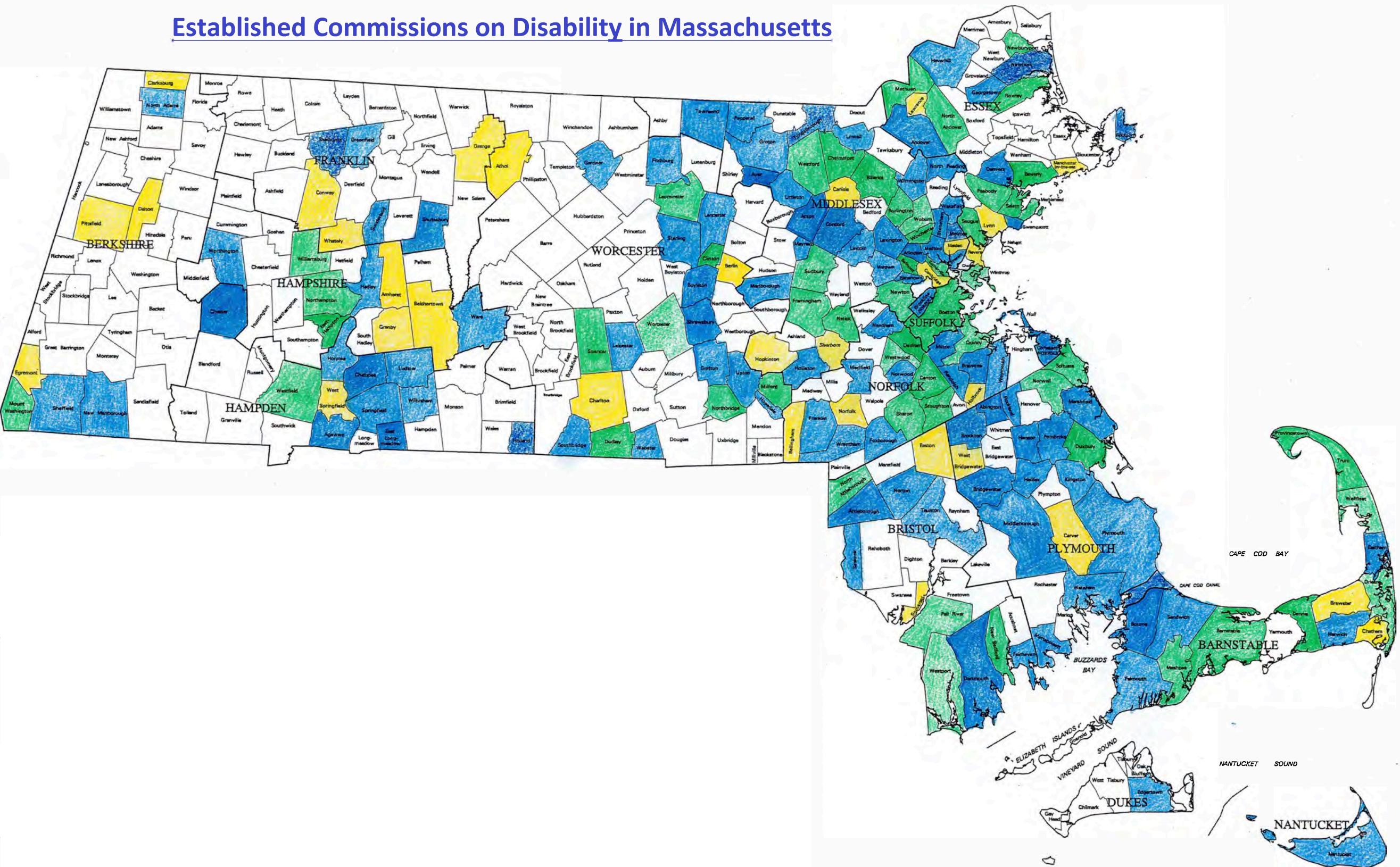


Section 22G: Funds received from fines for handicap parking violations; deposits in account; expenditures

Section 22G. Any city or town which has accepted the provisions of section eight J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city or town to the commission on disabilities.

Funds so received shall be deposited by the city or town treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Said account shall be established by the city or town treasurer and shall be kept separate and apart from all other monies. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the commission on disabilities in accordance with the accepted procedures of the city or town for the disbursement of funds, including the approval of the mayor and city council or the town manager or board of selectmen. The city or town accountant shall submit annually a report of said account to the mayor and city council or the town manager and board of selectmen for review and a copy of said report shall be forwarded to the bureau of accounts.

# Established Commissions on Disability in Massachusetts



<b>Year</b>	<b>HP Violations</b>	<b>Fines</b>
<b>2012</b>	43	\$8,600
<b>2013</b>	45	\$9,000
<b>2014</b>	40	\$8,000
<b>FY2015 Actual</b>	68	\$13,600
<b>FY2016 Actual</b>	212	\$42,400
<b>FY2017 Actual</b>	202	\$40,400
<b>2018 9 months</b>	78	\$15,600

## What Town Disability Commissions Have Supported with 22G Funds

### Barrier Removal (Parks, Buildings, etc.):

- Build raised garden beds at Wyman Elementary School (Burlington, \$500)
- Beach chairs, ramps, park benches, picnic tables, accessible bubblers, handicap porta-potties (Barnstable, Burlington, Chelmsford, Foxboro, Northampton, Scituate, Sharon)
- Create HP spots, HP signage, walkways (Agawam, Burlington)
- Accessible playground, park renovations, boardwalk (Agawam, Belmont, Beverly, New Bedford, Sharon, Waltham)
- Accessible entryways, door openers for town buildings (Sharon, Spencer, Waltham)
- Snow removal (New Bedford)

### Assistive Technology

- Provide CART (Computer Assisted Real Time Translation) for Town meetings (Watertown), Voting Machines (Spencer)
- Provide screen reading software, assistive listening devices, scanners, Kurzweil Reading Machines, TTY (Beverly, Burlington, Newton, Sharon, Watertown)
- Charles River Braille Trail (Watertown, \$15,000)
- Braille menus (Northampton)
- Art supplies, loaner equipment (Billerica, Scituate)

### Education (inc. Schools):

- Provide SEPAC/SPEDPAC funding. (Sharon, Watertown)
- Flyers, training, speakers for disability related topics (Agawam, Sharon, Watertown)
- Scholarships (Barnstable, Chelmsford, Sharon, Sudbury, Waltham)
- Placard abuse education programs, inc PSAs (Fall River)
- ASL signers for classes (Sharon)

### Events and Misc:

- Accessible Dining Guide for restaurants. (Watertown)
- Underwrite conference attendance, special events (Belmont, Sharon)
- Sponsor children for therapeutic horseback program (Burlington, \$1,500)
- Site Loss Services (Barnstable)
- Sports shirts & caps (Sharon)
- ADA survey (Sudbury)
- Defibrillator for Community Center (Sharon)
- Supplies for portable HP signage (sawhorses) for events (Burlington, \$500)
- Police details to monitor HP spots and ticket (and supplies, such as cameras) (Burlington, Dedham, Fall River, Framingham, Leominster, Newton, Scituate, Waltham, Watertown, Worcester)





# Local Officials Guide

*Presented by the Massachusetts Office On Disability*



## Process for Establishing a Municipal Commission On Disability and Accepting Handicapped Parking Fines

### Establishing Your Commission On Disability...Easy As 1, 2, 3

Local acceptance of a General Law is subject to municipal charter provisions of your community. Generally speaking a member of the legislative body proposes a paper/warrant item. The Legislative Body would then vote on the measure.

#### **Step 1 - Adopt MGL 40, 8J** ***This Creates the COD***

- ✓ Identify a sponsor to propose the acceptance of MGL 40, 8J

##### **Legislative body votes on...**

- ✓ ***Ordered: That the City/Town of \_\_\_\_\_ accept the provisions of Massachusetts General laws Chapter 40, Section 8J relative to the establishment of the municipal Commission On Disability***

##### **In Cities;**

If the VOTE is approved, your measure goes to your Mayor for approval.

- ✓ **In Towns;**  
If the VOTE is approved then your COD is created. Now, you can propose another measure to accept HP Parking fines

#### **Step 2 - Setup Account** ***Per MGL 40, 22G***

- ✓ City or town treasurer establishes a separate account for COD.

- ✓ ***Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the commission on disabilities...for the disbursement of funds, including the approval of the mayor and city council or the town manager or board of selectmen.***

- ✓ ***The city or town accountant shall submit annually a report of said account to the mayor and city council or the town manager and board of selectmen for review and a copy of said report shall be forwarded to the bureau of accounts.***

#### **Step 3 - Appoint Members**

- ✓ Commissions On Disability may have from Five (5) to Thirteen(13) members. Members are usually appointed by the Mayor or Town Manager, but MGL 40, 8J outline the particulars for each City/Town charter. A majority of members should be persons with disabilities.

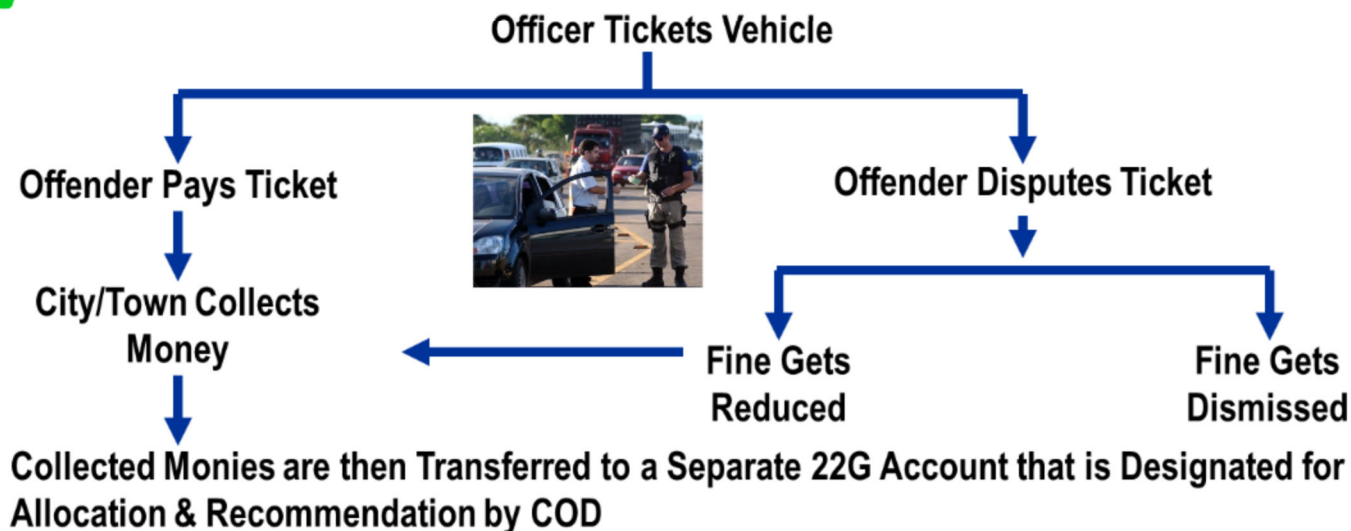
# Best Practices for Commissions On Disabilities

Below outlines a “Best Practice” process for Accepting, Allocating, Approving and Expending the Proceeds from Disability Parking Fines

## ✓ Accept Disability Parking Fines

Treasurer\Controller sets up standalone account and/or “COD Fund.”

## ✓ Issue Citations for Disability Parking



## ✓ Develop Budget for COD Use

COD works to develop a list of items to fund and then makes recommendations to be included as part of its annual budget about how best to spend the funds.

## ✓ Appropriate Disability Parking Fine Proceeds

Legislative body appropriates funds. Funds “*shall be used solely for the benefit of persons with disabilities.*” Per MGL Chapter 40, Section 22G

## ✓ Expend Disability Parking Fines

If approved, funds get expended. Treasurer and/or Controller provides the COD with periodic Reports of the “COD Fund.”



Questions...? Contact the Massachusetts Office On Disability

Mass. Office On Disability  
1 Ashburton Place, Room 1305  
Boston, MA 02108

Email: [info-mod@state.MA.US](mailto:info-mod@state.MA.US)  
Call: 617 727-7440  
URL: [www.Mass.Gov/MOD](http://www.Mass.Gov/MOD)





## GRANT EVALUATION CRITERIA

The CDBG Subcommittee will use the following criteria to evaluate proposals and make funding recommendations. In order to be considered for funding, a proposed activity must, at minimum, be eligible for funding according to HUD's regulations by meeting at least one of HUD's National Objectives, and address at least one goal of the [Town of Arlington Consolidated Plan](#), which can be found under CDBG on the Town of Arlington's Planning and Community Development page. Application, including Budget Description, must also be complete.

Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)
<b>1. Community Need</b> Does the proposed project address a pressing or significant need in the town of Arlington and demonstrated familiarity with said need? Project goals should be consistent with the Priority Need categories identified in the 5-Year Consolidated Plan	Applicant can demonstrate comprehension of said need, and that the proposed project meets a new or growing need in the community that is either not being met or is underserved by other programs.	Applicant can demonstrate familiarity with said need, and that the proposed project meets an existing need in the community.	It is unclear from the application if the applicant has comprehension of said need, or if the proposed project meets an unmet community need.
<b>2. Resources &amp; Capacity</b> Does the organization have the appropriate level of experienced staff and resources to execute the proposed project and the aptitude to meet the need?	Applicant has had experience with other projects similar to the one proposed and can demonstrate strong staff/resource levels capable of successfully implementing the proposed project.	Applicant has had some experience with other projects similar to the one proposed and has adequate staff/resources capable of completing the proposed project.	Applicant has limited experience with projects similar to the one proposed and it is unclear from the application if there is adequate staff capacity to complete the proposed project.
<b>3. Encouraging Partnerships</b> Does the proposed project involve new or existing partnerships with other service providers in the community?	Applicant and/or proposed activity will encourage new partnerships as a result of the project.	Applicant will utilize existing partnerships to complete the proposed project.	Proposed project does not encourage partnerships.
<b>4. Cost Benefit</b> How does the cost of the proposed project compare to its proposed output and outcome accomplishments?	Proposed project yields a low cost-benefit ratio comparable to similar programs.	Proposed project yields neither a low cost-benefit ratio, nor a high cost-benefit ratio comparable to similar programs.	Proposed project yields a high cost-benefit ratio comparable to similar programs.
<b>5. Leveraged Funds</b> Has the organization secured additional funding sources or in-kind support to cover the proposed project?	Applicant has demonstrated the capability of leveraging funds or in-kind support to cover 50% or more of the proposed project costs. The majority of these leveraged funds are committed.	Applicant has demonstrated the capability of leveraging funds or in-kind support to cover some of the project costs.	Applicant has identified few to no additional funds/ in-kind support to cover the proposed project OR the majority of leveraged funds/ in-kind support identified are pending.
<b>6. Self Sufficiency</b> Will the proposed project be self-sufficient and no longer require CDBG funding after one year? After a few years?	Applicant is making a one-time request for funds and has demonstrated that the project is capable of becoming self-sufficient beyond one year of seed-funding.	Applicant has demonstrated that the project is capable of becoming self-sufficient within 2-3 years.	Applicant is attempting to achieve self-sufficiency but anticipates requesting additional funds beyond the next three years.
<b>7. New Public Services Program</b> Is the proposed project offering a new service and is it available from any other providers in the community?	The proposed project offers a new service not provided elsewhere in the Town.	The applicant is seeking funding for a new project or quantifiable increase in level of an existing service.	The proposed project received a CDBG grant in the previous year, is not a new service, and does not propose an increase in the level of an existing service.





Name of Reviewer

Date

**GRANT EVALUATION CRITERIA**

Please indicate whether each Comparative Criteria Category is "Highly Advantageous", "Advantageous", or "Not Advantageous". "Highly Advantageous" receives a score of 3, "Advantageous" receives a score of 2, and "Not Advantageous" receives a score of 1. Please fill in the total score for each application.

Applicant	Housing Corporation of Arlington	Project	Capital Improvements	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships			X	1
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program		X		2
Total Score				15

Notes/Summary Statement

Applicant	Housing Corporation of Arlington	Project	Solar Panels	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity		X		2
3. Encouraging Partnerships			X	1
4. Cost Benefit		X		2
5. Leveraged Funds		X		2
6. Self Sufficiency	X			3
7. New Public Services Program		X		2
Total Score				15

Notes/Summary Statement

Applicant	Arlington Home Rehabilitation Loan Program	Project	Home Rehabilitation Loan Program	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need			X	1
2. Resources & Capacity		X		2
3. Encouraging Partnerships			X	1
4. Cost Benefit		X		2
5. Leveraged Funds			X	1
6. Self Sufficiency			X	1
7. New Public Services Program		X		2
Total Score				10

Notes/Summary Statement

Applicant	Arlington Boys and Girls Club	Project	Scholarship Program	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				15

Notes/Summary Statement

Applicant	Arlington Boys and Girls Club	Project	Jobs, Jobs, Jobs Program	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds			X	1
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				14

Notes/Summary Statement



Applicant	Arlington High School	Project	Athletic Scholarships	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds			X	1
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				14

Notes/Summary Statement

Applicant	Arlington Housing Authority	Project	Operation Success Learning Center	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				15

Notes/Summary Statement

Applicant	Arlington Youth Counseling Center (AYCC)	Project	Mental Health Counseling and Support Services	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds	X			3
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				16

Notes/Summary Statement

Applicant	Council on Aging	Project	Adult Day Health Services/Scholarships	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				15

Notes/Summary Statement

Applicant	Council on Aging	Project	Transportation Program	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships	X			3
4. Cost Benefit	X			3
5. Leveraged Funds	X			3
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				17

Notes/Summary Statement

Applicant	Council on Aging	Project	Volunteer Coordinator	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds	X			3
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				16

Notes/Summary Statement



Applicant	Fidelity House	Project	Jobs, Jobs, Jobs Program	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit		X		2
5. Leveraged Funds			X	1
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				13

Notes/Summary Statement

Applicant	Fidelity House	Project	Menotomy Manor Outreach Program	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				15

Notes/Summary Statement

Applicant	Recreation Department	Project	Program Scholarships	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				15

Notes/Summary Statement

Applicant	Conservation Commission+ Planning and C	Project	Wellington Park ADA-Compliant Trails and	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity		X		2
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds	X			3
6. Self Sufficiency		X		2
7. New Public Services Program		X		2
Total Score				17

Notes/Summary Statement

Applicant	Arlington Disability Commission + DPW	Project	Annual Curb Cut Ramp Project	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds	X			3
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				16

Notes/Summary Statement

Applicant	Recreation Department	Project	Lussiano Playground Reconstruction	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships	X			3
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency	X			3
7. New Public Services Program		X		2
Total Score				19

Notes/Summary Statement



Applicant	Food Link, Inc.	Project	Site Development	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need		X		2
2. Resources & Capacity		X		2
3. Encouraging Partnerships	X			3
4. Cost Benefit		X		2
5. Leveraged Funds	X			3
6. Self Sufficiency		X		2
7. New Public Services Program		X		2
Total Score				16

Notes/Summary Statement

Applicant	Planning and Community Development De	Project	Planners	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need				0
2. Resources & Capacity				0
3. Encouraging Partnerships				0
4. Cost Benefit				0
5. Leveraged Funds				0
6. Self Sufficiency				0
7. New Public Services Program				0
Total Score				0

Notes/Summary Statement

Applicant	Planning and Community Development De	Project	Planning Studies	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need				0
2. Resources & Capacity				0
3. Encouraging Partnerships				0
4. Cost Benefit				0
5. Leveraged Funds				0
6. Self Sufficiency				0
7. New Public Services Program				0
Total Score				0

Notes/Summary Statement

Applicant	Envision Arlington	Project	Annual Town Survey 2019	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need	X			3
2. Resources & Capacity	X			3
3. Encouraging Partnerships		X		2
4. Cost Benefit	X			3
5. Leveraged Funds		X		2
6. Self Sufficiency			X	1
7. New Public Services Program			X	1
Total Score				15

Notes/Summary Statement

Applicant	Planning and Community Development De	Project	Grants Administrator (salary + benefits)	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need				0
2. Resources & Capacity				0
3. Encouraging Partnerships				0
4. Cost Benefit				0
5. Leveraged Funds				0
6. Self Sufficiency				0
7. New Public Services Program				0
Total Score				0

Notes/Summary Statement

Applicant	Planning and Community Development De	Project	General Administration	
Comparative Criteria Categories	Highly Advantageous (HA)	Advantageous (A)	Not Advantageous (NA)	Score
1. Community Need				0
2. Resources & Capacity				0
3. Encouraging Partnerships				0
4. Cost Benefit				0
5. Leveraged Funds				0
6. Self Sufficiency				0
7. New Public Services Program				0
Total Score				0

Notes/Summary Statement



# TOWN OF ARLINGTON



## Report to Annual Town Meeting 2019 Article 51 Endorsement of CDBG Application

We are pleased to submit the Community Development Block Grant (CDBG) application for program year 45 (July 1, 2019 through June 30, 2020). Applications were due on January 10, 2019 and reviewed on February 11, 2019 at the Select Board public hearing. The CDBG Subcommittee met on March 5, 2019 and March 12, 2019 to review the applications and develop the following budget for the use of CDBG funds. This memorandum describes each of the requests and the recommended budget allocations.

The Town of Arlington expects to receive **\$1,100,241** in new grant funds from the U.S. Department of Housing and Urban Development for the period July 1, 2019 through June 30, 2020. This is a reduction of **\$11,114** from the current year's allocation. The potential reduction is based upon a 1% reduction from the current program year allocation. In addition, the Town also anticipates new program income and reprogrammed prior year's CDBG funds. Refer to attached spreadsheet for further details. The following proposed allocations would expend the total anticipated amount of **\$1,360,241**.

This annual funding recommendation is based on an estimation of funding available to the Town and subject to an increase or decrease, depending on federal allocations. Were the Town to receive less than the estimated allocation, the CDBG Subcommittee would suggest that the following applications receive a reduction in their funding allocation: the Housing Corporation of Arlington's Capital Improvements, the Disability Commission and the DPW's ADA Compliant Curb Cuts, and Food Link's Site Development. Were the Town to receive more than the estimated amount, the CDBG Subcommittee would suggest that the additional money will be allocated to the Arlington Recreation Department's application for the Lussiano Playground, and potentially reassessing the funding available for public service activities within the statutory limit. Should CDBG funding be eliminated, the town will consider a plan to address service and programming impacts.

The following is a summary of the requests for funds and the corresponding recommended allocations. Each request has been placed into one of five categories: *Rehabilitation/Housing, Public Services, Public Facilities and Improvements, Planning, and Administration*.

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

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

**Low/Moderate Income Clientele (LMC):** the activity benefits a group of persons (rather than residents in a

particular area) 51% of whom make a low- or moderate-income. The following groups are presumed to make a low- to moderate-income: abused children, battered spouses, elderly persons, and adults meeting the **U.S. Bureau of Census' Current Population Reports** definition of "severely disabled," homeless persons, illiterate adults and persons living with AIDS.

**Low/Moderate Housing (LMH):** the project will provide or improve permanent residential structures which, upon completion, will be occupied by households that make a low- to moderate-income. This includes but is not limited to acquisition or rehabilitation. Housing can be either owner or renter occupied units in one family or multi-family structures.

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

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

#### CDBG Subcommittee

Adam Chapdelaine, Town Manager

Dan Dunn, Select Board Member

Sarah Lee, Resident

Diane Mahon, Select Board Member

Christopher Potter, Resident

Jennifer Raitt, Director of Planning and Community Development

Antonette Sacco, Resident

Julie Wayman, CDBG Administrator

**Community Development Block Grant  
Annual Action Plan  
July 1, 2019- June 30, 2020**

**REHABILITATION/HOUSING**

**Affordable Housing Portfolio Capital Improvements, Housing Corporation of Arlington:** This request for \$200,000 would be used to make improvements to HCA's portfolio of existing affordable rental housing. This project is expected to benefit six households and complies with national objective LMH. Funding is recommended at \$200,000.

**Solar Panel Installation, Housing Corporation of Arlington:** This request for \$150,000 would be used to install solar panels on Capital Square Apartments, a three-building complex on Mass Ave in East Arlington. This project would benefit thirty-two (32) households. Funding is recommended at \$150,000.

**Home Rehabilitation Loan Program, Arlington Home Rehabilitation Loan Program:** This request for \$165,000 would provide property owners of one- to four-family homes who make a low- to moderate-income with a low-interest (1.75%) and deferred-payment loan to assist with the renovation of their properties. The loans enable the owners to make repairs, bring properties into compliance with building, health and safety code standards, and abate lead-based paint. The Arlington Home Rehabilitation Program also provides technical and contractor procurement services. This project is expected to benefit 10 households and complies with national objective LMH. Due to an ongoing reduction in income-eligible applicants and qualifying properties, CDBG funding is not recommended this year.

**PUBLIC SERVICES**

**Scholarship Program, Arlington Boys & Girls Club:** This request for \$20,000 would provide scholarships to income-eligible households who participate in Boys & Girls Club activities. The program provides financial assistance to households with limited resources for such activities as after school care, summer camp, instructional classes, and preschool. Each recipient is also required to share in the cost of the program, based on their ability to pay. This project is expected to benefit 50 individuals and complies with national objective LMC. Funding is recommended at \$19,400.

**Jobs, Jobs, Jobs Program, Arlington Boys & Girls Club:** This request for \$5,000 would fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding would pay for the teens to be employed as recreation assistants at the club and would provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit eight (8) individuals and complies with national objective LMC. Funding is recommended at \$4,475.

**Athletic Scholarships, Arlington High School:** This request for \$8,500 would provide athletic scholarships for Arlington High School students. The funds would be used for income-eligible students

who cannot afford to pay the annual activity fee for various athletic programs offered. This project is expected to benefit 30 individuals and complies with national objective LMC. Funding is recommended at \$7,900.

**Operation Success Learning Center, Arlington Housing Authority:** This request for \$6,000 would pay for the operating costs of a homework support program for junior high school students living in Menotomy Manor, an Arlington Housing Authority property. Trained volunteers and active and retired teachers from the community provide homework tutoring. This project is expected to benefit 28 individuals and complies with national objective LMA. Funding is recommended at \$6,000.

**Mental Health Counseling and Support Services, Arlington Youth Counseling Center (AYCC):** This request for \$15,000 would subsidize the costs of counseling services to income-eligible households including free and reduced-fee mental health counseling and medication treatment, case management services for vulnerable Arlington residents, and therapeutic groups and support services for victims and survivors of domestic violence. The CDBG allocation defrays the cost of out-of-pocket expenses that are not covered by a client's insurance or is used for children and families that are without support or cannot afford the fee scale. This project is expected to benefit 70 individuals and complies with national objective LMC. Funding is recommended at \$15,000.

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

**Transportation Program, Council on Aging:** This request for \$35,000 would fund the transportation services that are offered to Arlington seniors. The transportation program brings seniors to medical appointments and local stores, helping seniors remain independent and active in the community. This project is expected to benefit 282 individuals and complies with national objective LMC. Funding is recommended at \$35,000.

**Volunteer Coordinator, Council on Aging:** This request for \$52,922 would fund the position of Volunteer Coordinator. The coordinator supervises and coordinates volunteers and manages the van and transportation program and is essential to the Council on Aging's mission to engage senior citizens in community participation. The funds received would be used for the base salary of the staff person plus all fringe benefits. This project is expected to benefit 552 individuals and complies with national objective LMC. Funding is recommended at \$52,922.

**Jobs, Jobs, Jobs Program, Fidelity House:** This request for \$5,000 would fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding would pay for the teens to be employed as recreation assistants at Fidelity House and would provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit six individuals and complies with national objective LMC. Funding is recommended at \$4,475.



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

**Program Scholarships, Recreation Department:** This request for \$13,000 would provide scholarships for activities offered by the Recreation Department. The program provides income-eligible households an opportunity to participate in recreation programs by providing financial assistance to offset the cost of program fees. This project is expected to benefit over 100 individuals and complies with national objective LMC. Funding is recommended at \$12,400.

## **PUBLIC FACILITIES AND IMPROVEMENTS**

**Wellington Park ADA-Compliant Trails and Access Project, Arlington Conservation Commission:** This request for \$100,000 would fund the design of the Wellington Park ADA-Compliant Trails and Access Project. This activity complies with national objective LMC. Funding is recommended at \$100,000.

**ADA Compliance Program-Curb Cuts Ramp Project, Arlington Commission on Disability:** This request for \$140,000 would construct and reconstruct ADA-compliant sidewalk ramps for the purpose of improving access and pedestrian safety for the elderly and disabled. 45 curb cuts would be installed utilizing these funds. This activity complies with national objective LMA. Funding is recommended at \$140,000.

**Lussiano Playground Reconstruction, Recreation Department:** This request for \$325,000 would rehabilitate the Lussiano Playground. This project is expected to benefit 4,875 people and complies with national objective LMA. Funding is recommended at \$200,000.

**Site Development, Food Link, Inc.:** This request for \$175,000 would fund site work at the new Food Link facility, including work on the parking lot, retaining wall, and fencing. This project is expected to benefit 3,300 individuals and complies with national objective LMC. Funding is recommended at \$155,000.

## **PLANNING**

**Planners, Department of Planning and Community Development:** This request for \$52,335 to fund a portion of the salary and fringe benefits of Department staff working on CDBG-related activities. Duties and responsibilities involve data gathering and analysis, local and comprehensive planning and zoning, affordable housing studies and implementation. All positions serve under the Director of Planning and Community Development. Funding includes salary plus fringe benefits, which are

reimbursed to the Town. This activity is exempt from meeting a national objective. Funding is recommended at \$52,335.

**Planning Studies, Department of Planning and Community Development:** This request for \$78,000 would fund planning activities to comply with the HUD Rule to Affirmatively Further Fair Housing, including but not limited to hiring a consultant to begin an assessment of fair housing and public outreach related thereto. The Department would also use this funding to update the Town's ADA Self-Evaluation and Transition Plan which would address access to the Town's programming and facilities. This activity is exempt from meeting a national objective. Funding is recommended at \$78,000.

**Annual Town Survey 2019, Envision Arlington:** This request for \$2,000 would continue the annual town Census Insert Survey. Data collected from this survey inform policy-setting for the town and other planning activities. This activity is exempt from meeting a national objective. Funding is recommended at \$2,000.

## **ADMINISTRATION**

**Community Development Block Grant Administrator, Department of Planning and Community Development:** This request for \$84,000 funds the position of Community Development Block Grant Administrator who serves under the Director of Planning and Community Development. The Administrator is responsible for the daily financial and programmatic administration of the CDBG program and overall coordination and management of grant activities. Related costs include salary and reimbursement to the Town for fringe benefits. This activity is exempt from meeting a national objective. Funding is recommended at \$84,000.

**General Administration, Department of Planning and Community Development:** This request for \$15,000 would fund the operating and administrative costs of the CDBG program. This budget item provides for costs of overall program management, coordination, monitoring, training, membership dues, and evaluation. This activity is exempt from meeting a national objective. Funding is recommended at \$15,000.

**WARRANT ARTICLE 51 - ANNUAL TOWN MEETING, APRIL 2019**  
**COMMUNITY DEVELOPMENT BLOCK GRANT - PROGRAM YEAR 45 (7/1/19-6/30/20)**

CDBG Program Activity	Organization/Department	FY 2020 Request	CDBG Subcommittee Recommendation	National Objective
<b>REHABILITATION/ HOUSING</b>				
1 Affordable Housing Portfolio Capital Improvements	Housing Corporation of Arlington	\$ 200,000	\$ 200,000	LMH
2 Solar Panel Installation	Housing Corporation of Arlington	\$ 150,000	\$ 150,000	LMH
3 Home Rehabilitation Loan Program	Arlington Home Rehabilitation Loan Program	\$ 165,000	\$ -	LMH
	<b>Sub-total</b>	<b>\$ 515,000</b>	<b>\$ 350,000</b>	
<b>PUBLIC SERVICES</b>				
4 Scholarship Program	Arlington Boys and Girls Club	\$ 20,000	\$ 19,400	LMC
5 Jobs, Jobs, Jobs Program	Arlington Boys and Girls Club	\$ 5,000	\$ 4,475	LMC
6 Athletic Scholarships	Arlington High School	\$ 8,500	\$ 7,900	LMC
7 Operation Success Learning Center	Arlington Housing Authority	\$ 6,000	\$ 6,000	LMA
8 Mental Health Counseling and Support Services	Arlington Youth Counseling Center (AYCC)	\$ 15,000	\$ 15,000	LMC
9 Adult Day Health Services	Council on Aging	\$ 6,000	\$ 6,000	LMC
10 Transportation Program	Council on Aging	\$ 35,000	\$ 35,000	LMC
11 Volunteer Coordinator	Council on Aging	\$ 52,922	\$ 52,922	LMC
12 Jobs, Jobs, Jobs Program	Fidelity House	\$ 5,000	\$ 4,475	LMC
13 Menotomy Manor Outreach Program	Fidelity House	\$ 20,000	\$ 20,000	LMC
14 Program Scholarships	Recreation Department	\$ 13,000	\$ 12,400	LMC
	<b>Sub-total (FY20 Statutory limit: \$183,575)</b>	<b>\$ 186,422</b>	<b>\$ 183,572</b>	
<b>PUBLIC FACILITIES AND IMPROVEMENTS</b>				
15 Wellington Park ADA-Compliant Trails and Access Project	Conservation Commission+ Dept. of Planning and Community Development	\$ 100,000	\$ 100,000	LMC
16 ADA-Compliance Program - Curb Cut Ramp Project	Arlington Disability Commission + Dept. of Public Works	\$ 140,000	\$ 140,000	LMC
17 Lussiano Playground Reconstruction	Recreation Department	\$ 325,000	\$ 200,000	LMA
18 Site Development	Food Link, Inc.	\$ 175,000	\$ 155,000	LMC
	<b>Sub-total</b>	<b>\$ 740,000</b>	<b>\$ 595,000</b>	
<b>PLANNING</b>				
19 Planners	Dept. of Planning and Community Development	\$ 52,335	\$ 52,335	Exempt
20 Planning Studies	Dept. of Planning and Community Development	\$ 78,000	\$ 78,000	Exempt
21 Annual Town Survey 2019	Envision Arlington	\$ 2,000	\$ 2,000	Exempt
	<b>Sub-total</b>	<b>\$ 132,335</b>	<b>\$ 132,335</b>	
<b>ADMINISTRATION</b>				
22 Grants Administrator (salary + benefits)	Dept. of Planning and Community Development	\$ 84,000	\$ 84,000	Exempt
23 General Administration	Dept. of Planning and Community Development	\$ 15,000	\$ 15,000	Exempt
	<b>Sub-total</b>	<b>\$ 99,000</b>	<b>\$ 99,000</b>	Exempt
	<b>Planning &amp; Administration Sub-total (FY20 Statutory limit: \$232,048)</b>	<b>\$ 231,335</b>	<b>\$ 231,335</b>	
	<b>TOTAL</b>	<b>\$ 1,672,757</b>	<b>\$ 1,359,907</b>	

Estimated CDBG Allocation, Fiscal 2019-2020	\$ 1,100,241
Estimated CDBG Program Income, Fiscal 2019-2020	\$ 60,000
Estimated Re-Programmed CDBG Funds	\$ 200,000
<b>TOTAL Available</b>	<b>\$ 1,360,241</b>
Current CDBG Program Income, Fiscal 2018-19 \$108,260.41 (As of 3/13/2019)	\$ 123,595
Public Services Limit (15% of Total Estimated Funds and Prior Year PI)	\$ 183,575
Planning & Administration Limit (20% of Total Estimated Funds and Current Year PI)	\$ 232,048

Last modified March 20, 2019

**FY2018 REVOLVING FUNDS: EXPENDITURE DETAIL**

Revolving Fund	Amount
<u>Private Ways Repairs:</u>	
Contracted Services	\$ 63,500.00
Total Expenditures	\$ 63,500.00
<u>Public Way Repairs:</u>	
Contracted Services	\$ 10,000.00
Total Expenditures	\$ 10,000.00
<u>Fox Library Community Center Rentals:</u>	
Maintenance	\$ 3,098.97
Total Expenditures	\$ 3,098.97
<u>Robbins House Rentals:</u>	
Personnel	\$ 7,250.00
Supplies	\$ 6,585.22
Maintenance	\$ 4,835.59
Utilities	\$ 10,305.10
Contracted Services	\$ 2,285.00
Total Expenditures	\$ 31,260.91
<u>Conservation Commission Fees:</u>	
Other Expense	\$ -
Total Expenditures	\$ -
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees:</u>	
General Fund Offset (Personnel)	\$ 172,934.00
Contracted Services	\$ 364,529.23
Emergency Vehicle	\$ 246,395.00
Capital Offset	\$ 53,156.00
Total Expenditures	\$ 837,014.23
<u>Board of Health Fees:</u>	
Personnel	\$ 26,739.36
Supplies	\$ 4,737.21
Contracted Services	\$ 42,830.45
Other Expenses	\$ 1,209.52
Total Expenditures	\$ 75,516.54

Revolving Fund	Amount
<u>Field User Fees:</u>	
Contracted Services	\$ 59,840.00
Maintenance	\$ -
Total Expenditures	\$ 59,840.00
<u>Robbins Library Rentals:</u>	
Personnel	\$ 1,612.50
Contracted Services	\$ 1,792.00
Total Expenditures	\$ 3,404.50
<u>Town Hall Rentals:</u>	
Supplies	\$ 12,823.78
Personnel	\$ 42,632.59
Utilities	\$ 14,482.17
Contracted Services	\$ 15,502.59
Total Expenditures	\$ 85,441.13
<u>White Good Recycling Fees:</u>	
Transfer to General Fund	\$ 15,000.00
Equipment and Materials	\$ 3,457.47
Total Expenditures	\$ 18,457.47
<u>Library Vending Fees:</u>	
Supplies	\$ 788.34
Equipment	\$ 2,053.00
Contracted Services	\$ 1,713.33
Total Expenditures	\$ 4,554.67
<u>Gibbs School Energy Fees:</u>	
Utilities	\$ 18,065.45
Total Expenditures	\$ 18,065.45
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees:</u>	
Supplies	\$ -
Contracted Services	\$ 2,815.86
Total Expenditures	\$ 2,815.86

## **REVOLVING FUNDS FOR WARRANT ARTICLE**

Private Way Repairs (3410): Originally established under Article 46, 1992 Annual Town Meeting expenditures not to exceed \$200,000

Beginning Balance, 7/1/17	\$85,766.79
Receipts	37,339.39
Expenditures	63,500.00
Ending Balance, 6/30/18	\$59,606.18

Public Way Repairs (3400): Originally established under Article 45, 1992 Annual Town Meeting expenditures not to exceed \$5,000

Beginning Balance, 7/1/17	\$15,255.06
Receipts	9,460.00
Expenditures	10,000.00
Ending Balance, 6/30/18	\$14,715.06

Fox Library Community Center Rentals (3990): Originally established under Article 49, 1996 Annual Town Meeting expenditures not to exceed \$20,000

Beginning Balance, 7/1/17	\$3,857.44
Receipts	587.00
Expenditures	3,098.97
Ending Balance, 6/30/18	\$1,345.47

Robbins House Rentals (4060): Originally established under Article 77, 1997 Annual Town Meeting expenditures not to exceed \$75,000

Beginning Balance, 7/1/17	\$17,641.31
Receipts	21,485.00
Expenditures	31,260.91
Ending Balance, 6/30/18	\$7,865.40

Conservation Commission Fees (5290): Originally established under Article 44, 1996 Annual Town Meeting expenditures not to exceed \$10,000

Beginning Balance, 7/1/17	\$2,623.07
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/18	\$2,623.07

Uncle Sam Fees (2440): Originally established under Article 31, 2000 Annual Town Meeting expenditures not to exceed \$2,000

Beginning Balance, 7/1/17	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/18	\$1,526.31

## **REVOLVING FUNDS FOR WARRANT ARTICLE**

Life Support Services (Ambulance) Fees (3210): Originally established under Article 37, 2001 Annual Town Meeting  
Expenditures not to exceed \$800,000

Beginning Balance, 7/1/17	\$687,553.37
Receipts	642,968.20
Expenditures	837,014.23
Ending Balance, 6/30/18	\$493,507.34

Board of Health Fees (4120): Originally established under Article 30, 2005 Annual Town Meeting  
expenditures not to exceed \$100,000

Beginning Balance, 7/1/17	\$113,619.09
Receipts	99,039.42
Expenditures	75,516.54
Ending Balance, 6/30/18	\$137,141.97

Field User Fees (5275): Originally established under Article 78, 2004 Annual Town Meeting  
expenditures not to exceed \$80,000

Beginning Balance, 7/1/17	\$48,065.43
Receipts	43,345.10
Expenditures	59,840.00
Ending Balance, 6/30/18	\$31,570.53

Robbins Library Rentals (4250): Originally established under Article 35, 2006 Annual Town Meeting  
expenditures not to exceed \$8,000

Beginning Balance, 7/1/17	\$24,413.70
Receipts	8,399.50
Expenditures	3,404.50
Ending Balance, 6/30/18	\$29,408.70

Town Hall Rentals (4150): Originally established under Article 35, 2006 Annual Town Meeting  
expenditures not to exceed \$100,000

Beginning Balance, 7/1/17	\$86,999.06
Receipts	83,020.48
Expenditures	85,441.13
Ending Balance, 6/30/18	\$84,578.41

White Goods Recycling Fees (3510): Originally established under Article 35, 2006 Annual Town Meeting  
expenditures not to exceed \$80,000

Beginning Balance, 7/1/17	\$59,215.88
Receipts	24,421.61
Expenditures	18,457.47
Ending Balance, 6/30/18	\$65,180.02



## **REVOLVING FUNDS FOR WARRANT ARTICLE**

Library Vending Fees (4220): Originally established under Article 34, 2009 Annual Town Meeting  
expenditures not to exceed \$25,000

Beginning Balance, 7/1/17	\$9,661.33
Receipts	5,961.15
Expenditures	4,554.67
Ending Balance, 6/30/18	\$11,067.81

Gibbs School Energy Fees (2790): Originally established under Article 45, 2010 Annual Town Meeting  
expenditures not to exceed \$120,000

Beginning Balance, 7/1/17	\$26,467.91
Receipts	0.00
Expenditures	18,065.45
Ending Balance, 6/30/18	\$8,402.46

Cemetery Chapel Rentals: Originally established under Article 52, 2011 Annual Town Meeting  
Expenditures not to exceed \$15,000

Beginning Balance, 7/1/17	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/18	\$0.00

Council On Aging Program Fees (3840): Originally established under Article 28, 2013 Annual Town Meeting  
Expenditures not to exceed \$25,000

Beginning Balance, 7/1/17	\$22,263.01
Receipts	9,709.00
Expenditures	2,815.86
Ending Balance, 6/30/18	\$29,156.15

## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN., CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 15, 2019

Dear Registered Voter:

The Select Board will meet on Monday, March 25th at 7:15 p.m. to discuss the Warrant Article petition that you signed. The meeting will take place in the Select Board Chambers, Town Hall, 2nd Floor.

Article 40	Vote/Robbins Library Parking Costs (tabled from 2/11/2019 meeting)
Article 79	Resolution/Overnight Parking Exemption Program for Medical and Financial Hardships (tabled from 2/11/2019 meeting)

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

Thank you.

Very truly yours,  
SELECT BOARD

A handwritten signature in black ink that reads "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:fr

Vote/Robbins Library Parking Costs

Andrew Fischer  
25 Lombard Road  
Arlington, MA 02476

Gwen Chasan  
36 Addison Street  
Arlington, MA 02476

Patti Demont  
28 Forest Street  
Arlington, MA 02476

William Hartigan Jr.  
31 College Avenue  
Arlington, MA 02474

Ira Kuznick  
108 Decatur Street  
Arlington, MA 02474

Edward McDonald  
30 Whittemore Street  
Arlington, MA 02474

Margaret Mitropoulos  
15 Jean Road  
Arlington, MA 02474

Robert Radochia  
45 Columbia Road  
Arlington, MA 02474

Katherine Snowden  
26 Norfolk Road  
Arlington, MA 02476

Ryland Tinsley  
59 Bartlett Avenue  
Arlington, MA 02476

Resolution/Overnight Parking  
Exemption Program for Medical and  
Financial Hardship

Laura Kiesel  
260 Massachusetts Avenue #9  
Arlington, MA 02474

Ellen Aikenhead  
54 Brantwood Road  
Arlington, MA 02476

Robin Bergman  
320 Park Avenue  
Arlington, MA 02476

William Berkowitz  
12 Pelham Terrace  
Arlington, MA 02476

Lynette Culverhouse  
24 Draper Avenue  
Arlington, MA 02474

James Gomes  
77 Fountain Road  
Arlington, MA 02476

Marjorie Howard  
150 Washington Street  
Arlington, MA 02474

Kaspar Kasparian  
285 Renfrew Street  
Arlington, MA 02476

Mary Kowalczyk  
15 Lafayette Street  
Arlington, MA 02474

Adam MacNeill  
19 Melrose Street  
Arlington, MA 02474



## Town of Arlington, Massachusetts

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### Articles for Review:

#### Summary:

Article 27 Bylaw Amendment/Time Limit for Town Meeting Speakers  
Article 30 Bylaw Amendment/Waterline Replacement  
Article 34 Bylaw Amendment/Regulation of Outdoor Lighting-Dark Skies Bylaw  
Article 35 Bylaw Amendment/Short-Term Rental Regulations  
Article 41 Vote/Arlington Redevelopment Board Membership and Terms  
Article 53 Endorsement of Parking Benefit District Expenditures  
Article 78 Resolution/Indigenous Peoples' Day

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	3.25.19_meeting.docx	Draft Final Votes & Comments



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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

**MEMORANDUM**

TO: Select Board

FROM: Douglas W. Heim

DATE: March 21, 2019

RE: **Votes and Comments for Articles: 27, 30, 34, 35, 41, 53, and 78**

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I write to provide the Board the following as draft Votes and Comments for your consideration at Monday's Select Board meeting regarding the previously heard, above-referenced warrant articles. I note that where existing bylaw provisions are amended by a vote, underlined text signifies new or additional wording, while strikethrough text signifies words and clauses to be eliminated.

**ARTICLE 27**

**BYLAW AMENDMENT/TOWN MEETING  
SPEAKING TIMES**

**VOTED:** That Title I, Article 1 (Town Meetings), Section 7(C) "Time Limits" be and hereby is amended by striking the word "seven" in the first paragraph and replacing it with "five;" and further striking the word "five" in the second paragraph and replacing it with the word "three," so as to read as follows:



### C. Time Limits

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than ~~seven~~ five minutes, unless, prior to beginning his or her presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than ~~five~~ three minutes.

(4 –1) Mr. Hurd voted in the negative.

**COMMENT:** The Select Board acknowledges and respects that the main motion belongs to the Town Meeting Procedures Committee, which urges a vote of no action on the instant article. The majority of the Board respectfully disagrees with such position and requests Town Meeting’s support for a substitute motion to the effect of the foregoing. In brief, the Select Board believes that reducing default Town Meeting speaking time limits will not only improve the efficiency of the proceedings, but encourage more residents to seek office and participate. Further, the Select Board is confident that the Moderator and Meeting members will grant extensions of time for constructive comments and questions on worthy subjects.

## ARTICLE 30

## BYLAW AMENDMENT/WATERLINE REPLACEMENT

**VOTED:** That the Town does and hereby Amends Title VI of the Town Bylaws (“Building Regulations”) to add a new Article 10 “Waterline Inspection & Replacement”

### ARTICLE 10: WATERLINE INSPECTION & REPLACEMENT

#### Section 1: Purpose

The purpose of this bylaw is to prevent the loss of Town water due to degraded and/or damaged privately owned waterlines which connect residential, commercial, and industrial premises to Town owned water mains. The loss of water through seepage wastes natural resources and increases the water service costs borne collectively by the Town and its residents.

#### Section 2: Waterline Inspection and Working Order Compliance

- A. No person shall cause or permit the transfer of any residential, commercial or industrial real property served by Town water mains without first obtaining from the Town Engineer a certificate of compliance that such premises are properly connected to the Town water main at the curbstop valve and there are no conditions with allow for loss of water between the curbstop valve and the connection to homes

or commercial or industrial buildings, except this bylaw shall not apply to those properties outlined in Section 4 below.

- B. Any person intending to transfer real property served by Town water mains shall request a certificate of compliance from the Town Engineer as part of the lien certificate application process, providing the Town Engineer a report from a licensed plumber or drainlayer (or other professional licensed to inspect and install water or sewer connections deemed appropriate by the Town Engineer) that demonstrates the good and working order the waterline connecting to the Town curbstop valve.

Properties not subject to the lien certificate process are also required to obtain a certificate of compliance from the Town Engineer on the substantially same terms set forth in this section, but need only obtain the certificate of compliance for their records.

- C. The Town Engineer shall issue a certificate of compliance or a determination of non-compliance within 14 days of receipt of the report required by Section 2(b) of this bylaw. The Town Engineer may conduct a Town inspection of the waterline if the Engineer determines further examination is necessary.
- D. Non-compliant waterlines in need of replacement or major repair shall also replace any existing lead connections regardless of the condition of such connections.

### Section 3. Escrow Alternative for Non-compliant Properties

- A. Any person who wishes to transfer real property subject to this bylaw which has been determined to be non-compliant by the Town Engineer may alternatively hold in escrow an amount sufficient to cover the costs of the water line repair or replacement necessary to bring the property into compliance. To do so, a non-compliant transferor must file with the lien certificate application a statement from the real estate closing agent that 110% of the cost of repair or replacement shall be held in an escrow account until the Town issues a certificate of compliance.
- B. The escrow amount shall be based upon a detailed estimate by a licensed plumber or drainlayer, or other professional licensed to inspect and install water or sewer connections deemed appropriate by the Town Engineer.

### Section 4 Applicability

- A. This bylaw shall apply to transfer of real property regardless of the price paid for such transfer, except that it shall not apply to the transfer of real estate between

immediately family members, including, but not limited to spouses for nominal consideration.

- B. This bylaw shall not apply to newly constructed buildings, buildings erected within 20 years of the date of the property transfer, or any property in which owners can demonstrate to the Town Engineer that the waterline has been replaced within the last 20 years unless the Town can establish evidence of leaking or otherwise damaged pipes.

## **Section 5. Penalties**

In addition to liabilities for transfer of real estate without lien certification compliance, persons found in violation of this bylaw shall be subject to a fine of \$300 for each day of non-compliance from the date of the sale or transfer of subject real property until waterlines are certified as compliant by the Town Engineer.

## **Section 6. Rules and Regulations**

The Select Board shall promulgate rules and regulations necessary for the implementation and enforcement of this bylaw.

(4 – 1) Mr. Hurd voted in the negative.

**COMMENT:** The majority of the Select Board supports the establishment of a new bylaw to ensure that privately-owned corroded waterlines connecting buildings to Town-owned water mains (at the curbstop valve) are not leaching water through badly cracked and rusted pipes, and therefore both wasting a natural resources and increasing water costs for the Town and its residents.

The Board is sensitive to concerns about costs, and recommends this action in part because it is triggered only by the transfer of real estate and structured to flexibly provide for replacement of waterlines with the proceeds from a home sale if necessary. Further, the Board is informed by the Director of Public Works that costs of inspection of waterlines should be modest for the majority of residents and business owners because licensed plumbers and drainlayers will be able to quickly identify copper waterlines far less likely to pose any problem. The pipes that will require greater inspection meanwhile are those which are mostly likely to require service. Finally, absent evidence of leaks, the bylaw shall not apply to buildings which were newly erected or replaced waterlines within the last 20 years.

## **ARTICLE 34**

## **BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING – DARK SKIES BYLAW**

*\*Revised*

**VOTED:** That Title V, Article 14 (Regulation of Outdoor Lighting) of the Town Bylaws be and hereby is amended as follows:

## Section 1. Introduction

It is the intention of this by-law to regulate the use of outdoor lighting so as to reduce or eliminate light pollution (artificial light which causes a detrimental effect on the environment, interferes with the enjoyment of the night sky, causes undesirable glare, or unnecessary illumination of adjacent properties), and to conserve energy and resources to the greatest extent possible not unduly inconvenience and/or disturb residential abutters by having outdoor lighting shining directly into their windows or onto their properties, or by creating observable and unreasonable glare shining into their windows or onto their properties. This by-law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or residential property owner with the Town.

## Section 2. Definitions

- A. A “luminaire” shall be defined as a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

A luminaire shall be considered shielded if it is constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the luminaire.

## Section ~~3~~2. Regulation

- A. All outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational facilities shall be appropriately continuous, indirect, and installed and/or shielded in a manner that shall prevent unreasonably bright light from shining onto or upon any street and/or nearby ~~residential~~ property whether directly or by creating unreasonably bright glare.
- B. The use of mercury vapor, high pressure sodium, and metal halide bulbs is prohibited within the Town of Arlington.
- C. Any lighting, affixed to a utility pole or placed on town property, on the public right-of-way or easement, in which the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement, shall be subject to a permit by the Select Board. In granting the permit, the Select Board shall establish that the permitted lighting fixture conforms to all provisions of this by-law.

**D. Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, a building façade, or a public monument. For any up-lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.**

**B- E. The following lighting shall be exempt from the provisions of this by-law:**

- i. Temporary holiday lighting.**
- ii. Internally illuminated signs.**
- iii. Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer- term emergency lighting shall, to the largest extent possible, take into consideration the detrimental effects of glare on passing motorists and pedestrians and on residential lots.**
- iv. Lighting during special events such as fairs, concerts, or celebrations sponsored by the Town of Arlington or approved by the Select Board;**
- v. Lighting on playing fields and courts under the jurisdiction of the Town of Arlington;**
- vi. Lighting of historic or architectural significance exempted by a vote of the Arlington Historical Commission.**

**~~E. Lighting installed prior to the enactment of this by-law, as amended, shall be exempt from the provisions of this by-law until April 15, 2015.~~**

### **Section ~~43~~. Enforcement**

**Enforcement of this by-law shall be under the authority of the Building Inspector.**

- A. For any and all lighting in violation of this by-law, in which the luminaire is owned, leased, or maintained by an electric utility, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law with the utility subject to the penalties set forth in the by-law.**
- B. For any lighting that fails to conform to the terms and conditions of permit provisions of this by-law, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.**
- C. For any lighting that uses mercury vapor, high pressure sodium, or metal halide bulbs, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.**

- D. For any other instances, upon receiving a complaint in writing, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.**

~~Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.~~

#### **Section 54. Fines & Fees Schedule**

- A. First offense: A written warning stating a property owner/~~resident~~ or utility is in violation: Ten (10) days to meet compliance.**
- B. Second offense: \$25.00 Fine. Five (5) days to meet compliance.**
- C. Third offense and \$50.00 Fine. Five (5) days to meet compliance before each subsequent offense another ~~\$50.00~~ \$100.00 fine issues.**

**(5 – 0)**

**COMMENT:** Article 8 of the 2014 Annual Town Meeting adopted the first set of comprehensive changes to the Town’s regulation of Outdoor Lighting. However, over the past four years, the scope of those changes has been insufficient to address resident concerns regarding the impact of lighting and glare on quality of life. In particular, commercial light sources using outdated lighting technologies pose significant nuisances. The proposed revisions to the Outdoor Lighting bylaw (based upon the International “Dark Skies” Association’s model ordinance) will incentivize commercial lighting sources, especially utilities such as Eversource, to switch to modern LED lighting. It will also create a permit system for lights placed on the right-of-way by private entities.

The Board notes that many local businesses have already switched over entirely to LED lighting. Further, the exceptions maintained within Section 3.E., above otherwise address many common concerns about specific scenarios for the availability of non-LED residential or commercial lighting and up-lighting.



## ARTICLE 35

## BYLAW AMENDMENT/SHORT-TERM RENTAL REGULATIONS

**VOTED:** The Town Bylaws be and herby are amended to add a new section 18 to Article V (“Regulation of the Use of Private Property”) to provide for regulation of short-term rentals as follows:

### ARTICLE 18: SHORT TERM RENTALS

#### Section 1. Purpose

The purposes of this bylaw are to:

- A. provide a process through which certain residential premises and rooms within same not otherwise regulated and licensed as lodging houses or bed and breakfasts may be registered with the Town of Arlington for use as “short-term rentals”;
- B. ensure relevant health and safety standards are met at short-term rentals; and
- C. provide for orderly operation of short-term rentals within the Town’s residential neighborhoods as assess the community impacts of such rentals.

#### Section 2. Definitions

“Short Term Rental” – an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:

- (i) at least 1 room or unit is rented to an occupant or sub-occupant; and
- (ii) all accommodations are reserved in advance;

provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

“Operator” – a person operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.

#### Section 3. Applicability & Prohibitions

- A. No residential premises may be used as a short-term rental except those in compliance with this bylaw.

**B. The following residential housing units are ineligible from being used as short-term rentals:**

- 1. Residential premises designated as affordable or otherwise income-restricted, which are subject to the affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law;**
- 2. Residential Units that are the subject of 3 or more findings of violations of this section within a six-month period, or 3 or more violations of any town bylaw or regulation or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period.**

**Section 4. Registration, Certifications and Fees**

**A. Registration Process.**

**An Operator of short-term rental shall register with the Office of the Select Board to be listed on the Short-Term Rental Registry, providing all information required by this bylaw and the Office of the Board, certifications required in this section, and the registration fee.**

**Registration shall be valid for a one-year term, from January 1 through December 31 of each year or for such alternative twelve-month period as determined by the Board.**

**B. Required Information**

**At a minimum, an Operator shall provide the following:**

**Operator name, address of each short-term rental unit or units, the number of bedrooms within each unit, Operator's relationship to the unit (i.e. owner, professional manager, tenant, etc.), whether Residential Unit being offered is within a an owner-occupied home, condo, apartment, or two or three family home, and an authorized local agent able to act on behalf of the Operator in their event of their absence.**

**C. The Operator shall also certify that the short-term rental complies with the all of the following:**

- 1. The State Sanitary Code;**
- 2. Food Safe certification (if serving meals);**
- 3. The Arlington Health Code;**
- 4. Fire and carbon monoxide alarm requirements;**
- 5. Fire escape route requirements;**
- 6. The Building Code, including holding a valid certificate of occupancy; and**

7. The Arlington Zoning Bylaw

D. Fees

Units shall be annually recorded in the Short-Term Rental Registry for a fee of \$25.00 per bedroom, per unit.

Section 5. Complaints, Enforcement, and Violations

A. Complaints

A complaint alleging that a short-term rental is in violation of this bylaw or any applicable law, code, or regulation may be filed with Select Board. The complaint must contain the Residential Unit's address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.

B. Review of Complaint.

Within thirty (30) days after receipt of a complaint, the Select Board shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Select Board shall not make a determination of a violation under any bylaw, regulation or law vested within another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw.

Upon a finding of a potential violation, the Select Board, or its designee shall serve notice of the violation upon the Operator of the short-term rental at issue, if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

C. Right to Hearing.

A person upon whom a notice of violation has been served under this bylaw may request a hearing from Select Board by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Board shall render a decision within a reasonable time after the close of hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Board issues its decision.

D. Violations, Suspensions and Fines.

1. Any person who offers a residential premises or units as a short-term rentals, where such premises unit is not an eligible Residential Unit, or offers otherwise eligible premises but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per

**violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.**

2. **Short-Term Rentals found to be in violation of this bylaw, or which are found to have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders, or other requirements, laws or regulations that prohibit operation of the premises as a short-term rental shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.**

#### **Section 6. Room Occupancy Excise and Community Impact Fees**

**Short-term rentals subject to the provisions of this bylaw are subject to the Room Occupancy Excise under G.L. c. 64G and short-term rental community impact surcharge. Operators shall comply with the provisions of said statutes and are responsible for ensuring proper payment to the Commonwealth and the Town of Arlington.**

(5 – 0)

**COMMENT:** The Select Board unanimously endorses this article to seize upon the local regulation authority afforded to municipalities by “An Act Regulating and Insuring Short-Term Rentals.” While the number of short-term rentals in Arlington is modest (less than 100), registering such establishments and requiring basic health and safety inspections can serve to both reduce negative community impacts associated with short-term rentals, and ensure the quality, safe experiences for renters. The proposed bylaw also provides a formal process for examining complaints about common issues raised by short-term rental activity.

#### **ARTICLE 41**

#### **VOTE/ARLINGTON REDEVELOPMENT BOARD MEMBERSHIP AND TERMS**

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

(4 – 1) Mr. Hurd voted in the negative.

**COMMENT:** The majority of the Select Board respectively recommends a vote of no action on this resident petition article to convert the Arlington Redevelopment Board from an appointed to an elected body. Foremost, the Board does not believe such a conversion will achieve the article’s intended effect of making the ARB more accountable or responsive by rendering it an elected, and therefore a *more political* body. Indeed the Board is concerned that the instead of doing more to attract the architects and skilled professionals which populate the

ARB now, the campaign process will dissuade otherwise interested residents from seeking seats on such board.

**ARTICLE 53                      ENDORSEMENT      OF      PARKING      BENEFIT      DISTRICT  
EXPENDITURES**

**VOTED:** That the Select Board approves the operating and capital expenditures proposed by the Town Manager and Parking Implementation Governance Committee, and recommends Town Meeting's endorsement of the votes of the Finance and Capital Planning Committee's respectively.

**(5-0)**

**COMMENT:** Pursuant to Title I, Article 11 of the Town Bylaws, “Parking Benefit District Expenditures,” proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Town Manager and the Parking Implementation Governance Committee (“PICG”) before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. The Select Board approves the Manager and PICG’s proposal to the Capital Planning and Finance Committees and urges Town Meeting’s support as well.

## ARTICLE 78 RESOLUTION/INDIGENOUS PEOPLES' DAY

**VOTED:** That no action be taken on this article.

**(5-0)**

**COMMENT:** Having been advised by the proponent of this article – Arlington Human Rights Commission – that said Commission intends to pursue this matter in the future with the benefit of further study and preparation, the Select Board respectfully requests Town take no action on this article.



## Town of Arlington, Massachusetts

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### Town of Arlington Comments re Better Bus Project Proposals

#### Summary:

Adam W. Chapdelaine, Town Manager

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CR_Arlington_Comments_RE_Better_Bus_Project_Proposals_signed.pdf	Letter to S. Poftak, General Manager, MBTA





## **Town of Arlington**

Adam W. Chapdelaine  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3090

March 12, 2019

Steve Poftak  
General Manager  
Massachusetts Bay Transportation Authority  
10 Park Plaza, Suite 5610  
Boston, MA 02116

Re: Better Bus Project Proposals – Comments from the Town of Arlington

Dear Mr. Poftak:

Thank you for this opportunity to comment on the MBTA's proposals to update and modernize existing bus routes. The Town of Arlington supports the goals of the Better Bus Project to provide better bus service and improve the experience of all people who rides buses in the Boston Region, and applauds the efforts by the MBTA to take bold steps to bring the bus system up to date.

Specifically, we would like to comment on the proposals for the following bus routes:

- Route 95 proposal to provide new service to Arlington Center:
  - The Town fully supports this new service to Arlington Center and the creation of a new public transportation option for residents to access Sullivan Square.
- Route 350 proposal in Burlington to shift service from Burlington Mall to Northwest Park:
  - The Town supports this service adjustment to provide access to another office/retail destination for residents, although it may increase wait times slightly.
- Route 89 proposal to remove service to Clarendon Hill:
  - In general, the Town supports service adjustments that provide more frequent and reliable service for riders; we understand that this adjustment could double the frequency of the route between Davis Square and Sullivan Square. However, this change would affect an environmental justice population and the route is already going to be negatively impacted by the closure of the Broadway Bridge at Ball Square due to the construction of the Green Line Extension. Therefore, we support the City of Somerville in requesting a more careful public process for this route proposal and a delay of any changes to the route until the bridge is reopened in 2020.

The Town is pleased to be a partner with the MBTA in improving bus service in the region, as proven through our successful Bus Rapid Transit (BRT) Pilot in fall 2018 for Routes 77, 79, and 350. The Arlington Select Board recently approved making the dedicated bus lane

that we piloted permanent. The Town stands ready to continue to partner with the MBTA on future projects to improve street and signal designs to make the bus experience more reliable and attractive to residents, businesses, and visitors.

Through this partnership, we also hope that the quality and reliability of bus service in Arlington can be addressed; residents frequently experience dropped service, delayed buses, and bus bunching issues, especially for Route 77, a Key Bus Route. The Route Profile for Route 77 noted that missed trips are a major problem and trips regularly exceed their scheduled running times. Other bus routes including the 67, 79, and 350 suffer from similar issues. We encourage the MBTA to continue to work on the operational issues that contribute to poor or reduced service with all the bus routes in the system, including those that traverse Arlington.

We look forward to hearing about the outcome of this process to improve bus service in the region. Should you have questions about these comments, please contact Daniel Amstutz, Senior Transportation Planner, at [damstutz@town.arlington.ma.us](mailto:damstutz@town.arlington.ma.us) or at 781-316-3093.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Adam W. Chapdelaine', written in a cursive style.

Adam W. Chapdelaine  
Town Manager

Cc: Dan Dunn, Chair, Select Board  
Wesley Edwards, Assistant General Manager, MBTA



## **Town of Arlington, Massachusetts**

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### **Request for Traffic Calming on Herbert Road at the Entrance to Magnolia Park**

#### **Summary:**

Ceilidh Yurenka, 68 Fremont Street and Sharon Jacobson, 72 Magnolia Street on behalf of Magnolia Park Parents and Neighbors

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	CR_Petition.pdf	Reference

## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
CLARISSA ROWE



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 19, 2019

Ceildh Yurenka  
68 Fremont Street  
Arlington, MA 02474

Dear Ms. Yurenka:

We are in receipt of your petition in which you discuss the need for traffic calming on Herbert Road at the entrance to Magnolia Park.

Thank you for writing to the Select Board. Your petition will appear on the March 25<sup>th</sup> Select Board Agenda under "Correspondence Received". Although it is not necessary for you to attend the meeting, you may do so if you are so inclined.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,  
SELECT BOARD

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

Marie A. Krepelka  
Board Administrator

MAK:ls

## OFFICE OF THE SELECT BOARD

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
JOSEPH A. CURRO, JR.  
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730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 19, 2019

Sharon Jacobson  
72 Magnolia Street  
Arlington, MA 02474

Dear Ms. Jacobson:

We are in receipt of your petition in which you discuss the need for traffic calming on Herbert Road at the entrance to Magnolia Park.

Thank you for writing to the Select Board. Your petition will appear on the March 25<sup>th</sup> Select Board Agenda under "Correspondence Received". Although it is not necessary for you to attend the meeting, you may do so if you are so inclined.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,  
SELECT BOARD

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

Marie A. Krepelka  
Board Administrator

MAK:ls

RECEIVED  
SELECTMEN'S OFFICE  
ARLINGTON, MA 02476

2019 MAR 18 PM 1:35

December 6, 2018

To the Arlington Board of Selectmen,

We are writing out of concern about the speed at which cars drive down Herbert Road in front of the entrance to Magnolia Park in East Arlington. We have witnessed many cars driving at unsafe speeds, despite the painted crosswalk. Herbert Road runs parallel to Massachusetts Avenue, and during morning and afternoon rush hour we imagine many commuters are using Herbert Road as a substitute for Mass Ave.

The recently renovated Magnolia Park is quite popular and is frequented by many children on a daily basis. Casa Esme Nursery School brings their toddler and preschool-aged students to Magnolia Park daily. Herbert Road is also along the route that many children walk each morning and afternoon on their way to and from Hardy Elementary school, located a few blocks away.

As much as we try to teach safe street crossing skills, children can be very unpredictable and are often distracted when crossing the street. Additionally, during the summer when the playground is most used, there are frequently school buses bringing soccer teams to play at Magnolia Field and the adjacent Thorndike Field. The buses will park temporarily on the side of Herbert Rd, which greatly reduces the visibility for drivers. The buses block the view of a child getting near a crosswalk, and for cars that are not driving slowly, this causes a lot of slamming on the brakes as well as honking.

As the enclosed petition will attest, there are many of us in the neighborhood who are respectfully requesting the addition of a speed bump/table/raised crossing to the intersection of Magnolia Street and Herbert Road. Keeping in mind the news of several injuries and fatalities of grown adults while in a crosswalk in Arlington in recent years, we hope you will consider this request to be in the best interest in the safety of our children.

Thank you for your consideration,



Ceilidh Yurenka, 68 Fremont Road,


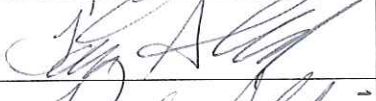




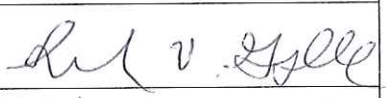
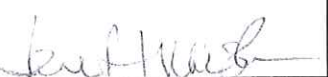
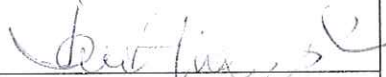
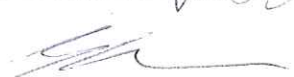
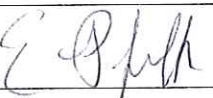





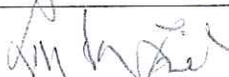
Sharon Jacobson, 72 Magnolia Street

On behalf of many other Magnolia Park Parents and Neighbors



## Petition for Increasing Street Safety

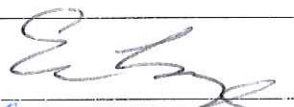
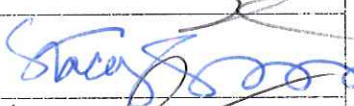
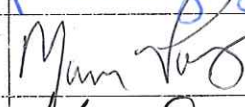
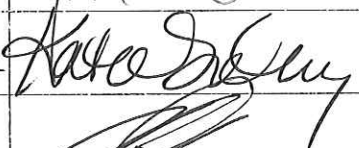

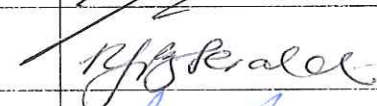

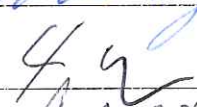
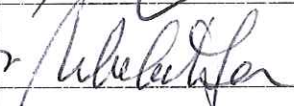
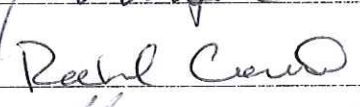
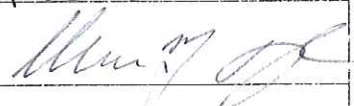
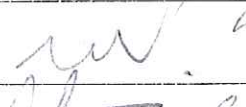
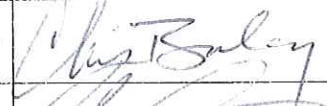

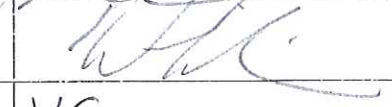

We, the undersigned, are concerned citizens who <sup>wish</sup> the Board of Selectmen to act now to create a speed bump/table/raised crossing at the intersection of Magnolia Street and Herbert Road in East Arlington. We hope you will consider this to be in the best interest of the community and our children.

	Date	Printed Name	Street Address	Signature
1.	12/6/18	Allison Holt	27 LAKE ST., ARLINGTON	
2.	12/6/18	Tara Ahmed	11 Lakehill Ave.	
3.	12/6/18	PAUL SWOBODA	16 CHANDLER STREET	
4.	12/6/18	Anne Coleman	12 Pondview Rd	
5.	12/6/18	Kelly Bennett	17 Magnolia St	
6.	12/6/18	Sheherazade <sup>Freese</sup>	119 Lake St.	
7.	12/6/18	Sarah Gouper	120 VARNUM ST.	
8.	12/7/18		96 Bay State Rd	
9.	12/7/18	Ellen Robie	77 Trumbidge St	
10.	12/7/18	Ellen Pfiffer	29 Magnolia St	
11.	12/7/18	Marissa Leone	38 Teak St	
12.	12/7/18	Neil Bomberger	12 Pondview Rd	
13.	12/7/18	Marnie Weinberg	25 Linwood St. #1	
14.	12/10/18	Melissa Simmons	48 Elliot Rd	
15.	12/10/18	Chia-Pei Chen	122 Thordike St.	
16.	12/10/18	Linda Friedman	5 Littlejohn St.	

# Petition for Increasing Street Safety

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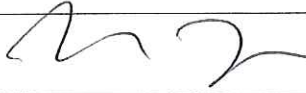


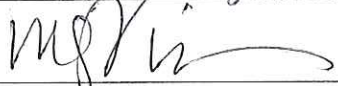


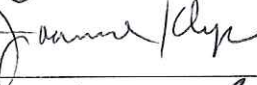

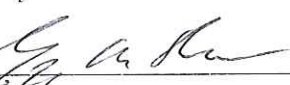
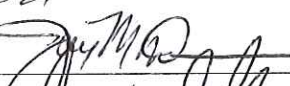

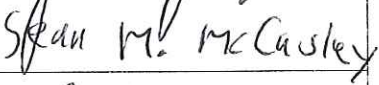


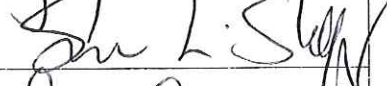

We, the undersigned, are concerned citizens who want the Board of Selectmen to act now to create a speed bump/table/raised crossing at the intersection of Magnolia Street and Herbert Road in East Arlington. We hope you will consider this to be in the best interest of the community and our children.

Date	Printed Name	Street Address	Signature
12/10/18	Enn Lackey	96 Lake St, Unit 2 Arlington, MA 02474	
12/13/18	Stacey Sobash	16 Chandler Street Arlington, MA 02474	
12/13/18	Maura Powers	43 Margaret St Arlington	
12/15/18	Katie Tremblay	25 Elder Tennace Arlington	
12/15/18	Josh Weinberg	25 Linwood St #12 Arlington, MA	
12/15/18	Roslyn Fitzgerald	16 Windsor St Arlington, MA	
12/20/18	Lilly Raposa	45 Churchill Ave	
12/20/18	Fred Robie	77 Tremblay St	
1/10/19	Rebekah Lea	5 Swan St Arlington	
1/13/19	Rachel Croutha	96 Gardner St Arlington	
1/17/19	Sharon Taylor	70 Magnolia St Arlington	
1/17/19	Margaret Sullivan	9 Cottage St Arlington	
1/17/19	CHRIS BAILEY	19 WHITTEMORE ST	
1/17/19	Sarah Smith	91 Bay State Rd	
1/17/19	Margaret Litch	8 Windsor St	
3/11/19	Valerie Conway		



## Petition for Increasing Street Safety


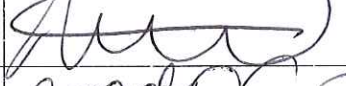


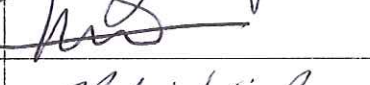
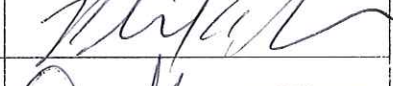
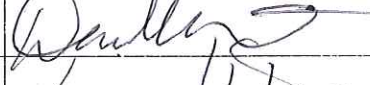





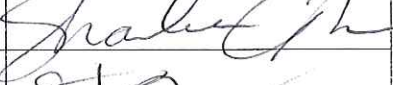
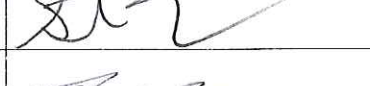
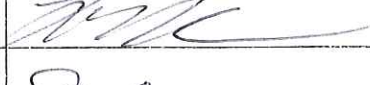

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Date	Printed Name	Street Address	Signature
1/16/19	MARC JACOBSON	72 Magnolia St. Arlington, MA	
1/16/19	David Dreyfus	160 Jason St Arlington, MA 02476	
1/16/19	Melissa Berczak	40 Teel St Arlington MA 02474	
1/16/19	Maryglenn Vincens	438 Mass. Ave Arlington 02474	
1/16/19	DANA OZIK	28A PARK ST. ARLINGTON 02474	
2/4/19	ATSUKO ISO	48 Magnolia St. Arlington, MA	
2/10/19	JOANNE KLYS	990 Massachusetts Ave #200 Arlington, MA	
2/10/19	Marie Meteer	14 Branford Rd Arlington MA 02476	
2/10/19	Grey Rucci	93 Highland Rd Arlington MA 02476	
2/10/19	Jay Doyle	61 Crescent Hill Ave Arlington, MA	
2/10/19	James Jolley	200 Park Ave Arlington, MA	
2/10	Sean McCauley	1184 MASS AVE	
2/10	Scott Lever (Tmm)	81 Kensington Park	
2/10	Jill Ferec	81 Kensington PK	
2/10	Sue Shuff	26 Kensington PK	
2/10/19	David Desjardins	23 Colonial Drive ARLINGTON	

Deaf  
man →

## Petition for Increasing Street Safety

We, the undersigned, are concerned citizens who want the Board of Selectmen to act now to create a speed bump/table/raised crossing at the intersection of Magnolia Street and Herbert Road in East Arlington. We hope you will consider this to be in the best interest of the community and our children.

Date	Printed Name	Street Address	Signature
3.10.19	Betsy Carlton Gysin	268 Broadway	
3.10.19	DAVID POTERRE	119 LAKE	
3.10.19	Carolyn C. Carlson	48 Crosby St.	
3.10.19	Amy Speare	118 Ridge St	
3/10/19	Michael Rie	19 Frost St. 02474	
3/10/19	Philip Speare	118 Ridge St.	
3/10/19	Diane Desjardins	85 Newport St	
3/10/19	LEAH DAVIS	54 Academy St	
3/10/19	John A Shriver	23 Bailey Rd	
3/10/19	Benifer Bosco	4 Swan St., Arl.	
3/10/19	Marisa Silver	27 Rockmont Rd.	
3/10/19	DAVID KLINGBERG	4 Rhineland St.	
3/10/19	Shaileen Pokress	51 Crosby St.	
"	Steve Kropp	170 SUMMER.	
3/11/19	Lauren Killam	15 Eliot Rd.	
3/11/19	Sharon O'Connell	East Huron Road	



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Date	Printed Name	Street Address	Signature
2/10/19	Lauren S. Cosgrove	98 Oakland Ave	Lauren Cosgrove
2/10/19	Mette Amort	64 Gratten St	Mette Amort
2/16/19	Alham Saadat	62 Magnolia St	Alham Saadat
3/9/19	William Gardinal	11 Newbury Rocks Rd	William J. Gardinal
3/11/19	Aaron Kitzler	148 Hillside Av	A. Kitzler
3/10/19	Wendy Fields	175 Overlook Rd	Wendy Fields
3/10/19	Kate Tranguada	108 Park Ave Ext 02474	Kate Tranguada
3/10/19	Kathleen Greene	194 Westminster Ave Arlington MA 02474	Kathleen Greene
3/10/19	Walter Greene	194 Westminster Ave.	Walter Greene
3/10/2019	Anthony Fernandez	153 Medford Street #2	Anthony Fernandez
3/10/2019	Barbara Tosti	1 Watermill Pl. Unit 419	Barbara Tosti
3/10/19	Juliet Wendel	16 Adams St.	Juliet Wendel
3-10-19	Jim Wendelke	60 Broadway 02474 Arlington, MA	Jim Wendelke
3/10/19	Bradford Elmer	60 Randolph st #2 Arlington MA	Bradford Elmer
3/10/19	Sylvia Elmer	11	Sylvia Elmer
5/11/19	Chris Bennett	17 Magnolia St 02474	Chris Bennett

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Date	Printed Name	Street Address	Signature
3/11	Laurent Gauthier	122 thornlike	Laurent
3/11	Kate Leary	39 Milton St.	Kate Leary
3/11	Daniel Jalkot	17 Randolph St.	Daniel Jalkot
3/11	HEATHER HOGAN	438 MASS AVE, #142	Heather Hogan
3/11	ROSLYN FITZGERALD	16 Winter St	Roslyn Fitzgerald
3/11	Will Rury	35 Lakehill Ave	Will Rury
3/14	Ashir Mahmood	9/11 Milton St	Ashir Mahmood
3/14	Scott McClure	27 BOULEVARD RD	Scott McClure
3/14	Marta Bates	43 Chandler	Marta Bates
3/14	AMRIT PILO	43 EBERTON RD	Amrit Pilot
3/14	Matt Gager	28 Trowbridge	Matt Gager
3/14	Alban Chevignard	125 Pleasant St	Alban Chevignard
3/15	Esther Lin	46 Magnolia St	Esther Lin
3/15	Ralisha Kuber	96 Chandler St	Ralisha Kuber
3/15	JENNA BELTRAM	20 MAGNOLIA ST, #3	Jenna Beltram
3/15	Marcus Phelan		135 thornlike St.





## Town of Arlington, Massachusetts

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### Request Changes to Parking and Traffic Direction on Bartlett Avenue

#### Summary:

Steven Krausman via Request/Answer Center

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CR_Bartlett_Ave.pdf	Reference

# Service Request Work Order # \_\_\_\_\_

Requested: ☐

Routine Maintenance: ☐

Emergency: ☐

<b>Address 1</b> <b>Address 2</b> <b>City</b> <b>State/Province</b> <b>Zip/Postal Code</b>		<b>Reference No:</b> W106769-030919 <b>Request Status:</b> Initiated <b>Service Request Type:</b> Ask a Question <b>Priority:</b> Medium <b>Assigned To:</b> 1 BOSadmin <b>Email:</b> skrausman@gmail.com <b>Name:</b> Steven Krausman <b>Phone:</b> <b>Address:</b> 38 Bartlett Av. <b>City:</b> Arlington <b>State/Province:</b> MA <b>Zip/Postal Code:</b> 02476 <b>Create Date:</b> 3/9/2019 11:46:29 AM <b>Update Date:</b> 3/9/2019 11:46:31 AM <b>Source:</b> Web
<b>Category</b> <b>Sub Category</b> <b>Subject</b>	Board of Selectmen Meeting-Agenda Traffic on Bartlett Ave	
<b>Provide details here</b>	Due to the increase number of cars on Bartlett Ave since the addition of Whole Foods, I believe that Bartlett Ave should either be a one-way street or have parking only on one side of the street. The street is usually lined with cars parked on both sides from Mass Ave to Windermere Street. This creates a very narrow corridor for cars traveling in both directions to pass. I live on Bartlett Ave and I have encountered tight squeezes and angry driver on this road due to the congestion. On snow days , the corridor for the cars to pass becomes even smaller. This is a public safety issue that needs to be addressed.	

## Employee Responsibility

**Note:** All requests will remain "Open" until you return this form.

Action Taken:	Date:
	Time:
No Action Taken (Reason):	Date:
	Time:

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



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## **Town of Arlington, Massachusetts**

**NEW BUSINESS**



## **Town of Arlington, Massachusetts**

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**Next Scheduled Meeting of Select Board April 8, 2019**