



## **Town of Arlington Select Board**

### **Meeting Agenda**

February 24, 2020

7:15 PM

Select Board Chambers, 2nd Floor, Town Hall

1. Community Preservation Act Committee Presentation  
Eric Helmuth, Chair

#### **CONSENT AGENDA**

2. Minutes of Meetings: February 10, 2020
3. Reappointments:  
Commission for Arts and Culture  
Stephen Poltorzycki (term to expire 1/31/2023)  
Library Board of Trustees  
Joyce Radochia (term to expire 6/30/2023)
4. Request: Common Victualler License DBA Name Change  
Is: Villa House of Pizza  
Will be: Boston Pizza & Curry  
Sumendra Shrestha
5. Request: Special (One Day) Beer & Wine License, 3/14/20 @ Robbins Memorial Town Hall for a Private Event  
Karen Schwartz
6. Appointment of New Election Workers: (1) Virginia A. Shannon, 35 Sherborn Street #1, D, Pct. 9; (2) Geraldine N. Pedrini, 6 Granton Park, D, Pct. 21; (3) Benjamin J. Wall, 36 Udine Street, U, Pct. 13; (4) Susan E. Born, 18 School Street, U, Pct. 6

#### **APPOINTMENTS**

7. Commission for Arts and Culture  
Tom Formicola (term to expire 6/30/2021)

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

8. For Approval: Removal of One Yellowwood Tree and Two Norway Maple Trees @ Whittemore Park  
Adam W. Chapdelaine, Town Manager
9. Update: Water/Sewer Rate Changes to Mitigate MWRA Debt Shift  
Adam W. Chapdelaine, Town Manager

10. For Approval: Solicitation of Additional Host Community Agreement, Timeline, & Revised Process and Application

Douglas W. Heim, Town Counsel

### **WARRANT ARTICLE HEARINGS**

11. Articles for Review:

Article 66 Vote/Community Preservation Plan  
Article 9 Bylaw Amendment/Canine Control Fees and Fines  
Article 10 Bylaw Amendment/Display of Notice Fines  
Article 11 Bylaw Amendment/Street Performance Definitions  
Article 12 Bylaw Amendment/Stormwater Management  
Article 15 Vote/Establishment of Town Committee on Residential Development  
Article 18 Vote/Bylaw Amendment/Envision Arlington Updated Language  
Article 22 Home Rule Legislation/Justin Brown

### **FINAL VOTES & COMMENTS**

Articles for Review:

Article 7 Bylaw Amendment/Regulation of Outdoor Lighting - Uplighting  
Article 8 Bylaw Amendment/Minuteman Bikeway Hours

### **CORRESPONDENCE RECEIVED**

12. Response to Crosswalk Request - Wachusett and Oakland  
Daniel Amstutz, Senior Transportation Planner

### **NEW BUSINESS**

### **EXECUTIVE SESSION**

Next Scheduled Meeting of Select Board March 9, 2020



## Town of Arlington, Massachusetts

---

### Community Preservation Act Committee Presentation

#### Summary:

Eric Helmuth, Chair

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	FY21_CPA_Final_Application__Summary_Sheet.pdf	Reference

**FY21 Community Preservation Act, Final Applications**

<b>Project Title</b>	<b>Applicant(s)</b>	<b>Budget</b>	<b>CPA Category</b>	<b>Purpose</b>
Historic Preservation of the Jason Russell House	Arlington Historical Society	\$ 78,023.00	Historic Preservation	Preservation
Mill Brook and Wellington Park Revitalization Phase III	Mystic River Watershed Association	\$ 325,000.00	Recreation	Rehabilitation and Restoration
Reservoir Improvements Phase 2	Arlington Recreation Department	\$ 587,000.00	Recreation	Rehabilitation and Restoration
Old Burying Ground Restoration Phase 2	Town of Arlington, Cemetery Commission and Historical	\$ 193,773.00	Historic Preservation + Open Space	Preservation
Open Space Committee Plan	Open Space Committee	\$ 35,000.00	Open Space	Preservation
Communitywide Archaeological Recon Survey	Department of Planning and Community Development	\$ 60,000.00	Historic Preservation	Preservation
Documentation of Historic Municipal Resources	Department of Planning and Community Development	\$ 35,200.00	Historic Preservation	Preservation
Winfield Robbins Memorial Garden Project	Friends of the Robbins Town Gardens	\$ 65,625.00	Historic Preservation	Rehabilitation and Restoration
Minuteman Bikeway Planning Project	Department of Planning and Community Development	\$ 65,000.00	Recreation	Rehabilitation and Restoration

<b>Subtotal</b>	\$ 1,444,621.00
10% Community Housing Reserve	\$ 202,069.73
CPAC Administrative Expenses Account	\$ 55,569.18
<b>Grand Total</b>	\$ 1,702,259.90

FY21 Local CPA tax surcharge receipts (projected)	\$ 1,800,000.00
FY21 State Match, 14.1% of 2020 CPA (projected)	\$ 220,697.29
Additional Available Funds*	\$ 405,733.00
<b>Total FY21 CPA Available for Appropriation</b>	<b>\$ 2,426,430.29</b>

\*\$217,868: FY20 state match revenue exceeding FY19 estimate. \$142,397: FY19 surcharge collections exceeding estimate. \$45,468: unspent FY19 administrative funds.





## **Town of Arlington, Massachusetts**

---

### **Minutes of Meetings: February 10, 2020**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	2.10.2020_draft_minutes.docx	Draft Minutes 2.10.2020



## Select Board Meeting Minutes

Date: February 10, 2020

Time: 7:15 PM

Location: Select Board Chambers, 2nd Floor, Town Hall

Present: Mrs. Mahon, Chair, Mr. Curro, Mr. Hurd, Mr. DeCoursey

Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

Absent: Mr. Dunn, Vice Chair

1. Approval of Sale of \$200,000 Sewer Bond to the Massachusetts Water Resources Authority

Phyllis Marshall, Treasurer & Collector of Taxes

Mrs. Marshall appeared before the Board seeking approval for the \$200,000 Sewer Bond. This Bond is in accordance with Town Meeting Warrant Article 61 in 2019. This would authorize the participation in the MWRA Grant Loan Program for repair to infiltration of our sewer system. Mrs. Marshall explained that this grant is a substantial amount of money and the borrowing is a \$200,000 interest-free loan that will be payable over the course of 10 years.

Mr. Curro moved approval.

SO VOTED (4-0)

2. For Approval: Arlington Jazz Festival Banners

Daniel Fox

Mr. Fox, Director of the Jazz Festival, spoke before the Board in regards to their request to hang two Jazz Festival Banners on the west side of Route 60 or any part of Massachusetts Avenue. Mr. Fox told the Board that they moved the date for the festival to mid-May so any date in April would work best for the banners to be hung.

Mr. Curro moved approval.

SO VOTED (4-0)

### **CONSENT AGENDA**

3. Minutes of Meetings: January 27, 2020

4. Patriots' Day Committee Events, April 19, 2020

a) 56th Annual Patriots' Day Fun Run at 8:45 a.m. along Massachusetts Avenue;

b) Menotomy Reenactment at 12/Noon at the Jason Russell House;

c) Patriots' Day Parade at 3:00 p.m.

Christine Bongiorno, Patriots' Day Committee Chair

Director of Health and Human Services

5. Reappointments

Board of Youth Services

Lori Pescatore (term to expire 1/31/2023)

Library Board of Trustees

Heather Calvin (term to expire 6/30/2021)

Jonathan Gates (term to expire 6/30/2022)

Library Board of Trustees, to correct term ending date

Adam Delmolino (was 1/31/2022 should be 1/31/2021)

Amy Hampe was (1/31/2022 should be 1/31/2021)

6. Request: Special (One Day) Beer & Wine License, 3/7/20 @ Robbins Memorial Town Hall for a Private Event  
Haris Domond and Jessica Grant
7. Request: Special (One Day) Beer & Wine License, 3/14/20 @ Lesley Ellis School for a Private Event  
Jeanette Keller, Auxiliary Programs Director, Lesley Ellis School]
8. Appointment of New Election Workers: (1) Celia J. Doremus, 9 Harvard St., D, Pct. 12; (2) Beverly A. Panettiere, 438 Massachusetts Ave. #243, R, Pct. 7; (3) Juliet A. Fuhrman Wolf, 52 Grandview Rd., D, Pct. 18; (4) Stanley F. Wolf, 52 Grandview Rd., D, Pct. 18

Mr. Curro moved approval.

SO VOTED (4-0)

**7:15p.m. PUBLIC HEARINGS**

9. Eversource Petition/Massachusetts Avenue  
Jacqueline Duffy, Supervisor, Rights and Permits  
(all abutters notified)

Ms. Duffy, Supervisor for Eversource appeared before the Board to describe their project to install one hip guy to a support pole 847 over 29 on Massachusetts Avenue. Ms. Duffy described a "hip guy" to be a bar that goes straight across and then down to support the poles and help avoid people walking into it. This hip guy is located at the back of the sidewalk near the grass.

Mr. Hurd moved approval.

SO VOTED (4-0)

10. National Grid Petition/Browning Road  
Barbara H. Kelleher, Permit Representative  
(all abutters notified)

Mr. DeCoursey recused himself from this discussion as he does work for National Grid. Ms. Kelleher, Permit Representative for National Grid appeared before the Board to describe their project located on Browning Road. She stated that work would be to install 25 feet of six inch gas main to the existing gas main in order to provide gas to other houses on the street.

Mr. Hurd moved approval.

SO VOTED (3-0)

After the vote Mr. DeCoursey returned to the meeting.

**LICENSES & PERMITS**

11. For Approval: Common Victualler License

Happy Belly Eats, 795 Massachusetts Avenue, Jason Carter

Mr. Carter appeared before the Board to describe his new restaurant that he plans to bring to Arlington. Mr. Carter stated that his restaurant would have a similar concept to the restaurant that is there now. He said that they would be adding fun over the top burgers, gourmet hot dogs and shakes to their menu. They plan to beautify and redo part of the kitchen to bring it to code with the Health Department. Mr. Carter hopes to be opening Happy Belly Eats in mid to late April.

Mr. Curro moved approval.

SO VOTED (4-0)

**WARRANT ARTICLE HEARINGS**

12. Articles for Review:

Article Bylaw Amendment/Regulation of Outdoor Lighting – Uplighting

Mr. Schlichtman appeared before the Board to state that at last year's Town Meeting the warrant article he proposed had a last minute amendment to change the uplighting. Mr. Schlichtman is requesting that this vote go back to Town Meeting for approval. He stated that a lot of the lighting that they banned in the Warrant Article last year mostly impacted funeral homes and churches. Mr. Schlichtman wants to give Town Meeting a chance to clarify the vote from last year. Mr. DeCoursey stated that in the language for the proposed warrant article it uses the word structure and there is no definition of structure in the bylaw that concerns uplighting. Mr. DeCoursey suggested that the word structure be changed to buildings in the warrant article.

Mr. Curro moved favorable action with the amendment that structures be replaced with the word buildings in both instances.

SO VOTED (4-0)

Article Bylaw Amendment/Minuteman Bikeway Hours

Christopher Tonkin, Chairman of the Arlington Bicycle Advisory Committee spoke on behalf of this article. He stated that the bikeway has official hours that are the same as the standard park hours in Arlington. Lexington and Bedford our neighboring towns do not have standard hours and many of the users of the bikeway especially in East Arlington arrive from Alewife and get on the bikeway which is breaking the law. They are looking to bring Arlington in harmony with the other two towns. He stated that they held consultations with the Police Department and they are in favor with this change as well as meetings with the Planning Department who are also in favor. Mr. Chapdelaine added that he also spoke with the Police and Planning Departments and stated that one additional thing that these discussions will lead to is lighting on the Bikeway in the future. Mr. Curro stated that all aspects of the Bikeway are under the jurisdiction of the Town Manager, so essentially removing it from the bylaw would allow administrative flexibility. Mr. Chapdelaine stated that if they wanted to change it next year then they would not have to keep coming back to Town Meeting so that would be appropriate to consider. He also stated that he is in favor of changing the hours to 5:00a.m. to 11:00p.m. with revisions to be made as necessary.

Mr. Curro moved to change the relevant bylaw such that the jurisdiction over the hours of the Minuteman bikeway are given to the Town Manager.

SO VOTED (4-0)

#### Article Vote/Appropriation/School Committee Member Stipends

Ms. Susse read a statement written by Christa Kelleher that outlined three key reasons why School Committee Members should receive stipends. One reason being the incredibly significant contributions made by the School Committee Members. The second reason is that each Select Board member receives a \$3000 annual stipend as well as many other boards and commissions in the Town. The third and final reason is that the opportunity to serve should be open to all including those who might receive a relatively small stipend. Christa Kelleher stated that many other surrounding communities offer stipends to School Committee Members as well as other forms of compensation. Ms. Kelleher noted that the cost for the 7 School Committee Members in the Town of Arlington would cost \$21,000 annually and they are seeking a funding source. Ms. Susse read her comments regarding how the School Committee is responsible for a lot including the budget. She stated that the School Committee Budget is under the jurisdiction of the School Committee Members which may cause a conflict of interest if the money is coming from the school budget. She recommended that the money be taking from the warrant money. Mr. Heim clarified that this warrant article has two parts to it, stating that the Select Board is only responsible for the vote part of the article. Mr. Heim stated that the Board may vote tonight but may also wait for input from the Finance Committee. Mr. Heim explained that School Committee Members would not be eligible for health insurance or retirement. Mr. Chapdelaine wanted to let the Board know that they should feel comfortable taking a vote on policy, which then the Finance Committee would have their discussion about funding that policy. Mr. DeCoursey stated that this stipend would not take effect until fiscal year 2022. He stated that this would be subject to an appropriation every year and thinks that they are coming to the Board early because there really would not be anything to put before Town Meeting for the Fiscal Year 2021 budget. Mr. DeCoursey thinks that the Finance Committee should be the body that determines what the amount is but certainly thinks he could support going to Town Meeting and recommending compensation. Mr. Heim stated that he thinks that this year's Town Meeting can take an action to say that we want the school committee to receive compensation and that would set the table for the following year. Mr. Heim clarified that the law states that Town Meeting has to vote to provide compensation and to say what the amount of such compensation will be. Many of the members on the Board discussed how hard the School Committee works and how they should be compensated for their long hours and dedicated time to the Town. Mr. Chapdelaine confirmed that the Finance Committee would always be the body that determines where funds are to be raised from.

Mr. Curro moved that the Select Board express its support for the proposition of compensating School Committee Members under the provisions of MGL Chapter 71 Section 52 subject to annual appropriation as jointly determined by the Finance Committee and the School Committee.

SO VOTED (4-0)

#### **NEW BUSINESS**

Mr. Chapdelaine stated that they were concluding the final Police Chief interviews today and will be announcing very soon who the permanent Police Chief is. Mr. Chapdelaine also stated that they have been getting a lot of requests for a third recreational marijuana license that they will be bringing forward at another meeting.

Mr. DeCoursey noted that he attended the Fire Department badge pinning ceremony. He would like to commend the new firefighters on the department.

Mr. Hurd met with surrounding Town's regarding Patriots Day in 2025. He stated that he would like to have it on a future agenda item for further discussion.

Mrs. Mahon stated that similar to the medical marijuana requests she has been receiving calls in regards to the liquor store in the heights closing and what the next steps are. She stated that this will also be a future agenda item for discussion.

Mr. Curro moved to adjourn at 8:18p.m.

SO VOTED (4-0)

Next Scheduled Meeting of Select Board February 24, 2020

A true record attest

Ashley Maher  
Administrative Assistant

2/10/2020

Agenda Item	Documents Used
1	Approval of Sewer Bond to MWRA
2	Request and Banner Images Banner Schedule
3	Draft Minutes 01.27.2020
4	Patriots Day Committee Event Request
5	Reappointment Reference Library Board of Trustees Terms Ending Change
6	Domond and Grant Special Beer and Wine Application
7	Lesley Ellis School Special Beer and Wine Application
8	Election Worker Master Record Reference
9	Memo from Engineering – 271 Massachusetts Avenue Eversource Application
10	Memo from Engineering – Browning Road National Grid Application
11	Inspection Reports – Happy Belly Eats Common Victualler Application
12	Warrant Article Text Town Counsel Comments P.Schlichtman Regulation of Outdoor Lighting – Uplighting J. Flaherty Minuteman Bikeway Hours Minuteman Bikeway Hours A. MacNeill C. Kelleher School Committee Stipends



## Town of Arlington, Massachusetts

---

### Reappointments:

#### Summary:

Commission for Arts and Culture

Stephen Poltorzycki (term to expire 1/31/2023)

Library Board of Trustees

Joyce Radochia (term to expire 6/30/2023)

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	S._Poltorzycki.pdf	S. Poltorzycki reference
▢	Reference Material	J._Radochia_appt.pdf	J. Radochia reference



Town of Arlington  
Office of the Town Manager

Adam W. Chapdelaine  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3010  
Fax (781) 316-3019  
E-mail: [achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)

MEMORANDUM

DATE: February 18, 2020

TO: Board Members

SUBJECT: Reappointment to Commission for Arts and Culture

This memo is to request the Board's approval of my reappointment of Stephen Poltorzycki  
Arlington, MA, to serve on the Commission for Arts and Culture, and having a term  
expiration date of 1/31/2023.

A handwritten signature in blue ink, appearing to read "Adam W. Chapdelaine".

---

Town Manager



## OFFICE OF THE SELECT BOARD

DIANE M. MAHON, CHAIR  
DANIEL J. DUNN, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
STEPHEN W. DECOURCEY



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 11, 2020

Stephen Poltorzycki

Arlington, MA 02476

Re: Reappointment: Commission for Arts and Culture

Dear Mr. Poltorzycki:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting to be held on Monday, February 24<sup>th</sup> at 7:15 p.m. in the Select Board Chambers, Town Hall, 2<sup>nd</sup> Floor. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,  
SELECT BOARD

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

Marie A. Krepelka  
Board Administrator

MAK:fr



Town of Arlington  
Office of the Town Manager

Adam W. Chapdelaine  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3010  
Fax (781) 316-3019  
E-mail: [achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)

MEMORANDUM

DATE: January 21, 2020

TO: Board Members

SUBJECT: Reappointment to Library Board of Trustees

---

This memo is to request the Board's approval of my reappointment of Joyce Radochia, Arlington, MA, to serve on the Library Board of Trustees, and having a term expiration date of 6/30/2023.

  
Town Manager

## OFFICE OF THE SELECT BOARD

DIANE M. MAHON, CHAIR  
DANIEL J. DUNN, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
STEPHEN W. DECOURCEY



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 11, 2020

Joyce Radochia

Arlington, MA 02474

Re: Reappointment: Library Board of Trustees

Dear Ms. Radochia:

Please be advised that the Select Board will be discussing your reappointment to the above-named at their meeting to be held on Monday, February 24<sup>th</sup> at 7:15 p.m. in the Select Board Chambers, Town Hall, 2<sup>nd</sup> Floor. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,  
SELECT BOARD

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

Marie A. Krepelka  
Board Administrator

MAK:fr



## Town of Arlington, Massachusetts

---

### Request: Common Victualler License DBA Name Change

#### Summary:

Is: Villa House of Pizza

Will be: Boston Pizza & Curry

Sumendra Shrestha

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Boston_Pizza___Curry_CV.pdf	DBA Name Change Reference

**OFFICE OF THE SELECT BOARD**

730 Massachusetts Avenue  
Town of Arlington  
Massachusetts 02476-4908

(781) 316-3020  
(781) 316-3029 fax

**\$60.00 Filing Fee**

Inspections Dept. at 51 Grove St. must review completed application before returning to this office.

**APPLICATION**

*To the Licensing Authorities of the Town of Arlington*

The Undersigned hereby makes application for a

- ☒ **COMMON VICTUALLER LICENSE (Eat In)**  
☐ **FOOD VENDOR LICENSE (Take Out Only)**

Location 1367 Massachusetts Avenue, Arlington MA 02476

Name of Applicant SUMENDRA SHRESTHA

Corporate Name (if applicable) \_\_\_\_\_

D/B/A BOSTON PIZZA & CURRY

Date 02/06/2020

I/We hereby agree to conform in all respects to the conditions governing such License as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen may establish. With the signing of this application, the applicant acknowledges that:

- A. It is understood that the Board is not required to grant the license.
- B. no work is to commence at the premises of the proposed location which is the subject matter of this application until the license is approved by the Select Board, and, furthermore, any work done is done at the applicant's risk, and
- C. in the event of a proposed sale of a business requiring a Common Victualler License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Select Board a thirty day notice of his intention to sell same before such application will be acted upon by the Select Board.
- D. That the license is subject to revocation if the holder of the license does not comply with Town By-Laws or the Rules and Regulations of the Board.

Print Name SUMENDRA SHRESTHA

Signature Name *Sumendra Shrestha*

Phone (Home) 617.461.3162 (Business) \_\_\_\_\_

Email beantownpizzeria@gmail.com

**From:** Sumendra Shrestha <sumenboston@gmail.com>  
**To:** Beantown Pizzeria Group <beantownpizzeria@gmail.com>, "PMartin@town.arlington.ma.us" <PMartin@town.arlington.ma.us>, "amaher@town.arlington.ma.us" <amaher@town.arlington.ma.us>  
**Date:** 02/06/2020 12:35 PM  
**Subject:** Villa House of Pizza

---

Hi Ashley,

It was very nice talking to you this morning.

As discussed we are planning to change just the name from Villa House of Pizza to Boston Pizza & Curry. All the menus remain the same.

We want to get new DBA with new name Boston Pizza & Curry.

Our LLC remains the same Beantown Pizzeria Group LLC with no change.

If everything looks fine then I am planning to stop by today and get the paperwork done.

Thank you so much in advance for your help, much appreciated!

Sumendra



## **Town of Arlington, Massachusetts**

---

**Request: Special (One Day) Beer & Wine License, 3/14/20 @ Robbins Memorial Town Hall for a Private Event**

**Summary:**

Karen Schwartz

**ATTACHMENTS:**

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



OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

**SPECIAL ALCOHOL LICENSE APPLICATION**

Name of Applicant: Karen Schwartz

Address, phone & e-mail contact information:

Name & address of Organization for which license is sought:

Premier Catering & Bar Service PO Box 540310, Waltham, Ma. 02454

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

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

Ed Garland

Address, phone & e-mail contact information:

781-223-5001 egarland@premierbarservice.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:

781-223-5001

Title of Event:

Bat Mitzvah for Violet



Date/time of Event:

Saturday, March 14, 2020 6:00 - 9:30 pm

Location of Event:

Arlington Town Hall

Location/Event Coordinator:

Patsy Kraemer/Vicki Rose

Method(s) of invitation/publicity for Event:

invitation

Number of people expected to attend:

130

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?

YES

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

Bartenders will check ID's

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.

Officer Corey P. Rateau

Date 2-13-2020

OFFICER COREY P. RATEAU  
Printed name/title

POLICE COMMENTS:

\_\_\_\_\_  
*Printed name/title*

POLICE COMMENTS:

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

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

Beer/Wine \_\_\_\_\_

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

Full dinner w/ tapas desserts sodas waters \_\_\_\_\_

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

Premier Bartending Staff \_\_\_\_\_

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 certification - attached \_\_\_\_\_

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.

attached

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))

Horizon and Burke \_\_\_\_\_

Date of Delivery:

Saturday, March 14, 2020 \_\_\_\_\_

Alcohol Serving Time (s):

6:15 pm - 9:30 pm \_\_\_\_\_

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

Premier Bartending will take excess alcohol\_\_\_\_\_

Date of Pick-Up:

Saturday 14, 2020\_\_\_\_\_

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

attached\_\_\_\_\_

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

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

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

Printed name: Karen Schwartz\_\_\_\_\_

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

Email: kmegschwartz@gmail.com\_\_\_\_\_



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

4 February 2020

**SECURITY PLAN FOR SCHWARTZ BAT MITZVAH**

The Schwartz family is holding a Bat Mitzvah event to be held on Saturday, March 14, 2020. The event is booked for 6:00 pm - 10:30 pm. at the Arlington Town Hall. A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 130 people to attend.

Patsy Kraemer will be the event coordinator for the event. Premier Catering and Bartending Service will provide bartending service. Food will come from various restaurants/take-out specialty stores

Greg Stathopoulos will be the custodian for the event. The Schwartz family will be responsible for ensuring that the event runs smoothly.

A fire services detail will be hired for the event.

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

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



This is your official TIPS certification card. Carry it with you as proof of your TIPS certification. Congratulations!

This card certifies that you have successfully completed the TIPS (Training for Intervention Procedures) program. We value your participation and dedication to the responsible sale, service, and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.



Sincerely,

A handwritten signature in cursive script, appearing to read "Adam Chafetz", written in dark ink.

Adam F. Chafetz  
HCI President

ID#: 4813268    Name: Kevin Malloy  
Exam Date: 5/29/2018    Expiration Date: 5/29/2021

**TIPS**® eTIPS On Premise 3.0  
Issued: 5/29/2018    Expires: 5/29/2021  
ID#: 4813268

Kevin Malloy  
193 Crescent Ave Unit 2  
Revere, MA 02151-4218

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



**This is your official TIPS certification card. Carry it with you as proof of your TIPS certification.**

**Congratulations!**

This card certifies that you have successfully completed the TIPS (Training for Intervention Procedures) program. We value your participation and dedication to the responsible sale, service, and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.



Sincerely,

A handwritten signature in black ink, appearing to read "Adam Chafetz".

Adam F. Chafetz  
HCL President

ID#: 4702572    Name: BRYAN GOGGIN  
Exam Date: 12/19/2017    Expiration Date: 12/19/2020

**TIPS** On Premise  
Issued: 1/3/2018  
ID#: 4702572

**CERTIFIED**

Expires: 12/19/2020

BRYAN GOGGIN  
35 Blue Hill Ave  
Roxbury, MA 02119-3314

For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Edward Garland, Jr., 38942



PREMIER-01

JHOGAN

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/11/2019

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

<b>PRODUCER</b> Roblin Insurance Agency 144 Gould Street Suite 100 Needham, MA 02494	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No, Ext):</b> (781) 455-0700 <b>FAX (A/C, No):</b> (781) 449-8976	
	<b>E-MAIL ADDRESS:</b> certificates@roblininsurance.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> Mount Vernon Fire Co	
	<b>INSURER B:</b> StarStone National Insurance Company	25496
	<b>INSURER C:</b> U.S. Liability Ins. Co.	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**INSURED**  
  
Premier Catering & Bar Service LLC  
PO Box 540310  
Waltham, MA 02454

## 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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			CP2610440	3/11/2019	3/11/2020	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						\$
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE		88915C175ALI	3/11/2019	3/11/2020	EACH OCCURRENCE \$ 5,000,000
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		AGGREGATE \$ 5,000,000				
			\$				
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input type="checkbox"/> N/A						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
C	Liquor Liability			CL1569703C	3/11/2019	3/11/2020	per Occurrence \$ 1,000,000
C	Liquor Liability			CL1569703C	3/11/2019	3/11/2020	Aggregate \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
The Town of Arlington is additional insured with regard to liability of the named insured.

## CERTIFICATE HOLDER

## CANCELLATION

Town of Arlington  
Town Hall  
730 Massachusetts Ave.  
Arlington, MA 02476

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



---

## Town of Arlington, Massachusetts

**Appointment of New Election Workers: (1) Virginia A. Shannon, 35 Sherborn Street #1, D, Pct. 9; (2) Geraldine N. Pedrini, 6 Granton Park, D, Pct. 21; (3) Benjamin J. Wall, 36 Udine Street, U, Pct. 13; (4) Susan E. Born, 18 School Street, U, Pct. 6**

### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Election_Worker_Master_Records.pdf	Reference













## Town of Arlington, Massachusetts

---

### Commission for Arts and Culture

#### Summary:

Tom Formicola (term to expire 6/30/2021)

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	T._Formicola_reference.pdf	Reference



**Town of Arlington  
Office of the Town Manager**

Adam W. Chapdelaine  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 316-3010  
Fax (781) 316-3019  
E-mail: [achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)

**MEMORANDUM**

DATE: February 18, 2020

TO: Board Members

SUBJECT: Appointment to the Commission for Arts and Culture

This memo is to request the Board's approval of my appointment of Tom Formicola, Arlington, MA, to the Commission for Arts and Culture, with a term expiration date of 6/30/2021.

A handwritten signature in blue ink, appearing to read "Adam W. Chapdelaine".

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



**TOM FORMICOLA**  
**ARLINGTON, MA 02476**

## **PROFESSIONAL EXPERIENCE**

---

### **ARLINGTON CENTER FOR THE ARTS (ACA)**

#### **Executive Director**

**Oct 2019 – Present**

- Responsible for overseeing strategic planning, financial management, administration, programming and community engagement as ACA puts down roots in a new home

### **BOSTON CENTER FOR ADULT EDUCATION (BCAE)**

#### **Director of Education & Community Engagement**

**Sep 2016 – Oct 2019**

- Direct all aspects of programming including planning, scheduling, implementing, and evaluating workshops and classes
- Plan and implement special events and activities to increase institutional awareness and steward students, donors, and prospects
- Develop strategic partnerships that maximize capacity by increasing audiences, enhancing access by underserved communities, and creating inroads to new sources of earned and unearned income
- Identify, cultivate, and solicit prospects to secure individual and institutional giving as well as sponsorships in line with defined goals
- Designed and implemented year-long 85<sup>th</sup> anniversary celebration conducted in 2018

### **BOSTON CENTER FOR ADULT EDUCATION (BCAE)**

#### **Director of Education**

**Aug 2013 – Aug 2016**

**Jan 2004 – Jun 2007**

- Led a team of three program managers in the development of 1,200 classes, workshops, and events for 10,000 adult learners annually
- Designed and implemented opportunities for personal growth and professional development in the areas of food & wine, art, crafts, photography, music, writing, languages, technology, and more
- Recruited and maintained a dynamic roster of 150 active instructors
- Collaborated with business leaders and community partners on the delivery of unique education experiences and signature programming

### **FIRST NIGHT, INC.**

#### **Deputy Director**

**Jun 2007 – Jun 2013**

- Worked with Executive Director, Board of Directors, and key stakeholders to conduct landmark New Year's Eve Festival, annually serving one million people in downtown Boston
- Supported Executive Director in planning and managing \$2 million budget
- Shared responsibility with Executive Director for researching, planning, and implementing fundraising efforts and activities targeting individual donors, foundations, corporations, and government agencies
- Partnered with Executive Director and Marketing Manager on the solicitation and fulfillment of festival sponsorships
- Oversaw the development and logistics for 200 multidisciplinary performances and events, featuring 1,000 artists at 35 venues on December 31
- Oversaw the work of the First Night Production Manager, Education and Outreach Director, and Administrative Associate
- Served as liaison to cultural partners and hotel partners, actively soliciting their support and participation
- Managed First Night Productions, an earned-income initiative that provided event-planning services to clients such as Fidelity Investments, Boston Symphony Orchestra, Boston Public Schools, and New Balance

**FORD HALL FORUM****Executive Director****Dec 1998 – Jan 2004**

- Directed all operations of historic organization dedicated to presenting free public lectures, engaging diverse audiences in discussion about current issues
- Produced annual season of 12-15 lecture programs at downtown venues, including Old South Meeting House, Faneuil Hall, and Northeastern University
- Conducted marketing and outreach activities to enhance institutional awareness and build new audiences
- Engaged partners and built alliances to find new and mutually-beneficial ways to collaborate and deepen ties in the community
- Developed and managed all fundraising activities, targeting individuals, corporations, and foundations
- Worked closely with the board to develop a multi-year plan for stability and growth

**MAYOR'S OFFICE OF CULTURAL AFFAIRS****Director, Boston Cultural Council****Jul 1996 – Nov 1998**

- Managed all aspects of grant program, annually distributing funds to 300 cultural organizations, schools, and community-based agencies in neighborhoods throughout Boston
- Provided ongoing technical assistance to nonprofits and schools to ensure success of project planning, fundraising, and promotions efforts
- Served as arts education advisor to the Mayor's staff

**STRAND THEATRE****Public Relations Director****Sep 1992 – Jun 1996**

- Planned and implemented all marketing and communications for 1,400 seat theatre offering full schedule of multicultural performances as well as arts training programs for local youth
- Drafted press releases; coordinated radio promotions; placed print advertisements; and created marketing materials to promote theatre and activities
- Conducted outreach to youth groups and social service organizations
- Managed box office activity
- Assisted Executive Director with program planning and coordination, including teen internships
- Assisted the Executive Director with fundraising, including annual appeal, grant writing, and special events
- Assisted the Executive Director with budget planning

**MASSACHUSETTS CULTURAL COUNCIL****Arts-in-Education Programs Coordinator****Jan 1990 – Aug 1992**

- Administered grant program, supporting performances, workshops, and artist residencies for Massachusetts school children
- Conducted planning with schools, youth-serving arts organizations, and artists
- Recruited and oriented participating artist/teachers
- Developed guidelines for application and utilization of grant funds
- Provided technical assistance for school faculty and staff
- Coordinated peer panel review and evaluation processes
- Facilitated notification and payment of grant requests
- Facilitated evaluation of funded projects

**MASSACHUSETTS ARTS LOTTERY COUNCIL****Program Associate****Dec 1988 – Jan 1990**

- Provided support for the distribution of funds for arts and humanities projects conducted throughout the state



**NORTHEASTERN UNIVERSITY**  
Instructor of English

**Sept 1986 – Jun 1988**

**DOLGEVILLE CENTRAL SCHOOL**  
High School English Teacher

**Sept 1985 – Jun 1986**

**ADDITIONAL EXPERIENCE**

---

**SpeakEasy Stage Company / Board of Overseers**

**Jun 2019 – Present**

**Arlington Cultural Council / Chair**

**Jul 2005 – Jul 2009**

**Mass Advocates for Arts, Sciences & Humanities / VP**

**Mar 1997 – Mar 2001**

**Boston Youth Theatre Network / Chair**

**Sept 1992 – Nov 1998**

**EDUCATION**

---

**Master of Arts: Northeastern University**  
Major: Literature

**Sept 1986 – Jun 1988**

**Bachelor of Arts: SUNY at Geneseo**  
Major: English

**Sept 1981 – Jun 1985**

## OFFICE OF THE SELECT BOARD

DIANE M. MAHON, CHAIR  
DANIEL J. DUNN, VICE CHAIR  
JOSEPH A. CURRO, JR.  
JOHN V. HURD  
STEPHEN W. DECOURCEY



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

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 11, 2020

Tom Formicola

Arlington, MA 02476

Re: Appointment: Commission for Arts and Culture

Dear Mr. Formicola:

As a matter of the standard appointment procedure, the Select Board requests that you attend a meeting of the Select Board at Town Hall, Select Board Chambers, 2<sup>nd</sup> Floor, 730 Massachusetts Avenue, on Monday, February 24th at 7:15 p.m.

It is a requirement of the Select Board that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with Fran, Ashley or Lauren at the above number.

Thank you.

Very truly yours,  
SELECT BOARD

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

Marie A. Krepelka  
Board Administrator

MAK:fr



## Town of Arlington, Massachusetts

---

### For Approval: Removal of One Yellowwood Tree and Two Norway Maple Trees @ Whittemore Park

#### Summary:

Adam W. Chapdelaine, Town Manager

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Memo_Whittemore_Park_tree_hearing_appeal.pdf	Memo from A. Carter
▢	Reference Material	20224_Whittemore_Park-Select_Board_Mtg.pdf	Reference
▢	Reference Material	pbw_trees_SB_and_Tree_Warden_1-24-2020_(1).pdf	P. Worden correspondence, 1.24.20
▢	Reference Material	P._Worden_correspondence_February_10.pdf	P. Worden correspondence, 2.10.20
▢	Reference Material	Resident_Letters_of_Opposition.pdf	Resident Letters



## TOWN OF ARLINGTON

DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

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

### M E M O R A N D U M

To: Select Board

Cc: Adam Chapdelaine, Town Manager  
Jennifer Raitt, Director of Planning & Community Development

From: Ali Carter, Economic Development Coordinator

Date: February 20, 2020

Re: Whittemore Park Tree Hearing Appeal

The Department of Planning and Community Development (DPCD) embarked on the project to make improvements to Whittemore Park in 2016. With the encouragement of the Community Preservation Act Committee (CPAC), DPCD applied for and received a CPA grant in 2017 to create a plan for Whittemore Park. The community visioning project for the park was launched in 2018 with the goal of creating a conceptual and schematic plan with cost estimates for construction. Three community forums; a Design Day event in the park for public input; a survey that received over 500 responses from residents throughout the town; and the work of a project committee comprised of residents, members of the Arlington Historical Commission, Historic Districts Commission, the Dallin Museum, the Arlington Commission for Arts and Culture, and the Arlington Chamber of Commerce, all culminated in the Whittemore Park Conceptual Plan, which was released in August of 2018.

The overall project goals of the conceptual plan, based on the feedback we received during the community outreach process, were to improve circulation in the park; increase visibility and prominence of the park; cultivate opportunities for passive recreation, programs, and events; and to enhance historic, cultural, and natural landscape in Arlington Center. The community and design goals were to create a park that was democratic in that it could be used by many types of people, flexible in use for many kinds of activities, and a place that was beloved, inspires stewardship, and is culturally appropriate for town.

Whittemore Park is located in the heart of Arlington Center, on one corner of the intersection of Mass Ave and Mystic Streets. With 5 lanes of traffic on Mystic Street and 6 lanes of traffic on the Mass Ave side of the park as well as adjacent to the Minuteman Bikeway, it is a major focal point of Arlington Center. The park itself lacks basic amenities including ADA-compliant walkways and, according to a

survey completed during the planning phase of the project, was serving as more of a cut-through rather than an attractive gathering place for the community.

Through a competitive RFP process, the Town hired Michelle Crowley Landscape Architects (now Crowley Cottrell Landscape Architects) to complete the conceptual plan, and through a second competitive RFP process also won the contract to implement Phase I of the plan.

Since 2019 Annual Town Meeting, where the CPAC recommended and Town Meeting approved the allocation for funding to move ahead with implementing Phase I of this project, the project has advanced under the guidance of the same project committee that oversaw the planning phase, as well as under the advisement of local and state regulatory commissions. To date we have taken the following steps toward the implementation of Phase I of the Whittemore Park Revitalization Plan.

First, we presented the conceptual plan to the Massachusetts Historical Commission (MHC) and the Arlington Historical Commission (AHC). The MHC and AHC approved the preliminary plans.

We conducted two rounds of soil testing to ensure that the conditions of the soil around the railroad tracks and throughout the park were within the Massachusetts Department of Environment Protection thresholds for public safety.

We met with several different groups and individuals regarding the current signs, markers, and monuments in the park. We are working with the team at Crowley Cottrell as well as community members who originally had the Alan Hovhannes marker placed in the park to find the best treatment and placement of that monument. The granite marker for Samuel Whittemore will remain in situ and the marker that commemorates the contributions of John and Artemis Mirak will either be repaired or replaced. The remainder of the granite markers are in poor condition. We will work with the Arlington Historical Commission to determine an appropriate method and location for interpreting the stories told on those markers.

Finally, we attended a tree hearing on January 28, 2020, seeking permission to remove three trees in the park that are in the location of the new path outlined in the conceptual plan for the park. At the tree hearing there were objections from the public to the removal of these trees, which led to a denial of our request. We are appealing the decision made at this tree hearing.

The proposed design calls for a circular walkway through the park. It will improve circulation for people passing through the park while also creating green space for people to gather for active and passive recreation.

Phase I of the plan calls for the planting of seven trees of native species, and an additional 2 trees are planned to be planted in Phase II. To date, five trees have been removed from the park by order of the Tree Warden because they were dead or a hazard to public safety. At a hearing with the CPAC in 2019 and at 2019 Town Meeting, DPCD presented their intention to remove seven trees from the park and replant nine. The plan to replant nine remains, however once we engaged in a thorough design process to create construction documents, it became clear that an additional tree that was not expected to be

requested for removal needs to be removed. This Yellowwood tree, which is located in the northeastern portion of the park, would be in the middle of the walkway. After conducting a survey of the site at the beginning of Phase I, it became clear that the grade change at the eastern portion of the park (closest to the businesses) was too abrupt to align the path around the tree and achieve ADA compliance. If we moved the pathway closer to the west, it would disturb even more healthy trees. The Town hired Bartlett Tree Experts to assess the viability of the Yellowwood's health if it were to be relocated elsewhere in the park. They determined that its survival is not likely if it were relocated, and estimated the price of relocating the tree at \$40,000. The Town received a second opinion from another firm, Brightview Landscape; they reaffirmed Bartlett's findings. The proposal will increase the number of trees estimated for removal by one from what was presented at Town Meeting in 2019.

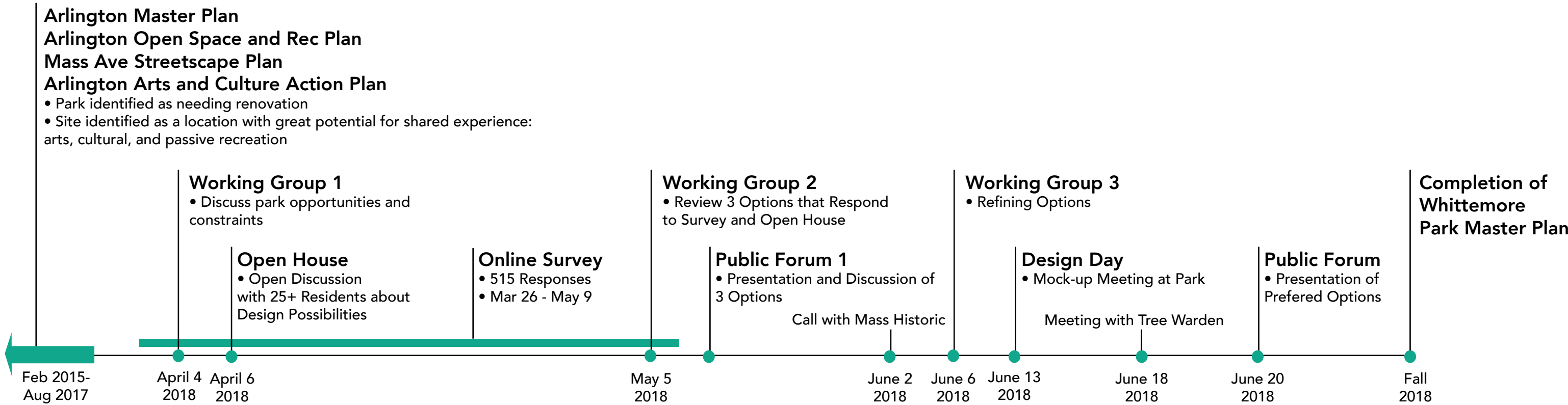


# Whittemore Park



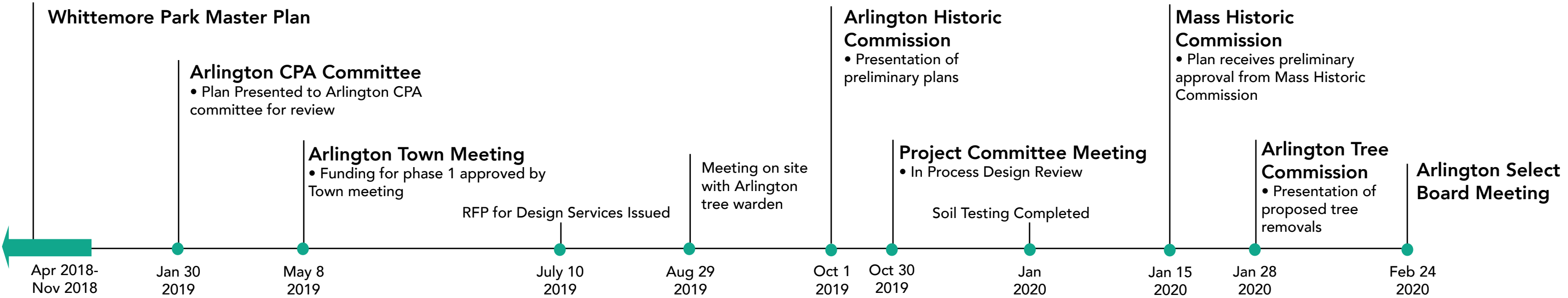


# SUMMARY OF PUBLIC PROCESS





# SUMMARY OF PHASE 1 PROCESS



# PROJECT GOALS

- Improve circulation in the park
- Increase visibility and prominence of the park
- Cultivate opportunities for passive recreation, programs, and events
- Enhance historic, cultural, and natural landscape in Arlington Center
- Create a park that is democratic in that it could be used by many types of people
- Create a park that is flexible in that it could be used use for many kinds of activities
- Create a park that is beloved, inspires stewardship, and is culturally appropriate for town

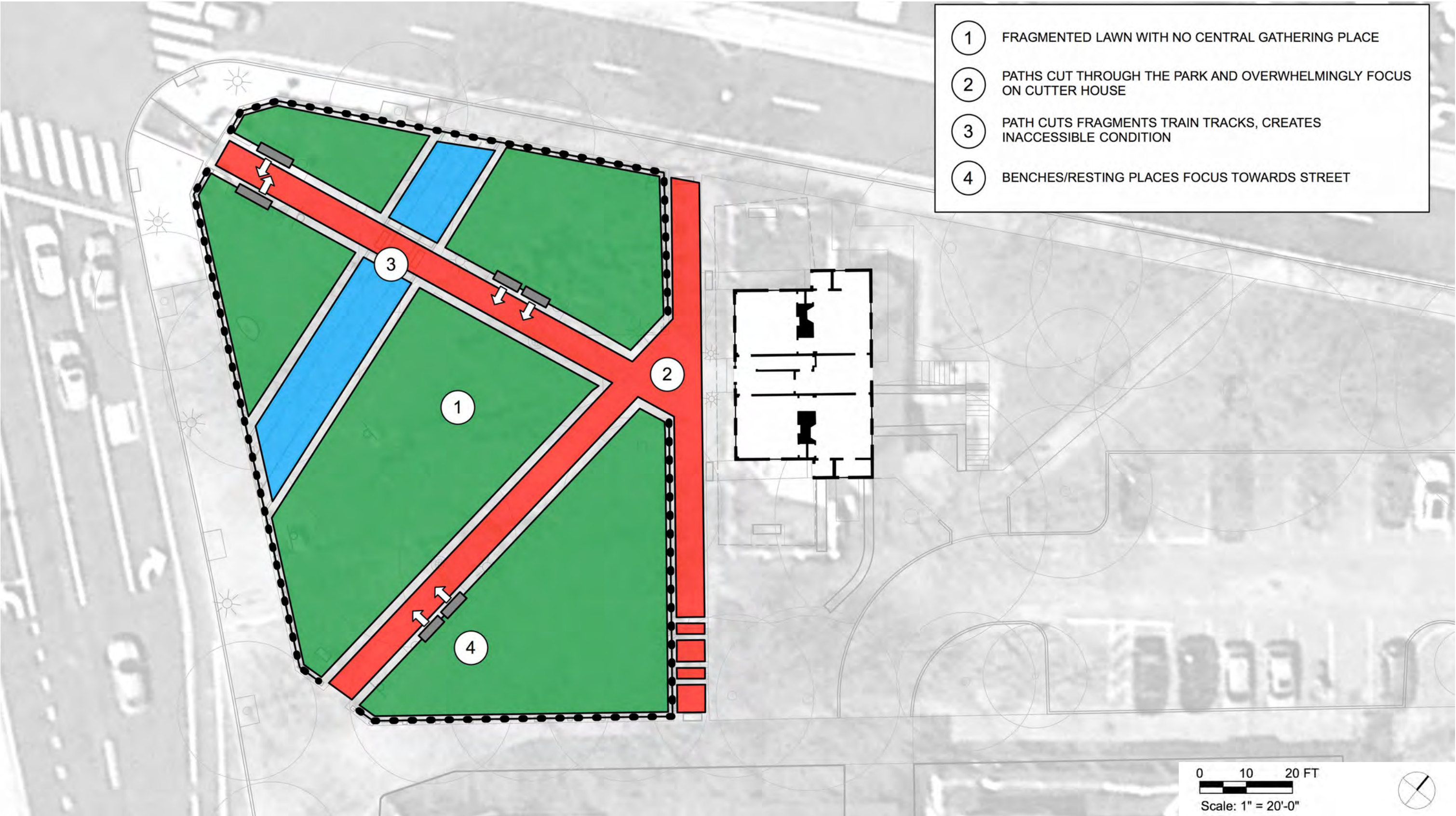


# EXISTING CONDITIONS



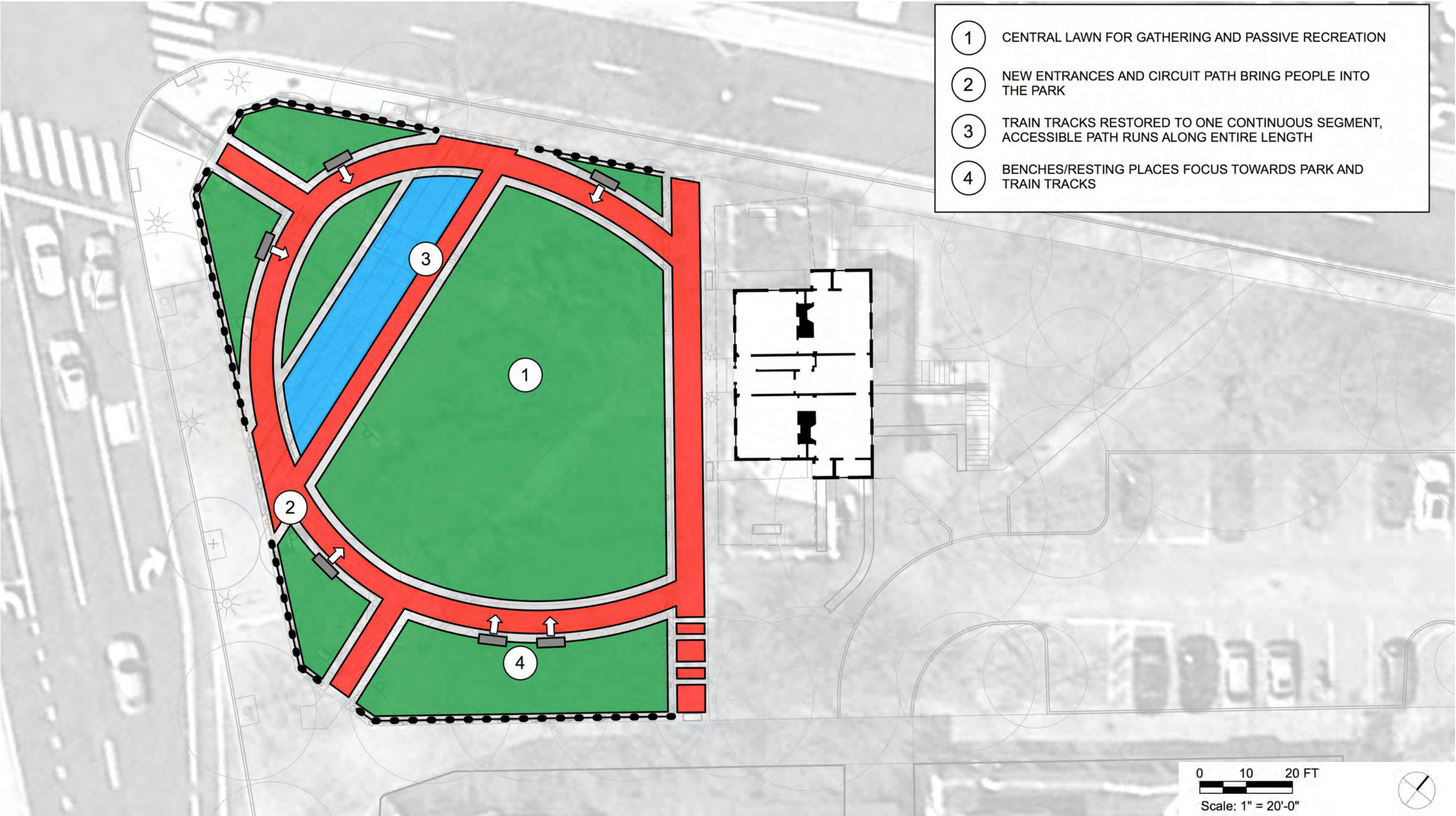


# DIAGRAM-EXISTING



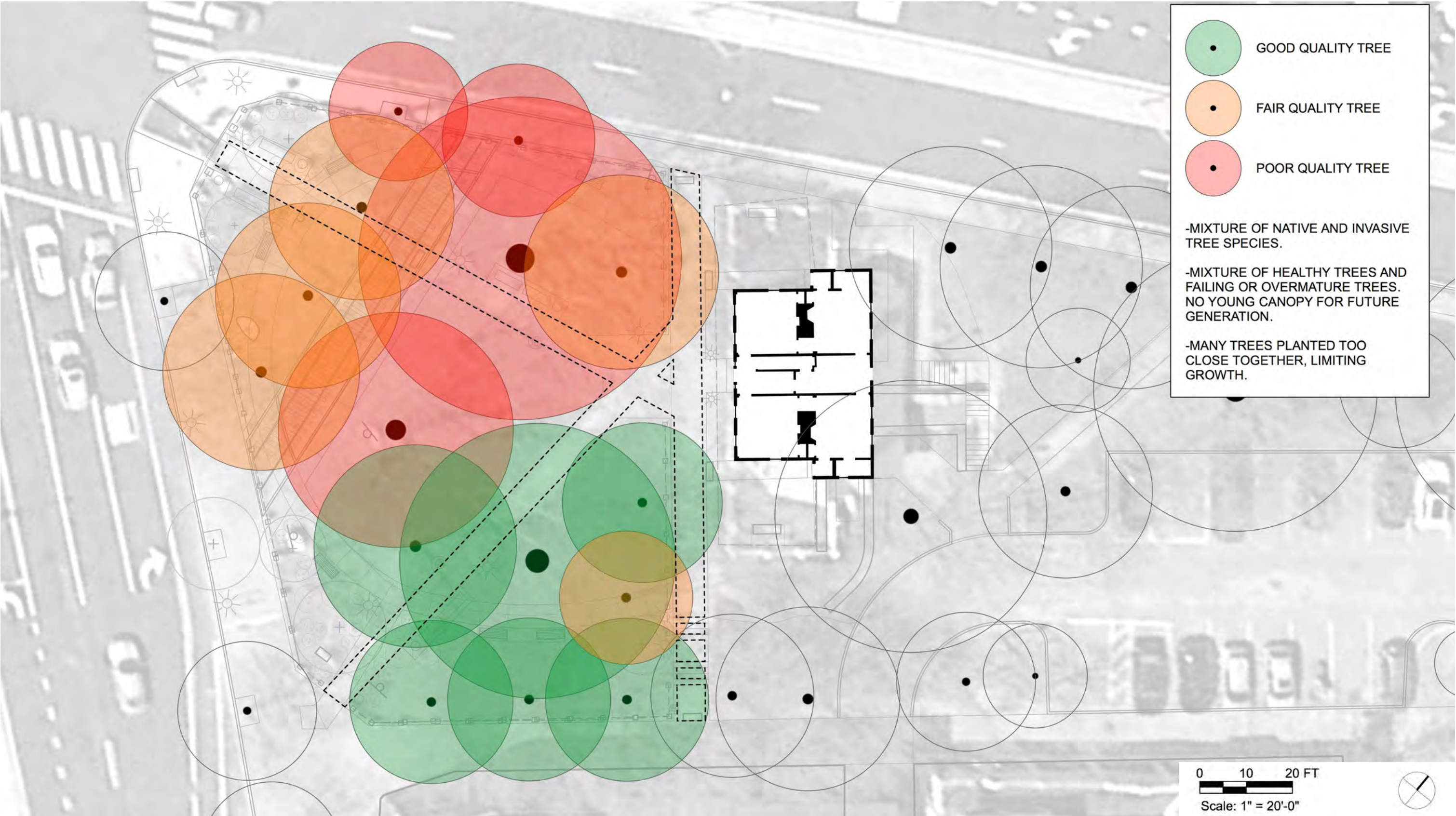


# DIAGRAM-PROPOSED



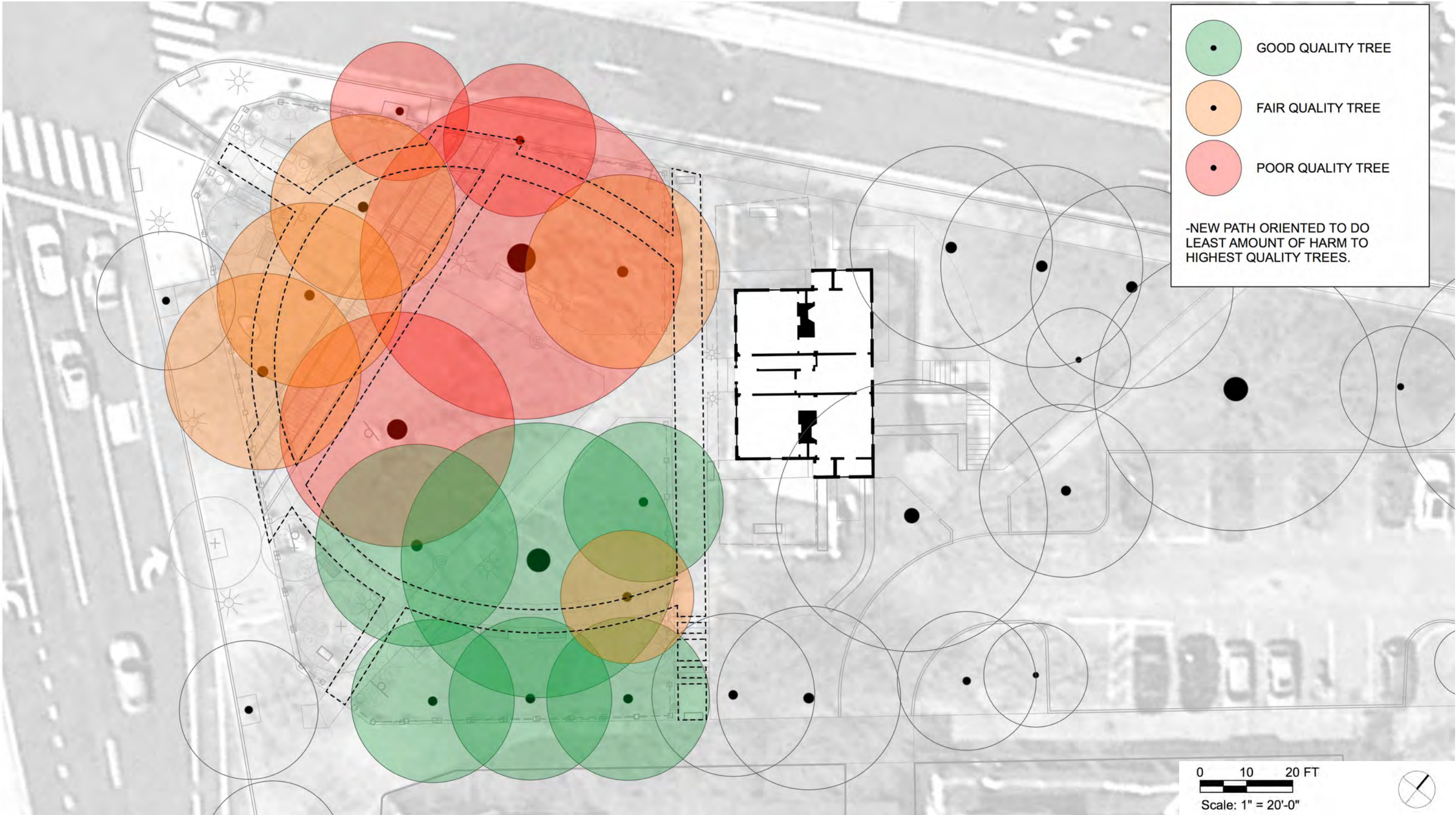


# DIAGRAM-TREE QUALITY





# DIAGRAM-TREE QUALITY





# TREES PROPOSED FOR REMOVAL





# TREES PROPOSED FOR REMOVAL



**Norway Maple**  
Acer platanoides  
15" Caliper

Arborist's assesment determined tree was in poor condition. The tree is growing between the fence line of Whittemore Park and the sidewalk of Mystic St, and is exhibiting multiple dead branches, girdling roots, and an uneven crown, predominantly over sidewalk.



**Yellowwood**  
Cladastris kentukea  
15" Caliper

Arborist's assesment determined tree was in fair condition. The tree is exhibiting multiple girdling roots, and is heavily shaded, resulting in a thin, vertical canopy, and a cavity in the crotch is retaining rainwater and debris–may lead to rot over time.

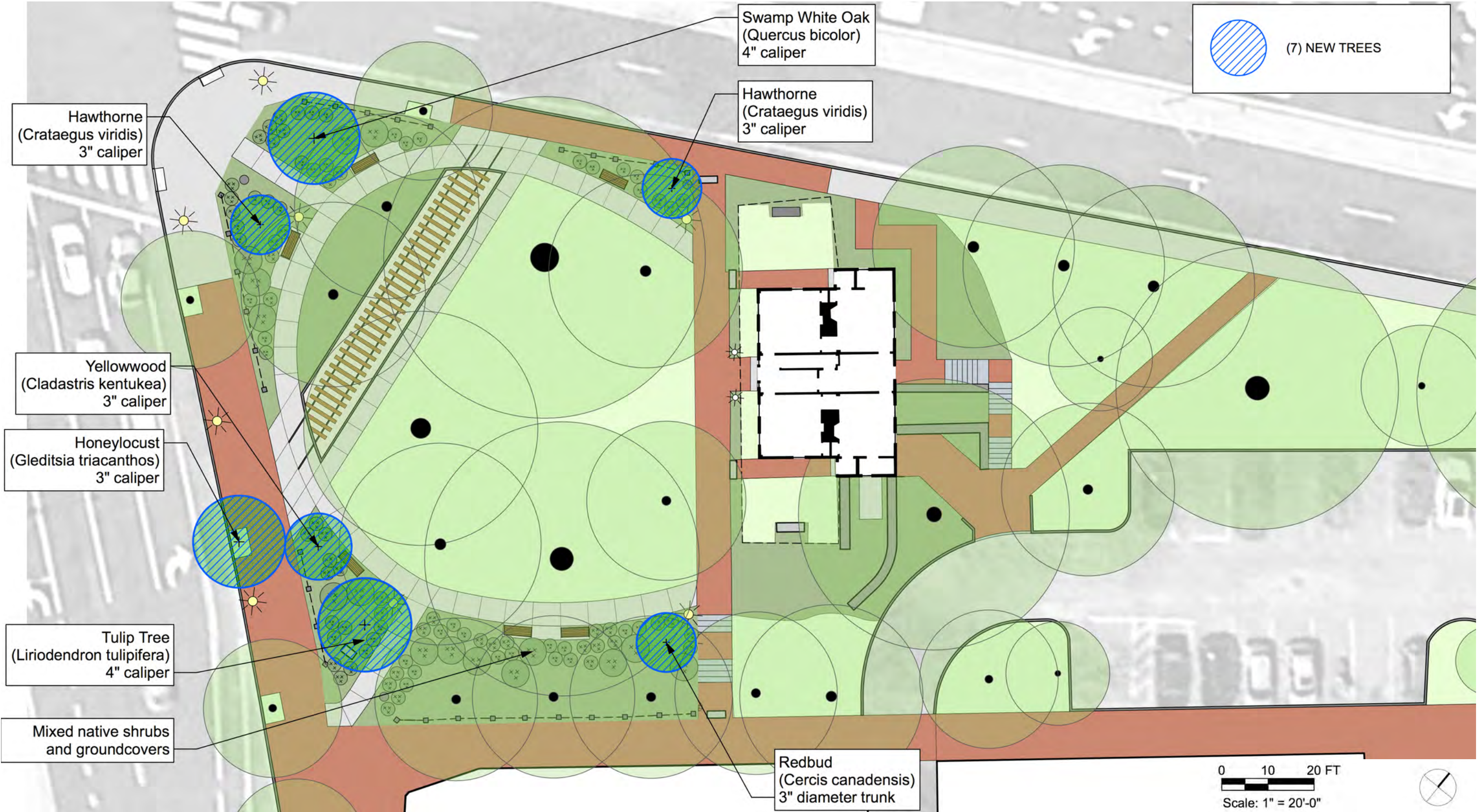


**Norway Maple**  
Acer platanoides  
22" Caliper

Arborist's assesment determined tree was in fair condition. The tree's root crown has been buried and girdling roots are suspected. The tree has multiple dead branches, and an uneven crown predominantly over sidewalk.



# PROPOSED NEW TREES





# PROPOSED NATIVE TREE PLANTING

**Canopy Trees**

- Thornless Honeylocust
- Tuliptree
- Swamp White Oak

**Mid-Size Trees**

- Yellowwood

**Flowering Ornamentals**

- Hawthorn
- Redbud

**CARBON SEQUESTRATION:**

The three existing trees slated for removal currently remove 1,902 lbs. of carbon annually. At planting, the seven new trees will remove 522 lbs. of atmospheric carbon annually. This rate will continue to increase as the trees grow. **We estimate that within 9 years the new trees will sequester as much carbon as the three slated for removal.**

At 17 years, the average time it will take the new trees to reach maturity, the new trees will offset 3,527 lbs. of atmospheric carbon, surpassing the amount that the removed trees previously sequestered. The new trees will continue to grow in diameter and offset more carbon over time.



*Cercis canadensis*

Redbud



*Cladrastis kentukea*

Yellowwood



*Crataegus viridis*

Hawthorn



*Gleditsia triacanthos var. inermis*

Thornless Honeylocust



*Liriodendron tulipifera*

Tuliptree



*Quercus bicolor*

Swamp White Oak



# SHRUBS & GROUNDCOVERS

**Native Deciduous Shrubs**

- Summersweet
- Dwarf Fothergilla
- Oakleaf Hydrangea

**Native Evergreen Shrubs**

- Inkberry

**Groundcovers**

- Vinca
- Dwarf Fragrant Sumac





# PROPOSED PLAN





## Eastern Redbud

## Cercis canadensis



Cercis canadensis

Common Name: Eastern Redbud

Height: To 30'

Width: To 30'

Rate: Medium

Habit: Small tree with multiple trunks.  
Flat, broad crown with ascending branches

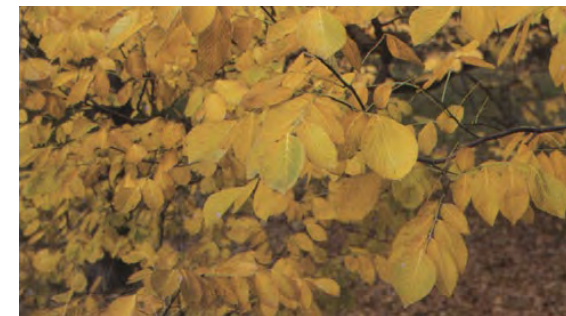
Hardiness: Zones 4 to 9

Seasonal Character: Bright magenta and pink flowers emerge in early spring prior to most other foliage and flowers. Dark bronzy foliage follows, turning bluish green in summer. Fall color ranges from brownish green to bright yellow.



## American Yellowwood

## Cladrastis kentukea



Cladrastis kentukea

Common Name: American Yellowwood

Height: To 50'

Width: To 60'

Rate: Medium

Habit: A low branching tree with a broad, rounded crown.

Hardiness: Zones 4 to 8.

Seasonal Character: Smooth, gray bark makes for a beautiful winter silhouette. New foliage opens yellowish green, changing to bright green summer canopy. In late spring Cladrastis produces abundant fragrant white flowers. Fall color is a golden yellow.





## Winter King Green Hawthorn

## Crataegus viridis 'Winter King'



Crataegus viridis

Common Name: Winter King Green Hawthorn

Height: To 30'  
Width: To 30'  
Rate: Slow

Habit: Broad low-branched tree with vase-like structure and wide spreading thorny branches.

Hardiness: Zones 4 to 7

Seasonal Character: White flowers bloom in bunches in early May. Lustrous, dark green leaves and dense branching provide extremely dense shade in summer. Deep red fruits ripen in September and remain on the tree until winter. Fall foliage turns bronze-red to purple.



## Honeylocust

## Gleditsia triacanthos



Gleditsia triacanthos

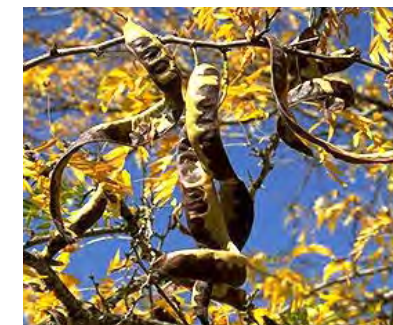
Common Name: Common Honeylocust

Height: To 70'  
Width: To 40'  
Rate: Fast

Habit: Open spreading crown and lightly shading foliage.

Hardiness: Zones 3 to 9.

Seasonal Character: Bright green in summer, leaves are among last to emerge. Fall color is a clear yellow.





## Tulip Tree

## Liriodendron tulipifera



Botanical Name: Liriodendron tulipifera

Common names: Tulip Tree, Tulip Poplar

Height: To 90'  
Width: To 40'  
Rate: Fast

Habit: Liriodendron grows best in full sun and is used as a specimen tree but also thrives in wooded conditions. Pyramidal in youth, ovoid canopy at maturity. In wooded areas trunks form straight, branchless columns.

Hardiness: Zones 4 to 9, not recommended as a street tree.

Seasonal Character: Flowers May to early June, golden yellow fall foliage

## Swamp White Oak

## Quercus bicolor



Quercus bicolor

Common Name: Swamp White Oak

Height: To 60'  
Width: To 60'  
Rate: Medium

Habit: Round topped and symmetrical

Hardiness: Zones 3 to 8.

Seasonal Character: Lustrous, dark green summer foliage provides dense shade. In autumn, coloration ranges from yellow-brown to bright red.





Summersweet, Sweet Pepperbush

Clethra alnifolia



Botanical Name: *Clethra alnifolia*  
Common Name: **Summersweet, Sweet Pepperbush**

Height: To 8'  
Width: To 6'  
Rate: Medium to fast

Habit: Oval, round-topped deciduous shrub, with an erect, dense, leafy, character often suckering to form broad colonies. Tolerant to wet conditions.

Hardiness: Zones 3 to 9

Seasonal Character: Late to leaf out in spring; lustrous deep green in summer; pale yellow to rich golden-brown in fall; white, fragrant flowers July to August.

Cultivars: 'Compacta'  
'Hummingbird'



Dwarf Fothergilla

Fothergilla gardenii



Fothergilla gardenii  
Common Name: Dwarf Fothergilla

Height: To 3'  
Width: Variable  
Rate: Slow

Habit: Dense, rounded deciduous shrub with wide-spreading branches.

Hardiness: Zones 4 to 9

Seasonal Character: Fragrant white flowers occur in clusters in April and May before foliage. Blue green summer foliage turns orange to scarlet in fall.





## Oakleaf Hydrangea

## *Hydrangea quercifolia*



Botanical Name: ***Hydrangea quercifolia***

Common Name: **Oakleaf Hydrangea**

Height: To 8'  
Width: Variable  
Rate: Medium

Habit: Upright mounding deciduous shrub.

Hardiness: Zones 5 to 9

Seasonal Character: White flowers turn purple and then brown in mid summer. Deep green glossy leaves turn red to purple in fall. Has exfoliating copper bark.



## Inkberry

## *Ilex glabra*



Botanical Name: ***Ilex glabra***

Common Name: **Inkberry**

Height: To 8'  
Width: To 10'  
Rate: Medium

Hardiness: Zones 4 to 9

Habit: Upright, much branched ever-green shrub.

Seasonal Character: Lustrous dark green foliage year round. Black fruits stay on plant from September until the following May.

Cultivars: 'Compacta' - to 5' HT.  
'Gem Box' - to 3' HT.  
'Shamrock' - to 5' HT.





## Dwarf Fragrant Sumac

## *Rhus aromatica* 'Gro-low'



Botanical Name: *Rhus aromatica* 'Gro-low'

Common Name: Dwarf Fragrant Sumac

Height: To 30"  
Width: To 8'-0"  
Rate:

Hardiness: Zones 3 to 9

Habit: Low, irregular spreading shrub. Ability to sucker and spread by roots

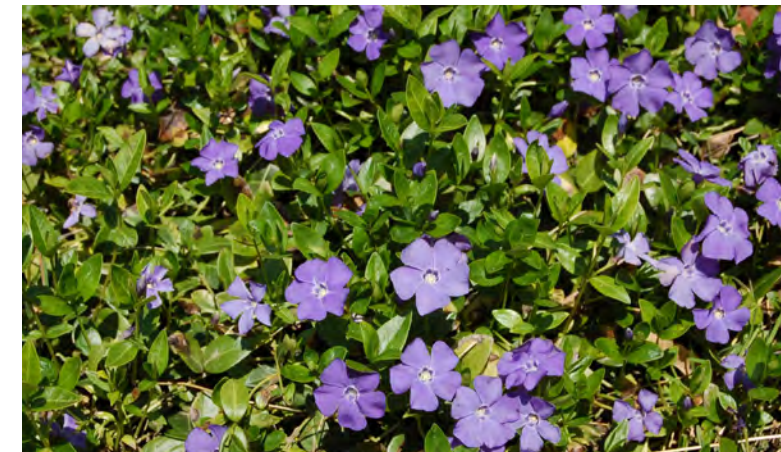
Seasonal Character: Hairy red fruits appear in August and September. Fall foliage ranges from orange to reddish purple.

Additional Notes: Salt tolerant, moderate drought tolerance and woody branches can handle snow weight.



## Periwinkle

## *Vinca minor*



Botanical Name: *Vinca minor*

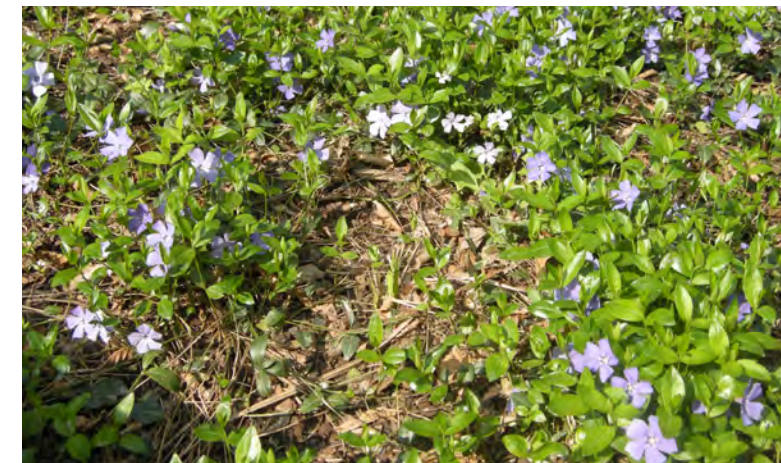
Common Name: Periwinkle

Height: 3" To 6"  
Width: 6" To 18"  
Rate: Rapid

Hardiness: Zones 4 to 8

Habit: Non-climbing, dense evergreen mat

Seasonal Character: Shiny dark green oblong to oval leaves; 1/2" lilac-blue funnel-shaped flowers in spring.





**January 24, 2020**

**Letter in Compliance with Chapter 87 of MGL to request preservation  
of three trees at Whittemore Park specified below**

**Dear Chairperson Mahon, Select Board Members, and Warden  
Lecuivre,**

**Please be advised that the trees to be considered for felling at the Tree  
Hearing on Jan. 28 [Yellowwood (DBH 12", Norway Maple (DBH  
22"), Norway Maple (DBH 16") by request of Arlington Planning  
Department] should certainly not be removed.**

**These trees are essential for the wellbeing of residents especially elderly  
and disabled who need summer shade to thrive and help them negotiate  
their visits to Arlington Center. Whittemore Park is within walking  
distance from three senior residences of the Arlington Housing  
Authority. Many seniors can comfortably walk there but need a shady  
place to rest even after this short walk. If removed the shade of these  
trees cannot be replaced for decades and even then it would be a  
struggle to get shade trees established in this heavily trafficked busiest  
area of Town. We are very fortunate that they are there. You should  
be aware also of the contribution that the removal of these trees would  
make to dangerous heat island effects which are all too frequent along  
such busy corridors.**

**<https://www.arlingtonma.gov/home/showdocument?id=49986>**

**Clearly the Planning Department's request for this tree removal is  
antithetical to the emphasis on risks to seniors from high heat climate  
conditions as described in the Hazard Mitigation Plan. Unfortunately  
the Planning Department made this irresponsible request ostensibly "to  
install ADA compliant walkway and improve pedestrian safety."  
It is outrageous that the planning officials used the disabled population  
as their excuse to try to remove these trees. Disabled persons need tree  
shade too. When Town Meeting was persuaded to approve the  
allocation of funds to improve this area they were not fully informed of  
the possible removal of these healthy trees. Individuals including those**

**from the Tree Committee, Chamber of Commerce or Planning Department should thus not use Town Meeting's approval of funding as a reason to cut down these trees. The Planning Department should direct the chosen landscapers to find another design and location for a safe path which preserves the trees. The very lucrative landscaping contract can certainly accommodate creation of a planned design to save the trees**

**Thank you for your consideration of this request,**

**Very truly yours,**

**Patricia.**

**Patricia Barron Worden, Ph.D.  
Town Meeting Member**

**p.s. I can't believe that this kind of thing might happen. I just had a 50-ft. approximately 65-year-old Norway Maple in our backyard cabled and trimmed to preserve it and maintain safety. Yes, they are considered weeds when in areas in which they are likely to propagate since they have such viability but in an urban setting when established they are a valuable resource. Two of three excellent tree companies advised me to do so saying it would have many more good years. How can the Planning Department wave a wand and do away with three healthy trees in our Town Centre to accommodate a favored landscaping company?**

**February 10, 2020**

**Cc: Alan Tosti**

**Re: Tree Requests for Select Board Protection of Whittemore Park healthy trees endangered by Arlington Planning Department's request for felling - Yellowwood (DBH 12", Norway Maple (DBH 22"), Norway Maple (DBH 16")**

**Dear Chairperson Mahon, Select Board Members, and Warden Lecuivre,**

**Following my letter of January 24<sup>th</sup> (see attached) please recall that at the Annual Town Meeting session of May 8<sup>th</sup> the approval of Town Meeting was sought for a landscape design chosen by the Community Act Preservation Committee. The Chairperson of CPAC stated to Town Meeting that he was assured by the Town Manager that NO TREES BEYOND THOSE DESIGNATED BY THE TREE WARDEN AS UNHEALTHY WOULD BE REMOVED. With this understanding Town Meeting was persuaded to vote for the chosen design. These statements are recorded at approximately 1.02.50 on the following url:**

**<https://acmi.tv/videos/annual-town-meeting-may-8-2019/>**

**Accordingly it is completely unacceptable that the Arlington Planning Department should request the felling of these invaluable established trees and the loss of their shade for the community to facilitate execution of a lucrative landscape contract which should have been planned with the preservation of these important trees in mind. Of the 23 letters sent regarding the endangered trees not one was in favor of their destruction. Also, of the many attendees at the Tree Warden's public hearing the only person anxious for their elimination was a landscape architect who described herself as a member of the Tree Committee who finds large shade trees inconvenient for her work.**

**It is unfortunate that the extravagant landscaping contract has been pursued since it is evident from comments made by the Director of Public Works that the basic work involved in removing the diseased tree and opening up the site by reduced fencing could have been done by the Town for less than \$20,000. If that option had been pursued then some of the \$1,500,000 total landscape**

design plan cost could have been assigned instead for urgent landscape needs and hazards in Town including removal of Japanese Knotwood, rain gardens, more tree planting in East Arlington etc. In addition, some of it could have been used to purchase a couple of condominiums for use as affordable housing in our quest to prevent homelessness. Indeed since no such purchases have been designated by the CPAC I have written to Ms. Jennifer Raitt suggesting that she put such a request for CPAC funding on our agenda for the Housing Plan Implementation Committee meeting.

Arlington is fortunate to have these three established shade trees. The Yellowwood is a beautiful tree suited to urban situations. The two Norway maples in question are coping well with in this environmentally challenged area of Town. The area could become a dangerous heat island without them and their tendency to dominate in more verdant sites is irrelevant since their positions are essentially that of street trees at the periphery of the site in a predominantly hardscape location. Norway maples can withstand a harsh environment including heat, drought, salt spray, poor drainage and tolerate high winds, frost and air pollution, as well as a wide range of soil acidity.

Very truly yours,

Patricia Barron Worden, Ph.D.  
Town Meeting Member, Pct. 8

Please acknowledge receipt of this letter



#8

**From:** Berkowitz, William R <William\_Berkowitz@uml.edu>

**To:** SDeCoursey@town.arlington.ma.us <SDeCoursey@town.arlington.ma.us>; jhurd@town.arlington.ma.us <jhurd@town.arlington.ma.us>; DDunn@town.arlington.ma.us <DDunn@town.arlington.ma.us>; dmahon@town.arlington.ma.us <dmahon@town.arlington.ma.us>; jcurro@town.arlington.ma.us <jcurro@town.arlington.ma.us>

**Subject:** Tree preservation in Whittemore Park

**Date:** Mon, Feb 24, 2020 12:18 pm

---

Dear Colleagues,

... Please add my voice to the many who are opposing the removal of large healthy shade trees in Whittemore Park.

More generally, I am concerned about the extent of actual and planned tree cutting in and around the Center -- at Whittemore Park, Broadway Plaza, the old cemetery, and the new high school, in addition to those trees lost or compromised through gas leaks.

Tree preservation is important. And at this point, Arlington might benefit from the creation of an overall Master Tree Plan, both to enhance preservation townwide and balance it with development needs.

Thanks very much for your consideration.

~ Bill

Bill Berkowitz

Bill\_Berkowitz@uml.edu

**From:** Jacob or Nancy Bloom <jandnbloom@gmail.com>

**To:** Jhurd <Jhurd@town.arlington.ma.us>; Dmahon <Dmahon@town.arlington.ma.us>; SDecourcey <SDecourcey@town.arlington.ma.us>

**Subject:** Regarding Whittemore park trees

**Date:** Mon, Feb 24, 2020 3:32 pm

---

Dear all,

I am writing as an Arlington resident who cannot come to the Select Board meeting tonight. I am very concerned about the possibility of tearing down three healthy large trees in Whittemore Park. As I understand the proposal, the Planning Department wishes to appeal the denial to cut down these shade trees. As I understand it, the tree warden received letters recommending that the trees NOT be torn down. They are healthy and absorb a GREAT DEAL of pollution - which is a major concern with our climate crisis. Also, they provide shade in the park which is so important in the summer. If we want to use that park, we want to be comfortable.

It would make more sense to redesign the path so as to be ADA compliant, without tearing down the trees - and I have not yet heard that that was not possible. Yes, it might be less efficient and perhaps more expensive to design, but many of us wouldn't see the new young trees grow to maturity before we pass away. Our children and grandchildren deserve for the town to strongly consider the pollution mitigation these mature trees provide for us.

Thank you for your attention,

Nancy Bloom  
169 Sylvia Street

--

[jandnbloom@gmail.com](mailto:jandnbloom@gmail.com)  
<http://jacobbloom.net/>

**From:** Tamara <tlcj8@rcn.com>

**To:** JCurro <JCurro@town.arlington.ma.us>; SDeCoursey <SDeCoursey@town.arlington.ma.us>; DDunn <DDunn@town.arlington.ma.us>; JHurd <JHurd@town.arlington.ma.us>; DMahon <DMahon@town.arlington.ma.us>

**Subject:** WHITTEMORE PARK TREES

**Date:** Mon, Feb 24, 2020 11:07 am

---

Dear Select Board Members,

We are writing to strongly protest the planned removal of the mature shade trees from Whittemore Park.

Whittemore Park is one of the few places left in downtown Arlington where it is still possible to escape the heat and enjoy the green space and shade during the increasingly long months of very hot weather we now experience in our area.

Massachusetts Ave has already lost so many trees to gas leaks and construction that this is very nearly all we have left. Business districts need to feel welcoming, and we need to do all we can to help our struggling business owners by encouraging people to actually walk around and shop in the stores.

By making downtown Arlington feel more like a destination where people might want to spend time browsing, shopping and eating, places like Whittemore Park go a long way toward making that happen. This benefits all the residents of Arlington.

For these reasons we sincerely believe that ADA compliant sidewalks can safely be built without causing the destruction of the trees in Whittemore Park.

Thank you so much for your time.

Anthony Jones  
Tamara Chenoweth-Jones



**From:** Laura Kiesel <lakiesel@gmail.com>  
**To:** Marie Krepelka <mkrepelka@town.arlington.ma.us>  
**Date:** 02/24/2020 11:45 AM  
**Subject:** whittemore trees and disability

Agenda Item #8

Hello Marie,

This is for consideration for tonight's Select Board. Thank you! I tried to send earlier this morning but got a failure notice. I hope it makes the cut-off.

Dear Select Board members,

I am writing you today because I've been informed there will be discussion at tonight's Select Board meeting regarding renovation of Whittemore Park and the removal of one or several healthy shade trees, partially due to changes to achieve ADA compliance. As I understand it, there are alternative suggestions to achieve ADA compliance while keeping those trees intact. As a disabled individual who supports disability accommodations, I am in full support of any alternative solution that will allow ADA compliance while still enabling tree conservation.

To clarify, my understanding of these issues: I work as both a volunteer and paid consultant for the Boston Center for Independent Living, the Boston metro area's foremost disability advocacy group. As a journalist and health blogger, I write for national publications on living with disability. However, my graduate degree is in the environmental sciences. I have worked for environmental nonprofits, as well as for the Town of Wellesley, as their Environmental Education Coordinator. In recent years, I've turned much of my focus on the intersection of environmental conservation/sustainability and health. I have a rare connective tissue disease--Ehlers Danlos Syndrome. One of my many symptoms includes the inability to properly regulate my body temperature, and in the warmer weather, I am prone to heat intolerance. Summer is my least favorite season. I grew up in an inner city neighborhood in NYC where there was a scarcity of trees and so spent most of my summers feeling very ill.

As an apartment dweller, I do not have the privilege of easy access to a yard to enjoy tree cover and fresher air. I need to experience that by leaving my apt to traverse the surrounding neighborhood. I am fortunate to live in close proximity to Spy Pond. I am fortunate too, to live in a town that overall values and maintains its trees. When I go for walks during more warmer seasons, I can find more shade cover while walking and the trees help create beneficially cooler micro-climates. This is even more crucial for those of us of lower income who do not have access to or can't afford air conditioning (or running it often).



This is something to consider as well as the Town mills over densifying the area, but also diversifying its population. It's easier for homeowners with yards and central A/C to speak about urbanizing an area when they can insulate themselves from the adverse health impacts that often occur with density and urbanization. Those of us who need to live in apts, without yards or AC, without vacations to national parks and greener spaces, do not have such luxury. We need to rely on our immediate surrounding environment for those benefits. And if they don't exist there, we suffer. I know this intimately and painfully, as someone who has had to be rushed to the hospital in summer, and watched family members get ill and pets die in the heat because of lack of relief.

As [one peer review paper](#) on the subject of temperature-related illness noted: "Higher rates of heat-related morbidity and mortality occur in city dwellers who reside on the top floors of apartment buildings or who do not have access to air conditioning. The 'urban heat island effect' refers to patterns of city development, such as replacing trees with concrete surfaces, that cause urban areas to retain heat throughout the evening in comparison to suburban and rural area." Another article you may want to consider is this from Yale Climate Connections:

<https://www.yaleclimateconnections.org/2019/09/how-extreme-weather-threatens-people-with-disabilities/>

As it notes: "Climate change disproportionately **threatens the health** of vulnerable groups. According to the **2016 Climate and Health Assessment**, vulnerable groups include: 'those with low income, some communities of color, immigrant groups....older adults....persons with disabilities, and persons with preexisting or chronic medical conditions.'"

I hope you will take these factors into consideration when making your final decision. We can improve our Town so it is both ADA-compliant and conserves the trees disabled and other vulnerable groups need for their health and to keep our climate in check. Please let me know if you have any questions. Thank you for your consideration.

Sincerely,

Laura Kiesel

P.S. Here is the full link to the peer review paper:

<https://www.sciencedirect.com/science/article/pii/S1566070216300017>

--

**From:** Claire Odom <artfulgram@gmail.com>  
**To:** mkrepelka@town.arlington.ma.us  
**Date:** 02/23/2020 06:28 PM  
**Subject:** Save the Whittemore Trees

Agenda Item # 8

Dear Select Board:

I understand that three large trees could be destroyed with the redesign of Whittemore Park and that five trees have already been cut down. I urge you, the Select Board, to vote no on cutting down more trees at the Whittemore Park.

Trees, living organisms, provide much for our community. Trees prevent soil erosion, produce oxygen we breathe and clear carbon dioxide. They give shade, cool the air and greatly enhance the beauty of the park. One mature tree can absorb as much carbon dioxide in a year as a car produces while driving 26,000 miles. Over the course of its life, a single tree could absorb a ton of carbon dioxide.

Small replacement trees would not give much shade for 40-50 years or the many environmental benefits of the larger existing trees.

I urge you to consider an alternative design for the ADA-compliant walk that would not include cutting down more trees.

I thank you for all you do.

Best regards,  
Claire Odom  
River Street, Arlington MA

**From:** Robert Murray <rpmurray54@gmail.com>  
**To:** freidy@town.arlington.ma.us, amaher@town.arlington.ma.us, lcosta@town.arlington.ma.us  
**Date:** 02/24/2020 01:11 PM  
**Subject:** Whittemore Park

---

Agenda Item #8

I am writing to the Board of Selectmen to express my strong objections to the removal of the three healthy trees from Whittemore Park.

It's outrageous that these beautiful trees might be removed to accommodate a walkway, which could be re-routed. The people behind this are trying to ruin this Town. This must stop.

Robert P. Murray, Esquire  
45 Jason St, Arlington, MA 02476



**From:** june rutkowski <junemrutkowski@gmail.com>

**To:** Select Board Member Joseph Curro <JCurro@town.arlington.ma.us>; SDeCoursey <SDeCoursey@town.arlington.ma.us>; DDunn <DDunn@town.arlington.ma.us>; DMahon <DMahon@town.arlington.ma.us>; JHurd <JHurd@town.arlington.ma.us>

**Cc:** mkrepelka <mkrepelka@town.arlington.ma.us>

**Subject:** Removal of trees in Whittemore Park

**Date:** Mon, Feb 24, 2020 4:46 pm

---

Dear Members of the Select Board,

We are writing to object to the Planning Department's appeal to the denial made in January to their plan to removed 3 large, healthy shade trees from Whittemore Park.

We understand that trees sometimes must be removed for legitimate reasons, but that is not the case with these 3 trees in Whittemore Park.

The Planning Department's desire to improve circulation in the park is a good thing, but it's not necessary to remove those trees in order to achieve that goal.

We are desperately in need of large shade trees in our town, as healthy ones are taken down all too often on private property. We should not remove healthy trees for reasons related to design, ease or convenience. A good landscape architect will incorporate existing, healthy trees into their design.

Having a shady spot to sit in sunny Arlington Center is essential for creating a positive atmosphere where people can gather, rest and enjoy their town. Would you want to visit the beer garden; or sit with an ice cream, a book, or a grandchild; or attend an event in Whittemore Park in the blistering sun?

The shade those trees cast is also important for health; especially for the elderly.

We implore you to listen to those of us who are calling for those trees to remain where they are. People need trees. Arlington needs trees.

Respectfully,  
June Rutkowski, Geoff and Eleanor Freed  
128 Alpine Terrace



From: Joan U. Smeltzer <j.u.smeltzer@gmail.com>

To: Dmahon <Dmahon@town.arlington.ma.us>

Subject: I oppose removal of 3 more Whittemore shade trees - Select Board tonight

Date: Mon, Feb 24, 2020 5:52 pm

---

From: **Joan U. Smeltzer** <j.u.smeltzer@gmail.com>

Date: Mon, Feb 24, 2020 at 6:59 AM

Dear Diane,

I have another commitment tonight - so I can't be present at tonight's meeting.

However, I strongly support **preserving** the Whittemore Park trees. It's ludicrous to remove these healthy trees for a path that can easily be built to go around the trees. In a park, it's an aesthetic advantage to have a meandering lane under a shady canopy. There are **Multiple** other reasons not to destroy mature healthy trees - as your Board knows well...or ought to!

Sincerely,

Joan U. Smeltzer

15 Freeman St.

Arlington, MA 0247

--

**Thought for the day** ~ per Mark Twain

*It's easier to fool people, than to convince them they have been fooled...*

(Actual verbatim - "How easy it is to make people believe a lie, and how hard it is to undo that work again!")

**From:** Joan U. Smeltzer <j.u.smeltzer@gmail.com>

**To:** JO ANNE PRESTON <ja-preston@comcast.net>; arlingtonlist <arlington@arlingtonlist.org>

**Subject:** Re: [arlington] tonight removal of 3 more Whittemore shade trees at Select Board

**Date:** Mon, Feb 24, 2020 7:00 am

Hi Jo Anne,

I have another commitment tonight - so I can't be present at tonight's meeting.

However, I strongly support preserving the Whittemore Park trees. It's ludicrous to remove these healthy trees so that a path that can be built in a straight line. In a park, it's an advantage to have a meandering lane under a shady canopy.

Can I direct my viewpoint to the Select Board via email or a phone call?  
Thanks for bringing attention to this appeal.  
Joan

On Mon, Feb 24, 2020 at 5:30 AM JO ANNE PRESTON <ja-preston@comcast.net> wrote:

- >
- > Tonight at the Select Board meeting (town hall, 7:15) the Planning
- > Department will appeal the denial made at the late January tree hearing to
- > cut down three large, healthy shade trees in Whittemore Park.
- > The decision was made after the tree warden received 23 letters asking
- > that the trees not be removed and heard the testimony of 18 people who
- > attended the hearing. The rationale for cutting down the trees was that
- > they were in the way of a proposed new walkway which is ADA compliant as
- > is required of all new walkways.
- > However, the planning department itself states that the walkway was not
- > suppose to be functional (allowing residents to cut through the park from
- > the the Russell parking lot to the intersection of Mass. Ave. and Mystic
- > Street) but to "improve circulation in the park." Hence, the ADA
- > compliant walkway can be anywhere in the park, not in the way of three
- > healthy shade trees.
- >
- > I argue that design should follow function. The three trees absorb
- > pollution and collectively over 1, 500 pounds of atmospheric carbon a year
- > at one of heaviest traffic areas in town. Moreover, these large, leafy
- > shade trees cool the park for the benefit of residents using it and
- > furnish relief from the newly discovered "hot spot" next to the park. The
- > very young "replacement trees" will take 40 to 50 years to do the same.
- >
- > Since the trees need to stay where they are to continue to absorb carbon
- > and render shade and the path can be anywhere in the park to "improve
- > circulation" I am requesting that the designers make small changes in their
- > plan to preserve the trees at the Select Board tonight.

- >
- > If you would like the tree to be preserved in the interest of slowing down
- > climate change and cooling the area, you can attend the Select Board
- > meeting tonight at 7:15 (it is early on the agenda after all the
- > re-appointments). There will be time for residents to speak when the
- > planning department make its appeal of the tree hearing denial. The Select
- > Board needs to hear from everyone who would like the trees to be preserved.
- > Jo Anne
- >
- >
- > 

---
- > To post a message to the list, send it to [arlington@arlingtonlist.org](mailto:arlington@arlingtonlist.org)
- > Search the archives: <https://www.arlingtonlist.org/archives/search>
- > To subscribe or unsubscribe, visit
- > <https://www.arlingtonlist.org/subscribe/>
- > Questions? <https://www.arlingtonlist.org/faq/>
- > Email the list manager at [arlington-owner@arlingtonlist.org](mailto:arlington-owner@arlingtonlist.org)
- > Please help keep the list organized by tagging your message see
- > <https://arlingtonlist.org/rules/keywords> for details
- >

--

\*Thought for the day\* ~ per Mark Twain

\*It's easier to fool people, than to convince them they have been fooled...

\*

(Actual verbatim - "How easy it is to make people believe a lie, and how hard it is to undo that work again!")

---

To post a message to the list, send it to [arlington@arlingtonlist.org](mailto:arlington@arlingtonlist.org)  
Search the archives: <https://www.arlingtonlist.org/archives/search>  
To subscribe or unsubscribe, visit <https://www.arlingtonlist.org/subscribe/>  
Questions? <https://www.arlingtonlist.org/faq/>  
Email the list manager at [arlington-owner@arlingtonlist.org](mailto:arlington-owner@arlingtonlist.org)  
Please help keep the list organized by tagging your message see  
<https://arlingtonlist.org/rules/keywords> for details



**From:** Jane Whitmore <jane.p.whitmore@gmail.com>

**To:** DMahon <DMahon@town.arlington.ma.us>

**Subject:** Keep Trees in Arlington

**Date:** Mon, Feb 24, 2020 10:57 am

---

I'm writing to you since I am unable to attend tonight's SelectBoard meeting in person. Please do all you can to prevent cutting down trees. Even if it means some inconvenience for wheelchairs.

It matters that we keep all the healthy trees that we have. Trees are a big reason Arlington is special. The plan to cut trees to benefit a very few persons at a cost to everybody, including those in wheelchairs, and to our environment, is a poor plan. Just like the practice of letting builders ignore environmental rules for the promise of a few affordable apartments is wrong, so is this plan wrong to cut trees that make such a big difference to the whole town.

In Arlington we have gone through a great deal to promote cycling...much deliberation and losing a lane for cars on Mass Ave, with the increased traffic in side streets and slower bus travel that this has brought. If we cut down trees and thus work to make our streets burning hot, we work against those efforts to promote cycling.

We need the shade and help with carbon that trees provide. Last summer we had a lot of very hot days over 100 degrees...and that is likely to happen more and more. It's pretty dumb to rid ourselves of the trees that help combat the effects of climate change. We like Arlington because it is not a big city with few trees. Let's keep it that way.

Thanks for your attention to this.

Jane Whitmore  
65 Magnolia St  
Arlington



**From:** Montserrat Zuckerman <mzuckerman51@gmail.com>

**To:** DMahon <DMahon@town.arlington.ma.us>

**Subject:** Proposal to cut down trees

**Date:** Mon, Feb 24, 2020 11:46 am

---

Dear Diane,

I saw the proposal a while ago where several trees in the plaza by the Starbucks will be replaced by planters. I urge you to send the plan back so changes can be made that will preserve the plaza's mature trees. Furthermore, I feel strongly that any proposal to cut down trees in Arlington should be reexamined carefully with the goal of preventing their removal.

Sincerely,  
Montserrat Zuckerman  
4 Gay St.  
Arlington, MA  
781.648.4347

Montserrat Zuckerman  
Translations InterAmerica Inc.  
Arlington, MA  
781.648.4347

February 24, 2020

RE: Tree Requests for Select Board Protection of Whittemore Park healthy trees

I have recently learned of a plan to cut down trees in Whittemore Park. As a resident of Arlington, who lives nearby and who appreciates the park, I am concerned about this. I am also a Friend of Arlington Trees and a volunteer with the Arlington Commission on Disability. I understand there is an issue about ADA compliance. As a person with a disability who uses a wheelchair, I have been able to navigate my way through the park and enjoy it! Of course, I am grateful for improvements to accessibility, but am in support of finding alternatives to make an accessible path that would work around the trees. We need to preserve trees, not only for the environment, but for the benefit of the people of Arlington. If the trees were removed, shade cover would be lost. I believe some of the trees proposed for removal are some of the largest trees in the park. Replacing them with young, much smaller trees would not be adequate. It would take decades for the new trees to grow and provide similar shade cover to what the trees provide currently. Our climate is experiencing the hottest temperatures on record. This includes Arlington. We need the heat relief these trees provide now. We simply cannot wait for trees to grow tall.

If the trees were removed, not only would this take away from the beauty of the park, it would increase the heat of the park. Elderly residents and people with disabilities often have difficulties with temperature regulation. They would be more sensitive to effects of the increased temperature, and could suffer heat complications, some of which could be life-threatening. Instead of an oasis and protection from the heat, the park could instead become a place that would be too dangerous to go. Indeed, it would become too risky for me.

Whittemore Park is a treasure, a wonderful place in our town center for the community to gather and enjoy nature. I look forward to a revitalization of the park to enhance its beauty and benefits. I am sure there can be a way forward to modify the current plan for the project. This does not need to be an either/or proposition. There are many residents concerned about this issue. Let's work together to find a way to save the trees and preserve their benefits for the people of Arlington. This is a problem we can solve!

Thank you for your consideration,

Ellen Leigh

Arlington Resident

Precinct #9





## **Town of Arlington, Massachusetts**

---

### **Update: Water/Sewer Rate Changes to Mitigate MWRA Debt Shift**

#### **Summary:**

Adam W. Chapdelaine, Town Manager

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	FY21_Rate_scenarios_Final.pdf	Reference



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

Memo to: Adam Chapdelaine, Town Manager

From: Mike Rademacher, DPW Director

Date: February 21, 2020

Subject: FY21 Water/Sewer Rate Scenarios

The following is a summary of various rate scenarios for FY21. The different options were developed to determine the impact of reducing the Town's current shift of General Fund dollars to offset ratepayers' costs. The various options include the following assumptions for FY21:

- All user fees increase by the same percentage at the proposed rate increase
- Water use is assumed to level off around 1,210,000 CCF's based on current trends

	<u>Current FY20 Rates</u>	<u>FY21 Rates No Offset change</u>	<u>FY21 Rates 20% Reduction</u>	<u>FY21 Rates 25% Reduction</u>	<u>FY21 Rates 33% Reduction</u>	<u>FY21 Rates Full Debt Reduction*</u>
Cost Ave. Arlington Home Use: 60ccf/yr.	\$753	\$787	\$841	\$855	\$877	\$926
Cost Ave. Arlington Home per bill: 3 months	\$188	\$197	\$210	\$214	\$219	\$232
Approx. Rate increase Over previous FY:						
Water:	7.5%	5.0%	12.3%	14.1%	17.2%	23.6 %
Sewer:	7.5%	4.0%	11.2%	13.0%	16.0%	22.3%

The Select Board asked for scenarios for reducing the impact of the MWRA debt shift over three to five years. The 20% Reduction shows the first year rate impact for a plan that reduces the debt shift over five years; the 25% Reductions shows the first year rate impact for a plan that reduces the debt shift over four years; and the 33% Reduction shows the first year rate impact for a plan that reduces the debt shift over three years. There would be additional rate increases in subsequent years.

Analysis of out years, FY22-FY25, can also be developed based on any shift reduction scenarios desired.

\*The debt service for the Arlington High School in FY21 will be \$2,865,980, which is approximately equal a 50% reduction in the MWRA Debt Shift.





## Town of Arlington, Massachusetts

---

### **For Approval: Solicitation of Additional Host Community Agreement, Timeline, & Revised Process and Application**

#### **Summary:**

Douglas W. Heim, Town Counsel

#### **ATTACHMENTS:**

Type	File Name	Description
▢ Reference Material	Draft_2020_Select_Board_Host_Community_Agreement_Process___Criteria.pdf_(2).pdf	HCA Process
▢ Reference Material	2020_HCA_Application_(2).pdf	HCA Application

# ARLINGTON SELECT BOARD



## HOST COMMUNITY AGREEMENT PROCESS & 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. *2020 applicants are advised two (2) HCAs were awarded in 2019 towards a maximum total of three (3) permits/licenses from Arlington’s Special Permit Authority.* Thus, the Select Board anticipates that selection criteria will determine not only general suitability, but the best fit 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 Town 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.

---

<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.*, 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

---

<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. The Town’s Legal Department continues to 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 and/or Federal scrutiny on the basis that competitors agreed to terms not authorized by c. 94G sec. 3(d).



establishments. Marijuana establishments may only be sited in those districts allowing them (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>

***2020 Applicants are recommended to consult with the Department of Planning and Community Development regarding the location of current or pending retail establishments.***

### **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

---

<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.

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

#### IV. Select Board HCA 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, public feedback, as well as the Board’s past practice to competitively select recipients for package store licenses from a pool of applicants, the Select Board adopts the following, 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
  - Certification of Zoning Compliance.<sup>7</sup>

---

<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



- e. Proposed HCA with all minimum terms and conditions included; and
- f. Priority application status.

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.

The Marijuana Study Group shall also review applications to present their questions, concerns, and comments to the Select Board in advance of application presentations.

An application fee of \$250 shall also be provided to the Select Board Office.

## 2. Presentations before the Select Board

Following PRT and Marijuana Study Group preliminary review, applicants will be invited to make a 20 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;
- 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;

---

<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.

- 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 Registered Marijuana Dispensary 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. ***\*2020 Applicants are advised to consult the Planning Department on the current or proposed locations of retail establishments with executed HCAs.***

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.

*\*\*\*Applicants should take note that to the extent the criteria 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, safety, and 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 Deadlines and Decisions

### A. Application Timeline

- The first round of applications must be submitted by no later than *12 p.m. Friday*,
- The PRT and Marijuana Study Group will conduct parallel preliminary review of applications and submit their comments and questions to the Select Board;
- Applicant presentations shall be made

### B. 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 endeavors to vote after hearing all applicant presentations with time for Board questions. In the event the Board requires additional time, applicants will be so advised.

## TOWN OF ARLINGTON



### MARIJUANA ESTABLISHMENT HOST COMMUNITY AGREEMENT (HCA) LICENSE APPLICATION

*\*\*\*Notice: The following application is for the limited purpose of vetting individuals and businesses seeking a 2020 Host Community Agreement with the Town of Arlington. Applicants are encouraged to read the Select Board's "Host Community Agreement Process & Criteria" for a full articulation of the HCA Selection Process in Arlington.\*\*\**

#### Section 1. Applicant Information:

Business Legal Name: \_\_\_\_\_

Business DBA, if different: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Website: \_\_\_\_\_

Federal Employer Identification Number (EIN): \_\_\_\_\_

Does the business currently possess any type of marijuana license in the Town of Arlington? ☐ Yes ☐ No

If yes, describe: \_\_\_\_\_

Does the business currently possess any type of marijuana license in the Commonwealth? ☐ Yes ☐ No

If yes, describe: \_\_\_\_\_

*(please note, subsidiary companies must identify any and all marijuana licenses held by parent companies/corporations in Massachusetts)*

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

Mailing Address: \_\_\_\_\_

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



Emergency Contact: \_\_\_\_\_

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

If you would like mail sent to a different Address, provide alternate mailing information below:

Mailing Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

## **A. Business Organization**

*Check only one and provide names as indicated:*

☐ **Sole Proprietor:** Name of Owner: \_\_\_\_\_

☐ **Partnership (Inc. LLP):** Name of Partnership: \_\_\_\_\_

Names of all Partners Who Own More Than 10%: \_\_\_\_\_

\_\_\_\_\_

☐ **Trust:** Name of Trust: \_\_\_\_\_

Names of All Trustees Who Own More Than 10%: \_\_\_\_\_

\_\_\_\_\_

☐ **Corporation (as registered):** \_\_\_\_\_

Name of President: \_\_\_\_\_

Name of Secretary: \_\_\_\_\_ Name of Treasurer: \_\_\_\_\_

☐ **LLC:** Name of LLC: \_\_\_\_\_

Name of All Managers Who Own More Than 10%: \_\_\_\_\_

\_\_\_\_\_

☐ **Other:** (Attach a Description of the Form of Ownership and the Names of Owners)

## **B. Proposed Marijuana Establishment**

- ☐ Adult-Use Marijuana Retailer
- ☐ Registered Marijuana Dispensary/Medical Marijuana Treatment Center
- ☐ Co-Located Adult-Use/Medical Marijuana Retailer
- ☐ Marijuana Cultivator
- ☐ Craft Marijuana Cooperative
- ☐ Marijuana Product Manufacturer
- ☐ Independent Testing Laboratory
- ☐ Marijuana Research Facility



## Section 2. Priority Status:

### *For Marijuana Retailers Only*

- ☐ **Group A Priority.** Attach proof that the applicant is 1) an Economic Empowerment Applicant, 2) is owned by an Arlington resident(s) or entities with at least 50% of its ownership made up of Arlington residents, or 3) is a cooperatively-owned entity.

An Economic Empowerment Applicant is one who meets ***at least three (3)*** of the following criteria:

- (1) A majority of ownership belongs to people who have lived for 5 of the preceding 10 years in an area of disproportionate impact, as determined by the MA CCC;
- (2) A majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education , resource provision or empowerment to disproportionately impacted individuals or communities;
- (3) At least 51% of employees or subcontractors reside in areas of disproportionate impact and by the first business day, the ratio will meet or exceed 75%;
- (4) At least 51% of the employees or subcontractors have drug-related CORI and are otherwise legally employable in cannabis enterprises;
- (5) A majority of ownership is made up of individuals of Black, African American, Hispanic or Latino descent;
- (6) Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in area of disproportionate impact.

- ☐ **Group B Priority.** Attach proof that your company is a Registered Marijuana Dispensary currently operating in Arlington that will continue selling medicinal products.

- ☐ **No Priority.** All applicants who are not Group A or B should check here.

### Section 3. Operating Questionnaire

*The following questions provide applicants an opportunity to respond to the qualitative criteria established by the Select Board for considering applications, which are as follows:*

- 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;
- 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 security;
- 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.

*Applicants are encouraged to provide specific information which speaks to each criterion/question. You may respond with separate attached documents as directed and needed.*

1. Describe your direct experience in the cannabis industry or a similar industry (such as sensitive commercial retail enterprises such as package stores, nicotine products, etc.)

---

---

---

---

2. Describe your business experience in Arlington if any.

---

---

---

---

3. Describe your experience operating a business within the Commonwealth of Massachusetts.

---

---

---

---

4. Provide a preliminary business plan<sup>1</sup> with particular attention to your proposed scale of retail operation, inventory sources, products to be sold, plan for inventory management, financial resources, marketing expectations, and anticipated costs and revenues (*please attach your full preliminary plan*).

5. Describe your employee training process and plan to ensure regulatory compliance. If available, provide copies of any employee training manuals or policies to employ or plan to employ.

---

---

---

---

---

<sup>1</sup> Preliminary business, security, and traffic and parking plans need not provide the level of detail subsequent permitting processes will require such as a traffic study or all documents and information required by the Cannabis Control Commission for state licensure. The Select Board should however understand your basic business model and plans for addressing reasonable concerns about parking, security, and management of the flow of anticipated activity at your proposed location.



6. Provide a preliminary security plan identifying your priority security concerns and any site-specific security issues and proposed means of addressing them (please attach your full preliminary plan).
7. Provide a preliminary traffic and parking plan demonstrating basic feasibility of the site and/or intended traffic and parking mitigation strategies (please attach your full preliminary plan).
8. Describe how you will prevent and educate youth and families about dangers of underage exposure to, and the consumption of, recreational marijuana. Describe how the Applicant will sustain these efforts over time.

---

---

---

---

9. Describe how you will inform customers about restrictions on public consumption and workplace use, the risk of second hand smoke, and dangers of operating a motor vehicle while impaired.

---

---

---

---

10. Describe the number and type of jobs expected to be created by your business in Arlington, and how you will attract a local workforce that is also reflects Arlington's commitment to diversity.

---

---

---

---

11. Describe how your business will support the unique character of your site location's neighborhood, as well as the Town's overall character, history, and culture.

---

---

---

---

Responsive applicants shall also be invited to make a 20 minute presentation to the Select Board after all applications have been received and examined by a Preliminary Review Team. In addition to the foregoing, the presentation will provide applicants an opportunity to address those matters you believe present the best case for your business seeking one of a limited number of licenses.

**Section 4. Site Control Certification and Authorization:**

*If the property has more than one owner, each owner must sign a copy of this form:*

Street Address of Business Location: \_\_\_\_\_

Zoning District and Overlay District, if any: \_\_\_\_\_

Assessor's Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Ward \_\_\_\_\_

Property Owner's Legal Name; \_\_\_\_\_

Property Owner's Mailing address (with zipcode): \_\_\_\_\_

Property Owner's Type of Business (Check Only One and Provide the Names Indicated):

☐ **Sole Proprietorship:** Name of Owner: \_\_\_\_\_

☐ **Partnership (inc., LLP):** Name of Partnership: \_\_\_\_\_

Names of All Partners Who Own More Than 10%: \_\_\_\_\_

\_\_\_\_\_

☐ **Trust:** Name of Trust: \_\_\_\_\_

Names of All Trustees Who Own More Than 10% : \_\_\_\_\_

\_\_\_\_\_

☐ **Corporation:** Name of Corporation: \_\_\_\_\_

Name of President: \_\_\_\_\_



I certify that:

☐ I am the property owner or that I am duly authorized to act as agent for the property owner, For the property Located at \_\_\_\_\_.

☐ \_\_\_\_\_ (legal name of Applicant) Has been authorized by me to develop and use the property listed above for the purposes indicated in this application.

☐ I will permit any officials representing the Town to conduct site visits on the property in connection with this application and, if approved, this applicants business.

☐ Should the ownership of this property change before the Town has acted on this application, I will provide updated information and new copies of this signature page.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title (Owner, Present, Agent, Etc.): \_\_\_\_\_

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

## Section 5. Zoning Compliance

*HCA Applicants are reminded that the Arlington Zoning Bylaw permits marijuana business only in those districts set forth in tables 5.5.3 and 5.6.3 subject to special permit requirements and review, and further by default do not permit marijuana establishments within 500 feet of k-12 schools, within 300 feet of Town playgrounds and recreational facilities, and/or within 200 feet of a public library.<sup>2</sup>*

HCA applicants must certify that the site described in Section 4, to the best of their knowledge complies with sections 5.5.3, 5.6.4, and 8.3 of the Arlington Zoning Bylaw with respect to siting restrictions.

I \_\_\_\_\_, owner or duly authorized agent of \_\_\_\_\_ (legal name of Applicant, hereby certify that:

☐ The proposed site of the Marijuana Establishment as described in this application is within an allowable Zoning District for my intended use.

☐ The proposed site of the Marijuana Establishment as described in this application is ***not within:***

- 500 feet of a k-12 public or private school;
- 300 feet of Town of Arlington playgrounds or recreational facilities; and/or
- 200 feet of a Town of Arlington public library.\*

*\*If a proposed site is within one of the buffer zones set forth in the Zoning Bylaw, applicants must provide a clear statement providing substantial evidence that an exception (which is purely within the discretion Arlington Redevelopment Board) is feasible due to site-specific conditions .*

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title (Owner, Present, Agent, Etc.): \_\_\_\_\_

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

---

<sup>2</sup> Marijuana Establishments are also not permitted within 2,000 feet of another like establishment. The Arlington Redevelopment Board *may, but is not required to* grant relief from buffer zone requirements as set forth in section 8.3.B.2 of the Zoning Bylaw.

## Section 6. Local & State Regulatory Compliance Information:

*Each individual (e.g. partner, trustee, manager) with a 10% or greater ownership stake in the business must complete a separate copy of this form.*

Owner's Name: \_\_\_\_\_ Ownership Stake (%) \_\_\_\_\_

1. Has the Owner ever obtained a marijuana related license in any jurisdiction? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

2. Has the Owner ever had any type of license denied, revoked or Suspended in any jurisdiction? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

3. Has the Owner ever received a Notice of Violation in any jurisdiction? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

4. Has the Owner been in compliance for the last 3 years (or since being in business in Massachusetts, whichever is less), and is the Applicant currently in compliance, with all laws and regulations of the Commonwealth of Massachusetts? ☐ Yes ☐ No

If no, explain: \_\_\_\_\_

5. Has the Owner been in compliance for the last 3 years (or since being in business in Arlington, whichever is less), and is the Applicant currently in compliance, with all laws and regulations of the Town of Arlington? ☐ Yes ☐ No

If no, explain: \_\_\_\_\_

6. Has the Owner been charged in any jurisdiction with any form of wage theft in the last three (3) years? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_



## **Section 7.     Proposed Host Community Agreement Terms**

*Applicants are invited to provide their own draft 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, safety, and 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.

*\*Select Board will not accept additional financial incentives or payments to private entities as a condition of HCAs.*

Please submit a proposed HCA with this application. The Town will negotiate the details of HCAs with successful applicants at the direction of the Select Board.

## SECTION 8.      **Deadline for Filing and Application Fee**

- Applications must be submitted to the Office of the Select Board located in Town Hall at 730 Massachusetts Avenue, Arlington MA, 02476, no later than ***12 p.m.*** \_\_\_\_\_;
- Applicants must provide a \$250.00 payment to the “Town of Arlington” at the time of submission.
- Applicant presentations shall be made ***Monday,*** \_\_\_\_\_<sup>3</sup> before an open meeting of the Select Board.

---

<sup>3</sup> Time and date are subject to change depending in part on Arlington’s Annual Town Meeting and Select Board schedule.



## Town of Arlington, Massachusetts

---

### Articles for Review:

#### Summary:

Article 66 Vote/Community Preservation Plan  
Article 9 Bylaw Amendment/Canine Control Fees and Fines  
Article 10 Bylaw Amendment/Display of Notice Fines  
Article 11 Bylaw Amendment/Street Performance Definitions  
Article 12 Bylaw Amendment/Stormwater Management  
Article 15 Vote/Establishment of Town Committee on Residential Development  
Article 18 Vote/Bylaw Amendment/Envision Arlington Updated Language  
Article 22 Home Rule Legislation/Justin Brown

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	W.A._Text.docx	Warrant Article Text
Reference Material	TC_Comments_and_Reference.pdf	Town Counsel Comments and Reference
Reference Material	Stormwater_Bylaw_2020_Warrant_Article_FINAL.pdf	W.A. 12, E. Sullivan Reference
Reference Material	W.A._#_15_RevisedWording_E._Sullivan.pdf	W.A. 12, Wording for Stormwater Bylaw Amendment
Reference Material	P._Parise__Reference.pdf	W.A. 15 P. Parise Reference
Reference Material	Memo_to_Select_Board_-_J._Brazile(1).docx	W.A. 18, J. Brazile Reference
Reference Material	Justin_Brown.pdf	W.A. 22, J. Brown Reference



**ARTICLE 66**

**VOTE/ COMMUNITY PRESERVATION PLAN**

To see if the Town will accept, receive, or resolve to endorse the Community Preservation Plan adopted by the Community Preservation Act Committee; or take any action related thereto.

(Inserted at the request of the Community Preservation Act Committee)

**ARTICLE 9**

**BYLAW AMENDMENT/CANINE CONTROL FEES AND FINES**

To see if the Town will vote to amend the Town Bylaws, Title VIII, Article 2 (“Canine Control”) to reduce late fees for dog license registration from \$50.00 to \$25.00; or take any action related thereto.

(Inserted at the request of the Town Clerk)

**ARTICLE 10**

**BYLAW AMENDMENT/DISPLAY OF NOTICE FINES**

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

(Inserted at the request of the Town Manager)

**ARTICLE 11**

**BYLAW AMENDMENT/STREET PERFORMANCE DEFINITIONS**

To see if the Town will vote to amend the Town Bylaws, Title III, Article 1, Section 18 (“Street Performances”) to expand the definition of “Perform” to allow the creation of items for sale; and further to remove or amend the prohibition of street performances in Town parks and recreation areas; or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 12**

**BYLAW AMENDMENT/STORMWATER MANAGEMENT**

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

(Inserted by the Select Board)

**ARTICLE 15**

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

To see if the Town will vote to establish a Committee of the Town Meeting to examine the current issues related to residential development in the R0, R1, R2, R3, and R4 zoning districts. These issues shall include, but not be limited to, effects on the neighborhood during teardown and construction activities; new construction impacts on neighborhood character/environment; permanent negative impacts on abutters; loss of healthy tree canopy; and exacerbation of particular negative impacts on abutters with existing non-conforming lots.

Members of the Committee shall be appointed by the Town Moderator, and consist of not less than 5 nor more than 9 members. A quorum shall consist of a majority of the appointed members. Members of the Committee shall be residents of the Town, a majority of whom shall be persons who are not Town employees and/or have no financial interest (either directly or indirectly) in the development, building, or real estate communities.

The Committee’s objectives will include development of recommendations for proposing new zoning and general bylaws and/or amendments, as applicable, to provide long-term mitigation of the significant issues identified; or take any action related thereto.

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

**ARTICLE 18****VOTE/BYLAW AMENDMENT/ENVISION ARLINGTON  
UPDATED LANGUAGE**

To see if the Town will vote to amend Title I, Article 15 to change the name of “Vision 2020” to comport with its current name “Envision Arlington;” to revise the Bylaw’s articulation of “Goals” as a “Statement of Community Values” or similar term; and to modernize the “Goals” as set forth in the vote of the 1993 Town Meeting (Article 19) with more inclusive language; or take any action related thereto.

(Inserted at the request of the Envision Arlington Standing Committee)

**ARTICLE 22****HOME RULE LEGISLATION/JUSTIN BROWN**

To see if the Town will vote to request and authorize the Select Board to file Home Rule Legislation so as to enable Justin Brown, a resident of the Town, to be eligible for appointment as a firefighter in the Town of Arlington notwithstanding and the fact that he has attained the age of 32; or take any action related thereto.

(Inserted at the request of Justin Brown and ten registered voters)



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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

To: Select Board

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator  
Resident Petitioners

From: Douglas W. Heim, Town Counsel

Date: February 19, 2020

Re: Warrant Articles 9, 10, 11, 12, 15, 18, 22, and 60

---

I write to provide the Select Board a summary of the above-referenced 2020 Annual Town Meeting warrant articles to assist in the Board's consideration of these articles at its upcoming hearings on February 24, 2020. As the Board will recall, where draft motions appear, new or additional language is underscored, while removed language is provided in "strikethrough."



## ARTICLE 9

## BYLAW AMENDMENT/CANINE CONTROL FEES & FINES

To see if the Town will vote to amend the Town Bylaws, Title VIII, Article 2 ("Canine Control") to reduce late fees for dog license registration from \$50.00 to \$25.00; or take any action related thereto.

(Inserted at the request of the Town Clerk)

This Article was inserted at the request of the Town Clerk to modify the initial penalty for failing to obtain or renew annual dog licenses in a timely fashion. The Clerk recommends reducing the initial penalty from \$50.00 to \$25.00. Additional fines of \$50.00 would still apply for those who fail to obtain or renew their license within 45 days of the deadline, and again for those who fail to comply within a calendar year.

A draft motion would be as follows:

*VOTED: That Title VIII, Article 2 ("Canine Control"), Section F.2(a) ("Failure to Comply), be and hereby is amended by striking the number "50" in paragraph 2(a) and replacing it with "25;" so as to read as follows as follows:*

*2. Failure to comply; penalties.*

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

*Failure to comply with this section shall be punishable by a fine of \$5025.*

*b. Additional late fees.*

*Failure to comply with this section within the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of \$50. An additional \$50 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.*

## ARTICLE 10

## BYLAW AMENDMENT/DISPLAY OF NOTICE FINES

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

(Inserted at the request of the Town Manager)

This Article addresses the need to update the bylaw fine set forth in Title V, Article I ("Display of Notices"), Section 2 of the Town Bylaws following last year's successful updates to Arlington signage regulation at Town Meeting; the overwhelming majority of which is now set

forth in the Zoning Bylaw rather than in multiple ordinances. A side effect of the successful vote on a comprehensive signage Zoning Bylaw was that the Town Bylaws' regulation temporary of "Notices," such as lost-pet, yard sale, and Town committee temporary flyers and signs often placed in or around public ways or on Town property, was no longer tethered to state laws governing outdoor advertising (as had been the case in years past when certain types of accessory signage were not regulated by the Zoning Bylaw). Accordingly, the Town's fine for violations of the Bylaw cannot now exceed \$300, and it is respectfully requested that the Board support the following motion:

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

*ARTICLE I  
DISPLAY OF NOTICES*

*Section 2. Fines for Violations*

*Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such notice for twenty (20) days thereafter shall be punished by a fine of not more than five three hundred dollars (\$500300).*

**ARTICLE 11      BYLAW AMENDMENT/STREET PERFORMANCE DEFINITIONS**

To see if the Town will vote to amend the Town Bylaws, Title III, Article 1, Section 18 ("Street Performances") to expand the definition of "Perform" to allow the creation of items for sale; and further to remove or amend the prohibition of street performances in Town parks and recreation areas; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article was developed by the Arlington Commission on Arts and Culture ("ACAC") in consultation with the Department of Planning and Community Development for the purpose of fostering a wider variety of artists and creative vendors by enabling them to sell their works and goods on public ways and in park and recreation areas. I expect a representative from

ACAC or a member of the Department of Planning and Community Development will provide further details on the rationale for the proposal. It should be noted that permitting vendors on public ways is within the purview of the Select Board, but permitting vendors in most parks remains governed by the Park and Recreation Commission. A change to the Bylaw would not divest the Park and Recreation Commission of their right to employ their own policies on vendors.

## **ARTICLE 12**

## **BYLAW AMENDMENT/STORMWATER MANAGEMENT**

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

(Inserted by the Select Board)

The purpose of this Article, jointly sought by the Town Engineer and the Environmental Planner, is to update the Town's "Stormwater Mitigation" bylaw to clarify the purpose and goals of the ordinance, and provide for a suite of changes to improve coordinated administration between departments in administration of same. The changes contemplated in a draft motion provided below include, but are not limited to:

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



I expect that either the Environmental Planner or the Town Engineer will be available to answer the Board's technical questions. Were the Board inclined to endorse this article, an appropriate motion would be:

*VOTED: That Title V, Article 15 ("Stormwater Management") of the Town Bylaws is hereby amended so as to read as follows:*

*ARTICLE 15*  
*~~STORM WATER MITIGATION~~ STORMWATER MANAGEMENT*  
*(ART. 10, ATM – 04/25/07)*

*Section 1. Purpose*

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

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

*The objectives of this bylaw are to:*

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

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

~~Section 1.~~ Section 2. Definitions

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

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

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

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

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

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

~~E.G.~~ "Runoff" – rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert

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

Additional definitions may be set forth in the Rules and Regulations promulgated by the Department of Public Works.

Section 3. Authority

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

~~Section 2.~~ Section 4. Applicability

~~This bylaw is applicable to the following development or redevelopment:~~

~~A. All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;~~

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

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



This bylaw shall be applicable to all development, redevelopment, or land alteration activities resulting in either an increase in impervious surface of 350 square feet or more, or land alteration of 1 acre or more, including such activities that may also require a permit issued by the Planning Board, Conservation Commission, Zoning Board of Appeals, and/or the Inspectional Services Department. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw.

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

### Section 3. Standard

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

### Section 4. Section 5. Procedure

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

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

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

D. Prior to project completion, the Town Engineer or the Engineer's representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.

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

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

### Section 5. Section 6. Administration

A. The Engineering Division, subject to approval by the Director of public Works and the Town Manager, shall establish administrative procedures for the review and approval of storm water



*management plans. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.*

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

*A. The Engineering Division or its Designee shall administer this bylaw.*

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

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

*D. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority shall define stormwater management standards within the Rules and Regulations. These standards shall incorporate into the Rules and Regulations the minimum standards of the EPA NPDES Small MS4 Permit and the specifications and standards of latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks, or approved local equivalents. The stormwater management standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience.*

## Section 7. Enforcement

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

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



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

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

C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division or its Designee within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Engineering Division or its Designee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30th day at which the costs first become due.

#### Section 8. Fee Schedule

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

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

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

D. Consultant Fee. Upon receipt of a Stormwater Permit Application the Engineering Division is authorized to require an Applicant to pay a fee for the reasonable costs and expenses borne by

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

#### Section 9. Severability

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



## ARTICLE 15

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

To see if the Town will vote to establish a Committee of the Town Meeting to examine the current issues related to residential development in the R0, R1, R2, R3, and R4 zoning districts. These issues shall include, but not be limited to, effects on the neighborhood during teardown and construction activities; new construction impacts on neighborhood character/environment; permanent negative impacts on abutters; loss of healthy tree canopy; and exacerbation of particular negative impacts on abutters with existing non-conforming lots.

Members of the Committee shall be appointed by the Town Moderator, and consist of not less than 5 nor more than 9 members. A quorum shall consist of a majority of the appointed members. Members of the Committee shall be residents of the Town, a majority of whom shall be persons who are not Town employees and/or have no financial interest (either directly or indirectly) in the development, building, or real estate communities.

The Committee's objectives will include development of recommendations for proposing new zoning and general bylaws and/or amendments, as applicable, to provide long-term mitigation of the significant issues identified; or take any action related thereto.

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

I expect the proponent of this resident petition article will present his rationale for creation a new committee of Town Meeting to study residential development in Arlington and make recommendations for new Zoning and Town bylaw amendments. Creation of such a study and report committee is within the authority of Town Meeting generally. However, it should be understood that only the Arlington Redevelopment Board, as the Planning Board of Arlington has the authority and obligation to hear proposals on zoning bylaw amendments and make recommendations for the purposes set forth in G.L. c. 40A sec. 5.

Additionally, the definition of financial interest in "development, building, or real estate communities" set forth in the Article is quite broad. If the Board is inclined to move in the affirmative, some consideration should be given to sharpening the requirements or limitations of membership of such a committee for the Town Moderator's benefit.

## ARTICLE 18

## VOTE/BYLAW AMENDMENT/ENVISION ARLINGTON UPDATED LANGUAGE

To see if the Town will vote to amend Title I, Article 15 to change the name of "Vision 2020" to comport with its current name "Envision Arlington;" to revise the Bylaw's articulation of "Goals" as a "Statement of Community Values" or similar term; and to modernize the "Goals" as set forth in the vote of the 1993 Town Meeting (Article 19) with more inclusive language; or take any action related thereto.

(Inserted at the request of the Envision Arlington Standing Committee)

I expect that a representative of Envision Arlington will present the Board with supporting information on the purpose and scope of this article in terms of revisions to its 1993 charter vote. However, a piece of the article is designed to update the Town Bylaws to make them consistent with the body's current name, and could be accomplished as follows:

*VOTED: That Title I, Article 15 ("Consideration of Vision 2020 Goals") of the Town Bylaws is hereby amended by replacing the term "Vision 2020" with "Envision Arlington" throughout, so as to read as follows:*

### ARTICLE 15

### CONSIDERATION OF ~~VISION 2020~~ ENVISION ARLINGTON GOALS

(ART. 19, ATM - 05/05/93)

*All Town officials including, but not limited to the Select Board, Town Manager, School Committee, and Superintendent of Schools shall consider the Goals of ~~Vision 2020~~ Envision Arlington as delineated in Article 19 of the 1993 Annual Town Meeting, or as same is subsequently amended by any future town meeting, in establishing their respective policies and in performing their various public functions.*

## ARTICLE 22

## HOME RULE LEGISLATION/JUSTIN BROWN

To see if the Town will vote to request and authorize the Select Board to file Home Rule Legislation so as to enable Justin Brown, a resident of the Town, to be eligible for appointment as a firefighter in the Town of Arlington notwithstanding and the fact that he has attained the age of 32; or take any action related thereto.

(Inserted at the request of Justin Brown and ten registered voters)

The proponent of this article seeks home-rule legislation to allow him to apply for appointment as a Firefighter because Civil Service Law (as applied in Arlington), does not ordinarily permit a candidate aged 32 or older to be appointed to the position of Police Officer or Firefighter. Special Legislation is the only avenue by which Mr. Brown may sit for the exam and attempt to gain an appointment. Some members of the Board may recall the arguments for and against supporting such legislation, most recently successful in 2013 relative to a prospective candidate for a Police Officer position.

In summary, while there may be individuals aged 32 and over who are capable of performing the strenuous activities required in the positions of Police Office and Firefighter, these positions are generally been subject to age restrictions on appointment by law for objective reasons. The Town invests significant money and time in training individuals for these jobs and considers such training expenses long-term investments to be recouped over the course of a public-safety career. Moreover, individuals who occupy non-public-safety positions in the public sector with relatively long tenure could seek employment as a police officer or firefighter and, after serving a relatively short time, retire at a much higher pension rate than that to which they otherwise would have been entitled.

On the other hand, the Board has historically supported consideration of each applicant on his or her own merits. Moreover, if this exemption is approved, as they have been from time to time, it would give Mr. Brown only the opportunity to apply and be considered for appointment to the position of Firefighter. It would not guarantee him the job.

Should the Board be inclined to vote in the affirmative, a motion in support of a Home Rule Petition would substantially similar to the following:



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

*"AN ACT TO PERMIT TOWN RESIDENT, JUSTIN BROWN, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF ARLINGTON.*

*Section 1      Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service law, Justin Brown, a resident of the Town of Arlington is authorized to take the civil Service examination for appointment to the position of Firefighter notwithstanding the fact that he has attained the age of 32.*

*Section 2      THIS ACT WILL TAKE EFFECT UPON ITS PASSAGE."*

*(Mr. Brown is \_\_\_\_ years old.)*

## **ARTICLE 66**

## **VOTE/ COMMUNITY PRESERVATION PLAN**

To see if the Town will accept, receive, or resolve to endorse the Community Preservation Plan adopted by the Community Preservation Act Committee; or take any action related thereto.

(Inserted at the request of the Community Preservation Act Committee)

The Community Preservation Act Committee is required by the G.L. c. 44B sec. 5(b)(1) law to develop and update a "Community Preservation Plan" addressing the needs, possibilities and resources of the Town regarding community preservation. To my understanding, CPAC seeks the Board and Town Meeting's perspective and endorsement for their 2020 update.

I look forward to discussing each of these articles with the Board further at its February 24<sup>th</sup> hearing.

**FEB 24, 2020 WARRANT ARTICLE HEARING REFERENCE MATERIALS**

**ARTICLE 9**

---

**TOWN BYLAWS- TITLE VIII, ARTICLE 2(2)**

2. Failure to comply; penalties.

a. Penalty for failure to comply with licensing requirements.

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

b. Additional late fees.

Failure to comply with this section within the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of \$50. An additional \$50 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

**ARTICLE 10**

---

**TOWN BYLAWS- TITLE V, ARTICLE 1**

**DISPLAY OF NOTICES**

**Section 1. Restrictions on Use**

(ART. 7, ATM - 05/04/15; ART. 26 2019 ATM)

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. Fines for Violations**

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

## **ARTICLE 11**

---

### **Town**

#### **TITLE III, ART. 1**

##### **Section 18, Street Performances**

(ART. 14, ATM, - 04/30/14)

##### **A. Purpose**

The existence in Arlington of street performers provides a public amenity that enhances the character of the Town, and the Town seeks to encourage such performances on Town public ways to the extent that they do not interfere with the reasonable expectations of (1) residents to the enjoyment of peace and quiet in their homes; and/or (2) business owners to public access to and effective conduct of their business. It is the intention of this bylaw to balance the interests of the performers with those of the residents and businesses of the Town.

##### **B. Definitions**

1. Perform – Includes, but is not limited to, the following activities: acting, singing and playing of musical instruments, pantomime, juggling, magic acts, dancing, reading and reciting of literary works, puppetry, sidewalk art working with non- permanent, water-soluble media (i.e., chalk, pastels, watercolors directly on the pavement), conducted live and in-person, but shall not include presentations of audio/visual reproductions of such activities or the production of items for sale.

2. Performer – An individual artist, member of an ensemble, or sponsor of a street fair or public festival, who has obtained a permit pursuant to this bylaw and Select Board regulations and is responsible for compliance with such provisions.

3. Public Ways – Any Town way or in any place to which the public has a right of access, is dedicated for public access, or upon any way or in any place to which members of the public have access as invitees or licensees, consistent with this Article's definition and use of the term "public Ways", which includes, but is not limited to Town public sidewalks and streets, but does not include Town parks and recreation areas or Town school property.

##### **C. Permit Required and Regulations**

No person shall perform in or on a public way as defined under this article without a permit issued by the Select Board. The Select Board shall draft and promulgate appropriate procedures and regulations for the issuance of permits consistent with the provisions of this article.

Permit holders shall comply with all regulations and conditions of permits. Failure to comply with



regulations and permits shall, at a minimum, render any and all permits held by a performer under this bylaw void.

## **STORMWATER MANAGEMENT**

### **ARTICLE 12**

---

#### **TOWN BYLAWS – TITLE V, ART. 15**

#### **STORM WATER MITIGATION (ART. 10, ATM – 04/25/07)**

##### **Section 1. Definitions**

- A. “Building footprint” – the outline of the total area covered by a building’s perimeter at the ground level
- B. “Impervious surface” – a hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools and play areas
- C. “Predevelopment” – the status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot
- D. “Runoff Rate” – the speed and volume of storm water which flows over the surface of the land
- E. “Runoff” – rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert
- F. “Storm water” – storm water, snow melt; the flow of water which results from precipitation and which occurs following rainfall or snowmelt

##### **Section 2. Applicability**

This bylaw is applicable to the following development or redevelopment:

- A. All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;
- B. Alteration of a developed property resulting in an increase to the impervious area of a lot by more than 350 square feet.

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

##### **Section 3. Standard**

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

#### **Section 4. Procedure**

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

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

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

D. Prior to project completion, the Town Engineer or the Engineer's representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.

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

#### **Section 5. Administration**

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

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



**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: Emily Sullivan, Environmental Planner & Conservation Agent

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

Date: February 18, 2020

RE: Bylaw Amendment/Stormwater Management Warrant Article for 2020 Annual Town Meeting

---

A Warrant Article to amend Article 15 Stormwater Mitigation of Town Bylaw Title V Regulations Upon the Use of Private Property has been submitted by the Arlington Engineering Division of the Department of Public Works (DPW) and Department of Planning and Community Development (DPCD).

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

The Engineering Division and DPCD has provided staff support for the background of this Warrant Article, including research into the requirements of the MS4 permit; research into other municipalities' stormwater bylaws and regulations; and facilitating discussion with the Inspectional Services Department (ISD), the DPW, the Arlington Redevelopment Board (ARB), and the Arlington Conservation Commission (ACC). The Engineering Division and DPCD are also working with the Mystic River Watershed Association (MyRWA) and Horsley Witten, a



stormwater technical consultant hired by MyRWA, to ensure that all proposed amendments comply with the MS4 permit.

A public meeting is scheduled for March 10 from 7:00 p.m. to 9:00 p.m. in the Town Hall's Lyons Hearing Room to discuss this Warrant Article.

Additional consideration relative to this Warrant Article includes:

- **Compliance with the MS4 permit is critical.**  
Due to the stricter regulations of the MS4 permit, Arlington has been mandated to assess and amend its local stormwater bylaw, regulations, and policies to remain in compliance with the permit. Noncompliance could result in violation orders or decrees with associated fines.
- **The Town's current permitting processes can be improved and coordinated.**  
The Engineering Division currently administers a Stormwater Review Permit promulgated by the Stormwater Mitigation Bylaw. The proposed amendments would formalize the current stormwater permitting process, as well as better establish and integrate into Arlington's current permitting processes, especially those permits issued by ISD, the Zoning Board of Appeals, the ARB, and the ACC.
- **Arlington is a stormwater role model and wants to continue to be a stormwater role model for other communities.**  
In Fall 2018, Arlington was selected to be one of two municipalities to work with the EPA and MassDEP to enhance stormwater management through a community support collaborative. The goal of this collaborative was to work with the state and federal stormwater regulatory agencies to improve compliance with the recently updated MS4 permit and reduce the eutrophication and degradation of water quality in the Mystic River. Arlington has a great professional relationship with the EPA and MassDEP stormwater divisions and has been highlighted as a role model community. In Fall 2019, the Engineering Division was featured on an EPA webinar because of the professional relationship and stormwater insight shared with the EPA and MassDEP.

In addition to being a role model for stormwater, Arlington is also a role model community for implementing green infrastructure interventions that support improved stormwater management. In Summer 2019, Arlington was awarded \$135,000 by the Massachusetts Office of Coastal Zone Management (CZM) to install two rain gardens and twenty infiltration trenches in East Arlington. The CZM grant followed two other grants awarded to Arlington to improve stormwater management, an EPA 319 Nonpoint Source Pollution grant and a MassDEP Natural Resource Damages (NRD) grant. The 319 grant was used to construct two rain gardens, also located in East Arlington. The NRD grant was awarded to restore a derelict outfall along the Mystic River and replant the river habitat along river's bank.

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

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

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

ARTICLE 15

STORM WATER MITIGATION STORMWATER MANAGEMENT

(ART. 10, ATM – 04/25/07)

**Section 1. Purpose**

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

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

The objectives of this bylaw are to:

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



**Section 1. Section 2. Definitions**

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

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

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

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

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

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

~~E.G.~~ "Runoff" – rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert

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

Additional definitions may be set forth in the Rules and Regulations promulgated by the Department of Public Works.

**Section 3. Authority**

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

**Section 2. Section 4. Applicability**

~~This bylaw is applicable to the following development or redevelopment:~~

~~A. All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;~~

**Article 15 Stormwater Mitigation Bylaw Proposed Amendments for 2020 Annual Town Meeting  
February 24, 2020 Select Board Hearing**

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

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

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

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

### **Section 3. Standard**

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

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

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

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

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

~~D. Prior to project completion, the Town Engineer or the Engineer's representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.~~

**Article 15 Stormwater Mitigation Bylaw Proposed Amendments for 2020 Annual Town Meeting  
February 24, 2020 Select Board Hearing**

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

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

**~~Section 5.~~ Section 6. Administration**

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

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

A. The Engineering Division or its Designee shall administer this bylaw.

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

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

D. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority shall define stormwater management standards within the Rules and Regulations. These standards shall incorporate into the Rules and Regulations the minimum standards of the EPA NPDES Small MS4 Permit and the specifications and standards of latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks, or approved local equivalents. The stormwater management standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience.



## **Section 7. Enforcement**

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

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

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

(1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;

(2) Maintain, install, or perform additional erosion and sediment control measures;

(3) Perform monitoring, analyses, and reporting;

(4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;

(5) Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems;

(6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or

(7) Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division or its Designee within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Engineering Division or its Designee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30th day at which the costs first become due.

### **Section 8. Fee Schedule**

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

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

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

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

### **Section 9. Severability**

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

**Warrant Article 15**

**ESTABLISHMENT OF TOWN COMMITTEE ON RESIDENTIAL DEVELOPMENT**

*Select Board Meeting*

*February 24, 2020*

I have spoken before the SB a few times over the past 3 to 4 years about issues arising from the on-going residential development activity.

Thank you again for the opportunity to address these issues tonight. I have some brief remarks and would then be happy to try to answer any questions you may have.

This article's primary concerns include creating the ability of residents to have input to the development changes occurring in their neighborhoods; to preserving their quality of life and character of the neighborhood; and to minimizing impacts, both temporary and permanent, during construction and redevelopment. The purpose is to allow Arlington to develop and change, as it naturally should, while balancing the interests of current residents and the development/real estate communities.

I believe current residents have an expectation that the negative impacts to their homes and neighborhood from significant construction and/or development activities should be minimized to the extent that it is reasonable.



### Some Background:

Briefly, numerous zoning and administrative issues concerning teardowns, McMansion-type construction, and resident/neighborhood quality of life were presented at the 2016 Town Meeting. While specific warrant articles were discussed, none were adopted, however, the Town Meeting established an informal committee to look into these issues, called the **Residential Study Group**. The RSG, under the direction of the Planning Dept. proposed articles for the 2017 Town Meeting covering issues regarding parking, driveway slope, and pre-construction notification (Good Neighbor Agreement).

However, many of the primary issues that prompted the formation of the RSG remained uncompleted when the RSG was unilaterally dissolved by the Planning Dept. last Spring. These unresolved significant issues include:

- Proper notification to abutters prior to project commencement
  - from citizen information gathered from town records and presented to Redevelopment Board last year (ARB), the GNA, at best, has been only about 15 – 20% effective in providing the required notifications to abutters
  - in addition, follow-up with residents where the GNA was fully implemented should be done to assess its effectiveness and outcome.
- A 2<sup>nd</sup> issue is Environmental & Public health impacts during teardown/demolition, excavation, rock removal, and construction. It is my understanding that noise, debris, and safety issues concerning rock removal remain unaddressed.
- Storm water mitigation suitable for some new designs is required (I have been made aware that some neighbors report now having periodic water intrusion in basements after nearby construction, where none existed previously)

Very significant quality of life issues concerning size and scale of new development continue to be produced by new large-scale construction. These include:

- Loss of sunlight (increased shadowing)
- Loss/reduction of sight lines
- Loss of privacy
- Interference with existing or planned solar arrays

More importantly,

*All these associated effects are exaggerated and made more onerous when an abutter is on a non-conforming lot. There has been no discussion/consideration of this issue in the Town, as far as I am aware.*

In many cases, new home construction and renovation has been done in an exemplary fashion with significant benefit added to the neighborhood and its abutters.

However, in a significant number of cases, issues such as those discussed above have occurred, with both short- and long-term negative effects. It's time to try to mitigate these potential issues with active resident participation and feedback.

In summary,

There is no one body that comprehensively represents residents' opinions and concerns on residential development. This should be the one.

I urge the SB to recognize these important residential issues and provide an opportunity to have this warrant article discussed and debated at Town Meeting.

Thank you for your attention.

Paul Parise

106 Hemlock St.

To: Select Board Members

From: Juli Brazile

Date: February 18, 2020

Subject: Warrant Article for 2020 Town Meeting

The Standing Committee is submitting a Warrant Article for the 2020 Annual Town Meeting to redefine the “Town Goals” as value statements to clarify their purpose and to make them more inclusive. Please note that this will not remove “goals” or goal-setting from the work of Envision Arlington and its Task Groups. Instead, it clarifies the following relationship:

Values lead to Goals and Goals lead to Action steps.

For example, under education:

Value statement: We value learning.

Goal: Hire and retain excellent teachers.

Action step: Perform a salary study to determine if adjustments are needed in future contracts to make us competitive with other Towns.

Importantly, this would mean that our town values remain relatively constant, whereas the goals and action steps could change, *e.g.* as the Task Groups accomplish their various goals and set new ones. This brings Envision Arlington's wording more in line with documents like the Master Plan or the Arts & Culture Action Plan which all stem from our overarching values, describe a focused mission, lay out current goals and specify a plan to meet the goals. Our historic use of the word “goals” can be confusing in this context.

The Warrant Article:

To see if the Town will vote to amend Title I, Article 15 to change the name of “Vision 2020” to comport with its current name “Envision Arlington”; to revise the Bylaw’s articulation of “Goals” as a “Statement of Community Values” or similar term; and to modernize the “Goals” as set forth in the vote of the 1993 Town Meeting (Article 19) with more inclusive language; or take any action related thereto.

(Inserted at the request of the Envision Arlington Standing Committee)



This is how the amended bylaws would read after Town Meeting approval.

**Article 19 (1993). Town Adoption of ~~Vision 2020 Goals~~ Envision Arlington Statements of Community Values**

To see if the Town will vote to accept, endorse and adopt the following nine ~~vision~~ statements as statements of our community values ~~goals for the Town~~; or take any action related thereto.

The ~~Goals~~ Statements are:

**Article 1. Community ~~and Citizen Service~~**

We value Arlington's geographic neighborhoods, common interest groups, and the sense of community in our Town. We value ~~an~~ active and compassionate ~~citizenry~~ volunteers and programs delivering services in our community. We will be known for the vitality of our neighborhoods and as a community of people helping others.

**Article 2. Diversity, Equity and Inclusion**

We value the diversity of our population. Our Town's mix of ethnic, religious and cultural backgrounds, as well as economic and personal circumstances, enriches us. We will be known for the warm welcome and respect we extend to all.

**Article 3. Education**

We value learning for all Arlington residents ~~citizens~~. We are responsible as a community for educating our youth and providing all ages with opportunities for educational growth. We will be known for demonstrated excellence in public education and our commitment to life-long learning.

**Article 4. The Environment and Sustainability**

We value the physical beauty and natural habitats of our Town – parks, ponds and wetlands, dramatic vistas and tree-lined streets – as they contribute to the well-being of our community. Recognizing the fragility of our natural resources, we must ensure that Arlington's residential areas, commercial centers, and infrastructures are developed in harmony with environmental concerns. We will be known for our commitment to the preservation of Arlington's beauty, limited open space and resources, as well as our place in the regional and global community.

**Article 5. Culture & Recreation**

We value the many opportunities to meet, play, and grow in Arlington while treasuring and preserving our unique historical resources. Our social, cultural, artistic, historic, athletic, recreational, and other community groups strengthen Town life. We will be known for the breadth and richness of our resources and activities available to Arlington residents ~~citizens~~.

**Article 6. Communication**

We value public dialogue. Communication and information-sharing build trust. Our goals are true openness and accountability. Arlington will be known as a community that thoughtfully searches beyond divisive issues for the opportunities that bind us together.

#### Article 7. Fiscal Resources

We value Arlington's efficient delivery of public services providing for the common good. The benefits from these services and the responsibility of taxation will be equitably distributed among us. We will be known for our sound fiscal planning and for the thoughtful, open process by which realistic choices are made in our Town.

#### Article 8. Governance

We value our representative Town Meeting system and the community spirit it fosters. Participatory governance is both responsive and innovative. We will be known as a community where government provides effective and efficient services, insures open two-way communication, promotes the lively exchange of ideas, and encourages active ~~citizen~~ participation of all residents.

#### Article 9. Business

We value Arlington's diverse and accessible mix of merchants and service providers. We will be known for our vibrant, attractive commercial centers supporting the primarily residential and historic character of the Town.

VOTED:

That the Town hereby accepts, endorses and adopts the nine ~~vision~~ statements as statements of our community values ~~goals for the Town~~ as same are printed in Article 19 of the Warrant for the 1993 Annual Town Meeting and amended by any future Town Meeting.

#### **Article 20 (1993). Amendment to the Town Bylaws**

VOTED:

That the town does hereby amend the bylaws by ~~adding a new article~~ replacing Title 1, Article 15 with the following:

Article 15: Consideration of Envision Arlington Statements of Community Values ~~Vision 2020 Goals~~

All Town officials including, but not limited to the Board of Selectmen, Town Manager, School Committee and Superintendent of Schools shall consider the Envision Arlington Statements of Community Values ~~Goals of Vision 2020~~ as delineated in Article 19 of the 1993 Annual Town Meeting, or as same is subsequently amended by any future town meeting, in establishing their respective policies and in performing their various functions.

# Justin A. Brown

## Customer-centric, entrepreneurial, and resourceful leader delivering business outcomes.

- Creating outcomes-driven cultures through focused and substantive strategies.
- Managing product, cross-functional, and agile teams from ideation through launch.

Competencies: Leadership, Strategy, Product Delivery, Operations, Marketing, Monetization.

## PROFESSIONAL EXPERIENCE

### VIO MEDIA GROUP | Boston, MA

**Partner**, Sep 2019 – Present

*Develop and execute digital media strategies to help advertisers, publishers and technology companies in the areas of business development, product development and operations.*

- Specializing in product management and marketing, and programmatic advertising.

### EDX / MIT | Cambridge, MA

**Director of Product, edX for Business**, Aug 2018 – Sept 2019

*Oversee product delivery and co-lead general management of edX's B2B business, delivering corporate Learning & Development solutions for our rapidly growing list of F1000 customers.*

- Leading a business unit that has driven 4X customer growth over the last 11 months.
- Create experiences that connect businesses and employees with the skills they seek.
- Led our division's goals, strategies, and plans development for fiscal year 2020.

### NPR, DIGITAL SERVICES | Boston, MA

**Director of Product**, Mar 2015 – Oct 2017

*Head of Product for an NPR division that achieved strategic objectives for 300 customers, served 20 million monthly users, and continually evolved the SaaS product portfolio.*

- Grew a team of product managers that led scrum teams executing against 10 backlogs.
- Delivered largest API-driven platform, resulting in 91% adoption and a 6X spike in traffic.
- Led activities for multiple agile teams as a manager, product owner, and scrum master.

### OWNERIQ | Boston, MA

**Sr. Director, Product Management**, Jul 2013 – Mar 2015

*Grew the product management / marketing disciplines to better address market needs, resulting in \$800K in new annual revenue, company's 1st mobile offering, and a tripling of user posts.*

- Mentored team of 10 to develop road maps that are goal-driven vs. project-driven.
- Formulated a product offering that led to a \$1M deal with a Top-10 IR500 customer.
- Led weekly reviews for executives on road map progress, milestones, and roadblocks.



## **Director, B2C Product Management, Jan 2010 – Jul 2013**

*Grew a cross-functional team of domestic and offshore FTEs to focus on growth and revenue, leading to a doubling of monthly traffic to 4M+ and a 10X revenue surge in 12 months.*

- Led a product restructure resulting in a Google search rank increase from #26 to #1.
- Cut BPO costs by 30% by renegotiating 2 crowdsourcing and 3 outsourcing contracts.

## **Product Owner, Aug 2007 – Jan 2010**

*Managed and executed our product road map achieving a 17% jump in engagement, a doubling of audience registrations, and a 453% growth in content production.*

## **NAMEMEDIA | Waltham, MA**

### **Operations Manager, Ad Platforms, Aug 2006 – Aug 2007**

*Matched portfolio capabilities with client objectives, led to 11 successful vertical site launches.*

## **TECHTARGET | Needham, MA**

### **Program Manager, Apr 2004 – Aug 2006**

*Coordinated people and projects to ensure program's objectives were met and exceeded.*

- Achieved a cost reduction of 34% for all client campaigns optimized through program.
- Managed projects for six F500 clients, increased logins (30%) and downloads (44%).

## **CELARIX | Cambridge, MA**

### **Data Analyst, 2001 – 2003**

*Delivered daily reports and analysis to global trading partners, identifying data errors and patterns, to help define needed reporting features in our supply chain management software.*

## **TECH & TOOLS**

MySQL, HTML, CMS, Jira, ProductPlan, TeamGantt, SmartTask, Monday.com, ClickUp, Trello, Rally, Pivotal Tracker, Basecamp, Sauce Labs, uTest, Salesforce, Google Analytics, Tableau.

## **EDUCATION**

### **NORTHEASTERN UNIVERSITY | Boston, MA**

#### **Bachelor of Science**

*Dual Concentration: Management Information Systems and Business Administration*

### **KRAV MAGA YASHIR | Boston, MA**

#### **Assistant Martial Arts Instructor**

*Blue Belt rank; teaching self-defense, personal safety and protection, women's self-defense.*

# CERTIFICATE OF COMPLETION



This Certification is Awarded to:  
**JUSTIN BROWN**

---

Upon the completion of the Emergency Medical Technician Basic Program with curriculum prescribed by the D.O.T. and the Massachusetts Office of Emergency Medical Services - Approval number **2020-090**.

This student has also been awarded for the completion of training for:

- Nebulizer
- BLS Advanced Airway & Intubation Assistance
- Glucometer
- Narcan Training
- I.V. Maintenance
- Bloodborne Pathogens

This certification is hereby awarded on this

February 13, 2020.



---

**MARK COHENNO,**  
**PRESIDENT**

NATIONAL EMS INSTITUTE IS AN ACCREDITED EMT TRAINING INSTITUTION BY THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES

# BASIC LIFE SUPPORT

**BLS  
Provider**



**American  
Heart  
Association®**

**has successfully completed the cognitive and skills  
evaluations in accordance with the curriculum of the  
American Heart Association Basic Life Support  
(CPR and AED) Program.**

**Issue Date**

**Recommended Renewal Date**

**Training Center Name**

**Instructor Name**

**Training Center ID**

**Instructor ID**

**Training Center Address**

**eCard Code**

**Training Center Phone  
Number**

**QR Code**



To view or verify authenticity, students and employers should scan this QR code with their mobile device or go to [www.heart.org/cpr/mycards](http://www.heart.org/cpr/mycards).

© 2016 American Heart Association. All rights reserved. 15-3001 3/16



# Emergency Management Institute



## FEMA

This Certificate of Achievement is to acknowledge that

**JUSTIN BROWN**

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

**IS-00100.c**

**Introduction to Incident Command System, ICS-100**

*Issued this 3rd Day of February, 2020*



Michael J. Sharon  
Deputy Superintendent  
Emergency Management Institute  
Federal Emergency Management Agency

# Emergency Management Institute



## FEMA

This Certificate of Achievement is to acknowledge that

**JUSTIN BROWN**

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

**IS-00700.b**

**An Introduction to the National Incident  
Management System**

*Issued this 6th Day of February, 2020*



Michael J. Sharon  
Deputy Superintendent  
Emergency Management Institute  
Federal Emergency Management Agency



## **Town of Arlington, Massachusetts**

---

### **Articles for Review:**

#### **Summary:**

Article 7 Bylaw Amendment/Regulation of Outdoor Lighting - Uplighting

Article 8 Bylaw Amendment/Minuteman Bikeway Hours

### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	2.24.2020_Final_Votes_and_Comments.pdf	Final Votes and 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)

To: Select Board

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel 

Date: February 20, 2020

Re: Draft Votes and Comments re: Articles 7 & 8

---

I write to provide the Board Draft Votes and Comments regarding the above-referenced 2020 Annual Town Meeting Warrant Articles. As the Board will recall, new or additional bylaw language is underscored, while removed language is provided in "strikethrough."

**ARTICLE**

**BYLAW AMENDMENT/REGULATION OF OUTDOOR  
LIGHTING – UPLIGHTING**

**VOTED:** That Title V, Article 14, Section 3D of the Town Bylaws be and hereby is amended as follows:

**3(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, Town, School, public building façades, buildings used for religious purposes, buildings used for commercial purposes, 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.

(4 - 0) Mr. Dunn was absent.

**COMMENT:** During the 2019 Annual Town Meeting, revisions were made to the Town’s “Outdoor Lighting” Bylaw, including revised provisions for the regulation of so-called “uplighting.” These revisions may have had the unintended effect of regulating houses of worship and commercial buildings in a way not contemplated by Town Meeting. The instant motion proposed by the Outdoor Lighting (or “Dark Skies”) Bylaw’s chief proponent Mr. Paul Schlichtman, affords Town Meeting the opportunity to correct any unintended regulations by adding buildings used for religious or commercial purposes to the list of properties exempt from uplighting restrictions. The Select Board endorses positive action on this motion for the purposes of such a discussion at Town Meeting.

**ARTICLE** **BYLAW AMENDMENT/MINUTEMAN BIKEWAY HOURS**

**VOTED:** That that Title III, Article 1, Section 10 of the Town Bylaws (“Minuteman Bikeway Hours”) be and hereby is amended as follows:

### *Section 10. Minuteman Bikeway Hours*

*The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 A.M. and such evening hour as set and posted by the Town Manager no earlier than 9:00 P.M. Anyone found on said premises between the posted evening hours of 9:00 P.M. and 5:00 A.M. shall be considered trespassers and subject to a fine of up to \$20.*

(4 - 0) Mr. Dunn was absent.

**COMMENT:** The Select Board strongly supports this effort to increase Minuteman Bikeway hours beyond 9:00 p.m. in recognition of the Bikeway's increased use in later evening hours. Rather than affix a specific time in the Bylaws, the Board urges Town Meeting to vest discretion in the Town Manager to set and post evening hours (with a curfew no earlier than 9:00 p.m.) as appropriate for conditions. For example, if summer month conditions are appropriate, the Bikeway could be open for longer periods than in winter months. It bears noting that several Bikeway communities, including Lexington and Bedford have no hour restrictions whatsoever. This proposal would maintain control of Bikeway hours, but afford appropriate flexibility as seasonal or infrastructure conditions allow.



## Town of Arlington, Massachusetts

---

### Response to Crosswalk Request - Wachusett and Oakland

#### Summary:

Daniel Amstutz, Senior Transportation Planner

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Planning_memo_-_Crosswalk_request_for_Prospect_and_Wachusett_Ave_FINAL_(1).doc	Memorandum to Board
▢ Reference Material	Wachusett_Ave_and_Oakland_Ave.pdf	Board Reference
▢ Reference Material	Mastrogiovanni_CR.pdf	Original Request





**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

Date: January 2, 2020

RE: Crosswalk request for Prospect Ave and Wachusett Avenue/Oakland Avenue

---

At its October 7, 2019 meeting, the Select Board referred correspondence from Cheryl Mastrogiovanni, 44 Prospect Avenue, to the Town Manager's Office. The Town Manager forwarded the correspondence to the Department of Planning and Community Development (DPCD) for review.

In her correspondence, Ms. Mastrogiovanni requests a crosswalk at Prospect Ave and Wachusett Ave/Oakland Ave, on one of the legs that do not have crosswalks. Mastrogiovanni cited concerns about children walking to Dallin Elementary from Prospect Ave. There are already two crosswalks at this intersection, one at northwest side of the intersection crossing Wachusett Ave, and one on the southwest side of the intersection crossing Oakland Ave. Crosswalks are not currently installed at the southeast side of the intersection crossing Wachusett Ave or the north side of the intersection crossing Prospect Ave/Oakland Ave. A map is provided with this memo showing the project location and existing pavement markings.

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

Wachusett Ave, Oakland Ave, and Prospect Ave converge into a 5-way intersection in Arlington Heights. Wachusett Ave and Oakland Ave meet in generally a 90-degree angle while Prospect Ave enters the intersection at a 45-degree angle to the other two streets. Wachusett Ave and Oakland Ave are public ways while Prospect Ave at this location is a private way. The portion of the intersection where Oakland Ave and Prospect Ave meet creates an expansive stretch of road pavement and a very long street crossing from curb to curb on the northeast side of Wachusett Ave. This intersection is approximately 1,500 feet, or a 5-10 minute walk from Dallin Elementary (measured by the street network). MBTA Bus Routes #78 and #84 run down Wachusett Ave, and there is one inbound bus stop and one outbound bus stop at this intersection.



**Figure 1 - Wachusett Ave at Oakland Ave, looking southeast.**

Available MassDOT crash data shows that there were five motor vehicle crashes at this intersection from 2010-2016. One was a single vehicle crash while the other four involved two vehicles. Four out of the five crashes did not involve an injury, and the four two-vehicle crashes were all angle crashes with the two vehicles turning or moving perpendicular to each other.

On the morning of Thursday, October 31, 2019, DPCD staff met Ms. Mastrogiovanni's husband at the intersection and did observations for about an hour (7:50-8:50 a.m.). This time was chosen as the likely peak period for pedestrian crossings due to morning school traffic. Staff also interacted with a few other neighbors that walked by at the time. Staff counted pedestrians crossing at the different intersection legs and also made anecdotal observations about general traffic volume, particularly in relation to real or perceived difficulty in crossing Wachusett Ave.

The following observations were made:

- Over the course of the hour a total of about 26 people walked through the intersection. 12 people used the existing marked crosswalks, and 14 crossed on the legs without crosswalks (Oakland/Prospect side and the one leg of Wachusett without

a crosswalk). Of this group, 7 children were counted (three in the crosswalk legs and four outside of crosswalks).

- Dallin starts school at 8:10, so most of the children and parents observed walking were in the first 30 minutes of the observation period. There were very few pedestrians observed in the remaining 30 minutes.
- About a half dozen people got on the Route 84 bus going towards Park Ave. There were no crossings observed to get from the inbound bus stop to the outbound bus stop.
- The most amount of traffic was in the first 30 minutes of observations, and most traffic was on Wachusett Ave. Sometimes drivers on Wachusett Ave would appear to drive fast from a pedestrian's perspective. However, observed traffic volumes were not considered to be high and it was not difficult to find gaps in traffic for pedestrians to cross. This was also the case for Oakland Ave. Prospect Ave had very little traffic at this time; only a few vehicles were observed entering or exiting Prospect Ave at this intersection.
- Wachusett Ave is about 35' wide and it took staff walking at an average walking pace (3.5 feet per second) about 10 seconds to cross. The crossing on the northeast side of the intersection in front of Prospect Ave and Oakland Ave is almost 100 feet long and it took staff about 25 seconds to walk from curb to curb.

## Analysis

Crosswalk guidelines utilized by the Transportation Advisory Committee, and recently updated and approved in January 2019, note that “a higher priority [for crosswalks] should be given to locations having a minimum of 20 pedestrian crossings per peak hour (or 15 elderly and/or children).” Street width and vehicular traffic should also be considered, and whether an adequate number of gaps in traffic exist to enable pedestrians to cross without the aid of a marked crosswalk.

Staff did not observe that there were any significant visibility restrictions along the street for seeing pedestrians crossing at the legs of the intersection.

Crash data shows that there have been several crashes over the years, none of them involving a pedestrian. It is not clear that a crosswalk would be an effective countermeasure for addressing these crashes.

Based on staff observations and pedestrian data collected, the locations at this intersection without crosswalks currently do not warrant the installation of new crosswalks. The number of pedestrians crossing is below the threshold (both the higher and lower thresholds) and traffic volume was not high enough to cause undue delay for pedestrians waiting for a gap in traffic.

In addition, there are maintenance and engineering challenges to crosswalk installation in both locations that currently have no crosswalks:

- Putting a crosswalk across Wachusett Ave on the southeast side of the intersection could be a hurdle because there is a driveway directly across Wachusett Ave from the



location of the ramp on the Wachusett/Prospect side. Two new curb ramps would need to be constructed as well.

- Putting a crosswalk on the Prospect/Oakland side of the intersection -- the longest side at almost 100' crossing distance -- without any further geometric improvements, could provide pedestrians a false sense of security and would require significant maintenance due to its length.
- This end of Prospect Ave (from Wachusett Ave to Hillside Ave) is a private way. This could create some legal or jurisdictional problems for the Town to make any geometric improvements on the southeast (Prospect Ave) side of the intersection.

DPCD staff shared the above observations and challenges with the Department of Public Works and the Arlington Police Department. DPW and APD concurred with DPCD's analysis of the information collected. DPW also noted that the existing crosswalks were upgraded 4-5 years ago, and the challenges with the other two legs of the intersection prevented them from making further improvements at that time as well.

## **Conclusion**

DPCD does not recommend crosswalks at the sides of the intersection that do not have them currently. This position is supported by staff at DPW and APD. Geometric and infrastructure challenges would need to be overcome to make these crosswalks safe and accessible, but the low crossing numbers do not make this location a higher priority than other locations in the town.

This information was shared with Ms. Mastrogiovanni, along with a recommendation to avoid crossing as a pedestrian directly in the middle of the intersection where exposure is greatest. Crossing at Wachusett Ave at the bus stop or further up Oakland Ave by Prospect Ave is a much shorter crossing for pedestrians.

I am available if needed for further questions or information on this subject.



- Places by Category
- Police Station
  - Fire Station
  - School
  - Library
  - Public Works
  - Commuter Rail Stations
  - Commuter Rail
  - MBTA Bus Stops Arlington
  - MBTA Bus Routes
  - Engineering - Drainage Plan
  - Pavement Markings
  - MA Highways
    - Interstate
    - US Highway
    - Numbered Routes
  - Town Boundary
  - Abutting Towns



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 100 200 ft

Printed on 12/12/2019 at 04:22 PM

Town of Arlington, MA

# Service Request Work Order # \_\_\_\_\_

Requested: ☐

Routine Maintenance: ☐

Emergency: ☐

<b>Address 1</b>	<b>Reference No:</b> W114888-092519
<b>Address 2</b>	<b>Request Status:</b> Initiated
<b>City</b>	<b>Service Request Type:</b> Select Board
<b>State/Province</b>	<b>Priority:</b> Medium
<b>Zip/Postal Code</b>	<b>Assigned To:</b> 1 BOSadmin
<b>Provide details here</b>	<b>Email:</b>
Hi- I would like to request that a crosswalk be added to ensure the safety of children walking to Dallin Elementary from Prospect Ave. Could you please add a crosswalk either from Wachusett Ave (near bus stop) across to Prospect, or extend the crosswalk that exists from Wachusett to Oakland, making it go across Oakland to get to Prospect Ave. Currently there is no safe way to get to Prospect Ave in that dangerous intersection. I am asking if you could please consider making this intersection safe for the children on our street. Thank you. Cheryl Mastrogiovanni 44 Prospect Ave.	<b>Name:</b> Cheryl Mastrogiovanni
	<b>Phone:</b>
	<b>Address:</b>
	<b>City:</b> Arlington
	<b>State/Province:</b> MA
	<b>Zip/Postal Code:</b> 02476
	<b>Create Date:</b> 9/25/2019 7:12:58 PM
	<b>Update Date:</b> 9/25/2019 7:12:59 PM
	<b>Source:</b> Web

## Employee Responsibility

**Note:** All requests will remain "Open" until you return this form.

Action Taken:	Date:
	Time:
No Action Taken (Reason):	Date:
	Time:

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





---

## **Town of Arlington, Massachusetts**

**NEW BUSINESS**



## **Town of Arlington, Massachusetts**

---

**Next Scheduled Meeting of Select Board March 9, 2020**