



## **Town of Arlington Select Board**

### **Meeting Agenda**

March 9, 2020

7:15 PM

Select Board Chambers, 2nd Floor, Town Hall

1. Introduction of New Permanent Police Chief, Juliann Flaherty

#### **CONSENT AGENDA**

2. Minutes of Joint Select Board and Arlington Redevelopment Board Meeting: January 13, 2020
3. Minutes of Meetings: February 24, 2020
4. Request: Special (One Day) Beer & Wine License, 3/14/20 @ Unitarian Universalist Church for 'Dance With Dignity'  
Sheri A. Baron
5. Request: Special (One Day) All Alcohol License, 3/24/20 @ Robbins Memorial Town Hall for 'Chamber of Commerce Annual Dinner'  
Beth Locke, Arlington Chamber of Commerce
6. Request: Special (One Day) Beer & Wine License, 3/27/20 @ Robbins Memorial Town Hall for 'Music in Bloom Fundraiser'  
Patsy Kraemer, Arlington Garden Club
7. Request: Special (One Day) Beer & Wine License, 3/28/20 @ Robbins Memorial Town Hall for 'Beats for Eats Fundraiser'  
Andi Doane, Arlington Eats
8. Request: Contractor/Drainlayer License  
Borselli, Inc., 110 Winn Street, Woburn, MA
9. Request: Contractor/Drainlayer License  
Steve & Sons Contracting, Inc., 156 North Street, Medford, MA 02155
10. Request: Contractor/Drainlayer License  
Straightline Excavation Corp., 86 Lee Street, Tewksbury, MA
11. Appointment of New Election Workers: (1) MaryAnne Fitzgerald, 54 Medford Street #310, U, Pct. 10; (2) Doris M. Hutchinson, 28 Thesda Street, D, Pct. 14; (3) Karen M. Kramer, 63 Fremont Street, D, Pct. 3; (4) Marjorie J. Moores, 147 Warren Street #2, U, Pct. 9; (5) James R. Munsey, 215 Massachusetts Avenue #25, U, Pct. 1; (6) Helen Lee Simonowitz, 34 Hamilton Road #410, D, Pct. 6; (7) Joyce B. Stuart, 37 Drake Road #401, U, Pct. 20; (8) Laurence C. Weber, 11 Baker Road, D, Pct. 20

## **APPOINTMENTS**

12. Zoning Board of Appeals, Associate Members (no term expiration)  
Aaron A. Ford  
Stephen A. Revilak

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

13. Vote: Water/Sewer Rate Changes to Mitigate MWRA Debt Shift  
Adam W. Chapdelaine, Town Manager
14. Discussion: 2025 Semiquincentennial Patriots' Day Celebration  
John V. Hurd, Select Board
15. Discussion: April 2020 Select Board Meetings

## **WARRANT ARTICLE HEARINGS**

16. Articles for Review:
  - Article 13 Bylaw Amendment/Fossil Fuel Infrastructure
  - Article 16 Vote/Establishment of Town Committee on Auto and Property Insurance Claims and Losses
  - Article 17 Vote/Establishment of Police Civilian Advisory Board Study Committee
  - Article 21 Vote/Election Modernization Committee
  - Article 23 Home Rule Legislation/Consolidation of Town Meeting Member Elections
  - Article 24 Home Rule Legislation/Ranked Choice Voting
  - Article 25 Home Rule Legislation/Financial Estimates & Budget Documents
  - Article 26 Home Rule Legislation/Senior Water Discount
  - Article 27 Home Rule Legislation/Retired Police Officer Details
  - Article 52 Endorsement of Parking Benefit District Expenditures

## **FINAL VOTES & COMMENTS**

Articles for Review:

- 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 14 Vote/School Committee Member Stipends
- 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
- Article 66 Vote/Community Preservation Plan

## **CORRESPONDENCE RECEIVED**

17. Concerns Regarding the Intersection of Minuteman Bikeway and Lake Street  
Alessandro Drake, 32 Columbia Road
18. Request for Traffic Calming on Huntington Road  
Mandy



**NEW BUSINESS**

**EXECUTIVE SESSION**

Next Scheduled Meeting of Select Board March 23, 2020



## **Town of Arlington, Massachusetts**

---

**Introduction of New Permanent Police Chief, Juliann Flaherty**



## **Town of Arlington, Massachusetts**

---

### **Minutes of Joint Select Board and Arlington Redevelopment Board Meeting: January 13, 2020**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Final_ARB-SB_Minutes_01-13-20.doc	Draft Joint Minutes 1.13.20

**Joint Select Board and Arlington Redevelopment Board**  
**Monday January 13, 2020, 7:00 p.m.**  
**Central School, Main Floor**  
**Meeting Minutes**

This meeting was recorded by ACMI.

**SELECT BOARD PRESENT:** Diane Mahon (Chair), Joseph A. Curro, Jr, Stephen DeCoursey, Daniel Dunn, John V. Hurd

**ARLINGTON REDEVELOPMENT BOARD PRESENT:** Andrew Bunnell (Chair), David Watson, Eugene Benson, Kin Lau, Rachel Zsembery

**STAFF:** Adam Chapdelaine, Town Manager, Jennifer Raitt, Director, Planning and Community Development, Doug Heim, Town Counsel, Erin Zwirko, Assistant Director, Planning and Community Development

---

Mr. Bunnell opened the Redevelopment Board meeting.

Mrs. Mahon called to order the Select Board meeting. Mr. Hurd moved to open the Select Board meeting. Mr. Curro seconded the motion. It was unanimously voted by members of the Select Board.

After introductions of the members present, Mr. Chapdelaine began the joint meeting of the Select Board and the Redevelopment Board as facilitator. He noted that it may be the first meeting in the long time where the two boards met jointly.

Housing in Arlington: Overview and Highlights

Mr. Chapdelaine asked Ms. Raitt to provide an overview of community plans that are currently in progress. Ms. Raitt noted that she had provided a memo with an overview of those plans in progress to the Redevelopment Board in December 2019. The memo also provided information on whether these planning processes would result in future zoning amendments.

The first item reviewed by Ms. Raitt is the Sustainable Transportation Plan, which just had a kick off meeting. It will be instrumental in thinking about current and future mobility options in Arlington. The Master Plan includes a Transportation Element, but it only went so far. It did not consider newer technologies and sustainable transportation options that are here now and we know that more are coming in the future. The Sustainable Transportation Plan will position the town to best implement newer policies in the future and be responsive to transportation-related concerns in town and regionally including cross-cutting elements such as housing and economic development. There will be community forums and other ways to engage in the process, including mobile workshops, walkshops, and other avenues.

The Net Zero Plan is also ongoing and is also cross-cutting. The Net Zero Plan is accounting for current greenhouse gas emissions and what they are projected to be in the future related to transportation, built environment, and other emissions that are created in Arlington. This plan will help the town to think about the controls in the town and private development. The plan will create a pathway to achieving net zero by 2050.

Another important planning process to be aware of is the Economic Analysis of Industrial Districts. The town has hired a consultant, RKG Associates, to help the staff and the Zoning Bylaw Working Group evaluate the economics of the industrial districts in town, which is a small percentage of the town in land area and actual industrial uses. We are trying to understand where there is the potential to attract more industrial uses in the future as well as innovate in the future through creativity and flexibility in the Zoning Bylaw.

The final item that Ms. Raitt mentioned is the Residential Design Guidelines. A study completed in 2019, which emerged from the Residential Study Group over a couple of years, that looked at the type of development and replacement homes

that are being constructed in the R0-R2 districts. The study reviewed, in response to a Town Meeting article, what the impacts of this new construction and the relationship to quality of life changes. The Department of Planning and Community Development delivered the report to the Select Board in July 2019. The town hired a consultant to develop residential design review guidelines and a review process related to new development.

All of these planning processes may result in Town Bylaw amendments and/or Zoning Bylaw amendments. These projects are happening over the course of 2020, so we would be looking at a future Town Meeting in 2021 to consider any amendments. There will be many products and deliverables to share with the community over the year through the public process. These are the four most important items that Ms. Raitt wanted to share with the town Boards, and noted that her memo is posted through NovusAgenda. Ms. Raitt noted that there is an intersection in many of these projects due to how development, and particularly housing development, is discussed in the community.

Mr. Chapdelaine asked if the Board members have any questions for Ms. Raitt. Mrs. Mahon asked who was hired to complete the Residential Design Guidelines. Ms. Raitt noted that Harriman was hired to prepare residential design guidelines and recommend a design review process.

Mr. Chapdelaine noted that he and Ms. Raitt made a presentation to both Boards on an overview of housing issues locally and regionally. Mr. Chapdelaine thought that there was a consensus that there is an affordability crisis in Arlington and in the region. He also noted that based on comments from both Boards and those made at Town Meeting that there is a general consensus that more affordable housing is needed. Where there seems to be disagreement is how to create more affordable housing. Mr. Chapdelaine asked if there are any questions or comments about this topic from the Board members present.

Mrs. Mahon noted that Mr. Chapdelaine touched on what she heard. Mrs. Mahon noted that in addition there were questions about implementing a process that is unlike what has been done in the past, in particular requiring perpetuity for the length of affordability.

Mr. Dunn noted that when he first ran for Select Board, he was worried about the budget. In particular, the budget busters he was worried about included the cost of health insurance. Five years later, health insurance is less of a problem, but the growth in the schools is what is driving conversations now. Mr. Dunn noted that those big issues evolve over time. He is worried about housing and housing cost at this point in time. He does not believe it is a tenable situation, and if nothing is done, Arlington will have more expensive homes, will be more homogenous, and less mixed. Mr. Dunn notes that this will have a significant impact on race and equality in Arlington. Mr. Dunn noted that change is harder than what he thought it might be. By working together, Mr. Dunn believes changes can be made.

Mr. Curro noted that he agrees with Mr. Dunn that conversations are evolving. For example, when Mr. Curro meets with the Council on Aging, he hears about the overall cost of housing for seniors. Looking at root causes with a socio-economic perspective is incredibly important. Mr. Curro asked Ms. Raitt to expand on her statement that the Sustainable Transportation Plan being cross cutting. Ms. Raitt explained that in the existing conditions analysis is to have a good understanding on how people move around town and where the demand is for where people want to get to, which is also known as the first mile/last mile challenges, and how that might potentially drive and change residential growth in the future. Looking at these data critically might inform transportation policy which has an impact on housing policy and climate policy. Mr. Curro noted that it could also inform how the town can assist people to age in place.

Mr. Watson raised a few items for consideration that have been part of the conversation at Redevelopment Board meetings. The Redevelopment Board draws a distinction between affordable housing as the term is legally defined and affordability in general. When we talk about affordability we are talking about it in both ways. We are sensitive to the needs of the mid-market housing market, which is not the legally defined term, but impacts Arlington. Mr. Watson also noted that the Redevelopment Board has talked about keeping in mind the need for commercial development when talking about housing. Mr. Watson noted that we should be careful to not miss opportunities to encourage commercial growth in the future or precluding future commercial growth.

## Proposed Board Review of Future Warrant Articles

Mr. Chapdelaine explained that this agenda item responds to how the Select Board might have weighed in on the numerous zoning articles before the 2019 Annual Town Meeting. Historically the Select Board has not weighed in on zoning amendment articles that are not under their jurisdiction, and similarly for the Redevelopment Board. However, there is a willingness to discuss a review by the Select Board with the Redevelopment Board and vice versa. Mr. Chapdelaine asked the members to think about a process that both Boards be comfortable with. Ms. Raitt provided a memo as a starting point as part of the evening's agenda packet. Mr. Chapdelaine summarized Ms. Raitt's memo as having a meeting after the warrant closes in January with the chairs of each Board, Ms. Raitt, and himself. At that meeting, the group would collectively make decisions about which articles might warrant review by the other Board that is not traditionally on its docket, which would then be presented to the rest of the Boards' membership for discussion. Mr. Chapdelaine asked if there are any reactions.

Mrs. Mahon noted that she hopes to achieve more collective discussion rather than having either Board feeling like they are out there on their own. Mrs. Mahon noted that what would help her is to understand the process/protocol that would help the community and Boards understand the important issues, but also allow the Select Board to join with Redevelopment Board to have complete conversations on the bigger issues. She thought that the Town Manager and Planning Director have outlined a good process. She asks the members to think about the process and how to best effectuate it for the future.

Mr. Bunnell is in favor of this idea. He does not believe that every item needs to be reviewed, but the Redevelopment Board should be asking for input from the Select Board and take recommendations and comments.

Mr. Benson draws some distinction between citizen petitions or articles that come from other Town entities. The process makes sense when warrant articles are coming to the Boards. But when the Redevelopment Board develops proposals, there should be a way to get input from the Select Board early in the process to refine the proposal prior to filing the article.

Mr. Curro agreed with Mr. Benson. The goal is to send a signal to Town Meeting that both Boards have considered collectively all of the warrant articles. He notes that there are three pathways: provide input early in the development of a proposal; provide advice if a proposal is not fully baked; and if the proposal is finalized, concurrence or support on a recommendation to Town Meeting. Each scenario could plan out.

Mr. Chapdelaine responded to Mr. Benson's comment by stating that this year might be too far along, but for future years, it would be important to start much earlier in the process. In response to Mr. Curro, this is a good start to what should each Board be doing: review and comments, recommendations, motions (but not conflicting motions), how do we time it, etc. We could take this Town Meeting season to work through these questions. In response to Mrs. Mahon's comments, he agrees that each item does not need to be reviewed, but we should have a dialogue to get to a consensus on what should be reviewed.

Mr. Hurd asked what the preference is: the Select Board wait to hear from the Redevelopment Board, or allow the chairs to discuss and propose something to the membership. Mr. Chapdelaine noted that he is hearing two different suggestions. For this cycle, the chairs, the Town Manager, and the Planning Director should meet and consider. For future Town Meetings, start the conversations between the two Boards earlier as needed.

Mr. Lau noted that when the Redevelopment Board makes recommendations on amendments, there is a reason to address a particular issue, for example addressing affordable housing. He suggested that the Redevelopment Board would welcome the help earlier in the development of how to address those issues, but not necessarily the technical changes. Mr. Bunnell expanded on this by stating it would be helpful to have policies, goals, and priorities in harmony with each other, and how that would inform the process to develop amendments. Mr. Benson provided an example about housing

and affordability across demographics. It is an area where the two Boards need to have a robust discussion on how to address, and what could change with zoning or town policies to do that. It would be a helpful discussion before the Redevelopment Board gets too far in development zoning amendments.

Mr. DeCoursey noted that it makes sense that each Board receives feedback early enough in the development process and in line with the public process, which likely pushes the schedule out from Town Meeting. In the short term, it makes sense to meet after the warrant closes, but in the long term, the two Boards should meet in the fall to ensure that the conversations happen early enough. We do have to be mindful that the recommendation on zoning articles comes from the Redevelopment Board regardless of how the Select Board members feel about a proposal, and similarly with Town Bylaw changes. We have to be careful about not overdoing it.

Mr. Watson noted that on the larger issues that the Redevelopment Board deals with, and housing is a good example, we realize that there is a holistic approach that goes beyond zoning and beyond the purview of the Redevelopment Board. He stated that it is ok if at different points in time we move forward with zoning or policy changes that may be within the purview of the Select Board, but we need to have a holistic understanding of how all these pieces fit together and making sure that we are not trying to solve a problem without all of the pieces to the puzzle. He thinks this is where the collaboration is most important.

Mr. Dunn compared this to the Town's finance process that we might learn from. We do this on the finance side with regularity. Through a combination of dialogue and iterations, and also independent Board actions, we might get to a point where Town Meeting and/or voters can decide. There are independent authorities, such as the School Committee or the Retirement Board, that need to take votes even if there isn't consensus. The downside is that there is not a direct flow chart, but it could be instructive.

Mr. Chapdelaine noted that it sounds like more meetings between the boards with a goal setting process could achieve a more holistic vision. Ms. Raitt asked when the Select Board has its goal setting meeting. It is held in July, so Ms. Raitt suggested that it might make sense to have a July joint meeting. She also noted that her attendance at some Select Board meetings might further this holistic approach.

Mr. Hurd wanted to make sure that the process still leaves zoning changes in the Redevelopment Board's purview to develop the actual amendments. He suggested that the Select Board and Redevelopment Board decide on a path, the Redevelopment Board creates the amendment, then the two Boards come back together to discuss and review.

Mrs. Mahon likes Ms. Raitt's suggestion regarding attendance at the Select Board meetings, but it may not be an efficient use of time. We should identify specific points in time when the Planning Director might attend Select Board meetings to have discussions as an ambassador for the Redevelopment Board, or vice versa for the Town Manager.

Mr. Chapdelaine stated that he hears consensus with some details to work out. He heard strongly that the two chairs, Mr. Raitt, and himself start a dialogue after the warrant closes this year. For the next year, work out a process.

#### Briefing on Potential Articles for Annual Town Meeting

Ms. Raitt noted that the agenda packet included a draft of a Municipal Affordable Housing Trust Fund bylaw that was developed by staff and the Housing Plan Implementation Committee (HPIC). The Housing Production Plan identified the creation of a Trust Fund as a way to hold and administer funding for affordable housing. The HPIC will meet on January 17<sup>th</sup> to discuss further.

Mr. Curro asked about the interplay of Community Preservation Act (CPA) funds and a Municipal Affordable Housing Trust Fund. Mr. Heim noted that CPA funds can fund a Municipal Affordable Housing Trust Fund. When it funds a trust fund, the community needs to make sure that the expenditures meet the requirements of the CPA. Ms. Raitt expanded on this that the trust fund could request funding from the CPA Committee, which follows that CPA's recommendation process. If the

CPA Committee funds the trust fund, the money is deposited into the trust fund. Mr. Heim also noted that a trust fund can act throughout the year whereas the CPA Committee is on the Town Meeting cycle of acting once a year.

Mrs. Mahon asked for clarification of who oversees the trust fund: would it be the Collector/Treasurer and an independent auditor? Ms. Raitt indicated that both would oversee the fund, and the independent auditor could review the trust fund during the regular audit that the Town undertakes with Powers and Sullivan.

Mr. DeCoursey asked if a Municipal Affordable Housing Trust Fund is the only recipient for a real estate transfer fee. Ms. Raitt indicated that if the town adopted a resolution for a real estate transfer fee and if the town filed a home rule petition to be allowed to establish a real estate transfer fee, then yes, the only account those funds could be deposited into is a Municipal Affordable Housing Trust Fund. Mr. DeCoursey also indicated that the Municipal Affordable Housing Trust Fund is Action Item 14 in the Housing Production Plan, so it would be helpful to include a baseline and better understanding of what has been accomplished from the Housing Production Plan.

Ms. Mahon clarified that one source of revenue that could be deposited into the Municipal Affordable Housing Trust Fund is a real estate transfer fee, but there are other sources of funding that could be deposited into the fund. She noted that there has been no decisions on a real estate transfer fee at the state level. Ms. Raitt noted that Ms. Mahon is correct, and explained that there are a number of bills in the legislature that address a real estate transfer fee: one that is statewide and other municipalities' home rule petitions with various thresholds. There are many ways that Arlington could establish a real estate transfer fee, and a quick study of sales over a million dollars in Arlington showed that there were 152 transactions in 2019 that would have netted \$104,320 if a real estate transfer fee was set at 0.05%. A trust fund could also accept gifts of land and money, grants, payments in lieu, CPA funds, etc.

Mr. Watson noted that the flexibility is important in setting a threshold. An unintended consequence of a fee might increase the unaffordability of mid-market housing. He recommended setting the threshold thoughtfully.

Ms. Raitt closed by stating that she wanted to make the Boards aware of two items that are forthcoming that she is aware of for this year. Mr. Chapdelaine noted that these are two good examples of articles that would go to the Select Board for the main motion, but which the Redevelopment Board might have a strong interest in discussing as well.

#### Draft Community Outreach Strategy

Ms. Raitt noted that the community outreach strategy is draft and open for discussion. She noted that the staff would like to set forth a transparent process and create a feedback loop over the next year and engage as many people as possible. The first phase is to bring awareness starting with the meeting tonight. The next phase sets a number of options for people to participate in the next few months of 2020, which includes the Town Survey and potentially other surveys, community workshops, and open houses. Through this process, we would develop the broader engagement strategy on the most important topics. The latter portion of the engagement period, specifically June through November, would be spent on policy development. Ms. Raitt noted that it would be important to consider a 2021 special Town Meeting to give enough time for this strategy to play out. Toward the end of 2020, we would move into the formal Town Meeting process, which would include public hearings, having the boards work together, and neighborhood meetings, among other ideas.

Mr. Hurd noted that the first step should include educating the community about the affordable housing crisis and not jump into solutions. He recommended having a public forum early in the process where a presentation could be made and allow for comments. Ms. Raitt noted that a large public forum could happen in the first half of 2020 along with other broader discussions with various groups in the community.

Ms. Mahon added that conversations around housing for seniors, veterans, and adults aged 22 or older who transition out of supportive residential programs. There is a need for housing for these distinct populations and there is funding available. These populations would not tax the school system or the transportation network. Ms. Mahon suggested working with the Veterans' Service Officer, Council on Aging, and the Disability Commission to identify sources of funding



that could support housing for these populations. Ms. Raitt acknowledged that all types of housing would be part of the conversation.

Mr. Benson noted that there are two pieces to consider: making Arlington a more welcoming place for new housing development through zoning and policy; and finding the developers that do this work, inviting them in and working with them. He recommended outreach to developers as part of the engagement strategy.

Ms. Zsembery noted that there should also be an investigation in the needs of Arlington's commercial infrastructure that supports development in the community.

Mr. Watson noted that he is supportive of having at least 6 months to focus on education and receiving community input before formulating policy proposals. He noted that this is a plan and is not set in stone. As this work progresses, Mr. Watson noted that we need to be conscious of giving even more time to that phase depending on where the community engagement takes the Boards.

### Public Comment

Mr. Chapdelaine opened public comment and requested that comments are limited to 3 minutes.

John Worden, 27 Jason Street, noted two items. He agreed that affordability is the most important housing issue in town, and creating that kind of housing town should be the only kind of housing being promoted in Arlington at this time. The outreach program is very important, and he is glad that it is a prolonged process as it takes time. Any outreach should not be controlled by a specific agenda with limited public comment. It is important that the public be given a real opportunity to present thoughts, feelings, beliefs, and facts. Mr. Worden mentioned that there is concern about mansionization, rock removal, escalating taxes, and loss of commercial development. He does not believe that Arlington can afford to bring in more people. Mr. Worden noted that the Economic Analysis of Industrial Zoning Districts is very important.

Alex Bagnall, 10 Wyman Street, believes that the Zoning Bylaw is working as designed by encouraging single and two family construction by right while discouraging multifamily construction due to lot size, density restrictions, parking requirements, and a special permit approval process making it that only high end projects are economically feasible, with the Housing Corporation of Arlington's projects excepted. This unequal treatment has perpetuated race and class segregation in Arlington. Mr. Bagnall noted that maintaining the existing Zoning Bylaw maintains the status quo of Arlington's housing stock and maintains inequality. He noted that Arlington voted resoundingly to preserve 40B in 2010. Mr. Bagnall noted that a structural problem needs a structural solution.

Steve Revilak, 111 Sunnyside Avenue, provided some data about the purchase of his home. The former owner purchased it for \$151,000 in 1999. Mr. Revilak purchased it for \$359,000 in 2007. Today, the home is assessed at \$501,000. He noted that housing costs are escalating and there is a cumulative impact on the households moving into Arlington. Mr. Revilak provided some information from the 2019 Town Survey and noted that the population is affluent and highly educated to match the cost of housing that they live in. After 20 years of gentrification, there have been benefits to the community, but it comes at a cost by creating an economic barrier to live in Arlington. Mr. Revilak sees this as a crisis and would like the community to do something about it. He sees two issues: affordability and the imbalance between supply and demand.

Don Seltzer, 104 Irving Street, noted that the outreach strategy. Last year, the town limited the scope of outreach including not discussing the impact on the schools. Mr. Seltzer noted that the same question will come up again, and he is troubled by how town officials are preparing. He indicated that the cost per student needs to include school costs that are outside of the school budget and within other budgets. Mr. Seltzer indicated that the school budget does not include OPEB costs, health care, or capital costs, which are in the town budget. He noted that additional students have overloaded classroom capacity and schools have been expanded with debt incurred. Mr. Seltzer noted that the Capital Planning Committee and the Finance Committee need to be included in the discussions.

Mark Rosenthal, 62 Walnut Street, thanked the Board member who noted it is important to make it possible for people to stay in their homes. It is an important piece of diversity and he draws the linkage between that and commercial development. He noted that the elderly are not taking advantage of programs available through the town because they are unacceptable. The Finance Committee chair Al Tosti noted that new housing costs more in town services than it provides in revenue. He notes that there is a low percentage of tax revenue that comes from commercial space. The cost of new buildings falls to the homeowners. Mr. Rosenthal noted that Arlington should be taking about new types of commercial development including start-up incubators.

Patricia Worden, 27 Jason Street, noted that she is grateful for the comments from the ARB members. She asked whether there are plans to help residents being evicted or displaced and where there are plans for more schools if the density articles are proposed at Town Meeting. Mr. Chapdelaine noted that these are important issues to be discussed during the outreach.

Roderick Holland, 88 Grafton Street, noted that if a special Town Meeting is the mechanism for substantive zoning amendments, it would be important to schedule it many months in advance to ensure that Town Meeting Members can be in attendance since it's hard to predict when one might be scheduled. Additionally, he noted that outreach during 2019 was impressive, but there were a lot of "what if" questions which could not be answered. The Town would benefit from internal capability for modeling and simulations in order to answer these questions as the technology is available.

Anne Thompson, 14 Cottage Street, has been considering a large database of parcels within the 5 counties in the greater Boston area. Arlington does not have a commercial tax base. The other communities in the Metro Mayor's Coalition have larger commercial tax bases and differential taxes, and therefore less of a problem funding school costs. Additionally, Ms. Thompson noted that the average square foot size of an affordable unit in Cambridge is 800 square feet. She noted that this is not a family-sized unit, so Arlington needs to decide who the affordable housing is for. Ms. Thompson noted that she is happy to participate in conversations, review documents created by consultants, and offered her ability in data analysis.

Jon Gersh, 24 Kipling Road, noted that this meeting seems like a model for public forums and cooperation. He is happy to hear about affordable housing and growing the commercial tax base. He noted that it still feels like Arlington is under pressure by the housing goals of the Metro Mayor's Coalition. He asked that Arlington's needs be put ahead of the regional needs. Mr. Gersh recommended thinking about affordable housing only and growing the commercial tax base.

Beth Melofchik, 20 Russell Street, indicated her preference to not use CHAPA and MAPC for future studies in the community. She reiterated statements made about addressing Arlington's problems, including growing the commercial tax base. Ms. Melofchik noted that Arlington does not have much in common with the Metro Mayor's Coalition communities. She would like to see industrial and commercial space preserved, and there should be more lab and development space. She likes the holistic viewpoint of Arlington as an entire community. Ms. Melofchik also discussed many elements of addressing climate change. She would like to see the tree canopy on Mass Ave saved and that the Veterans' Park should not be moved to behind the Police Station.

Carl Wagner, 30 Edgehill Road, noted that he appreciates this meeting. He noted that the Boards are volunteers doing their best for Arlington. He also noted that the 2019 articles to increase density did not come from the voters. These articles came from out of town or from unelected officials. Mr. Wagner noted that the people who live and work in Arlington are more important and that the elected officials need to work to make the cost of living, quality of life, and current density is preserved. The elected officials are in a sacred bond with the voters. Mr. Wagner asked that the Select Board work with the Town Manager, staff, and the Redevelopment Board to recognize that the voters are the most important stakeholders before anything new is undertaken.

Pam Hallett, 1 Gilboa Road, noted that affordable housing is clearly a crisis for many people in Arlington. Many of the tenants coming to the Housing Corporation of Arlington (HCA) are from Arlington already. HCA has a network of social

service agencies to help each case to identify housing and help meet the needs of these families and households. The real estate transfer fee is a wonderful concept as a way to help fund these efforts. Ms. Hallett noted that she will be presenting to the Legislature on the need for real estate transfer fees.

Susan Stamps, 39 Grafton Street, noted that she believes a working group needs to include other community representatives. She noted that the Tree Committee and others were brought in during 2019 after a lot of investment was made by the Redevelopment Board and had many concerns. She believes that many voices need to be in the conversation earlier in the process, such as the Tree Committee, Disability Commission, a representative from the housing community, Sustainable Arlington or the Clean Energy Future Committee, and builders. Ms. Stamps also indicated that there need to be better visuals.

Jo Anne Preston, 42 Mystic Lake Drive, noted that she attended all of the Redevelopment Board meetings last spring. She explained that none of the meetings included any of the Arlington residents that would be most impacted by the articles from the 2019 Town Meeting, such as those people who live in older apartment buildings in Arlington. She believes it is very important to include these residents. However, these households are difficult to reach and they need to be identified and reached. The methods last year did not reach them, so this should be priority.

Aram Hollman, 12 Whittemore Street, likes the real estate transfer tax but is concerned about the outreach plan. Mr. Hollman noted that the protracted schedule is a replay of the previous year. He indicated that Arlington should not convert commercial and industrial spaces to residential uses. He noted that very few affordable units have been created in Arlington with new housing over the last 20 years. Mr. Hollman does not believe that housing will help the Town's bottom line where as commercial and industrial space helps the bottom line. He urges the community to create jobs in the industrial and commercial areas and make Arlington a job center.

Karen Kelleher, 57 Beacon Street, asked those in attendance to think about this forum as a reset. There were unproductive conversations last year that didn't get to the real conversation about values and lifestyle. Ms. Kelleher noted that the problem is difficult to solve, and as such there will be difficult solutions. She is pleased to see Arlington turning to solutions and noted that she hears unanimity on the concern that the increasing affluence in Arlington is creating hardships. The proposals from the Housing Plan Implementation Committee on establishing an affordable housing trust fund and creating a revenue stream are productive. Ms. Kelleher explained that she works in affordable housing finance and creating affordable housing is expensive and increasingly difficult to subsidize. She urged Arlington to aggregate resources to solve the problems while balancing the objectives that are important to the community.

Len Diggins, 8 Windsor Street, noted that the transportation costs impact the cost of living. He recommended some focus on development policies to bring down the cost of living. He recommends similar actions for sustainable housing to reduce the cost of homeownership. Mr. Diggins also noted the comments about making Arlington first will not be productive if we do not continue to work with others in the region to address local and regional concerns. If we do this, Mr. Diggins noted that we can elevate Arlington and the region.

#### Future Meetings

Mr. Chapdelaine noted that he did not think a series of meeting dates need to be set this evening, but he did note that there is interest in a joint goal setting meeting in the summer. He will circulate some dates later this spring after the local elections.

Mr. Lau made a motion to adjourn. Ms. Mahon seconded. The motion was unanimous.



## **Town of Arlington, Massachusetts**

---

### **Minutes of Meetings: February 24, 2020**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	2.24.2020_draft_minutes.pdf	Draft Minutes 2.24.2020



## Select Board Meeting Minutes

Date: February 24, 2020

Time: 7:15 PM

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

Present: Mrs. Mahon, Chair, Mr. Dunn, Vice Chair, Mr. Curro, Mr. Hurd, Mr. DeCoursey  
Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

### 1. Community Preservation Act Committee Presentation

Eric Helmuth, Chair

Mr. Helmuth, Chair of the CPAC accompanied by Clarissa Rowe, Vice Chair appeared before the Board to present the Community Preservation Act Committee's upcoming projects that they are considering in FY2021. He stated that the CPAC has been a source of dedicated funding for three important areas to the community's vibrancy and well-being. The three areas include historic preservation, open space and recreation and community housing. CPAC provides a dedicated funding stream through a small local tax surcharge and a state matching fund that allows the CPAC to take the funds and do even more with them. Mr. Helmuth stated that the three areas that are funded under CPAC have minimum reservations being that 10% of the annual income that they are expecting from the local tax surcharge or from the state fund need to go to each of the areas as a minimum. The rest of the money is flexible, where they can spend on CPAC projects or save in the budgeted reserve. They are allowed to keep or ask Town Meeting for up to 5% of those revenues for administrative expenses, where they are planning to ask for just 2.75%. The projects that the CPAC are actively considering are the following:

- Arlington Historical Society is requesting \$78,023 for the continuation of the restoration of the Jason Russell House;
- Mystic Valley Watershed Association is requesting \$325,000 for the revitalization – Phase 3 of the Wellington Park / Mill Brook;
- Arlington Recreation Department is requesting \$587,000 for Phase 2 of the Arlington Reservoir Improvements;
- Town of Arlington is requesting \$193,773 for Phase 2 of the restoration of the Old Burying Ground;
- Arlington Historical Commission and the Friends of the Robbins Town Gardens is requesting for the restoration of the original plantings to the Olmstead Brothers Design.

The Town of Arlington is proposing a slate of small planning projects that include the following:

- Open Space and Recreation Plan Update - \$35,000;

- Communitywide Archeological Survey - \$60,000;
- Documentation of Historic Municipal Recourses - \$35,200;
- Minuteman Bikeway Planning - \$65,000.

Mr. Helmuth explained that these are the projects that they are considering and the CPAC will take their votes on these projects in March before Town Meeting. Mr. Helmuth wanted to note that they did not receive any affordable housing applications. He stated that if all these appropriations were to be approved they would still have \$724,171 to put in the bank which would be available for Town Meeting to reserve for future CPAC Projects. Mr. Dunn asked what applicants the CPAC have funded in the past. Mr. Helmuth stated that they have funded the Housing Corporation of Arlington and the Arlington Housing Authority. Mr. Dunn stated that similarly in the CDBG funding cycle they have found that they didn't get a ton of affordable housing applications either. Ms. Rowe stated that she spoke with Pam Hallett of the Housing Corporation of Arlington about the low numbers of affordable housing project. She stated that they are in the process of the Westminster project and the Broadway initiative so they felt that they had too much on their plate to move forward with an application. Mr. Helmuth stated that as they start to revise and finalize the CPAC Plan, this is one key area that they need the input from stakeholders, the public and the leadership because there is not that much CPAC money every year. The CPAC are conscious that it is the public's money and would like to invest it in congruence with the public's priorities. Mr. DeCoursey asked if there was a requirement on the 10% reserve of how long you can have that amount be carried over before you have to identify a project. Mr. Helmuth stated that there was no limit on time but once the money is reserved in a designated area it must be used in that category. In years past they have established a paper trail for those projects so if there are any turn backs or a project doesn't happen they are retro actively in compliance with the requirement to spend 10% every year. Mr. Helmuth stated that the state 14.1% match is higher than last year which was only 11%. Mr. Hurd asked if there was an ongoing plan that has been identified on renovations or repairs that are necessary for our historic structures or if the individual entities have to come in and request it. Ms. Rowe stated that it is individually requested because it is a private entity. She stated that the Town is keeping track of the publicly owned buildings and landscapes.

Mr. Curro moved receipt.

SO VOTED (5-0)

## **CONSENT AGENDA**

### 2. Minutes of Meetings: February 10, 2020

Mr. DeCoursey moved approval.

SO VOTED (4-0)

Mr. Dunn abstained.

### 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

Mr. DeCoursey moved approval.

SO VOTED (5-0)

### **APPOINTMENTS**

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

Mr. Formicola stated that he was the new Executive Director of the Arlington Center for the Arts. He told the Board that the Commission actually reached out to him. Mr. Formicola has lived in the Town of Arlington for the last 15 years and served on the Arlington Cultural Council for 6 years. Mr. Formicola has been involved in the community and in the art scene for many years and is looking forward to his new role on this committee. He stated that he is ready to immerse himself deeper into the cultural scene of the community.

Mr. Curro moved approval.

SO VOTED (5-0)

### **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

Ali Carter, Economic Development Coordinator, explained that the Department of Planning and Community Development embarked on the project to make improvements to Whittemore Park in 2016 as part of the Mass Ave Phase 2 conceptual plan process. The Department applied and received a CPA grant in 2017 to create a plan for the park. The community visioning project for the park was launched in 2018. Public outreach for this project was extensive. Ms. Carter explained that there were many community forums, a design day event for public input, a survey and the work of a project committee. The overall project goals for the plan based on the feedback from the public were to improve circulation in the park, to increase visibility and prominence of the park, to cultivate opportunities for passive recreation programs and events and to enhance the historic, cultural and natural landscape in Arlington Center. In 2019 the Department applied for and received another CPA grant to implement phase one of the plan.

Naomi Cottrill, Landscape Architect with Crowley Cottrill Landscape Architecture explained the existing conditions of the park, she stated that there are a lot of great assets to Whittemore Park that they are trying to balance with the goals going forward. They are looking to bring more cultural and public gatherings to the community. They

are trying to balance not only improving the space but also to preserve the natural elements of the trees and the cultural elements of the railroad tracks and some existing landscape features. Ms. Cottrill described the existing park to have a fragmented lawn and the current paths that are there lead to a singular focus of the front door of the Cutter House, causing the number one use for the park as a cut through. The crossing paths within the park now currently cut the remnant of the rail road tracks into two fragmented pieces. Currently the places to stop and rest in the park focus more on Mass Ave, the benches are turned towards the street rather than an interior space. The proposed diagram is such that they are creating a circuit path around a centralized lawn, which would all be made of an accessible material and slope. They are looking at providing benches that would be interior focused that would be more universally accessed. During the conceptual process they hired an independent arborist to evaluate the existing trees within the park. The lower half of the site towards the pedestrian corridor has the healthier sets of trees. The trees that are located on the corner of Mass Ave and Mystic Street are over mature and beginning to show signs of stress. Trying to balance the public input that was given with the new plan they are trying to do the least amount of damage to the good trees and not to put those into any sort of stress. There are three trees that are identified for removal. There is a 15 inch caliper Norway Maple located along Mystic Street wedged between the sidewalk and the existing fence. The Canopy is predominantly over the sidewalk with an uneven crown making this tree in poor condition. The 15 inch caliper Yellowwood is very narrow because it has limited access to light making this tree not as healthy as the trees around it. This tree is new to the removal list when they took the design from the conceptual phase through development. In order to make the portion of the path accessible this tree would need to be removed. The last tree is a 22 inch caliper Norway Maple that is located next to the sidewalk on Mass Ave. This tree has an uneven crown predominantly over the sidewalk as well as multiple dead branches. The proposal for new trees consists of 7 all native trees where they are proposing Redbud, Yellowwood and Hawthorn trees as well as the Thornless Honeylocus, Tulip Tree and a Swamp White Oak which are all canopy trees. Ms. Cottrill acknowledged that the tree removal and the tree planting will not be an equal carbon sequestration from the beginning. Based on their calculations they estimate that within 9 years the new trees would be sequestering as much as the current trees are today.

The following people spoke in opposition of removing the 3 trees:

Ellen Leigh, 8 Summer Street #105

Rachael Stark, 65 Randolph Street

Joanne Preston, 42 Mystic Lake Drive

Maura Vatz, 77 Warren Street

Susan Stamps, 39 Grafton Street, felt that the two Norway maples reflected previous understandings. Her main concern is with the Yellowwood.

Patricia Worden, 27 Jason Street

Lynette Culverhouse, 24 Draper Avenue

Beth Melofchik, 2 Russell Street

Elizabeth Dray, 130 Jason Street

Clarissa Rowe, 137 Herbert Road spoke in favor of removing the 3 trees.

Mrs. Mahon listed the following people that submitted letters in opposition:

Bill Berkowitz, 12 Pelham Terrace



Nancy Bloom, 169 Sylvia Street  
Anthony Jones, 31 Joyce Road  
Tamara Chenoweth-Jones, 31 Joyce Road  
Laura Kiesel, 2620 Massachusetts Avenue #9  
Claire Odom, River Street  
Robert P. Murray, 45 Jason Street  
June Rutkowski, 128 Alpine Terrace  
Geoff and Eleanor Freed, 128 Alpine Terrace  
Joan Smeltzer, 15 Freeman Street  
Jane Whitmore, 65 Magnolia Street  
Montserrat Zuckerman, 4 Gay Street

Mr. Dunn stated that the process for removing trees in Arlington is different than it used to be. He explained that in years past they had a part time tree warden where they did not have tree hearings, trees would just come down. He stated that they have just started applying the bylaws that were already in place. Mr. Dunn stated that it was important to note that Arlington changed its attitude about replanting trees. Our tree budget for replanting has gone up in the past few years. Over the past several years Arlington has been putting more trees into the ground than removing them. Mr. Dunn explained that we have instituted a lot of process around trees and how they are handled. We have saved many trees by simply having this process, and a few by denying the appeals. Mr. Dunn has a logical approach about the removal of these trees and stated that Whittemore Park will be a better place with this project. After much discussion the Board is in agreement that this will make the park a better place and are in support of the proposed plan.

Mr. Dunn moved approval of the three trees to be removed.

SO VOTED (5-0)

#### 9. Update: Water/Sewer Rate Changes to Mitigate MW RA Debt Shift

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine stated that several months ago there was a discussion with the Board about rolling back the MWRA debt shift. The Board needed to consider requisite increases in the water sewer rates and potentially tying that roll back in the debt shift to the amount of debt that would be rolling on from the high school project. Mr. Chapdelaine stated that they now know what that debt will be that will affect the tax rate this January from the high school. Mr. Chapdelaine explained the memo that the Board has received. He explained the current FY20 rates, the average household bill on an annual basis, a quarterly basis and what the rate increase was where the Board had already voted the 7.5% rate increase for FY20. The next column is what the Director of Public Works anticipates that he would need to be asking for FY21. We are looking at a 5% water rate increase and 4% sewer rate increase. Moving to the next column we start looking at rolling back the MWRA debt shift 20% at a time which could then be rolled off over a 5 year period. The next 25% reduction could be rolled off over a 4 year period or a 33% reduction which could be rolled off over a 3 year period. The final column shows if we were to take the full amount of debt that is going to hit the tax rate this December and roll that over the debt shift, making that amount \$2,865,980 that equates to about a 50% reduction in the MWRA debt shift. Mr. Chapdelaine explained that all of the numbers in these scenarios are all comprehensive. He stated that all of these figures assume that the usage levels are at 1,210,000 CCF's per year which is based off the

current trends. More recently the Director of Public Works has noticed the trend is down but they are not sure if this is a new trend or not. Mr. Dunn noted that the amount of money that is going to be paid by the taxpayers and water users of Arlington under this is the same, it is just a matter of which bill they are paying on. This is not about if we are spending more money, this is about how we are paying for the things we have already decided that we want to buy. Mr. Dunn stated that he is leaning more towards doing things at a faster pace and would like this done well in advance of the next override conversation. Mr. Hurd stated that one of the options that they had talked about before was doing over two years which is not shown on the scenarios. He stated that the general consensus was that we did not want to hit everyone at once with the debt shift but thinks that a two-year reduction is also an option. Mr. Chapdelaine explained that the challenge will be that they don't think they are going to borrow the same amount of money next year as we did this year for the high school project. Mr. Hurd stated that he also would lean towards the 33% as the target figure. Mr. Curro also leans towards the 33% he believes that it is their responsibility to complete this by the end of the four year plan. Mr. Curro would like to remind them that when the time comes for rate setting, he would like to establish a water/sewer discount program for seniors. Mr. DeCoursey as well as Mrs. Mahon are both comfortable with the 33% as well and would like to get it done in the framework that they have committed to the voters. Mr. Chapdelaine stated that they will be back at the next meeting with a figure.

10. For Approval: Solicitation of Additional Host Community Agreement, Timeline, & Revised Process and Application  
Douglas W. Heim, Town Counsel

Mr. Heim explained that the Board had a solicitation process for Host Community Agreements where we received 4 applications for 3 potential special permits. Special permits are awarded through the Redevelopment Board based on zoning and Environmental Design review criteria. He stated that an initial step for every adult marijuana retailer must obtain a host community agreement first. We were awarded two based on the Boards selection criteria and they have room for a third potential licensee. He is requesting the board to affirm the HCA process and application which has been updated to reflect that there is likely to only be room for one more HCA given the criteria. Mr. Heim is also asking the Board for a deadline to receive applications and a date that the Board would expect to receive presentations and hold a hearing to make a decision on those applications. Mr. Curro asked if there were any other changes in which Mr. Heim clarified that the only substantive changes are essentially stating that there are two HCA's that have already been awarded and therefore it is unlikely that there could be one in East Arlington or in the Heights and applicants should consult with Inspectional Services and Planning to determine if their location is viable. Mr. Curro stated they should try and follow the same timeline as before. Mr. Chapdelaine stated that they would like to give the Marijuana Study Group time to review the applications and give recommendations and comment. Mr. Hurd would like to add one thing to the application for this particular community host agreement in the form of a certification from the applicant to the Board that the proposed location is not within 2000ft of the other current HCA's that are in process so that we don't run into the problems we did before. Mr. Heim stated that they can accommodate that, he states that there is a version of that in the criteria. One of the things that cannot be waived is the distance

between retail establishments. Mrs. Mahon suggested a six week time period would be advisable. Mrs. Mahon suggested that applications be due no later than 12p.m. on Friday, May 15<sup>th</sup> and having the presentations on Monday, June 22<sup>nd</sup>. Mr. Heim stated that they have received a steady stream of interest and the Board can expect more than one application. The Board noted that they would like a light agenda on the night of the presentations as they can be lengthy.

Mr. Curro moved approval of the two dates Friday, May 15<sup>th</sup> and Monday, June 22<sup>nd</sup> as well as HCA process revised by the Board. SO VOTED (5-0)

## **WARRANT ARTICLE HEARINGS**

### 11. Articles for Review:

#### Article 66 Vote/Community Preservation Plan

Ms. Rowe stated that most Community Preservation Committees have a plan and Arlington has a draft plan which will then be made final. They will be going public with the plan at the end of March or April where they will compile people's ideas about Community Housing, Historic Preservation and Open Space.

Mr. Curro moved favorable action. SO VOTED (5-0)

#### Article 9 Bylaw Amendment/Canine Control Fees and Fines

Mr. Heim explained that they are looking to reduce the late fee for the annual Dog License Renewals from \$50.00 to \$25.00. He stated that having such a high late fee discourages people from licensing their dog.

Mr. Curro moved favorable action. SO VOTED (5-0)

#### Article 10 Bylaw Amendment/Display of Notice Fines

Mr. Heim explained that this bylaw amendment is for administrative clean-up of the wording. He stated that when we migrated the sign bylaw from the Town Bylaws over to the Zoning Bylaws the one remaining piece left were notices. Mr. Heim stated that notices, which are essentially missing pet signs and other temporary notices that come before the Select Board are missing in the language. Mr. Heim stated that when the bylaw used to be tethered to the state law about outdoor advertising we were allowed to assess a penalty of \$500. Since we removed that language the maximum bylaw penalty is now \$300. Mr. Heim stated they are just looking to clean up the bylaws because they cannot assess more than a \$300 fine for any violation of the bylaws.

Mr. Hurd moved favorable action. SO VOTED (5-0)

#### Article 11 Bylaw Amendment/Street Performance Definitions

Thomas Davidson, Commission on Arts and Culture, stated that they started a program called Live Arts Arlington where primarily the performers were musicians, dancers, puppeteers, and visual artists. He explained that one of the purposes of this amendment is to amend the definition of a performer to include visual artists. He stated that the second part of the amendment is to allow for street performances in public parks which are currently prohibited. Mr. Davidson stated that they have shared this amendment with the Park and Recreation Commission. Mr. Hurd stated that he is weary with allowing vendors in public parks. He asked Mr. Heim if there were any restrictions as to what types of vendors would be allowed but he doesn't want people with ice cream

carts or carriages with toys to be in every public park in Arlington. Mr. Heim clarified that the Parks and Recreation Commission has a fairly long-standing policy with what they allow and what they don't allow from a vendor perspective. He stated that the Parks and Recreation Commission would retain the majority of the control over street performers, which he feels would be a better place than the Town Bylaws so they can have stricter criteria of who is allowed in the park. Mr. Heim stated that this criteria is pretty narrow as it is essentially people that are engaged in the creative enterprises so it would introduce new amenities to the park without having food trucks and other things like that. Mr. Heim stated that the Parks and Recreation Commission will still have to approve any type of commercial activity in the parks and this bylaw will not change that.

Mr. Curro moved favorable action with the recommendation that street performers be changed to outdoor performances. SO VOTED (5-0)

#### Article 12 Bylaw Amendment/Stormwater Management

Emily Sullivan, Environmental Planner and Conservation Agent and Bill Copithorne, Assistant Town Engineer appeared before the Board to explain the bylaw amendment as a result of the Town's current permitting with the EPA. The Town's drainage system is permitted by the MS4 Permit which is overseen by the EPA. The most recent revision of the permit went into place in 2016, which lies out a road map for 20 years of actions that the Town needs to take in order to remain in compliance with the permit. One of the requirements is to make sure that the Town has a number of bylaws in place related to stormwater. Another is the bylaw they are speaking now about and the third is a construction bylaw that will have to be put in place in the coming years as well as a soil and erosion bylaw. Mr. Copithorne described this amendment just a rebranding of the existing Stormwater Mitigation Bylaw. The biggest change is the addition of a lot of wording; a lot of those details are just to remain in compliance with the permits and don't change the overall bylaw greatly. The existing bylaw essentially requires that if developments are happening on a property and they increase the pervious service on the property by 350 square feet or greater, there is some exceptions to allow for higher allowances than that right now. Any change you're required to mitigate to make sure there's no more runoff or volume coming off your site as was under the preexisting condition, under the amendment that would remain the same. Ms. Sullivan stated that they are working internally to develop the rules and regulations that they are referring too. They are looking to have a draft of those rules and regulations in the coming weeks that will be on Town Meeting floor. Ms. Sullivan also stated that fees will be addressed in the rules and regulations.

Mr. Dunn moved favorable action.

SO VOTED (5-0)

#### Article 15 Vote/Establishment of Town Committee on Residential Development

Paul Parise stated that the primary concerns include: creating the ability for residents to have input for the development changes occurring in their neighborhoods; preserving the 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 and real estate communities. Mr. Parise stated that in Town Meeting of 2016 they developed an informal committee called the Residential Study Group. Many of the primary issues that prompted the

formation of the RSG remained uncompleted when the RSG was unilaterally dissolved by the Planning Department last spring. He stated that there is no one body that comprehensively represents residents opinions and concerns on residential development and claims there should be one. The Board is in agreement that they feel this is a shadow committee of the Arlington Redevelopment Board. Mrs. Mahon stated that all of the voting members will not be town employees and will ban them from voting, but will be members that are appointed through Town Meeting and the Town Moderator. Mr. Chapdelaine stated that there are governance concerns about the way this proposal is currently laid out; it appears to mimic the authorities and responsibilities of the Redevelopment Board. Mr. Chapdelaine noted that all of the Arlington Redevelopment Board members are all town residents. Mr. Hurd stated that they had a joint meeting with the ARB where they laid out a detailed plan to engage the public every step of the way and this seems to be copying what they are looking to do. Don Seltzer spoke in favor of forming this committee as he was a member on the RSG. Steve Revilak stated that when he first reviewed this article it sounded a lot like the Residential Study Group and has many questions as to how this would fit into the overall structure of things. After much discussion from the Board they recognize the concerns and understand that they are difficult problems. They stated that they would like to see how their joint meetings with the ARB play out before creating another committee

Mr. Dunn moved no action.

SO VOTED (5-0)

#### Article 18 Vote/Bylaw Amendment/Envision Arlington Updated Language

Juli Brazile, Chair of the Envision Arlington Standing Committee stated that there are still a couple of places in the bylaw that mention Vision 2020 and would like to tidy it up with their new name Envision Arlington. Ms. Brazile stated that they are looking to update some of the specific wording to the nine Town goals and then start the process of relabeling the goals so people get in the habit of calling them value statements. The Open Space and Recreation Plan from 2015 is also being updated now where they hope to be done in a couple years. The Open Space and Recreation Plan uses its introduction to talk about the town goals which are now values and then talk about their mission. She stated that they are looking to bring it all in line with the way things are done in Arlington.

Mr. Curro moved favorable action.

SO VOTED (5-0)

#### Article 22 Home Rule Legislation/Justin Brown

Mr. Heim wanted to remind the Board of the general posture Civil Service. Civil Service law in Massachusetts as applied to Arlington essentially states that in order to sit for an exam for police or fire you have to be under the age of 32 at the time you take the exam with the last date the exam is available. Justin Brown appeared before the Board in hopes that they would consider Home Rule Legislation that would allow him to become eligible for appointment to the Arlington Fire Department even though he is 38 years old. Mr. Brown stated that he is passionate about serving and protecting our community at a first responder capacity. Mr. Brown has taken the civil service exam a number of times since 2014 which would be the last time he would have been eligible in the Town of Arlington. Mr. Brown has completed an EMT program and is currently a nationally registered EMT and is working through Mass OMS to get his Massachusetts State Certification. Mr. DeCoursey stated that there is another Civil Service exam coming up

in March and asked if it were his intent to take the exam. Mr. Brown does intend to take the exam as he has already registered. Mr. DeCoursey stated that the exam is eligible to be used for 2 years and suggests that there be a sunset provision to this article so if the waiver is granted it would be for as long as the next list is in effect. Mr. Dunn stated that he has supported these in years past as he believes the Civil Service Law needs a reform and he doesn't believe that it is serving the Town of Arlington well.

Mr. Dunn moved favorable action with a sunset date to be included. SO VOTED (5-0)

### **FINAL VOTES & COMMENTS**

Articles for Review:

Article 7 Bylaw Amendment/Regulation of Outdoor Lighting - Uplighting

Article 8 Bylaw Amendment/Minuteman Bikeway Hours

Mr. Dunn moved to approve with the condition to amend the existing votes to reflect a 5-0 vote. SO VOTED (5-0)

### **CORRESPONDENCE RECEIVED**

12. Response to Crosswalk Request - Wachusett and Oakland

Daniel Amstutz, Senior Transportation Planner

Mr. Curro moved receipt.

SO VOTED (5-0)

### **NEW BUSINESS**

Ms. Maher asked the Board if they would be okay for the Office to post the Draft Warrant on the Town's website mid-week.

Mr. Heim would like to thank his office staff while they are short staffed, they have really stepped up wonderfully to fill in the gaps while trying to find a replacement for the irreplaceable Mr. Marlenga.

Mr. Chapdelaine stated that the Town has recently lost our Director of Recreation, Stacey Mulroy to Needham but was able to recruit on an interim basis the recently retired Fire Chief Bob Jefferson. He has already in a weeks' time dove right in and tackled some of the challenges in the rink, the recreation program and the parks and playgrounds and we are lucky to have him and his management experience.

Mr. DeCoursey would like to wish the High School teams that have made tournament. The girls' basketball team plays tonight at Andover, the girls hockey team opens their tournament Wednesday night at the Ed Burns Arena. The girl's hockey team has a young member of their team who is a grandchild of Marie Krepelka and would like to wish Maddie Krepelka and the girls all the success in the world. On Thursday night the Boys Hockey team starts their quest for another state championship, where they are the second public high school to be the number one seed in the super 8.

Mr. Dunn wanted to remind everyone that early voting is open if you would like to come and vote the Town Hall is open Monday – Wednesday 8:00a.m. – 4:00 p.m. Thursday 8:00a.m. – 7:00p.m. and Friday 8:00a.m. – 5:00p.m. If you are unable to early vote come in on March 3<sup>rd</sup>.

Mr. Curro attended a farewell event for Mel Goldsipe and her husband Arthur. Mel was a Co-Chair of the Human Rights Commission where she pushed a number of important efforts including our safe communities, the trust act, and the expansion of our bylaw provisions for protected classes including gender expression identity. She was also a mover and then a leader in our Rainbow Commission where she did so much in such a short time. He wishes Mel and her husband Arthur good luck in their move!

Mrs. Mahon also attended Mel and Arthur’s going away party this past weekend. She would also like to note how responsive and efficient Christine Bongiorno, Director of Health and Human Services is especially on the weekends. Mrs. Mahon stated that she met with the Redevelopment Board Chair, Town Manager, Town Counsel, and Jenny Raitt, Director of Planning. They discussed the warrant articles that both Boards should report on. Mrs. Mahon stated that they attended a Mugar Coalition Meeting at Ms. Rowe’s house over the weekend with Mr. DeCoursey.

Mr. Curro moved to adjourn at 10:35p.m.

SO VOTED (5-0)

Next Scheduled Meeting of Select Board March 9, 2020

A true record attest

Ashley Maher  
Administrative Assistant  
2/24/2020

Agenda Item	Documents Used
1	FY21 CPA Final Application Summary Sheet
2	Draft 2.10.2020 minutes
3	S. Poltorzucki Reference J. Radochia Reference
4	Boston Pizza & Curry / DBA Name Change Reference
5	Schwartz Special Beer & Wine Application
6	Election Worker Master Records
7	T. Formicola Reference
8	Memo from A. Carter 2024 Whittemore Park Select Board Meeting Reference P. Worden Correspondence, 1.24.2020 P. Worden Correspondence, 2.10.2020
9	FY21 Rate Scenarios Final
10	Draft 2020 Select Board Host Community Agreement Process Criteria 2020 HCA Application
11	Warrant Article Text

	Town Counsel Comments and Reference W.A. 12 E. Sullivan Reference W.A. 12 Wording for Stormwater Bylaw Amendment W.A. 18 J. Brazile Reference W.A. 22 J. Brown Reference
Final Votes & Comments	2.24.2020 Final Votes and Comments
12	Memorandum to Board Board Reference Original Request





## Town of Arlington, Massachusetts

---

**Request: Special (One Day) Beer & Wine License, 3/14/20 @ Unitarian Universalist Church for 'Dance With Dignity'**

**Summary:**

Sheri A. Baron

**ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	UUChurch_Special_App.pdf	Special Beer and Wine Application
▢	Reference Material	S._Baron_Statement.pdf	Statement from S. Baron

OFFICE OF THE SELECT BOARD



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Sheri A. Baron

Address, phone & e-mail contact information: 10 Raleigh St., Arlington, Ma  
617-875-2198 sbaron26@verizon.net

Name & address of Organization for which license is sought: Residents of Arlington -

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

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

Address, phone & e-mail contact information: \_\_\_\_\_  
\_\_\_\_\_

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 only

24-Hour contact number for Responsible Manager of Alcohol Event date: 617-875-2198

Title of Event: Dance With Dignity

Date/time of Event: Saturday, March 14, 2020

Location of Event: Unitarian Universalist Church Mass. Ave., Arlington, Ma 02476

Location/Event Coordinator: Sheri Baron

Method(s) of invitation/publicity for Event: Flyers / Email

Number of people expected to attend: 200-250

Expected admission/ticket prices: \$25.00

Expected prices for food and beverages (alcoholic and non-alcoholic): Beer \$3.00  
Wine \$5.00, all food is free

Will persons under age 21 be on premises? no

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

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.

Det. Corey P. Robeau Date 3/9/2020  
Det. Corey P. Robeau  
Printed name/title

**POLICE COMMENTS:**

request one police safety detail

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

Beer and Wine only

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

Appetizers, desserts, sparkling water, soft drinks, coffee & tea

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

Premier Bar Service & Catering

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.

See 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.

Robyn Goodner  
Toddy Ayerbach  
Bonnie Sue Tomassian

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

Date of Delivery: 3/14/20  
Alcohol Serving Time (s): 7 PM - 10:30 PM

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

Volunteers will remove all unopened beer and wine immediately following the event

Date of Pick-Up: 3/14/2020

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.)

Premier Bar Service & Catering will provide

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

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

Signature: Sheri A. Baron

Printed name: Sheri A. Baron

Printed title & Organization name: Steering Committee, "Dana for Dignity"

Email: sbaron26@verizon.net



# Certificate of Completion

This Certificate of Completion of

## **eTIPS On Premise 3.0**

For coursework completed on February 6, 2017  
provided by Health Communications, Inc.

is hereby granted to:

**Robyn Goodner**

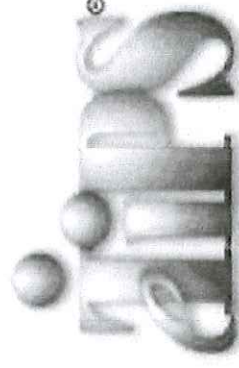
Certification to be sent to:

65 Colby St  
Medford MA, 02155-6008 USA

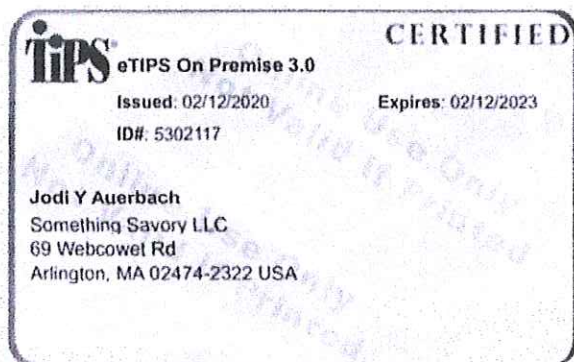


HEALTH COMMUNICATIONS INC.

This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



PARTICIPANT CARD



it with you as proof of your TIPS certification.

ID#: 4720949 Name: Bonnie Sue Tomassian  
Exam Date: 2/1/2018 Expiration Date: 2/1/2021



eTIPS On Premise 3.0

CERTIFIED

Issued: 2/1/2018

Expires: 2/1/2021

ID#: 4720949

Bonnie Sue Tomassian  
Something Savory LLC  
1337 Massachusetts Ave  
Arlington, MA 02476-4101

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



Security Plan  
Dance for Dignity  
3/14/20

Sorry about  
format - problem  
with program.

**Security Plan**  
**Dance for Dignity**  
**Saturday, March 14, 2020**  
**Unitarian Universalist Church**  
7:00 – 10:30 PM  
Massachusetts Avenue, Arlington, MA 02476

Event manager: Sheri A. Baron  
Alternate manager: Barbara Goodman

Crowd control: There will be at least seven (7) adults on the floor all evening. Should anyone become unruly, the Arlington Police Department will be called immediately, or the police staff assigned to the event will be notified.

Emergency evacuation: The event manager and steering committee will ensure immediate evacuation should the need arise. Guests will be moved to the parking lot on the side of the church.

Underage drinking/limiting access:

Something Savory, a local catering company, will provide the bartenders. They have worked on many events in Arlington over the years and employ highly qualified personnel. Any guest under the age of 18 will be barred from purchasing beer and/or wine.

Should there be any problems, the event manager and others on the planning committee will be alerted at once. Should the situation become difficult, the officer assigned to the event will be called upon immediately; if no officer is in attendance, the Arlington Police Department will be called immediately.

The bartenders will be instructed to limit service to an appropriate level of drinks per person.

Commented [SB1]:

The bartenders are TIPS certified.

Parking: There are two municipal lots within walking distance of the church; one behind the Jason Russell House and one behind the block containing 'Not Your Average Joe's' restaurant. There is ample parking for the number of expected guests.

Should you need any further information, please feel free to contact me at:

617-875-2198  
sbaron26@verizon.net

*Sheri A. Baron*





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/13/2020

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

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

<b>PRODUCER</b> T EDMUND GARRITY & CO INC  545 CONCORD AVENUE CAMBRIDGE MA 02138		<b>CONTACT NAME:</b> ashlee espinosa <b>PHONE (A/C, No, Ext):</b> (617) 354-4640 <b>E-MAIL ADDRESS:</b> ashlee@garrity-insurance.com <b>FAX (A/C, No):</b>	
<b>INSURED</b> JODI AUERBACH SOMETHING SAVORY 1337 MASSACHUSETTS AVE 206 ARLINGTON MA 02476		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> AIM MUTUAL INS CO <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 33758	

**COVERAGES****CERTIFICATE NUMBER:** 505284**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
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			N/A			EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			N/A			COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			N/A			EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	N/A	AWC40070360032020A	01/10/2020	01/10/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
				N/A			

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

Workers' Compensation benefits will be paid to Massachusetts employees only. Pursuant to Endorsement WC 20 03 06 B, no authorization is given to pay claims for benefits to employees in states other than Massachusetts if the insured hires, or has hired those employees outside of Massachusetts.

This certificate of insurance shows the policy in force on the date that this certificate was issued (unless the expiration date on the above policy precedes the issue date of this certificate of insurance. The status of this coverage can be monitored daily by accessing the Proof of Coverage - Coverage Verification Search tool at [www.mass.gov/lwd/workers-compensation/investigations/](http://www.mass.gov/lwd/workers-compensation/investigations/).

JODI AUERBACH has elected coverage.

**CERTIFICATE HOLDER****CANCELLATION**

First Parish Unitarian Church  
630 Mass Ave

Arlington

MA 02474

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**

*Daniel M. Crowley*  
Daniel M. Crowley, CPCU, Vice President - Residual Market - WCRIBMA

© 1988-2014 ACORD CORPORATION. All rights reserved.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/13/2020

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> T. Edmund Garrity & Co., Inc. 545 Concord Avenue, Suite 16  Cambridge MA 02138	<b>CONTACT NAME:</b> Ashlee Espinosa <b>PHONE (A/C, No, Ext):</b> (617) 354-4640 <b>FAX (A/C, No):</b> (617) 354-5828 <b>E-MAIL ADDRESS:</b> Ashlee@garrity-insurance.com
<b>INSURED</b> Jodi Auerbach, DBA: Something Savory 1337 Massachusetts Ave #206  Arlington MA 02476	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Travelers Indemnity Co CT <b>INSURER B:</b> Hospitality Mutual <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>

**COVERAGES****CERTIFICATE NUMBER:** master COI 2019**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"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			6607B769370	04/20/2019	04/20/2020	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
						GENERAL AGGREGATE \$ 2,000,000	
						PRODUCTS - COMP/OP AGG \$ 2,000,000	
							\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			00061130LL	12/16/2019	12/16/2020	Per Occurrence 1,000,000
							Aggregate 2,000,000

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

**CERTIFICATE HOLDER****CANCELLATION**First Parish Unitarian Church  
630 Mass Ave.

Arlington

MA 02474

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

© 1988-2015 ACORD CORPORATION. All rights reserved.



**From:** Sheri Baron <sbaron26@verizon.net>  
mkrepelka@town.arlington.ma.us, jcurro@town.arlington.ma.us, sdecourcey@town.arlington.ma.us,  
**To:** ddunn@town.arlington.ma.us, jhurd@town.arlington.ma.us, dmahon@town.arlington.ma.us,  
achapdelaine@town.arlington.ma.us  
**Date:** 03/09/2020 01:08 PM  
**Subject:** One-day Liquor License Request/ Dance for Dignity

---

Hello all,

I was planning on attending the meeting tonight but have decided to stay home. Tom has recently been hospitalized (is home now) and I try to be home in the evenings as much as possible.

I hope that you will grant the one-day license for our Dance With Dignity on Saturday, March 14, from 7pm - 10:30 PM. At of now, we are planning to go ahead with the dance, but are very mindful of the virus and will act according to public health recommendations.

Until three months ago, I did not know that were immigrant families and individuals needing housing and other help in our community. These folks have fled horrific circumstances; daughters being raped, sons lured into gangs, families unable to find economic support and other devastating situations. Then I became connected to ArCS (Arlington Cambridge Somerville Cluster of the Refugee Immigration Ministry,) and met new friends to begin to plan the dance, a fundraiser to help these families start a new life here in Arlington.

**Our immigrant friends need housing, food, clothing, transportation, vocational training, and legal assistance in order to stay on the path to citizenship.**

Did you know that when immigrants come here, they cannot work for six months?? So basically, they are expected to live without earning a living. Can you imagine being in that situation?!

We hope to raise \$25,000 through this fundraiser. I ask you all to dig in and help us in any way you can. I know you are asked to give money all the time. We get lots of mailings every month at our house. We make choices. I think that this cause deserves our response. People have run from terrifying lives in their home countries - they want to live here with us.

Thanks to all of you. I hope you will drop in on Saturday night. The band is fantastic and the program will be fascinating. And good food. Thank you all very much.

Best,

Sheri

Sheri Baron  
sbaron26@verizon.net



## **Town of Arlington, Massachusetts**

---

**Request: Special (One Day) All Alcohol License, 3/24/20 @ Robbins Memorial Town Hall for 'Chamber of Commerce Annual Dinner'**

**Summary:**

Beth Locke, Arlington Chamber of Commerce

**ATTACHMENTS:**

	Type	File Name	Description
▯	Reference Material	Chamber_of_Commerce_Special_App.pdf	Special Alcohol License Application

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

**SPECIAL ALCOHOL LICENSE APPLICATION**

Name of Applicant: Beth Locke, Arlington Chamber of Commerce

Address, phone & e-mail contact information:

611 Mass. Ave., Arlington, Ma. 02474 info@arlcc.org 617-429-2558

Name & address of Organization for which license is sought:

Menotomy Grill & Tavern, 25 Mass. Ave., Arlington, Ma. 02474.

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

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

Tom Carroll

Address, phone & e-mail contact information:

781-808-1383, eventsmenotomygrill@gmail.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?

regular event March- 2019 - Town Hall

24-Hour contact number for Responsible Manager on Event date:

Beth Locke, 617-429-5228 Tom Carroll 781-808-1383

Title of Event:

Chamber Annual Dinner

Date/time of Event:

Tuesday, March 24, 2020, 5:30 pm - 9:00 pm

Location of Event: Arlington Town Hall

Location/Event Coordinator: Patsy Kraemer/Vicki Rose/Sheelah Ward

Method(s) of invitation/publicity for Event:

Invitation//Social Media

Number of people expected to attend: 140

Expected admission/ticket prices: \$75

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

wine - \$8 beer \$5 \$10 signature cocktail \$2 sodas

Will persons under age 21 be on premises? yes for coat check

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

Bartenders will check for 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.

Det. Corey P. Roteau

Date 3/9/2020

Det. Corey P. Roteau  
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/signature cocktail

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

Full dinner, sodas, waters

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

Menotomy Grill & Tavern 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

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):

M.S. Walker and Horizon Beverage

Date of Delivery: Tuesday, 3/24/20

Alcohol Serving Time (s) 5:30 - 8:30 pm

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

Menotomy Tavern will take excess back to restaurant

Date of Pick-Up:

N/A

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: Beth Locke

Printed title & Organization name: Arlington Chamber of Commerce

Email: info@arlcc.org

revised: 5/18/2015 reformatted: 05/05/2017



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.

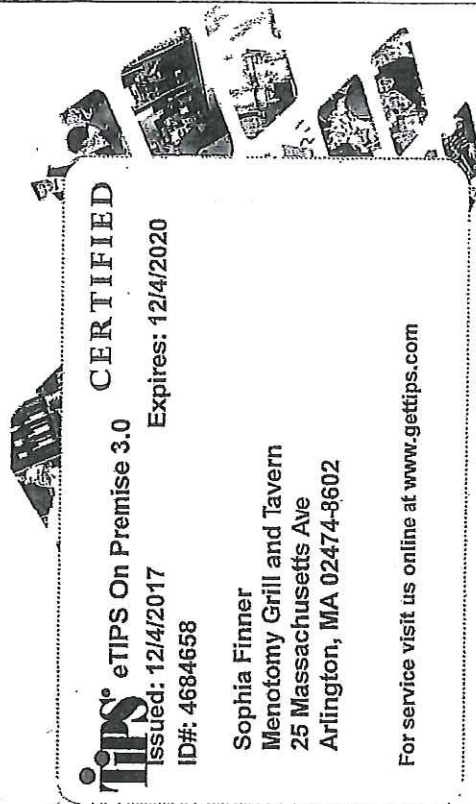


Sincerely,



Adam F. Chafetz  
HCI President

ID#: 4684658 Name: Sophia Finner  
Exam Date: 12/4/2017 Expiration Date: 12/4/2020



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,

*Adam F. Chafetz*

Adam F. Chafetz  
HCI President

ID#: 4735767 Name: Peter J Walsh  
Exam Date: 2/25/2018 Expiration Date: 2/25/2021

**TIPS** CERTIFIED  
eTIPS On Premise 3.0

Issued: 2/25/2018 Expires: 2/25/2021  
ID#: 4735767

Peter J Walsh  
Peter Walsh  
Arlington  
25 Massachusetts Ave  
Arlington, MA 02474-8602

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



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

4 March 2020

**SECURITY PLAN FOR - CHAMBER OF COMMERCE ANNUAL DINNER**

An Annual dinner event sponsored by the Arlington Chamber of Commerce will be held on Tuesday, March 24, 2020, at Arlington Town Hall. The event is scheduled for 5:30 pm to 9:00 pm.

An Alcohol Permit Application has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 140 guests to attend. There may be coat check teens at the event..

Patsy Kraemer will be the event coordinator for the event. Greg Stathopoulos will be the custodian for the event. Menotomy Grill and Tavern will be catering the event, will provide the bartending service and will provide the TIPS certified bartending staff. The Chamber of Commerce planning committee is responsible for ensuring that the event runs smoothly.

A fire services detail will be hired for the event. This officer will be available to help with any emergency situations that may arise.

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

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





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/13/2019

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> Quinn Group Insurance Agency, Inc. 223 Massachusetts Ave.  Arlington MA 02474		<b>CONTACT NAME:</b> Ted Ward <b>PHONE (A/C, No, Ext):</b> (781) 483-3248 <b>E-MAIL ADDRESS:</b> ted@quinninsurance.com <b>FAX (A/C, No):</b> (781) 641-3223	
<b>INSURED</b>  MENOTOMY GRILL LLC 25 MASSACHUSETTS AVENUE  ARLINGTON MA 02474		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Norfolk And Dedham Group PL <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES****CERTIFICATE NUMBER:** CL19111313163**REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			R1842832A	10/05/2019	10/05/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 Liquor Liability \$ 1,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			R1842832A	10/05/2019	10/05/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			U1808334A	10/05/2019	10/05/2020	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WE188367A	10/05/2019	10/05/2020	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Liquor Liability			R1842832A	10/05/2019	10/05/2020	Occurance 1,000,000 Aggregate 2,000,000

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

**CERTIFICATE HOLDER****CANCELLATION**

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

© 1988-2015 ACORD CORPORATION. All rights reserved.



## **Town of Arlington, Massachusetts**

---

**Request: Special (One Day) Beer & Wine License, 3/27/20 @ Robbins Memorial Town Hall for 'Music in Bloom Fundraiser'**

**Summary:**

Patsy Kraemer, Arlington Garden Club

**ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Arlington_Garden_Club_Special_App.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:

Patsy Kraemer, Arlington Garden Club

Address, phone & e-mail contact information:

85 Columbia Rd., Arlington, Ma. 02476

Name & address of Organization for which license is sought:

Boujoulais Catering , 207 Broadway, Arlington, Ma. 02474

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

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

Michelle Noska

Address, phone & e-mail contact information:

617-519-6081 michelle@beaujolaiscatering.com

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? yes 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?

every other year event

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

617-519-6081

Title of Event:

Music in Bloom fundraiser

Date/time of Event:

Friday, March 27, 2020, 6:30 pm - 9:00 pm

Location of Event:

Arlington Town Hall

Location/Event Coordinator:

Patsy Kraemer/Vicki Rose

Method(s) of invitation/publicity for Event:

invitation/social media

Number of people expected to attend:

135-140

Expected admission/ticket prices:

\$30 per ticket

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

\$8 wine/beer, \$2 sodas/waters

Will persons under age 21 be on premises? yes -coat check

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

Bartender 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.

Det. Corey P. Roteau Date 3/9/2020  
Det. Corey P. Roteau  
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?

sweet/savor tapas/dessert, sodas/waters

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

Beaujolais 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

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))

Kappys On Line Everett



Date of Delivery:

Friday, March 27 2020

Alcohol Serving Time (s):

6:30 - 8:30 pm

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

Kappy's will pick up, Sat. March 28, 2020

Date of Pick-Up:

Sat. March 28, 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 Patsy Kraemer

Printed title & Organization name: Fundraiser Committee Chair, Arlington Garden Club

Email: pkraemer@town.arlington.ma.us

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 in Intervention ProcedureS) program. We value your participation and dedication to the responsible sale, service and consumption of alcohol.

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 dark ink, appearing to read "Adam Chafetz".

Adam F. Chafetz  
HCI President

ID#: 4856356 Name: Aldo G De Oliveira  
Exam Date: 7/19/2018 Expiration Date: 7/19/2021

**TIPS** eTIPS On Premise 3.0 **CERTIFIED**

Issued: 7/19/2018 Expires: 7/19/2021  
ID#: 4856356

Aldo G De Oliveira  
Rebecca's cafe  
364 Reservoir Ave  
Revere, MA 02151-5808

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  
HCI President

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

**TIPS**® eTIPS On Premise 3.0 **CERTIFIED**  
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)





## **ROBBINS MEMORIAL TOWN HALL AUDITORIUM**

**730 Massachusetts Avenue, Arlington, Ma. 02476**

27 February 2020

### **SECURITY PLAN FOR MUSIC IN BLOOM - 2020**

Music in Bloom is a fundraising event co-sponsored by the Arlington Garden Club and the Friends of Robbins Library. An organizing committee of twelve members of the two organizations is responsible for the event. Patsy Kraemer of the Arlington Garden Club and Sally Naish of the Friends of the Libraries are the cochairs of the planning committee.

The event is scheduled for Friday night, March 27, 2020, , 6:30 pm to 9:00 pm, at the Robbins Memorial Library.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

Tickets will be sold for the event. We anticipate approximately 135 to 140 people to attend. Guests will come and go during the duration of the party - it is not anticipated that everyone will be at the event at the same time. There will be a mix of adults and high school students at the event. The high school students are at the event only as helpers with the coat check. They will be directly supervised by Amy McElroy, one of the committee members and a member of the Friends group.

As other people arrive at the bar they will be asked for an ID to verify their age by the bartenders if there is any question as to their age.

Patsy Kraemer will be the event coordinator for the event. She will be assisted by the event coordinator from the Library, Vicki Rose. Brian Rose will be the custodian for the event. A committee of volunteers from the Arlington Garden Club and the Friends of the Libraries will also be staffing the party. All these people will be responsible for ensuring that the event runs smoothly.

Parking for the event will be available in the Library parking lots, the parking lot at the Whittemore Robbins House, and on the side streets, as well as Mass. Ave.

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



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/8/2019

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

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

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

## COVERAGES

CERTIFICATE NUMBER: CL1921928590

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			08SBAAA8353	4/9/2019	4/9/2020	EACH OCCURRENCE	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	
	GEN'L AGGREGATE LIMIT APPLIES PER:							MED EXP (Any one person)
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY	
	OTHER:						GENERAL AGGREGATE	
B	AUTOMOBILE LIABILITY			6227097	1/21/2019	1/21/2020	PRODUCTS - COMP/OP AGG	
	<input type="checkbox"/> ANY AUTO	<input checked="" type="checkbox"/> SCHEDULED AUTOS					Liquor Liability	
	<input type="checkbox"/> ALL OWNED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident)	
	<input checked="" type="checkbox"/> HIRED AUTOS						BODILY INJURY (Per person)	
	UMBRELLA LIAB						BODILY INJURY (Per accident)	
	EXCESS LIAB						PROPERTY DAMAGE (Per accident)	
	DED						Medical payments	
	RETENTION \$						EACH OCCURRENCE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						AGGREGATE	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A					
	If yes, describe under DESCRIPTION OF OPERATIONS below							
C	LIQUOR LIABILITY			08SBAAA8353	4/9/2019	4/9/2020	EACH OCCURRENCE	
							AGGREGATE	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Town of Arlington as additional Insured

## CERTIFICATE HOLDER

Town of Arlington 730 Mass Ave Arlington, MA 02474	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

© 1988-2014 ACORD CORPORATION. All rights reserved.



## Town of Arlington, Massachusetts

---

**Request: Special (One Day) Beer & Wine License, 3/28/20 @ Robbins Memorial Town Hall for 'Beats for Eats Fundraiser'**

**Summary:**

Andi Doane, Arlington Eats

**ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Arlington_Eats_Special_App.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:

Andi Doane, Arlington Eats,

Address, phone & e-mail contact information:

58 Medford St., Arlington, Ma. 02474 339-707-6758 adone@arlingtoneats.org

Name & address of Organization for which license is sought:

same

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

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

Jodi Auerbach, Something Savory Catering

Address, phone & e-mail contact information:

1337 Mass. Ave. #235, Arlington, Ma. 02476 617-549-2599 jodi@somethingsavory.com

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? yes If so, please give date(s) of Special Licenses and/or applications and title of event(s).

2/2020

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

annual fundraising event

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

617-549-2599



Title of Event:

Beats for Eats Fundraiser

Date/time of Event:

Saturday, March 28, 2020, 7:30 pm - 11:00 pm

Location of Event:

Arlington Town Hall

Location/Event Coordinator:

Patsy Kraemer/Vicki Rose

Method(s) of invitation/publicity for Event:

invitation social media

Number of people expected to attend:

175

Expected admission/ticket prices:

\$70 ticket

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

N/A included in ticket price - will include 2 drink tickets

Will persons under age 21 be on premises? yes coat check

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

Bartender 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.

Off. Corey P. Roteau Date 3/9/2020  
Off. Corey P. Roteau  
Printed name/title

**POLICE COMMENTS:**

Request one safety detail

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?

sweet and savory tapas, sodas/waters

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

Something Savory 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

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))

Kappy's On Line , Everett, Ma.

Date of Delivery:

Friday, March 27

Alcohol Serving Time (s):

7:30 pm - 10:30 pm

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

Kappy's will pick up

Date of Pick-Up:

Monday, March 30

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:**

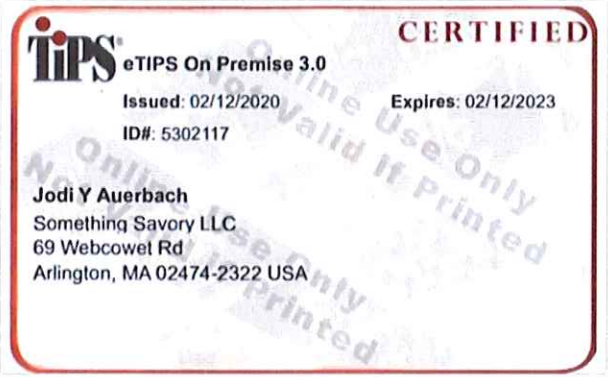
Signature: \_\_\_\_\_

Printed name Andi Doane

Printed title & Organization name: Director, Eats for Eats

Email: adoane@arlingtoneats.org

PARTICIPANT CARD



ID#: 4717752 Name: Lauren M Lichtel  
Exam Date: 1/29/2018 Expiration Date: 1/29/2021



eTIPS On Premise 3.0

**CERTIFIED**

Issued: 1/29/2018

Expires: 1/29/2021

ID#: 4717752

Lauren M Lichtel  
Something Savory LLC  
1337 Massachusetts Ave  
Arlington, MA 02476-4101

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





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

21 February 2020

**SECURITY PLAN FOR ARLINGTON BEATS FOR EATS FUNDRAISER**

The Arlington Eats Committee is sponsoring a fundraising event to be held on Saturday, March 28, 2020, 7:30 pm – 11:00 pm at the Arlington Town Hall. A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

Advance tickets will be sold for the evening event at \$ 70each. We anticipate approximately 200 people to attend.

The Fundraiser event will be for adults only except for teen coat check ticket takers.

Patsy Kraemer will be the event coordinator for the event. Something Savory Catering will provide food for the event will also provide bartender service. Greg Stathopoulos will be the custodian for the event. A committee of 8 volunteers from the Arlington Eats Committee is the planning group and will assist in staffing the party. All these people will be responsible for ensuring that the event runs smoothly.

A fire services detail will be hired for the event. A police detail will be required.

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

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



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/27/2020

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> T. Edmund Garrity & Co., Inc. 545 Concord Avenue, Suite 16  Cambridge MA 02138		<b>CONTACT NAME:</b> Ashlee Espinosa <b>PHONE (A/C, No, Ext):</b> (617) 354-4640 <b>E-MAIL ADDRESS:</b> Ashlee@garrity-insurance.com <b>FAX (A/C, No):</b> (617) 354-5828	
<b>INSURED</b> Jodi Auerbach, DBA: Something Savory 1337 Massachusetts Ave #206  Arlington MA 02476		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Travelers Indemnity Co CT <b>INSURER B:</b> Hospitality Mutual <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** master COI 2019 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			6607B769370	04/20/2019	04/20/2020	EACH OCCURRENCE \$ 1,000,000	
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000					
			MED EXP (Any one person) \$ 5,000					
			PERSONAL & ADV INJURY \$ 1,000,000					
							GENERAL AGGREGATE \$ 2,000,000	
							PRODUCTS - COMP/OP AGG \$ 2,000,000	
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$	
							BODILY INJURY (Per person) \$	
							BODILY INJURY (Per accident) \$	
							PROPERTY DAMAGE (Per accident) \$	
								\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$	
							AGGREGATE \$	
								\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>	
							E.L. EACH ACCIDENT \$	
							E.L. DISEASE - EA EMPLOYEE \$	
							E.L. DISEASE - POLICY LIMIT \$	
B	Liquor Liability			00061130LL	12/16/2019	12/16/2020	Per Occurrence 1,000,000	
							Aggregate 2,000,000	

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

Event: Arlington Town Hall, 730 Mass Ave Arlington, 02476. Town of Arlington is listed as additional insured for general liability and liquor liability.

<b>CERTIFICATE HOLDER</b>  Town of Arlington  Arlington MA	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  
--	--

© 1988-2015 ACORD CORPORATION. All rights reserved.



## Town of Arlington, Massachusetts

---

### Request: Contractor/Drainlayer License

#### Summary:

Borselli, Inc., 110 Winn Street, Woburn, MA

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Borselli__Inc._Reference.pdf	Reference



Engineering Division

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

## MEMORANDUM

To: Select Board  
From: Engineering Division  
Re: Approved Contractor License  
Date: February 28, 2020

Dear Board Members,

Reference is hereby made to an application by Joe Borselli of Borselli, Inc., to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

Borselli, Inc.  
110 Winn Street  
Woburn, MA 01801  
Joe Borselli  
Phone: 781-935-5030  
Email: BorselliExcavating@gmail.com

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

Regards,

William C. Copithorne, P.E.  
Assistant Town Engineer

cc: Wayne Chouinard, Town Engineer  
File





# TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

## APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

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

### Scope of Work

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

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

### Applicant Information

Applicant/Firm Name: Borselli Inc.  
Select One: ☒ Corporation ☐ Partnership ☐ Proprietorship ☐ Other: \_\_\_\_\_  
Street Address: 110 Winn Street City/Town: Woburn State: MA  
Primary Phone: (781) 935-5030 E-mail: BorselliExcavating@gmail.com  
Length of Time in Business under the same Firm Name: 60 years  
Full Name(s) of Principal(s): Borselli Incorporated  
Primary Contact Person: Joe Borselli Cell # (781) 760-0859

### Experience/Previous Work

Nature of Typical/Standard Work: Installation of Water Service/main line, Drains & Septic Sewer Service  
Have you ever performed this type of work in Arlington: ☐ Yes ☒ No  
If Yes, Please provide Location: \_\_\_\_\_ Approximate Date: \_\_\_\_\_  
Total Amount of such construction this year: Disconnection of water & Sewer lines + installation in Bedford Woburn Melrose Woburn  
Total Amount of such construction last year: Stormwater waterlines etc over 2 dozen different Subsites this & last year  
Total Amount of such construction next previous year: 6 more waterlines of Drains water & Sewer this Spring

### Municipal References - Please Attach Written Reference Letters

Municipality: City of Woburn Phone: 781 897-5980  
Primary Contact Name: Sgt Duran DPW Supervisor Email: \_\_\_\_\_  
Municipality: Town of Burlington Phone: 781 270-1640  
Primary Contact Name: Lisa M. [unclear] Engineering Dept Email: \_\_\_\_\_  
Municipality: Town of Winchester Phone: 781 721-7109  
Primary Contact Name: Paul Gangi DPW Email: \_\_\_\_\_

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

Bank Reference: Northern Bank & Trust Phone: (781) 937-5400

Federal Tax ID or Social Security #:

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

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

### Signature/Endorsement

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

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

Date: 1/20/20

Reset Form

Print Form

## 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

March 2, 2020

Joe Borselli  
Borselli, Inc.  
110 Winn Street  
Woburn, MA 01801

Dear Mr. Borselli:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington on Monday, March 9th in the Select Board Chambers, Town Hall, 2<sup>nd</sup> Floor. The meeting begins at 7:15 p.m. 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:lc



---

## Town of Arlington, Massachusetts

### Request: Contractor/Drainlayer License

#### Summary:

Steve & Sons Contracting, Inc., 156 North Street, Medford, MA 02155

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Steve____Sons_Contracting__Inc._Reference_.pdf	Reference





Engineering Division

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

## MEMORANDUM

To: Select Board  
From: Engineering Division  
Re: Approved Contractor License  
Date: February 27, 2020

Dear Board Members,

Reference is hereby made to an application by Dean Ioakimidis of Steve & Sons Contracting, Inc., to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

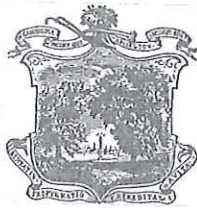
Steve & Sons Contracting, Inc.  
156 North Street  
Medford, MA 02155  
Constandinos ("Dean") Ioakimidis  
Phone: 781-646-7955  
Email: dean@steveandsonsinc.com

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

Regards,

William C. Copithorne, P.E.  
Assistant Town Engineer

cc: Wayne Chouinard, Town Engineer  
File



# TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

## APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

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

### Scope of Work

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

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

### Applicant Information

Applicant/Firm Name: Steve & Sons Contracting Inc.

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

Street Address: 156 North St. City/Town: Medford State: MA

Primary Phone: 7816467955 E-mail: dean@steveandsonsinc.com

Length of Time in Business under the same Firm Name: 23 Years

Full Name(s) of Principal(s): Constandinos "Dean" Ioakimidis

Primary Contact Person: \_\_\_\_\_

### Experience/Previous Work

Nature of Typical/Standard Work: General Contractor

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

If Yes, Please provide Location: 17 Orient Ave Approximate Date: 7-8-2015

Total Amount of such construction this year: \$50,000.00

Total Amount of such construction last year: I was the Superintendent on a project in cambridge , water, sewer , 6" sprinkler, curb sidewalk. 2017/18 \$ 125K

Total Amount of such construction next previous year: See above.

### Municipal References - Please Attach Written Reference Letters

Municipality: Town Of Arlington Building Inspector

Primary Contact Name: Michael Byrne Email: inspectionalservices@town.arlington.ma.us

Municipality: Water and Sewer Department

Primary Contact Name: Mike Tassinari Email: mtassinari@town.arlington.ma.us

Municipality: City of Cambridge DPW Project Name 859 Mass ave

Primary Contact Name: Jeya Niranjana Email: jniranjan@cambridgema.gov

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

Bank Reference: Citizens Bank Phone: 6175516151

Federal Tax ID or Social Security #: \_\_\_\_\_

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

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

### Signature/Endorsement

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

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

Date: 4-21-19

Reset Form

Print Form

## 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

March 2, 2020

Constandinos ("Dean") Ioakimidis  
Steve & Sons Contracting, Inc.  
156 North Street  
Medford, MA 02155

Dear Mr. Ioakimidis:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington on Monday, March 9th in the Select Board Chambers, Town Hall, 2<sup>nd</sup> Floor. The meeting begins at 7:15 p.m. 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 that reads "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:lc





## Town of Arlington, Massachusetts

---

### Request: Contractor/Drainlayer License

#### Summary:

Straightline Excavation Corp., 86 Lee Street, Tewksbury, MA

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Straightline_Excavation_Corp._Reference.pdf	Reference



Engineering Division

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

## MEMORANDUM

To: Select Board  
From: Engineering Division  
Re: Approved Contractor License  
Date: February 28, 2020

Dear Board Members,

Reference is hereby made to an application by Dominic Pellegrino of Straightline Excavation Corp., to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

Straightline Excavation Corp.  
86 Lee Street  
Tewksbury, MA 01876  
Dominic Pellegrino  
Phone: 978-858-0800  
Email: straightline9@yahoo.com

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

Regards,

William C. Copithorne, P.E.  
Assistant Town Engineer

cc: Wayne Chouinard, Town Engineer  
File



# TOWN OF ARLINGTON

## DEPARTMENT OF PUBLIC WORKS

### APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

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

#### Scope of Work

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

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

#### Applicant Information

Applicant/Firm Name: Straightline Excavation Corp.

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

Street Address: 86 Lee St City/Town: Tewksbury State: MA

Primary Phone: 9788580800 E-mail: straightline9@yahoo.com

Length of Time in Business under the same Firm Name: 26 years

Full Name(s) of Principal(s): Dominic Pellegrino

Primary Contact Person: Dominic Pellegrino

#### Experience/Previous Work

Nature of Typical/Standard Work: Site Contractor / Water, Sewer, Drainage, Full Site Prep

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

If Yes, Please provide Location: \_\_\_\_\_ Approximate Date: \_\_\_\_\_

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

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

Total Amount of such construction next previous year: \_\_\_\_\_

#### Municipal References - Please Attach Written Reference Letters

Municipality: Town of Tewksbury

Primary Contact Name: MR Kevin Hardiman Email: khardiman@teewksbury-ma.gov

Municipality: Town of Wellesley

Primary Contact Name: MR Joshua Van Houten Email: jvanhouten@wellesley.gov

Municipality: Town of Tewksbury

Primary Contact Name: MR Randy Burley Email: rburley@teewksbury-ma.gov

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

Bank Reference: Santander Bank Phone: 978-640-2515

Federal Tax ID or Social Security #: \_\_\_\_\_

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

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

#### Signature/Endorsement

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

Applicant Signature:  Date: 2/7/2020

Reset Form

Print Form

## 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

March 2, 2020

Dominic Pellegrino  
Straightline Excavation Corp.  
86 Lee Street  
Tewksbury, MA 01876

Dear Mr. Pellegrino:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington on Monday, March 9th in the Select Board Chambers, Town Hall, 2<sup>nd</sup> Floor. The meeting begins at 7:15 p.m. 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:lc



## **Town of Arlington, Massachusetts**

---

**Appointment of New Election Workers: (1) MaryAnne Fitzgerald, 54 Medford Street #310, U, Pct. 10; (2) Doris M. Hutchinson, 28 Thesda Street, D, Pct. 14; (3) Karen M. Kramer, 63 Fremont Street, D, Pct. 3; (4) Marjorie J. Moores, 147 Warren Street #2, U, Pct. 9; (5) James R. Munsey, 215 Massachusetts Avenue #25, U, Pct. 1; (6) Helen Lee Simonowitz, 34 Hamilton Road #410, D, Pct. 6; (7) Joyce B. Stuart, 37 Drake Road #401, U, Pct. 20; (8) Laurence C. Weber, 11 Baker Road, D, Pct. 20**

### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Election_Worker_Master_Records.pdf	Reference



OK

Date: 3/5/2020

Check One:       ✓       New Employee  
                                     Change to Existing Employee

Vendor #	_____	Position	<u>Inspector</u>
Name:	<u>Mary Anne Fitzgerald</u>	Democrat	_____
Address:	<u>54 Medford St. #310</u>	Republican	_____
	<u>Arlington, MA</u>	Unenrolled	<u>✓</u>
Zip Code	<u>02474</u>	Precinct	<u>10</u>
Alpha/ Last Name	_____	Phone #	_____

Position Codes:

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

# ELECTION WORKER'S MASTER RECORD

OK

Date: 2/28/2020

Check One: ✓ New Employee  
\_\_\_\_\_ Change to Existing Employee

Vendor # \_\_\_\_\_

Position inspector

Name: Doris<sup>M.</sup> Hutchinson

Democrat ✓

Address: 28 Thesda Street

Republican \_\_\_\_\_

Arlington, MA

Unenrolled \_\_\_\_\_

Zip Code 02474

Precinct 14

Alpha/  
Last Name \_\_\_\_\_

Phone # \_\_\_\_\_

Position Codes: 10 – Warden  
20 – Deputy Warden  
30 – Inspector  
40 – Deputy Inspector  
50 – Clerk

60 – Deputy Clerk  
70 – Teller  
80 – Substitute  
90 – Custodian

(OK)

## ELECTION WORKER'S MASTER RECORD

Date: 3/2/2020

Check One: ✓ New Employee  
\_\_\_\_\_ Change to Existing Employee

Vendor # \_\_\_\_\_

Position Inspector

Name: Karen<sup>M</sup> Kramer

Democrat ✓

Address: 63 Fremont St.

Republican \_\_\_\_\_

Arlington, MA

Unenrolled \_\_\_\_\_

Zip Code 02474

Precinct 3

Alpha/  
Last Name \_\_\_\_\_

Phone # \_\_\_\_\_

Position Codes:

10 – Warden  
20 – Deputy Warden  
30 – Inspector  
40 – Deputy Inspector  
50 – Clerk

60 – Deputy Clerk  
70 – Teller  
80 – Substitute  
90 – Custodian

6/2

Date: 3/2/2020

Check One:      ✓      New Employee  
Change to Existing Employee

Phone #

60 – Deputy Clerk  
70 – Teller  
80 – Substitute  
90 – Custodian

OK

60 – Deputy Clerk  
70 – Teller  
80 – Substitute  
90 – Custodian





OK

60 – Deputy Clerk  
70 – Teller  
80 – Substitute  
90 – Custodian

OK

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



## Town of Arlington, Massachusetts

---

### Zoning Board of Appeals, Associate Members (no term expiration)

#### Summary:

Aaron A. Ford

Stephen A. Revilak

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	A._Ford_Resume.pdf	A. Ford Resume
▢	Reference Material	S._Revilak_Resume.pdf	S. Revilak Resume



# L.A. FUESS PARTNERS

## Structural Engineers

January 31, 2020

**Arlington Select Board**  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: Zoning Board of Appeals**  
**Arlington, MA**  
**Submission of Qualifications for Consideration as Associate Member**

Dear Select Board

I am submitting my qualifications and statement of interest for the Associate Member position on the Zoning Board of Appeals.

I've been a resident of Arlington since 2013, have two daughters in the middle and high school, and my wife is a teacher at the Ottoson. I am the principal-in-charge and one of the owners at L.A. Fuess Partners where I have worked for the last 20 years. Our firm is a 40-year-old structural engineering firm with two offices and 90 employees. We design commercial buildings locally and throughout the United States.

The skills that I would be able to offer are ability to understand, interpret and relay the codes and rules and communicate their intent verbally and in writing. I'm passionate about the built environment and particularly skilled in understanding and solving challenging problems. I have a very even temperament and have had many opportunities to develop my ability to calmly and clearly communicate issues with stakeholders, often under difficult circumstances.

Although I am very busy and don't have much spare time, I believe that we need experienced people overseeing the growth of our town in order to ensure that we maintain the high standards and appeal that make people want to move to Arlington.

I look forward to hearing from you.

Yours truly,

Aaron A. Ford, PE

**L.A. FUESS PARTNERS** Structural Engineers





# L.A. FUESS PARTNERS

## Structural Engineers



### AARON A. FORD, P.E.

Principal | Vice President

Mr. Ford joined L.A. Fuess Partners in 2000 and has served as a principal with the firm for more than 12 years.

He has a knack for structural engineering, especially in terms of common sense constructability and his ability to hone in on ideal structural solutions. With his degree in Architectural Engineering from the University of Texas at Austin, and over 20 years of experience designing a wide range of building and structure types, he is known for his attention to detail and masterful handling of complex projects.

Aaron has extensive renovation experience throughout New England and beyond for office buildings, retail and mixed-use developments, residential facilities, schools and universities, and various historic structures.

### EDUCATION

B.S. Architectural Engineering  
University of Texas at Austin, 1999

### REGISTRATIONS

Commonwealth of Massachusetts  
#46393  
Connecticut, Delaware, District of Columbia, Florida, Maine, Maryland, New Hampshire, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont

### WORK EXPERIENCE

L.A. Fuess Partners Inc.  
2000 – Present

### PROJECT ROLES

Principal-in-Charge of Projects  
Project Management  
Project Engineering

### CORPORATE ROLES

Director of LAFP Northeast  
SEAMass Board of Directors,  
Secretary

### PROFESSIONAL ACTIVITIES

Boston Association of Structural Engineers  
Structural Engineers Association of Massachusetts  
National Council of Structural Engineers Association  
American Institute of Steel Construction  
NAIOP

### PROJECT EXPERIENCE

#### OFFICE

- **161 First Street Office Renovation (former Ashton Valve Co.)**  
Cambridge, Massachusetts
- **121 First Street Office**  
Cambridge, Massachusetts
- **Gulfport Energy Corporate Office HQ**  
Oklahoma City, Oklahoma
- **Modular Services Company Office & Manufacturing Headquarters**  
Oklahoma City, Oklahoma
- **Parkway Commons 4**  
Oklahoma City, Oklahoma
- **Riverwalk Office Plaza**  
Moore, Oklahoma

#### RENOVATION

- **Science Park Rehabilitation (Conversion of former Winchester Repeating Arms Factory)**  
New Haven, Connecticut
- **Hayden Building Re-Use and Renovation**  
Boston, Massachusetts
- **600 Washington Renovation**  
Boston, Massachusetts
- **467 Washington Renovation**  
Boston, Massachusetts
- **Lawrence Mill Renovation – Building A**  
Lawrence, Massachusetts
- **YWCA Renovations**  
Worcester, Massachusetts
- **Boardwalk Retirement**  
Beverly, Massachusetts
- **Sitowski School Conversion / Senior Housing**  
Webster, Massachusetts



# L.A. FUESS PARTNERS

## Structural Engineers

### AARON A. FORD, P.E.

Principal | Vice President

- **Chelsea Jewish Home Renovation**  
Chelsea, Massachusetts
- **35 Bowdoin Street Retrofit and Renovation**  
Boston, Massachusetts

### HIGHER ED

- **Salem State University Fitness Center Addition and Renovation**  
Salem, Massachusetts
- **University New Hampshire Hamilton Smith Hall Additions and Renovations**  
Durham, New Hampshire
- **Fitchburg State University Hammond Hall Library and Student Center Addition and Renovations**  
Fitchburg, Massachusetts
- **Mt. Holyoke College Community Center Addition and Renovations**  
South Hadley, Massachusetts
- **University of Massachusetts Lowell McGauvran Hall Student Center Addition and Renovation**  
Lowell, Massachusetts
- **Lowell, Massachusetts University of Massachusetts Lowell Fox Dining Hall Renovation**  
Lowell, Massachusetts

### RESIDENTIAL

- **Woodmont Senior Living, Parking Garage and Pedestrian Bridge**  
Londonderry, New Hampshire
- **119 First Street Apartments**  
Cambridge, Massachusetts
- **18 Hurley Apartments**  
Cambridge, Massachusetts
- **55 Binney Street Apartments**  
Cambridge, Massachusetts
- **165 Cambridge Park Drive**  
Cambridge, Massachusetts
- **55 Wheeler Apartments**  
Cambridge, Massachusetts
- **Ten Essex Residential**  
Cambridge, Massachusetts
- **Union Square Housing**  
Somerville, Massachusetts
- **3521 Washington Street Residential**  
Boston, Massachusetts
- **1943 Dot Ave Apartments**  
Dorchester, Massachusetts

Arlington, MA 02474  
January 15, 2020

**Select Board**  
730 Massachusetts Ave  
Arlington, MA 02476

Dear Select Board,

I'm writing to express my interest in becoming an associate member of the Zoning Board of Appeals.

From 2016–2018 I served as a member or the Zoning Recodification Working Group which recodified the Zoning Bylaw of the Town of Arlington (adopted by special town meeting in Feb. 2018). Since then, I've been a member of the Zoning Bylaw Working Group, whose efforts have included an overhaul to the town's sign bylaws (adopted at the 2019 annual town meeting) and an assessment of the town's industrial districts (currently in progress). Serving in this capacity has given me a good working knowledge of the Town's zoning bylaw, and the history behind it.

Enclosed is a copy of my resume. Thank you for your time and consideration.

Sincerely,

Stephen A. Revilak



Stephen A. Revilak

## Professional History

### Ab Initio, Lexington, MA — *Software Developer*

- 11/2013 - current.
- Designed, implemented, and tested components for distributed transaction processing systems.

### KAYAK, Concord, MA — *Reverse Engineer*

- 2/2004 - 10/2013.
- Designed Java components for use in distributed web applications.
- Implemented Kayak's business intelligence data warehouse, reporting systems, and data ingestion systems.
- Designed and implemented back-office automation services, to integrate data from Kayak's CRM, advertising, and Business intelligence systems.
- Finally, I've done the usual set of things that you'd expect employee #9 at a startup company to do: firewall configuration, Linux administration, babysitting a variety of network services, and occasionally emptying the dishwasher.
- Why is my title "Reverse Engineer"? It's a play on words: I like tinkering with things to figure out how they work.

### Intuit, Waltham, MA — *Software Developer, Release Engineer*

- 1/2000 - 2/2004.
- Designed, implemented, and tested low-level component libraries for use by business units across Intuit.
- Responsible for administration and configuration of 60+ Solaris machines in 6 deployment environments.
- Served as a member of the development team for QuickBooks Site Solutions. Managed domain name renewals for 75,000 web sites.

### Newbury Sound Inc, Boston, MA — *Recording Engineer, Chief Engineer*

- 12/1993 - 1/2000.
- Recorded, mixed, and/or mastered several hundred recording projects, done in collaboration with a wide range of clients.
- Provided creative assistance to recording artists.
- Involved in the diagnosis, troubleshooting, and repair of studio equipment. Also assisted in installation of facility upgrades.
- Performed additional duties such as billing, inventory management, and client relations.

### WUMB-FM, Boston, MA — *Producer, Board Operator*

- 1/1994 - 6/2004.
- Held the responsibility of maintaining the quality of the on-air signal and keeping station logs during weekend overnights.
- Screened, prepared, and cataloged regularly-aired syndicated shows; varying from 15-30 hours of material per week.

- Produced and scheduled promotional spots, participated in fundraising events, and took part in the administration of WUMB's audio servers.

## Arlington Town Positions

- Town Meeting Member, Precinct 1. April 2015–current.
- Member, Information Technology Advisory Committee. May 2016–current.
- Member, Zoning Recodification Working Group. September 2016–February 2018. This group recodified Arlington's Zoning Bylaws; adopted by special town meeting in Feb. 2018.
- Member and Chairperson, Surveillance Study Group. February 2018–current.
- Member, Zoning Bylaw Working Group. August 2018–current.
- Member, Homelessness Task Force. July 2019–current.

## Education

### University of Massachusetts Boston

- Attended 9/2006 - 12/2011. Final CGPA: 4.00
- Awarded PhD in Computer Science.
- Dissertation: Precisely Serializable Snapshot Isolation.

### University of Massachusetts Boston

- Attended 1/2001 - 5/2003. Final Graduate CGPA: 3.93.
- Awarded MS in Computer Science.
- Graduate Project: "Mayan Translation Assistant", a java GUI application written to assist users in identifying Mayan Hieroglyphs.

### University of Massachusetts Boston

- Attended 5/1998 - 12/2000. Final Undergrad CGPA: 3.98.
- Awarded Major Certificate in Computer Science (BA equivalent for math and CS courses).

### Berklee College of Music

- Attended 9/1989 - 12/1992. Final CGPA: 3.85.
- Awarded BM in Music Production and Engineering.

### Pennsylvania State University

- Attended 9/1988 - 5/1989. CGPA: 3.94.

## Other Minutiae

- Submitted and tested patches for several open source software products.
- Member of Association for Computer Machinery and SIGMOD (the Special Interest Group for the Management of Data).
- Member, Free Software Foundation.
- Good written and verbal communication skills. Excellent organizational skills.
- I'm an avid cyclist, and a decent bicycle mechanic.





## **Town of Arlington, Massachusetts**

---

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

#### **Summary:**

Adam W. Chapdelaine, Town Manager

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	FY21_Rate_Recommendation.pdf	Reference from M. Rademacher



**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: March 6, 2020  
Subject: FY21 Water/Sewer Rate Recommendation

As directed by the Select Board, analysis has been performed to determine what the impact to Water and Sewer Rates would be for the next several years in order to eliminate the current shift of General Fund dollars to the Water/Sewer Enterprise Fund. The Select Board asked that the offset be eliminated over three years. Based on that, it is my recommendation that in FY21 the Water Rates increase by 17.2% and Sewer Rates increase 16.0%. Although future anticipated rate increases are shown below, these will need to be revisited annually to verify future expense projections hold true. This recommendation assumes the following:

- Rates are structured to eliminate the General Fund Offset evenly over FY21, FY22 and FY23.
- The General Fund shift would decrease from \$5,593,112 to \$3,691,454 in FY21
- Rate projections include payment of future debt service related to capital projects including the DPW Facility
- All user fees increase by the same percentage at the proposed average rate increase
- Water use is assumed to level off around 1,210,000 CCF's based on current trends

Proposed Rate Chart

<b>Water</b>	<b>FY20 (Exist)</b>	<b>FY21 (Prop)</b>
0-15 ccf/3 months	\$5.36	\$6.28
16-30 ccf/3 months	\$5.73	\$6.72
Over 30 ccf/3 months	\$6.96	\$8.16
<b>Sewer</b>	<b>FY20 (Exist)</b>	<b>FY21 (Prop)</b>
0-15 ccf/3 months	\$6.42	\$7.45
16-30 ccf/3 months	\$6.85	\$7.94
Over 30 ccf/3 months	\$8.31	\$9.63

	<u>Current FY20 Rates</u>	<u>FY21 Rates 33% Reduction</u>	<u>FY22 Rates Additional 33% Reduction</u>	<u>FY23 Rates Final 33% Reduction</u>	<u>FY24 Rates Offset Eliminated</u>
Cost Ave. Arlington Home Use: <u>60ccf/yr.</u>	\$753	\$877	\$1,003	\$1,133	\$1,162
Cost Ave. Arlington Home per bill: <u>3 months</u>	\$188	\$219	\$251	\$283	\$290

Approx. Rate increase  
Over previous FY:

Water:	<u>7.5%</u>	<u>17.2%</u>	<u>14.5%</u>	<u>14.0%</u>	<u>2.4%</u>
Sewer:	<u>7.5%</u>	<u>16.0%</u>	<u>14.0%</u>	<u>12.0%</u>	<u>3.0%</u>
Ave:	<u>7.5%</u>	<u>16.6%</u>	<u>14.3%</u>	<u>13.0%</u>	<u>2.7%</u>



## **Town of Arlington, Massachusetts**

---

### **Discussion: 2025 Semiquincentennial Patriots' Day Celebration**

#### **Summary:**

John V. Hurd, Select Board



## **Town of Arlington, Massachusetts**

---

### **Discussion: April 2020 Select Board Meetings**

#### **Summary:**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	April_2020_Calendar.pdf	April 2020 Calendar

## APRIL 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4 Annual Town Election
5	6	7	8	9 Passover	10 Good Friday	11
12 Easter Sunday	13	14	15	16	17	18
19	20 Patriots Day	21	22	23	24	25
26	27 Town Meeting Begins 8:00p.m.	28	29	30		





## Town of Arlington, Massachusetts

---

### Articles for Review:

#### Summary:

Article 13 Bylaw Amendment/Fossil Fuel Infrastructure  
Article 16 Vote/Establishment of Town Committee on Auto and Property Insurance Claims and Losses  
Article 17 Vote/Establishment of Police Civilian Advisory Board Study Committee  
Article 21 Vote/Election Modernization Committee  
Article 23 Home Rule Legislation/Consolidation of Town Meeting Member Elections  
Article 24 Home Rule Legislation/Ranked Choice Voting  
Article 25 Home Rule Legislation/Financial Estimates & Budget Documents  
Article 26 Home Rule Legislation/Senior Water Discount  
Article 27 Home Rule Legislation/Retired Police Officer Details  
Article 52 Endorsement of Parking Benefit District Expenditures

### ATTACHMENTS:

Type	File Name	Description
Reference Material	W.A._Text.docx	Warrant Article Text
Reference Material	Town_Counsel_Comments.pdf	Town Counsel Comments
Reference Material	Reference_Material_for_W.A._#13_and_24.pdf	Town Counsel Reference
Reference Material	W.A._13_Memo_from_K._Pruitt-_030420.pdf	W.A.#13 Memo from K. Pruitt
Reference Material	W.A._13_Draft_Arlington_Fossil_Fuel_Bylaw.pdf	W.A #13 Draft Bylaw from K. Pruitt
Reference Material	W.A._13_Slideshow_A._Meeks.pdf	W.A. #13 Slideshow A. Meeks
Reference Material	W.A._13_A.Meeks_Reference.pdf	W.A.#13 Reference from A. Meeks
Reference Material	W.A._13_C._Cooper_Reference.pdf	W.A. #13 from C. Cooper
Reference Material	W.A._13_Reference.pdf	W.A. #13 Additional Reference
Reference Material	W.A._16_A._Fischer_Reference_2.pdf	W.A. #16 from A. Fischer
Reference Material	J._Flaherty_memo.pdf	W.A. # 17 from J. Flaherty
Reference Material	BOSTON_OMBUDSMAN_PANEL.pdf	W.A.#17 from J. Weinstein, Boston Ombudsman Panel
Reference Material	BROOKLINE_COMPLAINT_PROCEDURES.pdf	W.A.#17 from J. Weinstein, Brookline Police Dept. Complaint Procedures
Reference		W.A.#17 from J. Weinstein,

▣	Material	Cambridge_Civilian_Review_Board.pdf	Cambridge Civilian Review Board
▣	Reference Material	CAMBRIDGE_CODE_OF_ORDINANCES.pdf	W.A.#17 from J. Weinstein, Cambridge Code of Ordinances
▣	Reference Material	W.A._17_Reference.pdf	W.A. #17 Additional Reference
▣	Reference Material	W.A._21__23__24_Reference.pdf	W.A. #21, #23, #24 Reference
▣	Reference Material	W.A._52_Reference.pdf	W.A. #52 Reference

To see if the Town will vote to amend Title VI of the Town Bylaws to add a new provision prohibiting the installation of fossil fuel infrastructure in new construction projects and/or major renovation and rehabilitation projects in Arlington; to set forth the terms and scope of such prohibition, and to provide for exemptions to same; or take any action related thereto.

**ARTICLE 16**                      **VOTE/ESTABLISHMENT OF TOWN COMMITTEE ON AUTO  
AND PROPERTY INSURANCE CLAIMS AND LOSSES**

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

To see if the Town will vote to form a committee of Town Meeting to study, craft and submit a Warrant Article to Town Meeting in 2021 for the creation of an Arlington police civilian advisory board comprised of seven (7) voting members and three (3) non-voting members, or take any action related thereto. The study committee would make decisions based on the vote of a simple majority of the committee's voting members who shall be appointed to the committee by: the Envision Arlington Standing Committee (1); the Arlington Human Rights Commission (1); the LGBTQIA & Rainbow Commission (1); the Disability Commission (1); the Board of Youth Services (1); the Equal Opportunity Advisory Committee (1); and the Town Moderator (1). Non-voting members of the committee shall include one (1) representative from the Arlington Police Department, the Town's Diversity, Equity and Inclusion Coordinator, and the Town Counsel. The membership of the study committee's voting members will include at least one Town Meeting member and shall reflect racial/ethnic and other forms of diversity of Town residents.

## ARTICLE 21 VOTE/ELECTION MODERNIZATION COMMITTEE

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

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same; or take any action related thereto.

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

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

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

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

**ARTICLE 25** **HOME RULE LEGISLATION/FINANCIAL ESTIMATES  
AND BUDGET DOCUMENTS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to amend the Town Manager Act sections 31 (Estimates of Expenditures) and/or 32 (Preparation of and Annual Budget and Final Budget) so as to afford additional time for the Town Manager to submit, and the Select Board and Finance Committee to consider financial estimates and budget documents required by such sections; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 26** **HOME RULE LEGISLATION/SENIOR WATER DISCOUNT**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation which would permit the Town to discount fees charged to qualifying, means-tested Arlington Seniors for water and sewer usage; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 27** **HOME RULE LEGISLATION/RETIRED POLICE  
OFFICER DETAILS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation, as set forth below, to allow retired police officers to work police details: or take any other action relative thereto.

**AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS  
SPECIAL POLICE OFFICERS IN THE TOWN OF ARLINGTON**

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

SECTION 1. The Town Manager of the Town of Arlington may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers as special police officers for the purpose of performing police details and any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work, when the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. Such retired police officers must have previously served as regular full-time police officers for the Town of Arlington who voluntarily retired based upon superannuation under the provisions of chapter 32 of the General Laws.

No retired police officer shall be eligible for appointment under this act if such officer has reached the mandatory age for retirement of police officers specified in chapter 32 of the General Laws and regulations promulgated thereunder and the employment of any officer appointed

under this act shall terminate upon attaining such age. No officer who has been retired from the Town of Arlington Police Department for more than five years shall be eligible for appointment under this act unless the officer has maintained employment since the date of retirement as an active police officer in the Commonwealth. Prior to being appointed under this act every officer who is to be appointed must pass a medical examination by a physician chosen by the Town to determine that such officer is capable of performing the essential duties of a special police officer under this act. The cost of such examination shall be borne by the special police officer. Such officer shall provide certification to the Town that the officer is covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; sections 85H and 85H ½ of chapter 32 of the General Laws; sections 99A, 100, or 111F of chapter 41 of the General Laws; or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing their duties set forth in this act, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Arlington.

SECTION 4. Special police officers shall be appointed for a term of one year, subject to renewal in the Town Manager's sole discretion. During the term of appointment, the officer shall serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with or without cause. Any such removal shall be preceded by a fourteen-day written notice unless considerations of public safety and welfare, determined in the Town Manager's sole discretion, require immediate removal. In such instances, the Town Manager shall provide the officer with a written statement of reasons for the immediate removal.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Arlington, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the Town of Arlington. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the Town Clerk of the Town of Arlington who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer under this act shall not entitle any officer appointed as such to assignment to any specific detail or type of detail, and all such assignments shall be made in the sole discretion of the Chief of Police. Special police officers appointed under this act shall be paid the hourly detail rate applicable to regular full-time officers, including any changes to such rate, but shall not be entitled to any other Town benefits.



SECTION 8. Retired police officers appointed as special police officers under this act shall be subject to the limitations on hours worked and on earnings by retired municipal employees under paragraph (b) of section 91 of chapter 32 of the General Laws. Any such officer shall, on or before January thirty-first of each calendar year, file a sworn statement with the Arlington Contributory Retirement Board on a prescribed form identifying the compensated number of hours worked for, and all earnings therefrom, for the Commonwealth and any of its subdivisions for which the police officer worked during the preceding calendar year.

SECTION 9. This act shall take effect upon its passage.

(Inserted by the Select Board)

## **ARTICLE 52**

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

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2021 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto.

(Inserted at the request of the Town Manager)



**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 and Committee Petitioners

From: Douglas W. Heim, Town Counsel

Date: March 5, 2020

Re: Warrant Articles 13, 16, 17, 21, 23, 24, 25, 26, 27 and 52

---

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 March 9, 2020. As the Board will recall, where draft motions appear, new or additional language is underscored, while removed language is provided in "strikethrough."

## ARTICLE 13

## BYLAW AMENDMENT/FOSSIL FUEL INFRASTRUCTURE

To see if the Town will vote to amend Title VI of the Town Bylaws to add a new provision prohibiting the installation of fossil fuel infrastructure in new construction projects and/or major renovation and rehabilitation projects in Arlington; to set forth the terms and scope of such prohibition, and to provide for exemptions to same; or take any action related thereto.

(Inserted by the Select Board at the request  
of the Clean Energy Future Committee)

As the Board will recall from prior correspondence, this Article was inserted at the request of the Clean Energy Future Committee for the purposes of exploring whether or not Arlington should join with several other communities in the Commonwealth<sup>1</sup> in consideration of a prohibition on installation of new infrastructure for fossil fuel-based systems in new construction and major renovation projects.

Most notably, at its November 2019 Special Town Meeting, the Town of Brookline passed Article 21, a Town Bylaw which with enumerated exemptions, prohibited the installation of new fossil fuel pipe infrastructure (natural gas, propane, fuel oil) in new construction and what the petitioner termed “Significant Rehabilitations” in both residential and commercial buildings. The Brookline Bylaw – “On-Site Fossil Fuel Infrastructure” includes exemptions for:

- All cooking appliances;
- Backup generators;
- Outdoor cooking and heating;
- Large central hot water heaters;
- Labs and certain medical offices;
- Repairs to unsafe conditions

It also affords waivers for qualifying projects where non-fossil fuel infrastructure is “financially infeasible or impractical,” as well as an appeal mechanism.

---

<sup>1</sup> To my understanding, the Town of Brookline is the only community in Massachusetts to have passed such an ordinance to date, but a number of other communities are considering similar measures, including Lexington, Concord, and Newton.

The overall purpose of the Brookline Bylaw and similar ordinances is to take action to reduce carbon emissions in response to the climate change crisis. Indeed, the Bylaw is tethered to Brookline's goal of eliminating its greenhouse gas emissions by 2050. I expect the Clean Energy Future Committee will provide further context and recommendations to the Board with respect to Arlington's needs and goals.

It must be noted that to my understanding, the Attorney General's Office Municipal Law Unit has not yet approved (or disapproved) Brookline's Bylaw. There are many issues to consider, most significantly whether such a local bylaw is pre-empted by state law, including the Massachusetts Building Code, and or the Federal Gas Code. In theory, a local bylaw that focuses its regulation on greenhouse gas emissions reductions and does not interfere with the safety standards or other regulations of gas, fire, or building codes is analogous to other successful local efforts to reduce use of plastic bags or water bottles. The matter has been briefed sufficiently to give this Office confidence that a carefully constructed bylaw is *possibly, but not certainly, feasible*. In that vein, the Committee to my understanding will present either a draft or an outline of their proposal for your review that I believe to be feasible in good faith, if not certain upon review by the Attorney General's Municipal Law Unit. To further your examination of these issues, I have also attached for reference some of the substantial documentation of these efforts set forth in Brookline's reports to its Town Meeting for your review.

**ARTICLE 16                      VOTE/ESTABLISHMENT OF TOWN COMMITTEE ON AUTO  
AND PROPERTY INSURANCE CLAIMS AND LOSSES**

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

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

While I expect this Article's proponents will provide further detail on their proposal, to my understanding, this article seeks to create a committee of Town Meeting to examine whether or not the Town of Arlington can and should develop a municipal automobile insurance policy for residents administered by the Town. At the 2009 Annual Town Meeting, both the Select Board and the Town Meeting voted to support Article 68 – a resolution to support the creation of

a Task for of the Attorney General’s Office to study the issue of municipalities as auto-insurers , following a bill submitted to the Legislature on the same score.

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

## **ARTICLE 17**

### **VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE**

To see if the Town will vote to form a committee of Town Meeting to study, craft and submit a Warrant Article to Town Meeting in 2021 for the creation of an Arlington police civilian advisory board comprised of seven (7) voting members and three (3) non-voting members, or take any action related thereto. The study committee would make decisions based on the vote of a simple majority of the committee’s voting members who shall be appointed to the committee by: the Envision Arlington Standing Committee (1); the Arlington Human Rights Commission (1); the LGBTQIA & Rainbow Commission (1); the Disability Commission (1); the Board of Youth Services (1); the Equal Opportunity Advisory Committee (1); and the Town Moderator (1). Non-voting members of the committee shall include one (1) representative from the Arlington Police Department, the Town’s Diversity, Equity and Inclusion Coordinator, and the Town Counsel. The membership of the study committee’s voting members will include at least one Town Meeting member and shall reflect racial/ethnic and other forms of diversity of Town residents.

(Inserted at the request of Jordan Weinstein and ten registered voters)

This resident petition Article proposes to create a committee of Town Meeting to study the development of a “police civilian advisory board.” I trust that the proponents of this article will present both the general rationale for the creation of the committee and perspectives on its proposed scope and goals, composition, and the timing of its reports. It should be noted at the outset that police review bodies vary widely in their responsibilities, roles, and authorities, as well in the facts and circumstances of their creation. Should the Board be inclined towards favorable action, a Study Committee would need to consider a wide range of issues for the tailoring of a police review board for Arlington including the central goals and mission of such a



board, the catalyst for review actions, the scope of its authorities, and the legal ramifications for each relative to both potential complainants and police personnel, professional standards, and both union contracts and the civil service law.

## **ARTICLE 21                                      VOTE/ELECTION MODERNIZATION COMMITTEE**

To see if the Town will vote to extend the life of the Election Modernization Committee, change its structure, objectives, or membership; or take any action related thereto.

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

As the Select Board will recall, you unanimously supported, and Town Meeting approved, the creation of the Election Modernization Committee (“EMC”) under Article 36 of the 2019 Annual Town Meeting. The goal of the EMC was to examine:

- A. Voter eligibility rules in town elections;
- B. Voter registration policies and practices;
- C. Public engagement in the local election process;
- D. The status of the Town’s voting equipment and options for improvements thereof;
- E. The Town’s process for counting votes;
- F. Ranked-choice voting;
- G. Early voting policies and practices; and
- H. Polling locations; and
- I. Polling location accessibility;

and report back to Town Meeting in 2020, including providing any recommended proposals for warrant articles or home rule legislation to improve voter experience and access.

The EMC has provided recommendations with Warrant Articles 23 (Consolidation of Town Meeting Elections), and 24 (Ranked Choice Voting) discussed further below. However, the EMC also believes it has further work to do, and such work can be enhanced by changes to the Committee. While I expect the EMC will provide details on its proposal, in addition to extending the Committee and its charge for an additional two (2) years, revisions include affording voting rights to all members of the Committee, adding Committee seats, and affording greater flexibility to the manner in which seats may be filled.

## **ARTICLE 23**

### **HOME RULE LEGISLATION/CONSOLIDATION OF TOWN MEETING MEMBER ELECTIONS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same; or take any action related thereto.

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

While I expect the EMC to also provide a detailed proposal to the Board, the goal of this Article to twofold. First, it aims to consolidate all seats within a given precinct, including vacancies into the same competition for votes. At present, any vacant seats due to resignation of Town Meeting Members or a failure to elect a full complement of Members in a precinct are appointed until the next Annual Election, at which juncture interested candidates can choose to run for the remainder of a vacated seat term or if available, a full term. The result is that seats for two, or even one-year offices for Town Meeting are voted on separately from standard three year terms.

The second is to reward candidates who obtain the most votes regardless of which types of terms were open – full terms or the remainders of vacated seat terms.

Hence, the EMC's proposal would amend the Town Manager Act to afford the candidates for Town Meeting who obtain the most votes three year seats, and the successful candidate who gains the least number of votes, the shortest term available (one or two year remainders). It should be noted that similar provisions exist in other town meeting communities including Lexington and Stoughton; and further that any ties among successful candidates would be resolved by a vote of then-current Arlington Town Meeting representatives.

## **ARTICLE 24**

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

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

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

This Article, also requested by the EMC, proposes to amend the Town Manager Act to employ “ranked choice voting” for qualifying elected Town Offices. The EMC will present the Board with a full proposal, but in summary a “ranked choice voting” (“RCV”) is an electoral method by which voters rank candidates by preference rather than voting for a single candidate in each individual seat (or even multiple candidates where more than one seat is available). In a standard race for a single seat with multiple candidates, if any one candidate achieves a majority of so-called “first-preference” votes, they are the winner and the election is over.

If however there is no candidate winning a majority, rather than award the seat to a person who achieved under 50% of first-preference votes, a second tally is performed of *the same ballots*. Under this second tally, the candidate or candidates who received the fewest first-place votes are eliminated and the ballots that ranked them first are re-tabulated, elevating the second-preference of such voters to their first. These new tallies are conducted until any candidate has won a majority of the rank-adjusted votes.

I note for the Board’s information, that forms of RCV are already employed in some Massachusetts jurisdictions for some offices, including the Cambridge City Council and School Committee. Furthermore, an RCV ballot question has been certified for the 2020 Massachusetts Statewide Election on November 3, 2020, and would apply a similar electoral system to Massachusetts’ elected state officials and races for Congress. If the Board is inclined toward favorable action, a positive motion could be based on the model RCV Ordinance, attached hereto in reference materials.

## **ARTICLE 25**

### **HOME RULE LEGISLATION/FINANCIAL ESTIMATES AND BUDGET DOCUMENTS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to amend the Town Manager Act sections 31 (Estimates of Expenditures) and/or 32 (Preparation of and Annual Budget and Final Budget) so as to afford additional time for the Town Manager to submit, and the Select Board and Finance Committee to consider financial estimates and budget documents required by such sections; or take any action related thereto.

(Inserted by the Select Board)

As the Board will recall, the purpose of this Article is to amend the Town Manager Act to afford Town Departments and the Town Manager additional time to make estimated expenditure

submissions to the Manager and the Select Board and Finance Committee respectively. Section 31 of the Town Manager Act reads as follows:

*On or before the **second business day of January each year**, all boards and departments not under the control of the Town Manager shall submit to the Town Manager in writing detailed estimates for their respective boards or departments of the fiscal requirements for the ensuing fiscal year. These submissions shall include detailed estimates of any revenues that support their budgets and shall be in a format as required by the Town Manager or as provided by Town bylaws. No later than the **fifteenth day of January each year**, the Town Manager shall submit to the Select Board, with copies to each member of the Finance Committee, a careful detailed estimate in writing of the fiscal requirements for the ensuing fiscal year of each fund and department of the Town along with a detailed listing of all projected revenues to support these requirements.*

*The Town Manager shall state the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town. All the estimates required by this section shall include a statement of the budgeted amount for the current year and the actual expenditures for the two preceding years.*

(emphasis added).

To my understanding, the contemplated change would essentially shift financial estimate deadlines by approximately two weeks such that Departments would provide their estimates to the Manager on or before January 15<sup>th</sup> each year, and the Manager would provide an estimate to the Select Board and Finance Committee on February 1<sup>st</sup> each year.

There are two primary purposes for adjusting these financial reporting deadlines. First, it would ease the schedule for budget submissions for Town Departments in advance of the December holidays and New Year. Second, it would enable the Manager to submit the “detailed estimate...of fiscal requirements for the ensuing fiscal year” after the Governor releases a proposed budget (including local aid funds) on the 4<sup>th</sup> Wednesday of January, as required by law in most years. As such, the Manager’s estimates could be adjusted positively or negatively by the Governor’s proposals for relevant local funding.

## ARTICLE 26

## HOME RULE LEGISLATION/SENIOR WATER DISCOUNT

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation which would permit the Town to discount fees charged to qualifying, means-tested Arlington Seniors for water and sewer usage; or take any action related thereto.

(Inserted by the Select Board)

While a number of municipalities have enacted water and sewer discount programs for local seniors based solely on the authority conferred them under M.G.L. c. 41, sec. 69B, the Town can currently only safely offer such discounts to individuals who meet the qualifications for 17D and 41C property tax exemption criteria under Department of Revenue interpretation of the Select Board's discretion. Additional discounts of the water and sewer fees could be extended, for example, to eligible seniors who participate in the Arlington's Tax Deferral program and Senior Tax Work-off Exemption programs via Home Rule Legislation that ensures the Select Board has the authority to extend same.

As the Board will recall, under those programs, to be eligible, residents must be 65 years old, a resident of Massachusetts for 10 years, and homeowner for 5 years, and income eligible. I pause to note that obtaining this authority via Home Rule Legislation does not mandate that Select Board offer such discount. It merely shores up the Board's ability to do so, as was recently done in Brookline in light of the Department of Revenue's concerns.

Were the Board inclined toward favorable action, a proposal to Town Meeting, draft special legislation would be very simple, like 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 AUTHORIZING SENIOR WATER & SEWER DISCOUNTS  
IN THE TOWN OF ARLINGTON.*

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

*SECTION 1. Notwithstanding any general or special law to the contrary, the Select Board of the Town of Arlington may discount fees charged to income eligible residents aged 65 and over for the use of the town's water and sewer system.*

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

**ARTICLE \_\_\_\_\_ HOME RULE LEGISLATION/RETIRED POLICE  
OFFICER DETAILS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation, as set forth below, to allow retired police officers to work police details: or take any other action relative thereto.

**AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS  
SPECIAL POLICE OFFICERS IN THE TOWN OF ARLINGTON**

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

SECTION 1. The Town Manager of the Town of Arlington may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers as special police officers for the purpose of performing police details and any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work, when the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. Such retired police officers must have previously served as regular full-time police officers for the Town of Arlington who voluntarily retired based upon superannuation under the provisions of chapter 32 of the General Laws.

No retired police officer shall be eligible for appointment under this act if such officer has reached the mandatory age for retirement of police officers specified in chapter 32 of the General Laws and regulations promulgated thereunder and the employment of any officer appointed under this act shall terminate upon attaining such age. No officer who has been retired from the Town of Arlington Police Department for more than five years shall be eligible for appointment under this act unless the officer has maintained employment since the date of retirement as an active police officer in the Commonwealth. Prior to being appointed under this act every officer who is to be appointed must pass a medical examination by a physician chosen by the Town to determine that such officer is capable of performing the essential duties of a special police officer under this act. The cost of such examination shall be borne by the special police officer.



Such officer shall provide certification to the Town that the officer is covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; sections 85H and 85H ½ of chapter 32 of the General Laws; sections 99A, 100, or 111F of chapter 41 of the General Laws; or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing their duties set forth in this act, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Arlington.

SECTION 4. Special police officers shall be appointed for a term of one year, subject to renewal in the Town Manager's sole discretion. During the term of appointment, the officer shall serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with or without cause. Any such removal shall be preceded by a fourteen-day written notice unless considerations of public safety and welfare, determined in the Town Manager's sole discretion, require immediate removal. In such instances, the Town Manager shall provide the officer with a written statement of reasons for the immediate removal.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Arlington, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the Town of Arlington. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the Town Clerk of the Town of Arlington who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer under this act shall not entitle any officer appointed as such to assignment to any specific detail or type of detail, and all such assignments shall be made in the sole discretion of the Chief of Police. Special police officers appointed under this act shall be paid the hourly detail rate applicable to regular full-time officers, including any changes to such rate, but shall not be entitled to any other Town benefits.

SECTION 8. Retired police officers appointed as special police officers under this act shall be subject to the limitations on hours worked and on earnings by retired municipal employees under paragraph (b) of section 91 of chapter 32 of the General Laws. Any such officer shall, on or before January thirty-first of each calendar year, file a sworn statement with the Arlington Contributory Retirement Board on a prescribed form identifying the compensated number of hours worked for, and all earnings therefrom, for the Commonwealth and any of its subdivisions for which the police officer worked during the preceding calendar year.

SECTION 9. This act shall take effect upon its passage.

(Inserted by the Select Board)

The purpose of this article is implement an agreement between the Town and its collectively bargained police unions to retain qualifying retired Arlington police officers to serve on police details as needed. If approved, Arlington would join a host of Massachusetts communities which have garnered ability to hire retired police officers as Special Police Officers to perform details and traffic work. While I expect the Chief of Police to provide further details on the anticipated scope of use of retired officers, it should be noted that eligible officers must be retired Arlington police officers in good standing who voluntarily retired, are able pass certain fitness tests paid for at their expense, could not work past the statutory age of 65, and must comply with all retirement restrictions on earnings and hours worked. Such retired officers would also limited in the scope of their duties and could be removed by the Town Manager with or without cause.

## **ARTICLE 52                                      ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES**

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2021 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto.

(Inserted at the request of the Town Manager)

Pursuant to Title I, Article 11 of the Town Bylaws, "Parking Benefit District Expenditures," proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Manager and the Parking Implementation Governance Committee before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. Your review of proposed expenditures with the Manager constitutes the first step in this process.

I look forward to discussing each of these articles with the Board further at its March 9 ,2020 Meeting.

**MARCH 9, 2020 WARRANT ARTICLE HEARING REFERENCE MATERIALS**

**ARTICLE 13**

---

NOV. 2019 BROOKLINE SPECIAL TOWN MEETING  
MATERIALS RE: ART. 21: "ON-SITE FOSSIL FUEL INFRASTRUCTURE"

ARTICLE 21

TWENTY-FIRST ARTICLE

Submitted by: Jesse Gray<sup>1</sup> (TMM-10), Werner Lohe (TMM-13), Alan Leviton, Lisa Cunningham (TMM-15), Diane Sokal, Daria Mark, Cora Weissbourd, Kathleen Scanlon (TMM-3), Heather Hamilton (SB), Raul Fernandez (SB), and Nancy Heller (SB)

To see if the town will amend the General By-Laws by adopting a new article 8.39 entitled "Prohibition on New Fossil Fuel Infrastructure in Major Construction" as set forth below.

8.39.1 Purpose

This By-Law is adopted by the Town of Brookline, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health, safety and welfare of the inhabitants of the town from fuel leaks and explosions and from air pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

8.39.2 Definitions

"On-Site Fossil Fuel Infrastructure" is defined as fuel gas or fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter.

"New Building" is defined as a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the effective date of this article.

"Significant Rehabilitation" is defined as a renovation in which the work area, not including any added space, is more than 50% of the building floor area prior to the project, and that is associated with a valid building permit application on or after the effective date of this article.

8.39.3 Applicability

A. The requirements of this article shall apply to all permit applications for New Buildings and Significant Rehabilitations proposed to be located in whole or in part within the Town.

---

<sup>1</sup> Point of contact

B. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating, or to fuel pipes whose exclusive purpose is to fuel backup electrical generators.

C. The requirements of this article shall not apply to utility service pipe connecting the grid to a meter, or to a gas meter itself.

D. The requirements of this article shall not apply to any building being constructed subject to a Waldo-Durgin Overlay District Special Permit, as described in Section 5.06.4.k of the Zoning By-Law.

#### 8.39.4 Effective Date and Enforcement

Effective June 1, 2020, no permits shall be issued by the Town for the construction of New Buildings or Significant Rehabilitations that include the installation of On-Site Fossil Fuel Infrastructure, except as otherwise provided in section 8.39.3.

#### 8.39.5 - Severability

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Or act on anything relative thereto.

---

### PETITIONER'S ARTICLE DESCRIPTION

#### **Summary**

This by-law will prohibit installation of fossil fuel piping in new buildings and in major renovation of existing buildings. Consequently, this policy will require heat, hot water, and appliances that are installed during new construction and gut renovation to be all-electric. For situations in which electric is not practical or cost effective, this by-law provides for exemptions, including for fuel piping for backup generators. An exception is also included for the Waldo-Durgin development, because it is the only major commercial project requiring a zoning change that has not yet pulled a building permit.

#### **Rationale**

We are facing a global climate crisis. This climate crisis directly affects Brookline residents and businesses. Massachusetts is one of the fastest-warming states in the country<sup>2</sup>. We have seen a rapid increase in extreme heat events that threaten the health of our children, our

---

<sup>2</sup> <https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-america/>

seniors, and those who need to work outside, not to mention our fragile ecosystem, our plants and wildlife. Rising seas and increased flooding threaten Boston and coastal communities<sup>3</sup>. Public health risks include an increase in heat-related illnesses and deaths, as well as outbreaks of insect-borne and waterborne diseases<sup>4</sup>. As natural ecosystems change or collapse, Massachusetts farmers, fishermen, and residents will suffer<sup>5</sup>.

In its Climate Action Plan, Brookline has committed to reducing its carbon emissions to zero by 2050<sup>6</sup>. Every new building constructed with fossil fuel infrastructure makes this goal harder to achieve, by lighting a new fire that will burn, on and off, for thirty years or more. To meet our climate goal, each of these fires will need to be put out through the retrofitting of buildings, which account for 60-70% of our Town emissions<sup>7</sup>. It is unfair to the next generation to continue to install infrastructure that we already know will need to be replaced in a very short time.

Worsening gas leaks in underground pipes constitute their own significant dangers. Recent gas explosions in the Merrimack Valley<sup>8</sup>, which killed one person and injured many more, and non-injurious explosions in Brookline<sup>9</sup>, have put citizens at risk. 25% of the natural gas pipelines in Massachusetts are leak-prone and need repair and replacement<sup>10</sup>. Gas utilities, including in Brookline, are not adequately maintaining natural gas infrastructure by fixing unsafe leaks. Gas leaks have also killed trees in many places in Brookline.

In addition, the burning of fossil fuels inside buildings produces harmful indoor emissions<sup>11</sup> that emit nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and formaldehyde (HCHO),

<sup>3</sup> [https://ss2.climatecentral.org/#13/42.3232/-71.1423?show=satellite&projections=0-K14\\_RCP85-SLR&level=5&unit=feet&poi=hide](https://ss2.climatecentral.org/#13/42.3232/-71.1423?show=satellite&projections=0-K14_RCP85-SLR&level=5&unit=feet&poi=hide)

<sup>4</sup> <https://www.annualreviews.org/doi/full/10.1146/annurev.publhealth.21.1.271>

<sup>5</sup> <https://www.mass.gov/service-details/climate-change-in-massachusetts-and-its-impacts> and <https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-ma.pdf> and <https://www.massaudubon.org/our-conservation-work/climate-change/effects-of-climate-change>

<sup>6</sup> <https://www.nature.com/articles/s41586-019-1364-3>

<sup>7</sup> <https://www.brooklinema.gov/ArchiveCenter/ViewFile/Item/628> (see footnote on sidebar)

<sup>8</sup> [https://en.wikipedia.org/wiki/Merrimack\\_Valley\\_gas\\_explosions](https://en.wikipedia.org/wiki/Merrimack_Valley_gas_explosions)

<sup>9</sup> <https://boston.cbslocal.com/2019/05/26/brookline-hammond-street-closed-manhole-fire-explosions/>, <https://patch.com/massachusetts/brookline/manhole-explosion-coolidge-corner-shuts-down-area>, <https://www.youtube.com/watch?v=Rbc11T8Vynw>.

<sup>10</sup> <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (search by number for 18-GLR-01)

<sup>11</sup> Additional footnotes for statement on indoor emissions from:

<https://healthyindoors.com/2018/07/cooking-indoor-air-pollution-emissions-natural-gas-stoves/>

1. Klug VL, et al. Cooking Appliance Use in California Homes—Data Collected from a Web-based Survey. LBNL-5028E. Berkeley, CA:Lawrence Berkeley National Laboratory (August 2011). Available: <http://homes.lbl.gov/sites/all/files/lbnl-5028e-cooking-appliance.pdf> [accessed 5 December 2013].

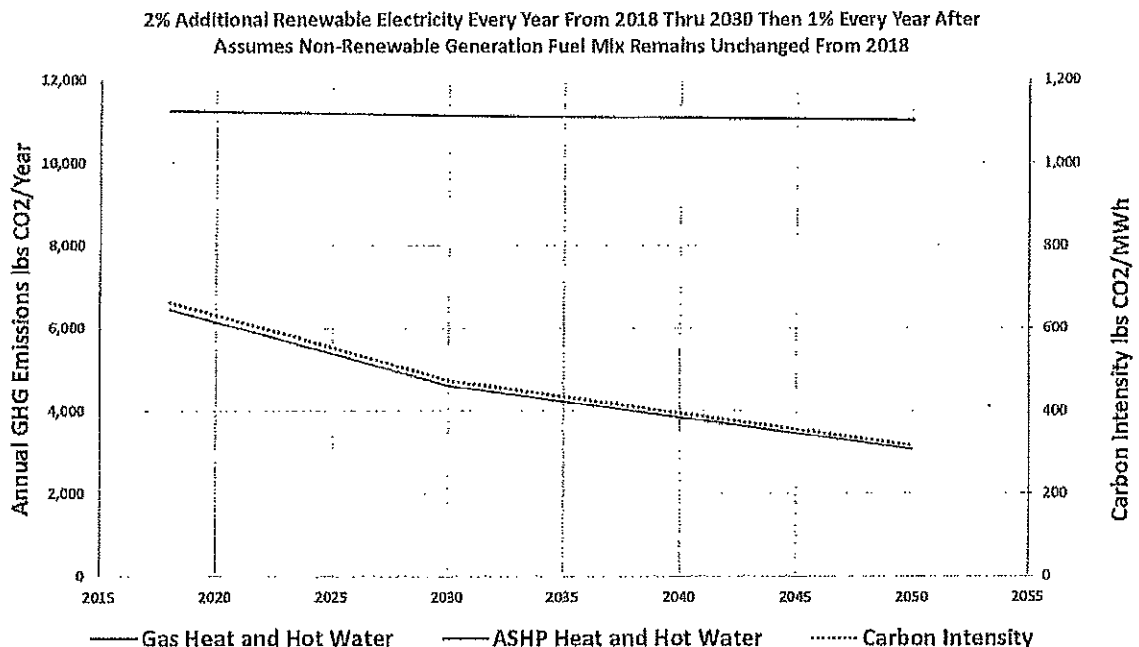
2. Jarvis D, et al. The association of respiratory symptoms and lung function with the use of gas for cooking. *Eur Respir J* 11(3):651–658 (1998); <http://www.ncbi.nlm.nih.gov/pubmed/9596117>.

3. Jarvis D, et al. Association of respiratory symptoms and lung function in young adults with use of domestic gas appliances. *Lancet* 347(8999):426–431 (1996); [http://dx.doi.org/10.1016/S0140-6736\(96\)90009-4](http://dx.doi.org/10.1016/S0140-6736(96)90009-4).

4. EPA. Formaldehyde: Hazard Summary [website]. Washington, DC:U.S. Environmental Protection Agency (updated 18 October 2013) Available: <http://www.epa.gov/ttnatw01/hlthcf/formalde.html> [accessed 5 December 2013].



each of which can cause various respiratory and other health ailments<sup>12,13</sup>. Cooking with gas has been linked to asthma and other adverse health effects, with children and low-income households particularly affected<sup>14,15</sup>. Nitrogen dioxide from gas stoves is linked to increased asthma rates among low-income preschoolers, and gas stoves are especially dangerous in smaller apartments with poor ventilation<sup>16</sup> and when they are used for supplemental heat. If the Clean Air Act applied inside homes, the air quality produced by cooking with gas would be illegal<sup>17</sup>.



**Figure 1: Comparing the Greenhouse Gas Emissions of an All-Electric House With Air Source Heat Pumps to a House With Natural Gas Heat and Hot Water**

All-electric buildings are healthier and can operate immediately with zero emissions through the purchase of 100% renewable electricity with programs like Brookline Green Electricity<sup>18</sup>. Even buildings using the default New England electrical grid mix become greener every year as the electrical grid incorporates more and more renewable electricity

<sup>12</sup> <https://www.nytimes.com/2019/05/01/opinion/climate-change-gas-electricity.html>

<sup>13</sup> <https://www.nytimes.com/2019/05/01/opinion/climate-change-gas-electricity.html>

<sup>14</sup> <https://www.sciencedaily.com/releases/2014/09/140929180523.htm> and <https://www.ncbi.nlm.nih.gov/pubmed/22082993> and <https://scopeblog.stanford.edu/2018/03/06/use-your-range-hood-for-a-healthier-home-advises-indoor-air-quality-researcher/> and <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.277.9376&rep=rep1&type=pdf>

<sup>15</sup> <https://www.nytimes.com/2019/05/01/opinion/climate-change-gas-electricity.html>

<sup>16</sup> <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.277.9376&rep=rep1&type=pdf>

<sup>17</sup> <https://well.blogs.nytimes.com/2013/07/22/the-kitchen-as-a-pollution-hazard/> and <http://rebuildgreenexpo.com/wp-content/uploads/2019/06/ElectricMFGuide.pdf>

<sup>18</sup> <https://www.brooklinema.gov/1340/Brookline-Green-Electricity>

generation, with a state-mandated minimum 60% renewable energy by 2050<sup>19,20</sup>. Figure 1 compares projected carbon emissions for a single family home built in Massachusetts using air-source heat pumps to provide electric heat and hot water with a similar home that uses gas heat and gas hot water. This projection assumes the home uses the default provider of electricity, which will become more renewable overtime. An all-electric home that elects to use 100 percent renewable electricity will have no carbon emissions from heat and hot water.

All-electric construction is practical and feasible now. Numerous all-electric buildings have been built recently in Massachusetts (Appendix D), demonstrating the feasibility and practicality of all-electric construction. Assuming that 0.5% of the building stock in Brookline is rebuilt or significantly renovated per year, this by-law would decarbonize 15% of our buildings by 2050. Decarbonizing in this manner, during new construction or major renovations is by far the most cost-effective way to decarbonize.

### **Practicality of all-electric buildings**

All-electric construction is, in most cases, highly practical and essentially cost neutral. For example, one model commissioned for MassSave estimates a \$754 construction cost premium for a 2,500 sq ft all-electric single family home<sup>21</sup>, compared to the same home fitted with the most efficient gas heat and hot water systems and electric central air conditioning<sup>22</sup>. This premium is less than a 0.1% increase in cost for a typical new home like this in Brookline<sup>23</sup>.

A relevant cost operations comparison comes from the same MassSave model cited above. Under this model, operation of a brand-new all-electric home in Massachusetts would be slightly more expensive than that of a brand-new gas home (by \$41 per month). However, this \$41 per month cost premium must be put into context. First, it is less than 1% of expected monthly costs on a newly built 2,500 sq ft Brookline home, including utilities, mortgage, and real estate tax payments. Second, if an electric ground source heat pump were used instead of an air source heat pump, the all-electric home would actually be less expensive to operate than the gas home. Third, when a new all electric building is compared with an existing building, the new all-electric one will be significantly less expensive to operate than gas, due to the far better air sealing and insulation required in new buildings.

Notably, building operation costs vary widely depending on building type, whether a building is new or retrofitted, whether a ground source or air source heat pump is used, whether solar is installed, the extent of air sealing and insulation, and other variables. To cite one example, buildings that are air sealed and insulated to Passive House standards can use less than 90% of the energy of buildings built to the minimal air sealing and insulation standards in the Massachusetts building code.

<sup>19</sup> <https://www.greenribboncommission.org/wp-content/uploads/2019/01/Carbon-Free-Boston-Report-web.pdf>

<sup>20</sup> [blog.greenenergyconsumers.org/blog/rps-res-in-plain-english](http://blog.greenenergyconsumers.org/blog/rps-res-in-plain-english)

<sup>21</sup> built to the Massachusetts stretch energy code (a requirement in Brookline for new construction).

<sup>22</sup> [http://ma-eeac.org/wordpress/wp-content/uploads/RLPNC\\_17-14\\_MiniSplitCost\\_27NOV2018\\_Final.pdf](http://ma-eeac.org/wordpress/wp-content/uploads/RLPNC_17-14_MiniSplitCost_27NOV2018_Final.pdf)

<sup>23</sup> Assumes \$1,000,000 purchase price.

### *Space heating and cooling*

Heat pumps are air conditioners that can operate in reverse. Even in cold weather, they extract heat from outside air and move it into the building. Because they move heat rather than generating it, they are very efficient. Dramatic improvements in heat pump technology and building envelope technology now make it practical and cost-effective to heat new buildings with electricity in our climate<sup>24</sup>. (Electric heat pump heating should not be confused with electric resistance heat, which is inefficient and expensive<sup>25</sup>.)

Buildings are becoming better insulated and more tightly sealed every year. As this happens, less and less heating and cooling is needed, and the cost of the HVAC systems decreases. Because more and more buildings are being built with air conditioning, heat pumps save money in two ways. First, only a single system needs to be installed rather than separate air conditioning and heating systems. Second, heat pumps are more efficient than old-fashioned air conditioning and save on electricity costs.

### *Cooking -- additional benefits of modern electric induction cooktops*

Induction cooking has additional benefits beyond improved indoor air quality, health, and emissions reductions. Induction cooking is safer, more precise, and faster than cooking with gas.<sup>26</sup> Local professional Chef Ming Tsai of Blue Ginger and Blue Dragon fame has been using induction cooking for 20 years<sup>27</sup>. Local chef Barbara Lynch has one in her professional home kitchen<sup>28</sup>. Induction cooking keeps the kitchen cooler -- a major advantage in commercial kitchens -- and it can be so finely regulated that it can be used to melt chocolate without a double-boiler.<sup>29</sup>

*Hot water heating.* An electric heat pump hot water heater can be purchased from local home improvement stores and costs about the same to buy and operate as a gas-fired hot water heater. Costs of gas, electric resistance, and electric heat pump hot water heaters are described in Appendix B.

---

<sup>24</sup> [http://ma-eeac.org/wordpress/wp-content/uploads/RLPNC\\_17-14\\_MiniSplitCost\\_27NOV2018\\_Final.pdf](http://ma-eeac.org/wordpress/wp-content/uploads/RLPNC_17-14_MiniSplitCost_27NOV2018_Final.pdf)

<sup>25</sup> Most electric heat in existing Brookline buildings is baseboard resistance heat, in which heat is generated, not moved. Electric resistance heat costs about three times as much to operate as a modern heat pump. In the past, heat pumps in MA were typically installed with electric resistance backup for the very coldest days of the year. Due to continual improvement of heat pump technology, the cold climate heat pumps recommended for use in New England either no longer include resistance heating elements or only use it a few days each year.

<sup>26</sup> <https://www.consumerreports.org/electric-induction-ranges/pros-and-cons-of-induction-cooktops-and-ranges/>

<sup>27</sup> <http://sponsored.bostonglobe.com/frigidaire/induction/>

<sup>28</sup> <https://www.nytimes.com/video/dining/100000004082419/in-the-kitchen-with-barbara-lynch.html?action=click&module=RelatedCoverage&pgtype=Article&region=Footer>

<sup>29</sup> Induction cooking should not be confused with the dramatically inferior but often very similar-looking electric resistance cooking.

*Clothes dryers.* Many buildings already use electric resistance dryers. An alternative option, less expensive to operate, is the heat pump electric dryer. Compared to gas or most electric resistance dryers, heat pump dryers have the advantage of not requiring any outside venting. Costs of gas, electric, and electric heat pump dryers are described in Appendix C.

## **Appendix A -- Frequently Asked Questions**

Q: If Brookline bans new fossil fuel infrastructure in major construction, do I get to keep my gas stove?

A: Yes. You can even replace it with a new one. You just can't install a new one in a brand new building or as part of a gut renovation. By 2050, 15% of Brookline's buildings would lack gas infrastructure, so even at that point there would under this policy be a lot of choice.

Q: Does this bylaw apply if I want to build an addition to my house?

A: It applies only if the project also includes major renovations to the existing part of your house AND if the renovated portion exceeds 50% of the area of the original building.

Q: Will this measure be effective (even if adopted beyond Brookline), or will the consequence simply be that more fossil fuels will be consumed in electricity generation?

If the occupant of a new all-electric building chooses to buy 100% renewable electricity, that all-electric building will be carbon-free from the moment it begins to operate.

Assuming the occupant relies on the standard grid mix, a new all-electric building built today would have lower overall emissions than an otherwise identical building with gas heat and appliances in the first year of operation (see chart above). These emissions savings will increase each additional year, as the grid greens through an existing statewide legislative mandate that requires a minimum 60% carbon-free grid by 2050. This grid greening is likely to be accelerated further at the state level and through Brookline's Green Electricity program. Thus, the emissions savings are very large compared to a building that burned natural gas over the course of those 31 years.

Q: Is there a good alternative for gas cooking, particularly in commercial settings?

Induction cooking is amazing. Many chefs who've tried it don't ever want to go back to gas, particularly in commercial settings<sup>30,31</sup>. It's safer, faster, and easier to control. It keeps the kitchen much cooler. The entire Bradley wing of LAX is all-electric<sup>32</sup>, and the 24

---

<sup>30</sup> <http://sponsored.bostonglobe.com/frigidaire/induction/>

<sup>31</sup> Drifter's Wife in Portland ME is recommended for best new restaurant that focuses on natural wines. "The entire kitchen is two induction burners and an oven," Li said. "The food they're putting out is amazing, and the wine experience overall is fantastic."  
<https://www.boston.com/travel/travel/2017/04/22/this-new-england-city-is-a-favorite-food-destination-for-boston-chefs>

<sup>32</sup> <https://www.urwairports.com/lax/retailer-category/dine/>

restaurants there have induction and electric cooking but no gas ovens, stoves, or other gas infrastructure.

Q: What happens if the electricity goes out ? Will we be able to have gas back-up generators? Do you have exemptions or waivers for certain facilities that would need back-up systems such as nursing homes or daycares?

In short this policy would not affect what happens when the power goes out, which is that most buildings would lose their heat. The reason is that today's boilers and furnaces typically require both the gas AND the electrical grid, because they have electronic ignition systems that lack battery backups. Therefore, most buildings in Brookline are already fully dependent on the electrical grid for their heat.

For the few buildings, including schools and nursing homes, that need or want backup heating, the proposed policy includes an exemption for fuel pipes for backup generators.

Q: In light of the heat wave and the power outages in NYC, if we go all electric what happens to the stress or overloading of the Grid? Will there be more power outages as a result?

Electrical demand is currently declining in New England due to solar panels on building roofs and gains in energy efficiency (e.g., LEDs). There are declines in both annual and peak demand, and these declines are expected to continue<sup>33</sup>. The proposed bylaw policy affects too few buildings, too slowly, to affect the electrical grid significantly. It is the job of the utilities and the grid operator ISO-NE to keep the electricity flowing, and they should be capable of it -- and held to it. Nonetheless, both the gas and electrical grids do fail sometimes, as we saw last winter with the explosions and fires caused by the Columbia Gas infrastructure failure in the Merrimack Valley.

Our electrical grid is currently adding a lot of renewable generation -- utility-scale wind and solar. This new building policy will affect such a small fraction of buildings on the grid (~1% turnover in any one year, even if adopted across the entire New England grid territory), that it should not have an appreciable impact on the power grid, which already has year-on-year variation exceeding 1%<sup>34</sup>.

Peak consumption is already a significant challenge to manage. But right now peak consumption is a summer problem, when AC kicks in on hot days. In the winter the bigger problem is actually natural gas shortages, which should be slightly alleviated by this policy. Because winter heating and summer AC are the biggest consumers of electricity in buildings, the proposed all-electric requirement would not have a very large impact on summer peaks. (People already use electricity for AC.)

Q: If this by-law is challenged in court, will it pass muster?

---

<sup>33</sup> <https://www.iso-ne.com/about/key-stats/electricity-use/>

<sup>34</sup> <https://www.iso-ne.com/about/key-stats/electricity-use/>

Like any ground-breaking law, this bylaw may be challenged. But its rationale has been carefully thought through, and it is based on several months of legal consultations and research. We consulted with 14 lawyers, including the Berkeley outside counsel and the head of the Massachusetts Attorney General's Municipal Law Unit. Brookline Town Counsel then also provided advice. We believe that it will withstand a challenge, but the only way to find out for sure is to pass it. A crucially important strategy in fighting the fossil fuel industry is to win in court in defending new legal approaches to decarbonization.

Q Will there be only a few contractors that can design build these systems? Will that drive cost up?

This is very simple technology and many HVAC contractors have significant experience installing ASHPs. Ground source heat pump systems (GSHPs, sometimes referred to as "geothermal systems") have also been installed all over Massachusetts and the country for several decades.

Q: What if this by-law triggered the need for a significant upgrade of the electrical service to an existing building? For example, a 50-unit building that has original wiring from the street to the building from the 1940's. What if the electrical upgrade costs \$200,000?

If one were doing a significant rehab of such a building, one would be spending millions to tens-of-millions of dollars. The \$200,000 must be considered in that context. This is precisely why the trigger is major rehabilitations and new construction.

Q: Renovations and expansions are the most problematic. Think of a situation where someone has previously installed efficient gas boilers, etc. and they are trying to add on to their house, but they want to just use the same infrastructure. Are we really telling them that half of their house can still be gas but they need all new equipment for the second half?

As currently written, the work area *in the original space* would have to be over 50% of the original structure to trigger the by-law in the context of an addition. Just an addition alone without major rehabilitation in the existing portions of the building would not trigger this by-law. The vast majority of additions, such as adding a porch or remodeling a kitchen, do not meet this threshold.

Even if the work area *in the original space* exceeded the 50% floor area threshold, it would still be permissible to keep the efficient gas boiler. In other words ducts or water/steam pipes could be extended from the existing boiler or furnace into the addition. However, in this instance, fuel piping could not be installed into the new addition.



November 19, 2019 Special Town Meeting  
21-10

## Appendix B -- Comparing Hot Water Heater Options

Manufacturer	Model	Type	Description	Price	Annual Energy Cost
A O Smith	ATI 240H 101	Tankless	Gas: Condensing	\$912	\$280
Rinnai	(RU1601) REU-N2530FF-US	Tankless	Gas: Condensing	\$1,460	\$280
Rinnai	(RUR1991) REU-NP3237FF-US	Tankless	Gas: Condensing	\$2,014	\$280
Rinnai	REU-VC2025FFU-US	Tankless	Gas: Condensing	\$687	\$282
Westinghouse	WGR050**076	Tank	Gas: Condensing	\$1,951	\$290
Rheem	XE80T10HD50U1	Tank	Electric: ASHP	\$1,700	\$306
A O Smith	HPTU-50N	Tank	Electric: ASHP	\$1,380	\$346
A O Smith	HPTU-66N 120	Tank	Electric: ASHP	\$1,679	\$356
Rheem	XG50T12HE40U0	Tank	Gas: Non-Condensing	\$689	\$407
Rheem	XE50MQ9EL55U1	Tank	Electric: Resistance	\$524	\$796

### Comparing the Price and Operating Cost of a Variety of Hot Water Options

New homes in Brookline typically have a water heater with an Energy Star rating from the US Department of Energy. High efficiency (condensing) gas hot water heaters are available as hot water tanks and on-demand (tankless) models. High efficiency air source heat pump (ASHP) hot water tanks are another option. This table compares various types of hot water heaters based on data from the US Department of Energy. The prices are from Home Depot or similar outlets. The energy costs are based on what Brookline customers would be charged by Eversource and National Grid

**Appendix C -- Comparing Clothes Dryer Options**

Make	Model	CEF				Drum Size, Cubic Feet	Annual Energy Use	Price
Miele	PDR980 HP	9.75	Electric	Heat Pump	Ventless	4.6	87 kWh/Yr	
Miele	TWB120 WP	6.37	Electric	Heat Pump	Ventless	4.1	133 kWh/Yr	
Miele	TWF160 WP	6.37	Electric	Heat Pump	Ventless	4.1	133 kWh/Yr	\$1,499
Samsung	DV22N685"H	5.85	Electric	Heat Pump	Ventless	4.0	145 kWh/Yr	
Whirlpool	WHD860CH**	5.2	Electric	Hybrid Heat Pump	Ventless	7.4	460 kWh/Yr	\$1,259
Whirlpool	WHD862CH**	5.2	Electric	Hybrid Heat Pump	Ventless	7.4	460 kWh/Yr	
Whirlpool	WGD6620H**	3.48	Gas		Vented	7.4	687 Equivalent kWh/Yr	\$900
Whirlpool	WGD9500EW*	3.48	Gas		Vented	8.2	687 Equivalent kWh/Yr	
Bosch	WTG86401UC	2.73	Electric	Condensing	Ventless	4.0	311 kWh/Yr	\$1,125
Bosch	WTG86402UC	2.73	Electric	Condensing	Ventless	4.0	311 kWh/Yr	
Haier	QFT15ES*N***	2.68	Electric	Condensing	Ventless	3.1	317 kWh/Yr	

Price Range is roughly \$600 to \$1,000 for Conventional Electric Dryers

Price range is roughly \$700 to \$1,200 for Conventional Gas Dryers

**Comparing the Price and Efficiency of Clothes Dryers**

Stores have recently added a new option for buyers of clothes dryers: heat pump clothes dryers. The prices above are from Home Depot or similar outlets. Heat pump clothes dryers cost about the same to buy, but they are more efficient than gas dryers, so at current gas and electricity pricing, both cost about the same to operate. In addition, they don't have to be vented to the outside so they can be good for use in apartments and condominiums. The efficiency rating, CEF, is used by the US Department of Energy to rate the performance of clothes dryers. The higher the CEF, the higher the efficiency.

**Appendix D - Partial list of buildings in New England with electric systems  
Residential (up to 3 family)**

<i>Building name</i>	<i>Heating and Cooling</i>	<i>Hot water</i>	<i>Location</i>
<i>All-electric house, rehabilitated in 2018</i>	<i>ASHP</i>	<i>Electric</i>	<i>Fisher Hill, Brookline, MA</i>
<i>David Green's house</i>	<i>ASHP</i>	<i>Electric</i>	<i>Dover, MA</i>
<i>Holland House, Passive, LEED Platinum</i>	<i>ASHP</i>	<i>Electric</i>	<i>Vineyard Haven, MA</i>
<i>Torcellini residence</i>	<i>ASHP, GSHP</i>	<i>Electric</i>	<i>Eastford, CT</i>
<i>South End Row home by ZED</i>	<i>ASHP</i>	<i>Electric</i>	<i>Boston, MA</i>
<i>Dartmouth Oceanfront House by ZED</i>	<i>ASHP</i>	<i>Electric</i>	<i>Dartmouth, MA</i>
<i>Wellfleet modern house by ZED</i>	<i>ASHP</i>	<i>Electric</i>	<i>Wellfleet, MA</i>
<i>Thoughtforms Net positive farmhouse by ZED</i>	<i>ASHP</i>	<i>Electric</i>	<i>Lincoln, MA</i>
<i>Mediterranean style green home by ZED</i>	<i>ASHP</i>	<i>Electric</i>	<i>Newton, MA</i>
<i>Marshview house by ZED</i>	<i>ASHP</i>	<i>Electric</i>	<i>Chatham, MA</i>

*ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.*

*GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.*

**Office buildings**

<i>Building name</i>	<i>Heating and Cooling</i>	<i>Hot Water</i>	<i>Location</i>
<i>Walden Pond Visitor Center, LEED, Passive, 5,575 sf</i>	<i>ASHP</i>	<i>Electric</i>	<i>Concord, MA</i>
<i>Bennington Superior Courthouse, Net Zero ready</i>	<i>GSHP</i>		<i>Bennington, VT</i>
<i>Massachusetts Fish &amp; Wildlife Headquarters, Net Zero</i>	<i>GSHP</i>	<i>Electric</i>	<i>Westborough, MA</i>
<i>The Studio for High-Performance Design and Construction, Passive</i>	<i>ASHP</i>	<i>Electric</i>	<i>Newton, MA</i>
<i>185 Dartmouth</i>	<i>Heat pumps</i>		<i>Boston, MA</i>
<i>Olympia Place</i>	<i>Heat pumps</i>	<i>Propane</i>	<i>Amherst MA</i>

*ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.*

*GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.*

***Educational facilities (including universities and schools)***

Building name	Heating and Cooling	Hot water	Location
King Open School (middle school, elementary school, administrative offices, public pool)	GSHP	Electric	Cambridge, MA
Lexington Children's Place, Net Zero	Heat pumps	Electric	Lexington, MA
Hastings School, Net Zero	GSHP	Electric	Lexington, MA
The Putney School Field House, New Zero, LEED Platinum	ASHP	Electric	Putney, VT
R.W. Kern Center, Hampshire College	ASHP	Electric	Amherst, MA
Smith College, Bechtel Environmental Classroom	ASHP	Electric	Whately, MA
Trustees of Reservations, Powisset Net Positive Barn (demo kitchen with induction stoves, administrative offices, educational learning space, root cellar)	ASHP		Dover, MA

*ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.*

*GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.*

***Housing projects (large-scale)<sup>35</sup>***

Building name	Heating and Cooling	Hot water	Location
Auburn Court Lot C. 9	Heat pumps		Cambridge, MA
Concord Highlands *	VRF ASHP		Cambridge, MA
Bayside Anchor, Passive House *	Electric baseboard heating <sup>36</sup> , electric		Portland, ME

<sup>35</sup> Some central hot water systems for very large buildings are serviced by gas or oil. Those are indicated with a blank space in the Hot Water column.

<sup>36</sup> While generally inefficient, resistance electric heating is highly affordable in Passive House buildings due to their extremely low heating load.

	ventilation		
Bristol Common, Lexington Gardens ★	ASHP		Taunton, MA
Highland Woods ★	ASHP		Williamstown , MA
Parsons Village ★	Heat pumps		Easthampton, MA
Millbrook Apartments	Heat pumps		Somerville, MA
Hyatt Centric Hotel	Heat pumps		Boston, MA
Distillery North	Heat pumps		Boston, MA
One East Pleasant	Heat pumps		Amherst, MA
Kendrick Place	Heat pumps		Amherst, MA
Whittier Street Apartments ★	Heat pumps		Boston, MA
Factory 63	Heat pumps		Boston, MA

★ = Affordable housing

*ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.*

*GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.*

---

## COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS REPORT AND RECOMMENDATION

The mission of the CDICR is to support a welcoming environment by encouraging cooperation, tolerance, and respect among and by all persons who come in contact with the Town of Brookline (i.e. visitors, residents, employers, employees etc.) by advancing, promoting and advocating for the human and civil rights of all through education, awareness, outreach and advocacy.

The CDICR reviewed the warrant article on 10/23/2019. By a vote of 8-0-0, the CDICR recommends FAVORABLE ACTION on Warrant Article 21.

**DISCUSSION:**

Warrant article 21 seeks to offer a new by-law which would impose a prohibition on the installation of fossil fuel piping for new construction and significant rehabs (those involving more than 50% of the building floor area), allowing for some exemptions and a waiver process for special considerations. The alarming climate crisis calls on our town to establish such regulations. Indeed, the long-term welfare of our planet demands that we build structures that decrease our dependence on fossil fuels. When we speak of the cost of adapting to the realities of a changing climate, we need to consider the future costs of failing to address the effects of this crisis on the future of the environment.

It is now practical to build all electric buildings that can use all green electricity, thereby lowering Brookline's emission of green house gases. This by-law change has received unanimous endorsement from both the BHA and the HAB, which are now negotiating the waiver process. Questions were raised about the possibility that such a by-law change would be a disincentive for building affordable housing. We were told that in reality, affordable housing has been leading the way in building green. In terms of older buildings, there are new options for energy retrofits and training programs for workers who can do the work. As an example, BHA has plans to replace electric baseboard heating with heat pumps.

Therefore, the commission voted FAVORABLE ACTION on the warrant article, by a vote of 8-0-0.

SELECT BOARD'S RECOMMENDATION

A report and recommendation on Article 21 will be included in the supplemental mailing.

-----

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee's report and recommendation on Article 21 will be included in the supplemental mailing.

XXX



ARTICLE 21

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

Article 21 is a petitioned article asking the Town to create a new by-law that would prohibit the installation of fossil fuel infrastructure in new buildings and gut/significant rehabilitation projects in Brookline. For these types of construction projects, installing gas or oil piping would be prohibited. This will have the effect of preventing the installation of new major appliances (e.g., boilers, furnaces, clothes dryers) or other systems that require on-site combustion of fossil fuels (e.g., natural gas or oil) for these types of projects. Specific exemptions are outlined in the By-Law, and construction project can also seek a waiver from a to-be-created Sustainability Review Board.

Specific exemptions in the By-Law include exemptions for piping required to fuel backup electrical generators, cooking and related appliances, centralized hot water systems in buildings with floor areas of at least 10,000 square feet (provided that the Engineer of Record certifies that no commercially available electric hot water heater exists), any building being constructed subject to a Waldo-Durgin Overlay District Special Permit, research laboratories for scientific or medical research or to medical offices regulated by the Massachusetts Department of Public Health as a health care facility, among other exemptions.

The Sustainability Review Board will be a three or more member Town Board established and appointed by the Select Board with expertise in affordable housing; commercial development; high-performance sustainable design; architecture; mechanical, electrical, and plumbing engineering; or other technical areas as determined by the Select Board.

The effective date will be the later of (1) January 1, 2021, (2) 5 months after written approval is received from the Attorney General's Office, or (3) the date upon which the Sustainability Review Board and its procedures have been established.

Significant consensus has been built between various boards, committees, commissions, community stakeholders and co-petitioners during the vetting of this Article. The Board appreciates the efforts of the petitioners and the Advisory Committee to craft language that can be supported by a wide range of stakeholders.

The Select Board unanimously voted FAVORABLE ACTION on the motion offered by the Advisory Committee.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:

Article 21 is intended to be a major step towards achieving Brookline's goal of reducing its carbon emissions to zero by 2050. It would, with limited exemptions, prohibit the installation of new fossil fuel pipe infrastructure (natural gas, propane, fuel oil) in new construction and so called "Significant Rehabilitations".

The Advisory Committee recommends FAVORABLE ACTION on Article 21 in the form presented on November 5, 2019.

*As of November 11, the petitioners were considering revisions to the article that have not been reviewed by the Advisory Committee. No recommendation should be inferred for any version submitted subsequent to the November 5, 2019 vote.*

BACKGROUND:

Article 21 is sponsored by a team of petitioners which include architects, lawyers, members of various advocacy groups including Mothers Out Front and the Greenspace Alliance plus three members of the Select Board.

The proposal is intended to support the Brookline Climate Action Plan which states the Town's intention to reducing its greenhouse emissions to zero by 2050. One strategy is to begin requiring the complete electrification of new buildings and buildings undergoing significant renovations. While the short term greenhouse emissions effects of this strategy is dependent on the fuels used to generate electricity, it is Massachusetts state policy to increase the percentage of electricity generated from renewable sources over time. Additionally, Brookline sponsors a community aggregation program in which the default choice has a higher percentage of renewable sources than the Eversource default. Plus Town electric customers can opt up to the Brookline Green Option which has 100% renewable source. Lastly, individual electricity consumers can make additional renewable investments on their own using strategies such as installation of onsite solar panels or participation in community solar.

The bylaw would prohibit installation of new fossil fuel piping in new buildings and "significant rehabilitation" of existing buildings. The original proposal had limited exemptions for (1) portable appliances for outdoor cooking and heating (ie., propane barbeque grills), (2) backup electrical generators and (3) the Waldo Durgin project (since that was the subject of a separate negotiation with the Town.) The original proposed effective date was June 1, 2020, but that has been revised to the later of:

1. January 1, 2021
2. 5 months after the Attorney General approves the bylaw
3. The date upon which the SRB is appointed by the Select Board and after a public hearing publishes its procedures and decision criteria.

The proposal does not affect existing piping, boilers, stoves or water heaters. However, in a covered project, the bylaw as originally proposed would prohibit new piping to accommodate relocating any existing appliances. For example, in a covered “gut” renovation project (called a “Significant Rehabilitation” in the bylaw) that includes a kitchen renovation, the homeowner would not be able to install pipes to relocate a gas stove to the other side of the room or to even move it a few inches.

Under the version of Article 21 adopted by the Advisory Committee and accepted by the petitioners, proposal, residential cooking appliances such as ranges, ovens and stovetops would not be covered even in a “gut” renovation, thus allowing renovated kitchens to continue to have gas appliances, no matter where in the kitchen the homeowner wishes to place them.

The petitioners, the Planning and Community Development Department plus various Town Boards and commissions have sponsored or participated in a number of “community feedback” sessions in addition to the normal vetting hearings that take place for Town Meeting warrant articles. As a result of the feedback prior to the Planning and Regulation Subcommittee’s public hearing, the petitioners added additional exemptions for (1) restaurant kitchens, (2) large central hot water systems (with an engineer’s statement) and (3) added a waiver process where it would be otherwise impractical or financially infeasible to go with all electric systems.

Additionally, with input from the Building Commissioner, they have attempted to clarify the definition of significant rehabilitation to generally correspond to a “Level 3” renovation as defined in the Building Code for commercial buildings. Exemptions proposed by others which the petitioners did not accept were (1) an exemption for all cooking, (2) a broad exemption for commercial buildings; (3) including only single family homes, and (4) including only new construction.

#### DISCUSSION:

Electrification of our infrastructure is one strategy to reduce and eventually eliminate our reliance on fossil fuels. Currently, fossil fuels (mainly natural gas in New England) are used to generate a percentage of our electricity, which percentage will decrease over time as more renewable generating sources come on line. No one on the Advisory Committee took issue with the need to reduce our carbon emissions and the electrification strategy. This report will now focus on the details of the proposed bylaw and the practical aspects of the proposal.

When the bylaw was originally submitted, the petitioners listed two exclusions; outdoor cooking and heating appliances and the Waldo-Durgin project. Waldo-Durgin was excluded because it was the subject of a Memorandum of Understanding with the Town which specifically addressed how the approaches to energy efficiency are to be handled

including involving the Town's Sustainability Program Administrator during the design phase.

Note that the bylaw only applies to new construction and so called gut renovations. No one is required to replace any existing gas appliances. Even in a gut renovation, a gas appliance can be replaced; but no new piping can be installed unless there is an exemption. But, in order for this to work, we need to have a sense of reality as to what can be replaced by electric appliances.

#### Heating and Cooling

In New England, space heating consumes the most energy in buildings. In Brookline, the predominant fuel source is natural gas and fuel oil. Many factors contribute to the amount of energy consumed including the efficiency of the heating appliance (furnace, boiler, heat pump, etc.) and how well the building envelope is insulated and sealed. This bylaw only addresses the fuel source, which is only one piece of the equation.

Typically, we think of electric heat as utilizing baseboard resistance heaters, which are cheap to install but very expensive to operate. The preferred electric heat sources now are either ground source or air source heat pumps. Heat pumps can be used for both air conditioning in summer and heating in winter. In winter, the refrigerant absorbs heat from the air outside (or the ground) and uses it to warm the space. Ground source heat pumps use heat drawn from geothermal wells to facilitate heat transfer. Generally, heat pumps are extremely efficient to operate (however as the temperature drops, heat pumps become less efficient and there is a point where they stop working though with today's heat pump they will work to as low as -25F degrees. The Planning and Regulation Subcommittee heard testimony that the industry is moving towards heat pumps as the preferred space heating and cooling technology and it works well for most applications.

Given the variety of commercial building types and their uses, blanket claims of practicality and financial feasibility of the technology for all uses are difficult to substantiate. The Planning and Regulation Subcommittee heard testimony that at least laboratories and certain types of medical offices have higher air circulation and replacement requirements, which heat pumps may not always be able to handle. We also need to balance the Town's critical financial need to be competitive with other communities with respect to promoting development of buildings devoted to medicine and science with its overall goal of reducing greenhouse emissions. The Town is in a unique position to leverage its close proximity to one of the world's great medical/science complexes.

The Advisory Committee therefore proposed, and the petitioner accepted, an exemption for such uses given the difficulty of quantifying the requirements to a degree sufficient to write into a bylaw in the timeframe of this Town Meeting. The failure to have a lab/medical exemption could work to divert such development to other close-by communities.

#### Domestic Hot Water

For residential and smaller commercial uses, there are practical alternatives to a gas hot water heater. These include traditional resistance and the newer technology heat pump hot water heaters.

For large central hot water systems, there are currently no alternates to the traditional gas hot water heater. Many large buildings are moving away from central hot water to a distributed hot water system, (the water is heated just prior to the using fixture or for a floor or unit in a building.), For systems of this type, there are electric alternatives.

The proposed bylaw does not mandate moving away from a central hot water system, and it implicitly recognizes the lack of alternatives. However, if an alternative becomes available, there is an exemption in the proposal if the alternative is more than 150% of the capital or operating cost of a conventional gas water heater as certified by an engineer. While at first glance a 150% cost differential seems high, remember that the requirement is only in effect for new construction or a “significant rehabilitation,” where hot water will be a very small fraction of the total project cost.

#### Cooking

Cooking is where residents have the most interaction with natural gas. The bylaw, as originally submitted would have prohibited new fossil fuel infrastructure for cooking appliances.

There are two electric alternatives to the traditional gas range and stove top; the standard resistance electric range and the induction electric stove top. While resistance stoves work, they deliver a different, less controllable cooking experience. Induction stoves deliver a controlled cooking experience similar to natural gas but require cookware to be made of a magnetic based material such as cast iron or magnetic stainless steel. Aluminum or copper cookware does not work.

The subcommittee received an email and heard testimony from Dr. Jeffrey Macklis, Professor of Stem Cell and Regenerative Biology, Harvard University, and Professor of Neurology [Neuroscience], Harvard Medical School. Dr. Macklis researched induction stoves when he was considering purchasing one.

“In brief, I found that the EU regulations and analyses show that a single burner on is reasonably safe for an adult user if the pan is of “appropriate”-correct size (completely covering the burner) and is perfectly centered with precision, but that this safety disappears for a pregnant abdomen with fetal head (developing brain) closer than 1 foot away, or a small child whose head (developing brain) would get closer than 1 foot away from the front of a burner. The EU agencies all point out that pregnancy and small children position developing brains directly at the least safe position— adjacent to the cooktop and at its level. That is because the main risk is within a foot or so (30 cm) of a burner, and electromagnetic field strength from the induction cooktop is limited by EU/Swiss/now US recommendation to approximately 6 uT (microTesla). While essentially all modern residential cooktops meet this standard for a single burner on with an optimally sized pot/pan that is

perfectly centered, they fail under “real world” scenarios. Unfortunately exposure with a differently sized pot/pan or one that is not optimally centered is often found to be ~5X higher (>30 uT!) than the regulatory agencies use as their acceptable limit! This even exceeds adult “occupational limits” set by the agencies. If more than one burner is on (e.g. for a normal meal or worst at a Thanksgiving dinner), the leakage around centered or uncentered pans is additive, though some will be further away than others.”

Dr. Jesse Gray, disagreed with Dr. Mackdis’s assertions as follows:

“The concern raised here is a hypothetical one, since induction cooktops have been in widespread global use for decades without any demonstrated adverse health effects. No health or consumer protection authorities have banned induction cooktops for health or any other reasons, and there isn’t a single peer-reviewed epidemiological study implicating induction cooking in any negative health impact. The petitioners brought this proposed by-law forward for climate reasons, not health reasons. However, in considering health, the competing technologies must be weighed against each other, since all technology has risks, and people are going to cook with one technology or another. As it stands, there is more substantial evidence about the dangers of gas cooking than there is about induction cooking. Gas cooking kills about 8,000 people every year in the United States due to fire. There are also well-documented health impacts from combustion byproducts of gas cooking, including asthma, that should be weighed against any hypothetical health impacts of induction cooking. These impacts of gas cooking are supported by numerous peer-reviewed epidemiological studies, unlike the speculative induction concerns.”

Given (1) the competing health arguments, (2) the strong feelings by some about gas as a cooking energy source and (3) the unintended effect of prohibiting even small relocations of gas appliances in some kitchen renovations, the Advisory Committee was not prepared to support a complete ban of gas cooking appliances in projects subject to the bylaw at this time, and the petitioner accepted a cooking appliance exemption that includes residential properties.

#### Unsafe or Dangerous Condition Exemption

As originally submitted, the bylaw would not have permitted the repair of unsafe or dangerous existing gas infrastructure. An exemption has been added and agreed to by the petitioners.

#### Waivers and Appeals

This is a new area with developing technology and an all-electric infrastructure may not be practical or financially feasible in all situations not explicitly exempted by the bylaw. The Advisory Committee proposal creates a waiver and appeal process for these situations. The Planning and Regulation Subcommittee heard concerns from the Economic Development Advisory Board, with respect to commercial development, the Housing



Advisory Board with respect to affordable housing and the Brookline Housing Authority with respect to their properties. For affordable housing in particular, capital funds may be limited to make investing in systems with lower operating costs in the long run difficult.

For all these Boards, a robust and effective waiver and appeal process is an essential component in coming to support the bylaw. The proposal establishes a “Sustainability Review Board” (SRB) to hear and decide waivers and appeals. The bylaw specifies that members shall possess areas of expertise with regards to affordable housing, commercial development, high-performance sustainable design, architecture, and mechanical, electrical, and plumbing engineering plus other technical areas as determined by the Select Board. The bylaw sets a general standard of review but requires the SRB to adopt procedural requirements with regard to filing waivers and appeals and criteria to evaluate projects. And one of the prongs for the effective date of the bylaw is the establishment of SRB and adopting procedures and criteria of review.

#### Other Municipal Ordinances

The movement surrounding mandating fossil fuel free infrastructures by municipal ordinance is a new one with the first such ordinance being passed in Berkley, CA on July 16, 2019. To the best of our knowledge, in the United States, only three other municipalities, all located in California, have passed similar ordinances since then. Other municipalities are considering this kind of legislation. All enacted ordinances, to date, cover only new construction and have various exemptions. They are summarized in the chart below:

City	Ord. Name	Summary	Exemptions	Commercial Buildings?
Brookline, MA (Proposed)	Article 21	Bans new fossil fuel infrastructure in all new construction and “Significant Rehabilitation(s).”	1. All cooking appliances 2. Backup generators 3. Outdoor cooking and heating 4. Large central hot water heaters 5. Waldo Durgin 6. Labs and certain medical offices 7. Repair unsafe conditions 8. Waivers if “financially infeasible or impractical”	Yes
Berkley CA	Ordinance No. 7.672–N.S.	The Berkley ordinance prohibits natural gas in <b>new</b> buildings. The ordinance is being rolled out gradually as the California Energy Commission (CEC) models different types of all-electric buildings. Currently, the ordinance bans installation of natural gas lines in low-rise residential buildings. As the CEC completes its modeling, the ordinance will expand to include additional building types.	Exemptions possible when a developer can demonstrate that all-electric isn't "physically feasible". There is also a general "public interest exemption" for cases where gas might be in the public interest to install vs. electric.	Eventually

City	Ord. Name	Summary	Exemptions	Commercial Buildings?
San Luis Obispo, CA	Clean Energy Choice Program	The Clean Energy Choice Program "encourages" all-electric <b>new</b> buildings. "Unlike some cities that are banning natural gas entirely, the Clean Energy Choice Program will provide options to people who want to develop new buildings with natural gas. New projects wishing to use natural gas will be required to build more efficient and higher performing buildings and offset gas use by performing retrofits on existing buildings or by paying an in-lieu fee that will be used for the same purpose.	Commercial kitchens are exempt. Various exemptions for "public health and safety" (e.g. hospitals) and an exemption for manufacturing that requires gas (see page 39 of ordinance for full list). The Clean Energy Choice Program also includes a "Public Interest Exemption", which allows the permitting authority to exempt projects should unexpected or unintended effects of the program arise.	Yes
Windsor, CA	Ordinance Adopting All-Electric Reach Code	All-electric requirement for <b>new</b> single-family homes, detached accessory dwelling units, and multi-family buildings up to three stories (also referred to as "low-rise residential")		No
San Jose, CA	Building Reach Code for New Construction	The passed ordinance will ban natural gas in the construction of <b>new</b> accessory dwelling units, new single family homes and new low rise and multifamily buildings.		Yes

City	Ord. Name	Summary	Exemptions	Commercial Buildings?
Menlo Park, CA	Ordinance No. 1057	Heating systems in all new homes and buildings in the city must run on electricity, and all new commercial, office and industrial buildings, as well as high-rise residences, must rely entirely on electricity. Although new one- and two-story homes will be allowed to have natural gas stoves, they must be built “electric ready” with the proper wiring to enable all-electric operation in the future.	Life sciences buildings and public emergency operations centers (e.g. fire stations) need to apply for an exemption, but are eligible. For single family and three stories or less multifamily: Natural gas can still be used for stoves, fireplaces or other appliances if desired (but prewiring for electric appliances is required where natural gas appliances are used.). Nonresidential kitchens, such as for-profit restaurants and cafeterias, may appeal under certain conditions to an appointed body designated by the City Council if they want to use natural gas stoves. The advisory body’s decision can be appealed to City Council.	Yes

What renovations should be covered in addition to new construction?

Other than the Brookline bylaw, all of the bylaws referenced in the chart above cover only new construction. With new construction, the entire project can be planned and designed to maximize energy conservation and take into account the design requirements of all electric systems. Renovations present a set of complications since an all electric system will need to be retrofitted into an existing building envelope which was, in all likelihood, designed around a fossil fuel infrastructure. This only begins to make sense if all the walls are open which would be the case in a so called “gut” renovation. The Advisory Committee worked with the Building Commissioner and other staff in coming up with a legal definition that is understandable, relatively easy to enforce and, hopefully, minimizes the

unintended consequence of creating a trigger where walls are not open to the degree necessary to perform a deep energy efficiency retrofit.

For buildings subject to the commercial building code (residential buildings with 3 or more families plus commercial buildings), there is already a well-defined trigger called a Level 3 renovation when triggered, requires a high degree of code compliance. Building professionals plus the Town Building Department are familiar with this trigger and it is easily computed. For those properties, it makes sense to incorporate a Level 3 renovation into the definition of “Significant Rehabilitation.”

In the residential building code, there is no parallel concept to a Level 3 commercial renovation. Our intent is to use the existing definition of Gross Floor Ratio in the zoning bylaw as the denominator to compute the percentage to define a “Significant Rehabilitation.” Since we do not want to have an inadvertent trigger, we are opting to set the trigger percentage to a very high 75%. As we gain experience with the bylaw and gather data on how it is working, the percentage trigger can be adjusted at a future Town Meeting, if appropriate.

#### Legal issues

In Massachusetts, municipal ordinances cannot supersede the state building code which covers plumbing and other aspects of the building envelope and components. This proposed bylaw is constructed in way that attempts not to supersede the code but it is breaking new ground. As such, according to Associate Town Counsel Jonathan Simpson, there is no history or case law that directly speaks to the legal analysis of whether this bylaw is preempted. However, Mr. Simpson has cautioned that there could be several statutes that may preempt what this bylaw is attempting to do. The Office of the Attorney General (OAG), which reviews bylaws passed at Town Meeting, will not issue preliminary opinions, so the only way to know for sure whether OAG will approve a By-Law such as this, is to pass it at Town Meeting and submit it for OAG review. Even if we receive a rejection from the OAG, we will have gained some clarity as to how to approach this issue in the future. Note that even if the Attorney General approves the bylaw, it would still be subject to challenge by other parties.

#### Effective Date

As noted above, sufficient lead time for homeowners and developers has been provided to adjust their plans to comply with this bylaw.

#### RECOMMENDATION:

By a vote of 21-4 with four abstentions, the Advisory Committee recommends FAVORABLE ACTION on Article 21 as follows:

Voted: That the Town amend the General By-Laws by adopting a new article 8.39 entitled “Prohibition on New Fossil Fuel Infrastructure in Major Construction” as set forth below.

#### 8.39.1 Purpose

This By-Law is adopted by the Town of Brookline, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health and welfare of the inhabitants of the town from air pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

#### 8.39.2 Definitions

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

“On-Site Fossil Fuel Infrastructure” is defined as fuel gas or fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

“Significant Rehabilitation” is defined as a renovation project associated with a valid building permit application on or after the Effective Date of this article that:

- (1) For existing structures regulated by the current edition of the Massachusetts State Building Code 780 CMR 51.00, Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area as defined in the Brookline Zoning By-Law;
- (2) For existing structures regulated by the current edition of the Massachusetts State Building Code 780 CMR 34, the Massachusetts State Basic/Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

“Sustainability Review Board” (SRB) is defined as a Town Board established and appointed by the Select Board whose members shall, to the extent possible, possess areas of expertise with regards to affordable housing, commercial development, high-performance sustainable design, architecture, and mechanical, electrical, and plumbing engineering and other technical areas as determined by the Select Board. The SRB shall have at least three members with three year staggered terms. The mission charge of the SRB shall be set by the Select Board. The mission charge shall be broad enough to perform the requirements of Sections 8.39.5 and 8.39.6.

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

#### 8.39.3 Applicability



The requirements of this article shall apply to all permit applications for New Buildings and Significant Rehabilitations proposed to be located in whole or in part within the Town as follows.

- A. The requirements of this article shall not apply to utility service piping connecting the grid to a meter, or to a gas meter itself.
- B. The requirements of this article shall not apply to piping required to fuel backup electrical generators.
- C. The requirements of this article shall not apply to piping required for cooking appliances and related appliances.
- D. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating.
- E. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.
- F. So long as new fossil fuel piping is not installed, the requirements of this article shall not apply to the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping.
- G. The requirements of this article shall not apply to any building being constructed subject to a Waldo-Durgin Overlay District Special Permit, as described in Section 5.06.4.k of the Zoning By-Law.
- H. The requirements of this article shall not apply to research laboratories for scientific or medical research or to medical offices regulated by the Massachusetts Department of Public Health as a health care facility.
- I. The requirements of this Article shall not apply to repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

#### 8.39.4 Effective Date and Enforcement

Upon the Effective Date, no permits shall be issued by the Town for the construction of New Buildings or Significant Rehabilitations that include the installation of new On-Site Fossil Fuel Infrastructure, except as otherwise provided in Sections 8.39.3, 8.39.5, and 8.39.6. As used herein, "Effective Date" shall be the later of (1) January 1, 2021, (2) 5 months after written approval of Article 8.39 is received from the Attorney General's

Office, or (3) the date upon which the SRB has been appointed and, after a public hearing, has adopted procedural requirements with regard to filing waivers and appeals and criteria to evaluate projects under Sections 8.39.5 and 8.39.6.

#### 8.39.5 Waivers

A waiver from Article 8.39 may be sought from the SRB on the grounds of financial infeasibility supported by a detailed cost comparison, inclusive of available rebates and credits, or impracticality of implementation. A waiver request may be made at any time and may be based upon submission of conceptual plans. The SRB shall apply its criteria to evaluate whether particular portions of a project are financially infeasible or impractical to implement under the requirements of Section 8.39 and shall issue waivers narrowly for those portions, where appropriate, rather than for an entire project. Particular consideration for waivers will be given to projects sponsored by the Brookline Housing Authority (BHA), given the BHA's limited sources of capital funds.

#### 8.39.6 Appeals

An appeal may be sought from the SRB following a denial of a building permit on the grounds that Article 8.39 is not applicable to a project pursuant to Section 8.39.3. Any appeal shall be supported by detailed information documenting the basis of the appeal.

ARTICLE 21

**PETITIONER'S SUPPLEMENTAL EXPLANATION**

**Summary**

This by-law will prohibit installation of fossil fuel piping in new buildings and in major renovation of existing buildings. Consequently, this policy will require heat, hot water, and appliances that are installed during new construction and major renovations to be all-electric. This by-law is intended to facilitate a practical transition to fossil fuel free buildings, and it thus provides for some exemptions including for fuel piping for backup generators, for cooking, and for central domestic hot water systems in large buildings.

**Rationale**

We are facing a global climate crisis. This climate crisis directly affects Brookline residents and businesses. Massachusetts is one of the fastest-warming states in the country. We have seen a rapid increase in extreme heat events that threaten the health of our children, our seniors, and those who need to work outside, not to mention our fragile ecosystem's plants and wildlife. Rising seas and increased flooding threaten Boston and coastal communities. Public health risks include an increase in heat-related illnesses and deaths, as well as outbreaks of insect-borne and waterborne diseases. As natural ecosystems change or collapse, Massachusetts farmers, fishermen, and residents will suffer.

In its Climate Action Plan, and consistent with state direction in the Green Communities Act, Brookline has committed to reducing its carbon emissions to zero by 2050. More recently, the United Nations International Panel of Climate Change announced in 2018 that we must reduce our carbon emissions by 50% by the year 2030 in order to avoid the most catastrophic effects of climate change. Buildings account for 60-70% of Brookline's emissions. Every new building constructed with fossil fuel infrastructure makes our emissions goal harder to achieve by lighting a new fire that will burn, on and off, for thirty years or more. To meet our climate goal, each of these fires will need to be put out through the retrofitting of buildings. It is unfair to the next generation to continue to install infrastructure that we already know will need to be replaced in a very short time. This by-law is an essential step if we are to have any hope of reaching Brookline's climate goals of zero emissions by 2050.

Eliminating fossil fuel infrastructure during new construction or major renovations is by far the most cost-effective way to decarbonize. All-electric construction is practical and feasible now. Numerous all-electric buildings have been built recently in Massachusetts (see Appendix B), demonstrating the feasibility and practicality of all-electric construction. Assuming that 0.5% of the building stock in Brookline is rebuilt or significantly renovated per year, this by-law would decarbonize 15% of our buildings by 2050.

All-electric buildings can operate immediately with zero emissions by purchasing 100% renewable electricity via programs such as Brookline Green Electricity. Even electric buildings using the default New England electrical grid mix are greener now than gas buildings, and they become greener every year as the electrical grid incorporates more and more renewable electricity generation, with a state-mandated minimum of 60% renewable energy by 2050.

*Figure 1: Comparing the Greenhouse Gas Emissions of an All-Electric House with Air Source Heat Pumps to a House with Natural Gas Heat and Hot Water*

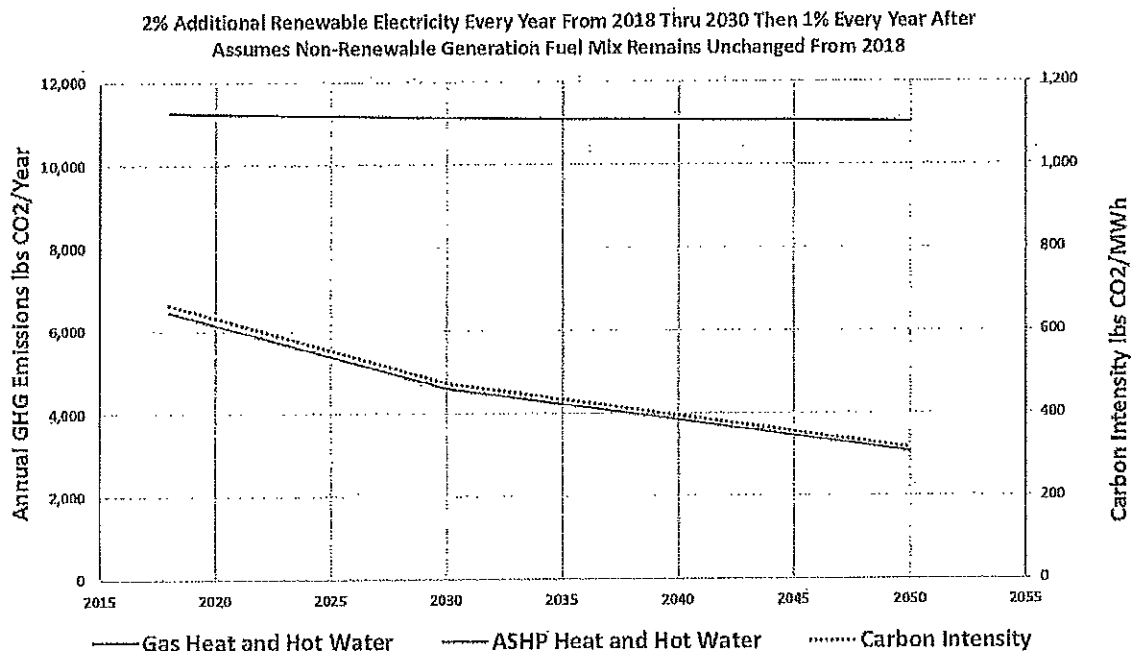


Figure 1 compares projected carbon emissions for a single-family home built in Massachusetts using air-source heat pumps to provide electric heat and hot water with a similar home that uses gas heat and gas hot water. This projection assumes the home uses the default electricity provider, which will include more renewable energy over time.

### All-Electric Building Technology

Cost-effective and energy-efficient systems exist today for heating and cooling, domestic hot water, and other appliances for most buildings and applications.

*Space heating and cooling.* Heat pumps are air conditioners that can operate in reverse. Even in cold weather, they extract heat from outside air and move it into the building. Because heat pumps move heat rather than generating it, they are very efficient. Dramatic improvements in heat pump technology and building envelope technology now make it practical and cost-effective to heat new buildings with electricity in our climate.

Most new Brookline buildings have air conditioning. In buildings with both heating and air-conditioning, heat pumps save money in two ways. First, only a single system needs to be purchased and installed (rather than separate air conditioning and heating systems). Second, heat pumps are more efficient than air conditioners and save on electricity costs.

*Hot water heating.* An electric heat pump hot water heater can be purchased from local home improvement stores and costs about the same to buy and operate as a gas-fired hot water heater. The costs of gas, electric resistance, and electric heat pump hot water heaters are described in Appendix A.

*Other Appliances.* Clothes dryers, ovens, and cooktops are also available in all-electric options. Many buildings already use electric resistance dryers. An alternative option, less expensive to operate, is the heat pump electric dryer. Compared to gas or most electric resistance dryers, heat pump dryers have the advantage of not requiring any outside venting. In the kitchen, electric or induction cooktops and electric ovens provide alternatives to gas.

#### **All-Electric Building Costs**

*Construction Costs:* All-electric construction is, in most cases, highly practical and essentially cost neutral. For example, one model commissioned for MassSave estimates a \$754 construction cost premium for a 2,500 sq. ft. all-electric single-family home, compared to the same home fitted with the most efficient gas heat and hot water systems and electric central air conditioning. This premium is less than a 0.1% increase in cost for a similar new home in Brookline, and it does not include available incentives that result in a net savings on construction of the all-electric home.

*Operating Costs:* Building operation costs vary widely depending on building type, whether a building is new or retrofitted, whether a ground source or air source heat pump is used, whether solar is installed, the extent of air sealing and insulation, and other variables. To cite one example, buildings that are air-sealed and insulated to Passive House standards can use less than 10% of the energy of many existing buildings, a difference in cost that is far greater than the differential cost of fuels.

A relevant operating cost comparison comes from the same MassSave model cited above. Under this model, operation of a brand-new all-electric home in Massachusetts would be slightly more expensive than that of a brand-new gas home (by \$41 per month). However, this \$41 per month cost premium must be put into context. First, this cost increase is less than 1% of expected monthly costs on a newly built 2,500 sq. ft. Brookline home, including utilities, mortgage, and real estate tax payments. Second, when new all-electric buildings are compared with older existing buildings, in which most of us in Brookline live, the new all-electric buildings are significantly less expensive to operate than the existing gas buildings, due to the far better air sealing and insulation required in new buildings.

## **Appendix A -- Frequently Asked Questions**

Q: Will this measure be effective (even if adopted beyond Brookline), or will the consequence simply be that more fossil fuels will be consumed in electricity generation?

If the occupant of a new all-electric building chooses to buy 100% renewable electricity, that all-electric building will operate with low-carbon energy from the moment it begins to operate, which is a dramatic reduction in emissions.

Assuming the occupant relies on the standard grid mix, a new all-electric building built today would have lower overall emissions than an otherwise identical building with gas heat and appliances in the first year of operation (see Figure 1 above). These emissions savings will increase each additional year, as the grid greens through an existing statewide legislative mandate that requires a minimum 60% carbon-free grid by 2050. This grid greening is likely to be accelerated further at the state level and through Brookline's Green Electricity program. Thus, the emissions savings are very large compared to a building that burned natural gas over the course of those 31 years.

Q: In light of the heat wave and the power outages in NYC, if we go all electric what happens to the chance of overloading of the grid? Will there be more power outages as a result?

Electrical demand is currently declining in New England due to solar panels on building roofs and gains in energy efficiency. There are declines in both annual and peak demand, and these declines are expected to continue. In addition, our electrical grid is currently adding significant renewable generation -- utility-scale wind and solar.

The proposed bylaw policy affects too few buildings too slowly to affect the electrical grid significantly. This new building policy will affect such a small fraction of buildings on the grid (~1% turnover in any one year, even if adopted across the entire New England grid territory), that it should not have an appreciable impact on the power grid, which already has year-on-year variation exceeding 1%.

Peak consumption is already a significant challenge to manage. But right now peak consumption is a summer problem, when AC kicks in on hot days. Because winter heating and summer AC are the biggest consumers of electricity in buildings, the proposed all-electric requirement would not have a large impact on summer peaks, as people already use electricity for air conditioning.

Q: What happens if the electricity goes out? Will we be able to have gas back-up generators? Do you have exemptions or waivers for certain facilities that would need back-up systems such as nursing homes or daycares?

This policy would not affect what happens when the power goes out, which is that most buildings would lose their heat. The reason is that today's boilers and furnaces typically require both the gas AND the electrical grid, because they have electronic ignition systems that lack battery backups. Therefore, most buildings in Brookline are already fully dependent on the electrical grid for their heat. For the few buildings, including schools and nursing homes, that need or want backup heating, the proposed policy includes an exemption for fuel pipes for backup generators.

Q: If this by-law is challenged in court, will it pass muster?

Like any ground-breaking law, this by-law may be challenged. But its rationale has been carefully thought through, and it is based on several months of legal research. We consulted with many lawyers. We cannot guarantee that this by-law will withstand legal challenge, but we have made it as legally defensible as possible. The only way to find out if it will pass legal muster is to pass it.

Q Will there be only a few contractors that can design build these systems? Will that drive costs up?

Many HVAC contractors have significant experience installing air source heat pumps. Ground source heat pump systems (sometimes referred to as "geothermal systems") have also been installed state- and nation-wide for several decades.

Q: What if this by-law triggered the need for a significant upgrade of the electrical service to an existing building? For example, a 50-unit building that has original wiring from the street to the building from the 1940's. What if the electrical upgrade costs \$200,000?

Major renovations to multi-unit buildings cost millions to tens-of-millions of dollars. The \$200,000 electrical upgrade cost must be considered in that context. This is precisely why the proposed by-law trigger is major rehabilitations and new construction.

Q: Does WA21 apply if I want to build an addition to my house?

As currently written, the work area *in the original space* would have to be over 50-75% of the original structure to trigger the by-law in the context of an addition. Just an addition alone without major rehabilitation in the existing portions of the building would not trigger this by-law. The vast majority of additions, such as adding a porch or remodeling a kitchen, do not meet this threshold. Even if the work area *in the original space* exceeded the 50-75% floor area threshold, it would still be permissible to keep an oil or gas boiler. In other words, ducts or water/steam pipes could be extended from the existing boiler or furnace into the addition. However, in this instance, fuel piping could not be installed into the new addition.

#### **Appendix A -- Comparing Hot Water Heater Options**



Manufacturer	Model	Type	Description	Price	Annual Energy Cost
A O Smith	ATI 240H 101	Tankless	Gas; Condensing	\$912	\$280
Rinnai	(RU1601) REU-N2530FF-US	Tankless	Gas; Condensing	\$1,460	\$280
Rinnai	(RUR1991) REU-NP3237FF-US	Tankless	Gas; Condensing	\$2,014	\$280
Rinnai	REU-VC2025FFU-US	Tankless	Gas; Condensing	\$687	\$282
Westinghouse	WGR050**076	Tank	Gas; Condensing	\$1,951	\$290
Rheem	XE80T10HDS0U1	Tank	Electric; ASHP	\$1,700	\$306
A O Smith	HPTU-50N	Tank	Electric; ASHP	\$1,380	\$346
A O Smith	HPTU-66N 120	Tank	Electric; ASHP	\$1,679	\$356
Rheem	XG50T12HE40U0	Tank	Gas; Non-Condensing	\$689	\$407
Rheem	XE50M09ELS5U1	Tank	Electric; Resistance	\$524	\$796

#### Comparing the Price and Operating Cost of a Variety of Hot Water Options

This table compares various types of hot water heaters based on data from the US Department of Energy. The prices are from Home Depot or similar outlets. The energy costs are based on what Brookline customers would be charged by Eversource and National Grid.

#### Appendix B - Sample Buildings in New England with Electric Systems

Residential (up to 3 family)

Building name	Heating and Cooling	Hot water	Location
All-electric house, rehabilitated in 2018 by Byggmeister	ASHP	Electric	Fisher Hill, Brookline, MA
Holland House, Passive, LEED Platinum, Hutker Architects	ASHP	Electric	Vineyard Haven, MA
Torcellini residence, Paul Torcellini	ASHP, GSHP	Electric	Eastford, CT
South End Row home by Zero Energy Design	ASHP	Electric	Boston, MA
Dartmouth Oceanfront House by Zero Energy Design	ASHP	Electric	Dartmouth, MA
Wellfleet modern house by Zero Energy Design	ASHP	Electric	Wellfleet, MA
Thoughtforms Net positive farmhouse by Zero Energy Design	ASHP	Electric	Lincoln, MA
Mediterranean style green home by Zero Energy Design	ASHP	Electric	Newton, MA
Marshview house by Zero Energy Design	ASHP	Electric	Chatham, MA

ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.

GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.

## Office buildings

Building name	Heating and Cooling	Hot Water	Location
---------------	---------------------	-----------	----------

Walden Pond Visitor Center, LEED, Passive, Maryann Thompson Architects	ASHP	Electric	Concord, MA
Bennington Superior Courthouse, Net Zero ready, Maclay Architects	GSHP		Bennington, VT
Massachusetts Fish & Wildlife Headquarters, Net Zero, Ellen Watts, Architerra	GSHP	Electric	Westborough, MA
The Studio for High-Performance Design and Construction, Passive, Studio HPDC	ASHP	Electric	Newton, MA
185 Dartmouth, Bargmann Hendrie + Archtype	Heat pumps		Boston, MA
Olympia Place, DiMella Shaffer and Holst Architecture	Heat pumps	Propane	Amherst MA

**ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.**

**GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.**

### Educational facilities (including universities and schools)

Building name	Heating and Cooling	Hot water	Location
King Open School (middle school, elementary school, administrative offices, public pool), William Rawn Associates, Architects	GSHP	Electric	Cambridge, MA
Lexington Children's Place, Net Zero, DiNisco Design, Inc.	Heat pumps	Electric	Lexington, MA
Hastings School, Net Zero, DiNisco Design, Inc.	GSHP	Electric	Lexington, MA
The Putney School Field House, New Zero, LEED Platinum, Maclay Architects	ASHP	Electric	Putney, VT
R.W. Kern Center, Hampshire College, Bruner/Cott Architects	ASHP	Electric	Amherst, MA

Smith College, Bechtel Environmental Classroom, Goldham and Hartman Architects	ASHP	Electric	Whately, MA
Trustees of Reservations, Powisset Net Positive Barn (demo kitchen with induction stoves, administrative offices, educational learning space, root cellar), Zero Energy Design	ASHP		Dover, MA

**ASHP = Air Source Heat Pump, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.**

**GSHP = ground source heat pump, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.**

Housing projects (large-scale)

Building name	Heating and Cooling	Hot water	Location
Auburn Court Lot C. 9, Goody Clancy Architects	Heat pumps		Cambridge, MA
Concord Highlands, ICON Architecture	VRF ASHP		Cambridge, MA
Bayside Anchor, Passive House, Kaplan Thompson Architects *	Electric baseboard heating, electric ventilation		Portland, ME
Bristol Common, Lexington Gardens, The Architectural Team *	ASHP		Taunton, MA
Highland Woods, Dietz and Company Architects	ASHP		Williamstown, MA
Parsons Village, Dietz and Company Architects	Heat pumps		Easthampton, MA
Millbrook Apartments, Bargmann Hendrie + Archetype Inc.	Heat pumps		Somerville, MA
Hyatt Centric Hotel, Arrowstreet	Heat pumps		Boston, MA
Distillery North, ICON Architecture	Heat pumps		Boston, MA

One East Pleasant, Holst and DiMella Shaffer	Heat pumps		Amherst, MA
Kendrick Place, Holst and DiMella Shaffer	Heat pumps		Amherst, MA
Whittier Street Apartments, The Architectural Team	Heat pumps		Boston, MA
Factory 63, Gerding Edlen	Heat pumps		Boston, MA

\* = Affordable housing

**ASHP = Air Source Heat Pump**, an all-electric technology for cooling and heating a building that is similar to an air conditioner but can also function in reverse to provide heat.

**GSHP = ground source heat pump**, similar to an ASHP but is more efficient due to its use of the ground, rather than the air, for heat transfer to and from the building.

## ARTICLE 24

---

### MODEL RANKED CHOICE VOTING ORDINANCE

### Model Statute

## An Act to Elect Certain Offices by Ranked Choice Voting

### SECTION 1: OFFICES ELECTED BY RANKED CHOICE VOTING

Contests for each of the following offices shall be conducted by ranked choice voting: governor, member of the state senate, member of the state house of representatives, member of the United States House of Representatives, and United States Senator.

### SECTION 2: RANKED CHOICE VOTING BALLOT

- (a) In any contest conducted by ranked choice voting with three or more qualified candidates, including qualified write-ins, the ballot shall allow voters to rank candidates in order of choice.
- (b) If feasible, the ballot shall allow voters to rank as many choices as there are qualified candidates. In the event that the voting equipment cannot feasibly accommodate a number of rankings on the ballot equal to the number of qualified candidates, the ballot may limit the number of choices a voter may rank to the maximum number allowed by the equipment, provided the ballot must allow the voter to rank at least six choices.
- (c) The ballot shall not interfere with a voter's ability to rank a write-in candidate.

### SECTION 3: RANKED CHOICE VOTING TABULATION

(a) **SINGLE WINNER TABULATION.** - In any contest for exactly one office conducted by ranked choice voting, tabulation proceeds in rounds. Each round proceeds sequentially as follows:

1. Each ballot shall count as one vote for the highest-ranked continuing candidate on that ballot. If two or fewer continuing candidates remain, the candidate with the fewest votes is defeated, the candidate with the greatest number of votes is elected and tabulation is complete.
2. If more than two continuing candidates remain, the continuing candidate with the fewest votes is defeated, and a new round begins with subsection (a)(1).

(b) **MULTI WINNER TABULATION.** - In any contest for more than one office conducted by ranked choice voting, tabulation proceeds in rounds. If, in the initial tabulation, the number of continuing candidates is less than or equal to the number of offices to be elected, then all continuing candidates are elected and tabulation is complete. Otherwise, each round proceeds sequentially, until tabulation is complete, as follows:

1. Each ballot shall count, at its current transfer value, for the highest-ranked continuing candidate on that ballot. If the sum of the number of elected candidates and the number of continuing candidates is equal to the sum of one and the number of offices to be elected, then the candidate with the fewest votes is defeated, all other continuing candidates are elected, and tabulation is complete.
2. If at least one continuing candidate has more votes than the election threshold for the contest, then



each such candidate is elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, rounded down to four decimal places and ignoring any remainder. Each candidate elected under this subsection is deemed to have a number of votes equal to the election threshold for the contest in all future rounds. A new round begins with subsection (b)(1).

3. If no candidate is elected under subsection (b)(2), then the continuing candidate with the fewest votes is defeated, and a new round begins with subsection (b)(1).

(c) **INACTIVE BALLOTS.** - In any round of tabulation in a contest conducted by ranked choice voting, a ballot that does not contain a highest-ranked continuing candidate shall not count for any candidate. Instead, it shall be counted as an overvote, abstention, or exhausted ballot.

(d) **BATCH ELIMINATION.** - In any contest conducted by ranked choice voting, the chief election official may modify the tabulation to include batch elimination. If the tabulation does include batch elimination, then any time the continuing candidate with the fewest votes would be defeated, each continuing candidate in the elimination batch shall be simultaneously defeated instead. A continuing candidate is in the elimination batch if the number of elected and continuing candidates with more votes than that candidate is greater than the number of offices to be elected, and it is mathematically impossible for that candidate to be elected for any of the following reasons:

1. The candidate has fewer votes than any other continuing candidate.
2. The candidate could never win because the candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds would not be enough to equal or surpass the continuing candidate with the next higher current vote total.
3. The candidate has a lower current vote total than a continuing candidate who is described by (2).
4. The candidate could never win because the number of ballots with any highest-ranked continuing candidate, on which that candidate is ranked at any ranking order, is smaller than the following:
  - a. For contests for exactly one office: the current vote total of the continuing candidate with the greatest number of votes.
  - b. For contests for more than one office: the current vote total of any of the top "x" continuing candidates with the highest current vote totals, where "x" is the number of offices to be elected.

(e) **TIES.** - If two or more candidates are tied with the fewest votes, and tabulation cannot continue until the candidate with the fewest votes is defeated, then the candidate to be defeated shall be determined by lot. Election officials may resolve prospective ties between candidates prior to tabulation after all votes are cast.

(f) **DEFINITIONS.** - For the purposes of this section, the following terms have the following meanings:

1. "Abstention" means a ballot that does not contain a highest-ranked continuing candidate and either more than one ranking order contains the same candidate or one or more ranking orders did not contain any candidate.

2. “Continuing candidate” means any candidate that has not been defeated or elected.
3. “Election threshold” means the number of votes sufficient for a candidate to be elected in a multi winner contest. The election threshold is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one plus the number of offices to be filled, rounding up to four decimal places.
4. “Exhausted ballot” means a ballot that does not contain a highest-ranked continuing candidate and is not an abstention or an overvote.
5. “Highest-ranked continuing candidate” means the candidate assigned to the highest ranking order that is neither a skipped ranking nor follows two or more consecutive skipped rankings nor contains an elected or defeated candidate nor contains more than one candidate nor follows a ranking order that contains more than one candidate.
6. “Inactive ballots” are all ballots that do not contain a highest-ranked continuing candidate, including abstentions, overvotes, and exhausted ballots.
7. “Overvote” means a ballot that does not contain a highest-ranked continuing candidate because the highest ranking order that is neither a skipped ranking nor contains an elected or defeated candidate contains more than one candidate or follows a ranking order that contains more than one candidate.
8. “Ranking order” means the number available to be assigned by a voter to a candidate to express the voter’s choice for that candidate. The number “1” is the highest ranking order, followed by “2” and then “3” and so on.
9. “Round” means an instance of the sequence of voting tabulation beginning with subsection (a)(1) of this section for single winner contests or (b)(1) of this section for multi winner contests.
10. “Skipped ranking” means a voter has left a ranking order unassigned but ranks a candidate at a subsequent ranking order.
11. “Surplus fraction” is a number equal to the quotient of the difference between an elected candidate’s vote total and the election threshold, divided by the candidate’s vote total, rounded down to four decimal places, ignoring any remainder.
12. “Transfer value” means the proportion of a vote that a ballot will contribute to its highest-ranked continuing candidate. Each ballot begins with a transfer value of 1. If a ballot contributes to the election of a candidate under subsection (b)(2), it receives a new transfer value.

## SECTION 4: RULEMAKING AUTHORITY

The chief election official shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to preserve the secrecy of the ballot and ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the smallest number of changes made to achieve such purpose.



**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: Ken Pruitt, Energy and Project Manager

CC: Jennifer Raitt, Director, Department of Planning and Community Development  
Members of the Clean Energy Future Committee

Date: March 4, 2020

RE: Bylaw Amendment/ Fossil Fuel Infrastructure Warrant Article for 2020 Annual Town Meeting

---

A Warrant Article for Annual Town Meeting proposing to regulate the installation of fossil fuel infrastructure in new construction and major renovations was inserted at the request of the Clean Energy Future Committee (CEFC).

The Department of Planning and Community Development (DPCD) has provided staff support to the CEFC for preparation of this Warrant Article, including research into a similar Warrant Article passed by Brookline Special Town Meeting in November, 2019 and participation in educational sessions hosted by the Massachusetts Climate Action Network. We have also facilitated discussions with representatives from the CEFC, Sustainable Arlington, and Mothers Out Front, forming a Working Group. The following matters should be considered relative to this Warrant Article:

- **This Warrant Article would be consistent with Arlington's Net Zero commitment.** At their January 29, 2020 meeting, the CEFC voted to request that the Select Board insert a Town Meeting Warrant Article relative to a potential bylaw to prohibit fossil fuel infrastructure in new construction and major renovations. The CEFC has been working on a Net Zero Plan with the Metropolitan Area Planning Council which is due to be completed by the end of this year. A major focus of the plan is to reduce or eliminate the combustion of fossil fuels for heating and transportation within Arlington. Additionally, this Article is consistent with the goal to reduce greenhouse gas (GHG) emissions to net zero by 2050 adopted by the Select Board in January 2018.
- **The Arlington bylaw would be modeled after Brookline's recently adopted fossil fuel bylaw.** Brookline's bylaw is being used as the model for Arlington's proposed bylaw, matching definitions and requirements fairly closely. The bylaw was adopted by the Brookline Special Town Meeting in fall of 2019, by a vote of 211-3, and is being reviewed by the Attorney General. The bylaw prohibited fossil fuel piping in new

buildings and new piping in existing buildings undergoing “Significant Rehabilitation,” meaning alteration of 50 percent or more of the original square footage of commercial buildings, and 75 percent or more of the original square footage of residential buildings. The bylaw would include exceptions. Brookline’s included exceptions for cooking (gas is still allowed), backup generators, repair or extension of existing heating systems in buildings not undergoing a major renovation, and central hot water systems in buildings that are larger than 10,000 square feet. The bylaw also established a committee authorized with issuing case-by-case waivers due to excessive cost or impracticality.

**Historical data on construction related to Warrant Article.** The Department communicated with the Assessors Office and Inspectional Services Department (ISD) to determine the number of buildings that the bylaw would have affected had it been in effect over the last ten years. 309 new buildings were constructed over the period from 2009 to 2018, which includes building permits for all uses and all types of structures.

In order to determine the number affected by Major Renovations, we utilized a different methodology. Inspectional Services does not code building permits based upon the scope or percentage of a renovation. Therefore, relevant data for alterations that would meet the proposed bylaw definition of Major Renovation are estimated based on building permits coded for interior renovations. For the construction period from 2009 to 2018, 445 building permits were issued for what might be considered Major Renovations.

- **Definition of Major Renovation.** The “Significant Rehabilitation” definition used in the Brookline bylaw, tentatively titled “Major Renovation” in Arlington’s draft bylaw, is defined separately for commercial and residential buildings. The Working Group is satisfied with this definition for commercial and multifamily buildings. However, the definition for houses (both single family and duplexes) is still under consideration as of the drafting of this memo. The Working Group is trying to ensure that the definition addresses residential construction projects that equate to a Major Renovation without penalizing residential construction projects that are less extensive. The Working Group is continuing to seek input from the ISD, local builders, business owners, and others engaged in real estate development.
- **Appeals/Waivers.** Brookline’s bylaw calls for the establishment of a Sustainability Review Board, appointed by the Select Board, to hear appeals and issue waivers under the bylaw. The Working Group has recommended that the Zoning Board of Appeals (ZBA) review and issues decisions on appeals, and that the Building Inspector reviews and issues waivers. The Working Group may need to consider whether the ZBA is the most appropriate body to hear appeals, or if the Board of Building Appeals (a body established by Arlington’s Building Regulations, Title VI, Article V of the Town Bylaws) would hear and decide on appeals cases. The Working Group is satisfied with the existing draft waiver provision that assigns authority to grant waivers to the Building Inspector. Particular consideration for waivers will be given to projects

sponsored by the Arlington Housing Authority (AHA), given the AHA's limited sources of capital funds. It is contemplated that the Building Inspector would make use of expertise in other Town Departments, to the extent necessary. The Working Group will also be developing criteria applied to the review and granting of waivers.

- **Alternatives to fossil fuel heating are available.**

The practical effect of this bylaw would be to cause owners of most new buildings and buildings undergoing major renovations to install electric heating and domestic hot water systems such as air source and ground source heat pumps. Modern cold climate heat pumps provide both heating and cooling without on-site combustion of fossil fuels. Unlike electric resistance heaters installed in the past, modern electric heat pumps are highly efficient and affordable. They can heat both small and large spaces. For example, the new Arlington High School will be heated (and cooled) exclusively with a combination of ground source and air source heat pumps. While current GHG emissions from electric heat pump heating are already only about half of those from natural gas heating, as the electrical grid steadily replaces fossil fuels with renewable energy (a typical Arlington home's electricity supply is currently 27 percent renewable, increasing by 2 percent per year), all-electric buildings will come closer and closer to emitting zero GHG emissions.

- **Public outreach.**

The Working Group is seeking input from the public and key stakeholders on this proposed bylaw. A public information session was held on February 27 from 7:00 p.m. to 9:00 p.m. in the Lyons Hearing Room. Approximately 60-70 people attended. There were questions about the cost and longevity of heat pump technology, whether the electrical grid could handle the increased load from all-electric heating in more buildings, how the waiver process would work, whether older homes could be effectively and efficiently converted to all-electric heating, and how residents could help support adoption of this bylaw by Town Meeting. The session was recorded by ACMi and will be available to view soon. Additional outreach continues, including to the business community, led by members of the Working Group.

# **Arlington Bylaw Amendment/Fossil Fuel Infrastructure**

3-5-20 Draft

## **Article 13. Bylaw Amendment/Fossil Fuel Infrastructure**

Voted: That the Town amend Title VI of the Town Bylaws by adopting a new Article 10 entitled "Prohibition on New Fossil Fuel Infrastructure in Major Construction" as set forth below.

### **Section 1 Purpose**

This Bylaw is adopted by the Town of Arlington, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health and welfare of the inhabitants of the town from air pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

### **Section 2 Definitions**

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

"On-Site Fossil Fuel Infrastructure" shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

"Major Renovation" shall mean a renovation project associated with a valid building permit application on or after the Effective Date of this article that:

(1) For existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area, as defined in Section 2 of the Arlington Zoning Bylaw, prior to the project;

(2) For existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

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

“Effective Date” shall mean July 1, 2021.

### Section 3 Applicability

The requirements of this article shall apply to all permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that:

- A. The requirements of this article shall not apply to utility service piping connecting the grid to a meter, or to a gas meter itself.
- B. The requirements of this article shall not apply to piping required to fuel backup electrical generators.
- C. The requirements of this article shall not apply to piping required for cooking appliances and related appliances.
- D. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating.
- E. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.
- F. So long as new fossil fuel piping is not installed, the requirements of this article shall not apply to the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping.
- G. The requirements of this article shall not apply to research laboratories for scientific or medical research or to medical offices regulated by the Massachusetts Department of Public Health as a healthcare facility.
- H. The requirements of this Article shall not apply to repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.



## Section 4 Enforcement

Upon the Effective Date, no permits shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure, except as otherwise provided in Sections 3, 5, and 6.

## Section 5 Waivers

A. In the event that compliance with the provisions of this bylaw makes a project financially infeasible or impractical to implement, the Building Inspector may grant a waiver subject to reasonable conditions. Where appropriate, such waivers shall be issued narrowly for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Article. Waiver requests shall be supported by a detailed cost comparison, inclusive of available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans. Particular consideration for waivers will be given to projects sponsored by the Arlington Housing Authority (AHA), given the AHA's limited sources of capital funds.

B. Guidance regarding the granting of waivers and prescribing of conditions shall be provided by the Select Board prior to the Effective Date and periodically extended or amended in the light of experience and changing circumstances. [Notwithstanding the foregoing,

1. Compliance with this bylaw may be considered financially infeasible if as a result of factors beyond the control of the proponent the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable.
2. Compliance with this bylaw may be considered impractical if technological or other factors would make the project unsuitable for its intended purpose.]

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

## Section 6 Appeals

[The Board of Building Appeals shall hear appeals from decisions by the Building Inspector on the applicability of this bylaw under section 3 in the manner set forth in Title VI, Art. 5. The Board of Building Appeals may establish such further rules and regulations for appeals as required to effectively execute the purpose of this bylaw.]

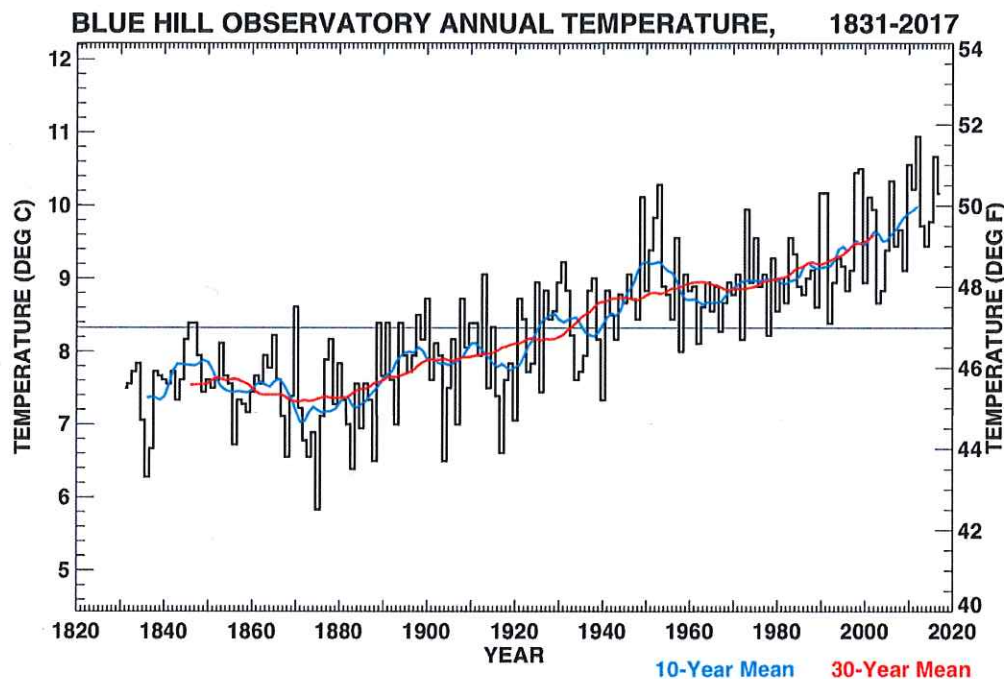
OR

[The Town Manager shall hear appeals from decisions by the Building Inspector on the applicability of this bylaw under section 3 in accordance with such procedural rules as may be adopted from time to time [by the Town Manager][by the Select Board.]

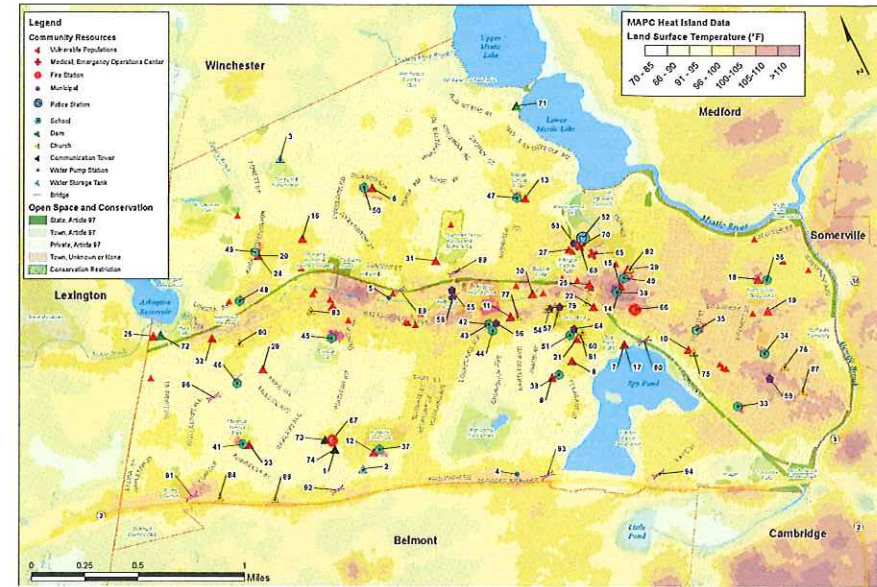


Warrant Article #13  
Select Board Hearing  
3/9/20

# Arlington is already feeling the effects of climate change



<http://bluehill.org/observatory/2018/08/state-of-the-climate-at-blue-hill-observatory-2018/>

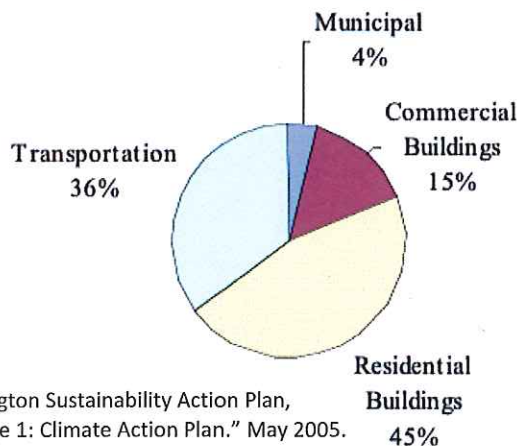


# We must drastically reduce building emissions to meet our goals

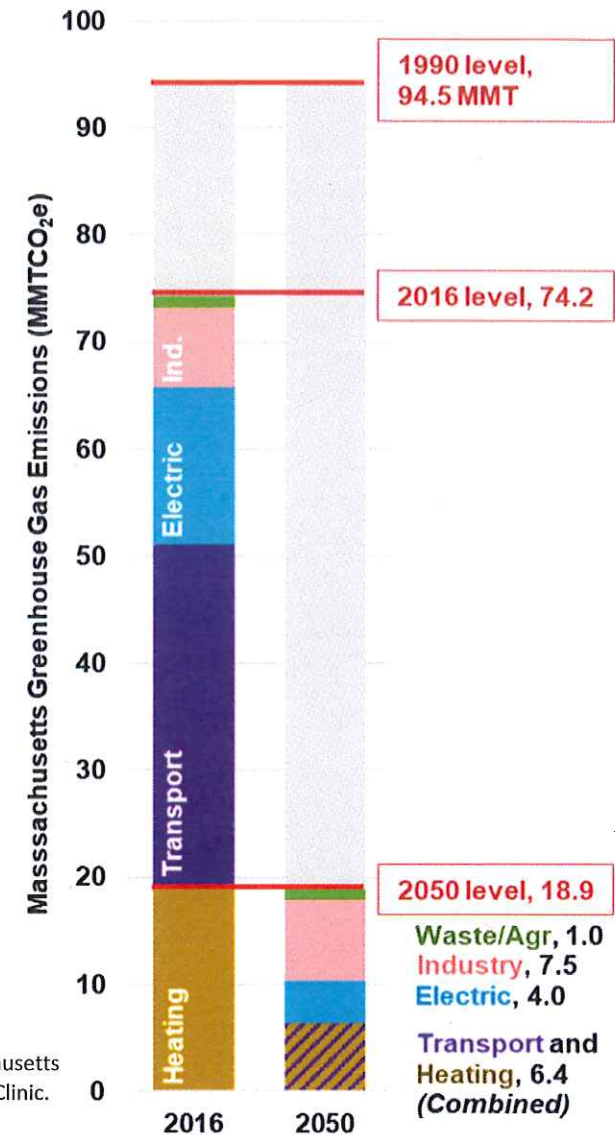
2008 → State passes Global Warming Solutions Act, commits to reduce 80% by 2050

2018 → Arlington Select Board votes to set goal of Net Zero by 2050.

**Town of Arlington Carbon Dioxide Emissions,  
Baseline Year 1997**



"Arlington Sustainability Action Plan,  
Volume 1: Climate Action Plan." May 2005.



"Massachusetts Gas versus Massachusetts  
Climate Goals." Applied Economics Clinic.  
December 2019.



The proposed bylaw prohibits new fossil fuel piping in:

New Construction



Gut Renovations



**Existing buildings, kitchen renovations, additions, etc. will be entirely unaffected**

# The proposed bylaw includes a variety of practical and commonsense exemptions:

Customer side only



All gas cooking appliances exempted



Backup generators are exempted



Portable propane appliances unaffected



Hot water for large buildings exempted

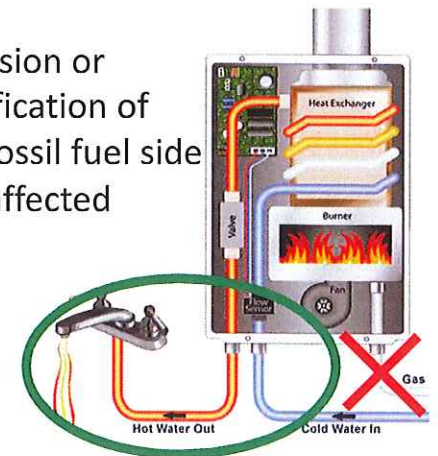


Research and medical facilities are exempted



Repair of existing unsafe piping is exempted

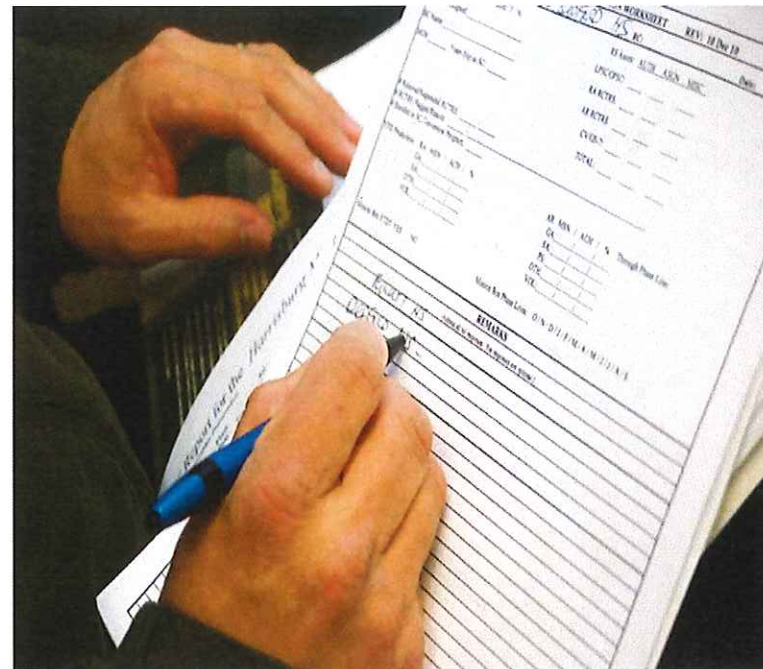
Extension or modification of non-fossil fuel side is unaffected





# Waivers process exists to handle unforeseen issues

- If the bylaw causes undue expense or practical obstacles, a waiver can be sought.
- Building Inspector grants waivers, may consult with town staff and local energy experts.



# Heat pumps are a practical and economical solution

**Air Source**



**Ground Source  
(Geothermal)**



**Water Heater**



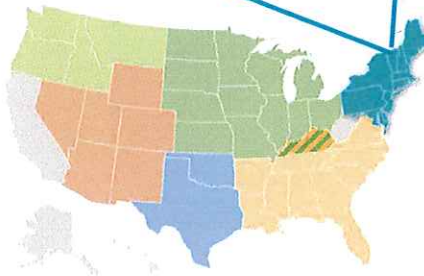
Images courtesy of: Boucher Energy Systems, New England Ductless, EnergySmart Alternatives, and Hot Water Solutions Northwest

# Heat pumps are efficient and can serve as the sole source of heat in our climate



Air Source:  
220-350+% efficient

Ground Source:  
350-480+% efficient



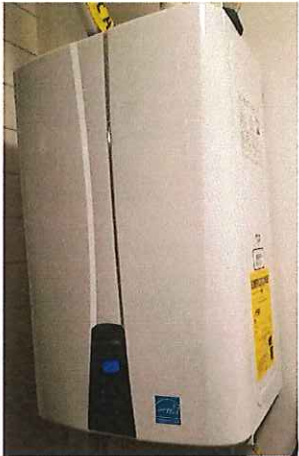
Cold-Climate Air Source  
Heat Pump Specification  
requires high-efficiency at  
5°F, many systems perform  
to -13 to -22°F

- In 2017, approx. **10%** of new homes in MA used a heat pump as the **only source of heating/cooling**
- Dozens of systems installed through HeatSmart 2019 in retrofits had **no backup heat**



# Heat pumps add minimal costs to new construction

**Traditional**  
Gas Furnace  
Central AC  
Tankless Gas HW



Installed Cost	Annual Operating Cost
\$11,724	\$1,511

**All-Electric**  
Minisplit Air Source Heat Pump  
Heat Pump Water Heater



\$12,478	\$2,007 (\$1,362 powered with solar)
----------	---

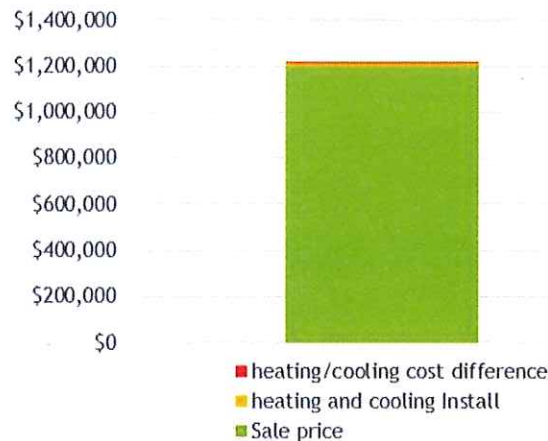
“RLPNC 17-14: Mini-Split Heat Pump Incremental Cost Assessment.”  
NMR Group, Inc. November 27 2018.

# Increased costs represent a fraction of new residential construction costs

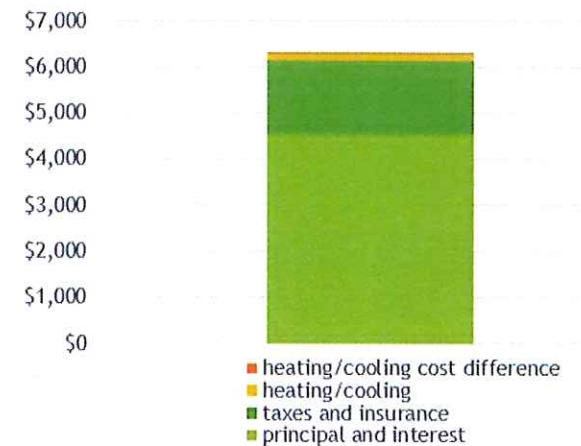
Installed Cost	Annual Operating Cost
\$11,724	\$1,511
\$12,478	\$2,007 (\$1,362 powered with solar)

"RLPNC 17-14: Mini-Split Heat Pump Incremental Cost Assessment." NMR Group, Inc. November 27 2018.

Approximate price for a new 3,000 sf home



Approximate monthly costs for a new 3,000 sf home



Assuming \$1.50/therm; \$0.2063/kWh; 20% down payment, 4% interest rate on 30yr mortgage. Assumed average price of \$1.2million. Homes sold in 2019 for between \$1million and \$1.5 million had a 3,196 SF average.

# Affordable housing is leading the way on heating electrification



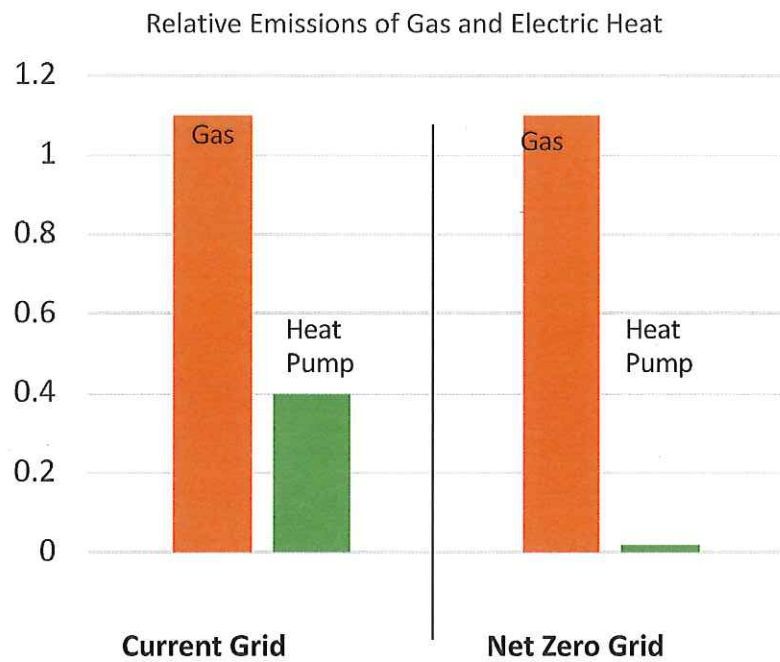
Finch Cambridge, 98 affordable housing units, passive house standard with VRF heat pumps



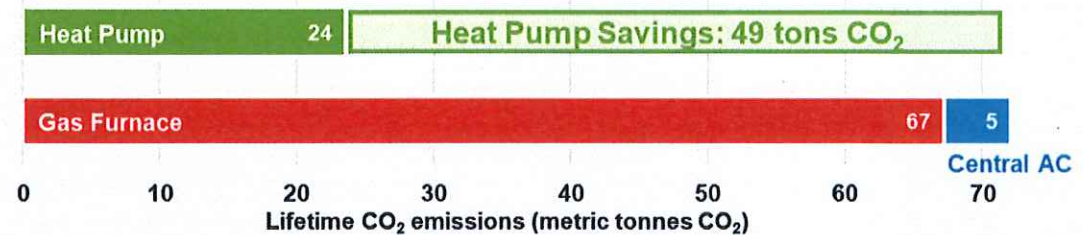
O'Shea house, Brookline Housing Authority property, 100 units of affordable housing. VRF heat pumps.



# Electrification is the only way to reach net zero, but it also provides immediate emissions benefits



Calculated assuming a 90% efficient gas furnace, heat pump seasonal COP of 2.5, and 50% of electricity generated with natural gas



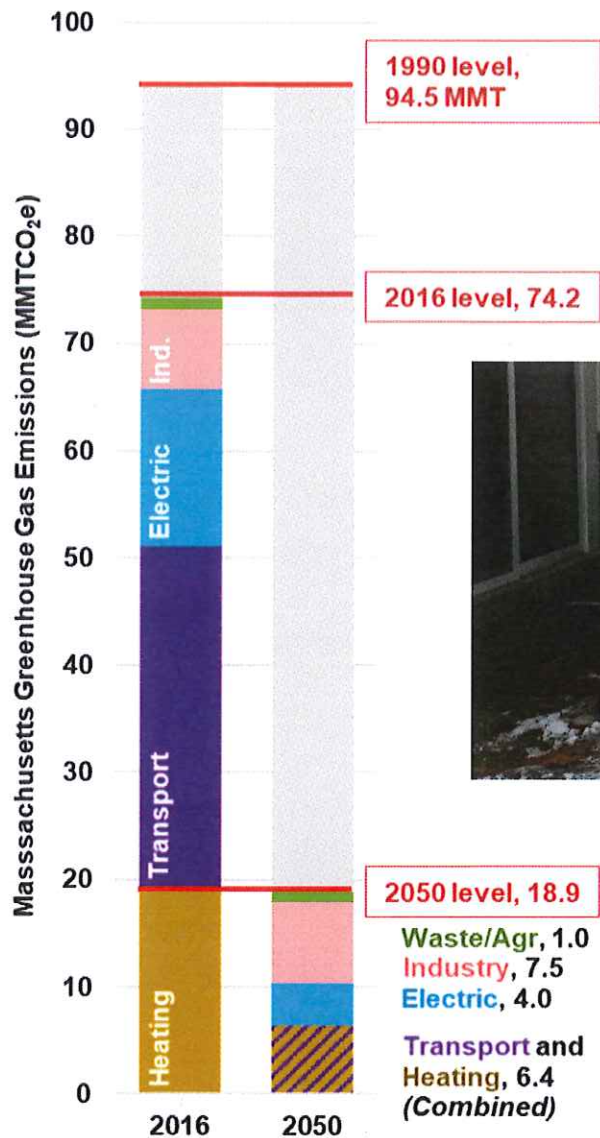
"Home Heat Pumps in Massachusetts." Applied Economics Clinic. July 2019.



# Outreach is ongoing but engagement so far has been positive

- 60-70 person public meeting
- Electronic outreach on Arlington List, Sustainable Arlington List, and Facebook
- Multi-family, commercial, and residential developers and property owners
- Arlington realtors
- Arlington architects
- HCA Staff
- Chamber of Commerce
- Most Town Meeting Members already contacted

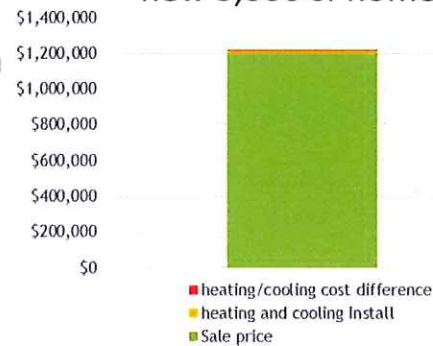




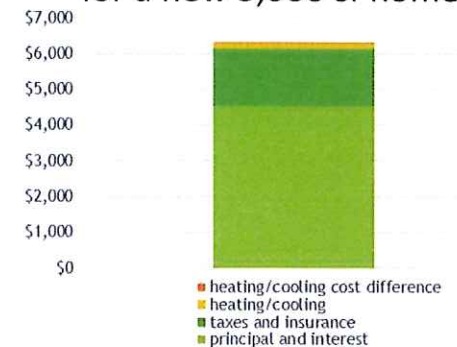
Overall, the proposed bylaw is necessary, practical, economical, and feasible



Approximate price for a new 3,000 sf home



Approximate monthly costs for a new 3,000 sf home



# Clean Heat for Arlington

Sustainable Buildings Now!

## Fossil Fuel Infrastructure Warrant Article



### Frequently Asked Questions

#### What is Being Proposed?

Arlington's Clean Energy Future Committee (CEFC) has voted unanimously to propose a **bylaw to prohibit the installation of fossil fuel piping, and oil and gas heating in both new construction and significant rehabilitation projects.** Town Meeting Members will vote on the Article beginning April 27, 2020.

#### Why is it Being Proposed?

We are facing a global climate crisis of extreme proportions, and Massachusetts is one of the fastest-warming states in the country. Cities and towns must **reduce carbon emissions to zero by 2050 to prevent catastrophic global warming.** Emissions cannot be lowered if we continue to rely on fossil fuels. To reach these goals, Arlington can act now to begin to decarbonize buildings, which account for approximately 60% of all emissions in our town. This Warrant Article focuses on the most practical and cost-effective steps we can take to reduce fossil fuel use in buildings. Every building we build today with fossil fuel infrastructure defeats Arlington's emissions goals and will require an expensive retrofit in the future.

*The U.S. looks to Massachusetts. Massachusetts looks to Arlington and similar proactive and forward-thinking communities for innovative solutions.*

[www.cleanheatforarlingtonma.org](http://www.cleanheatforarlingtonma.org)

#### How will this help Arlington and Mass. reduce emissions?

The Warrant Article is a necessary first step toward meeting our commitment to net zero emissions by 2050. It is also one of the easiest steps, as it is practical and cost-effective to avoid installing fossil fuel infrastructure during new construction and major renovations. **But it won't get us to our 2050 goal.** This warrant article addresses only one piece of a large puzzle, achieving approximately a 15% reduction in the number of fossil fuel buildings over 30 years. The Article is focused only on new construction and major gut renovations. Taken together with other efforts, this Article will be key to reducing building-related emissions in the coming years.

#### Are all-electric systems effective for buildings in Arlington?

Air source heat pumps are an affordable and effective clean heating and cooling alternative, sourced by electricity. Installation of these systems is actually cheaper than installing gas systems, given state and federal subsidies. With new insulation code requirements, the operating cost of electric heat pumps is comparable for new construction and significant rehabs. For some buildings, ground source heat pumps may be an alternative.



## How will this new law affect construction projects in Arlington?

**In the construction of new buildings, the Article will prohibit the installation of gas and oil piping; in gut renovations, it will prohibit the installation of new gas or oil piping.** We estimate that this will affect an average of no more than 73 construction projects per year (residential and commercial). For commercial and most multi-family buildings, the construction work area must affect more than 50% of the building floor area to trigger the bylaw. For residential buildings, only gut renovations, not smaller jobs, will trigger the bylaw.

## What would be exempt?

The Warrant Article only applies to infrastructure (piping) on the customer's side of the meter. It expressly exempts piping for emergency generators, residential and commercial cooking, central hot water in large buildings, and more. In special situations where the owner can prove that application of the law would be financially infeasible, waivers may be granted.

## If I live in a multi-unit condo building and do a full "gut rehab" of my entire unit, would the Article's prohibitions apply?

The bylaw would compare the work area of the renovation project to the floor area of the whole building, so it is unlikely that the gut rehab of one unit would exceed 50% of the entire building area. Thus in most cases the new Arlington law would not apply.

## Can I replace my old oil-fired boiler with an energy-efficient gas boiler?

Yes, as long as the boiler replacement is not part of a gut renovation that meets the definition of "significant rehabilitation."

## Why electrify if electricity is partially generated by fossil fuels?

Electric buildings produce lower emissions than buildings fueled by oil and gas from the start, and electric buildings become cleaner and cleaner each year as the state-mandated electrical grid mix increases the proportion of renewables. In addition, Arlington residents can opt up to 50% or 100% renewable electricity today through the Town Community Choice Aggregation program at <https://arlingtoncca.com/>.

## Get Involved and Learn More:

- Contact the [Select Board](#) to ask for a favorable recommendation on this Warrant Article.
- Explain your concerns to your Town Meeting members and ask them to vote YES at [Town Meeting](#).
- If you are a Town Meeting Member speak with your colleagues about responsible climate action in Arlington, and ask them to join you in voting YES on this Warrant Article.
- Learn more at [www.cleanheatforarlingtonma.org](http://www.cleanheatforarlingtonma.org), and contact us to volunteer or ask questions.



# Clean Heat for Arlington

*Sustainable Buildings Now!*

## Fossil Fuel Infrastructure Warrant Article

*Frequently Asked Financial Questions.*

### Are all-electric systems cost effective to install?

Yes! Cold climate air-source heat pump systems are already a popular alternative to fossil fuel based systems. **These systems are far more efficient and cost effective than the old electric “resistance” heat systems.** Because only one system is needed, rather than a separate furnace and air conditioner, they can be comparable or cheaper to install even before rebates. “Doing it right the first time” is better than requiring expensive retrofits to these homes later.

While each project will be unique, in 2018 consultants NMR Group Inc. issued a report for MassSave in which a 2,500 SF single family Energy code compliant Massachusetts home was modeled. **They found that all electric equipment costs about \$750 more to install, a negligible cost when considering new construction.** But with current rebates and incentives, it can be over \$5,000 cheaper. With the high prices that new homes command in Arlington (98% over \$1 million in 2018 and 2019), the entire heating system contributes a mere 2% to the total cost of the home, so the cost differences are a fraction of a percent. The table below shows data scaled up to a more typical 3,000 SF house:

#### Construction Costs:

*Rebate Case Example:*

*Air Source Heat Pump Rebate for a new 3,000 SF*

*Single Family Home*

#### Gas Heat, Domestic Hot Water and central A/C

Equipment and Installation	\$14,040
----------------------------	----------

#### Mini Split Air Source Heat Pump and Hot Water

Equipment and Installation	\$14,974
----------------------------	----------

Alternative Energy Credit	\$2,600
---------------------------	---------

Mass CEC Rebate	\$2,500
-----------------	---------

Mass Save Rebate	\$1,700
------------------	---------

Equipment and Installation Net Cost	\$8,174
-------------------------------------	---------

Source: 2,500 square foot home example: NMR group, RLPNC 17-14: Mini split heat Pump Incremental Cost Assessment; Brookline by-law team research. Costs scaled to 3,000 SF home, with no change to rebates.

## How much will it cost to run?

With efficient Stretch Energy code compliant houses, **the operating cost of an air-source heat pump is close to natural gas for new construction and gut renovations.** While every project is unique, the NMR Group report (scaled up to Arlington's 3,000 SF new house size) suggests that air-source heat pumps may be a little more expensive to run than gas. However, the cost difference of \$49/month would be under 1% of the \$6,000+ monthly costs of a new Arlington home (mortgage, taxes, insurance etc)

### Monthly Operating Costs

3,000 SF new home

	Traditional Gas	Heat Pump	Cost Difference
Heating	\$125.20	\$173.70	\$48.50
Cooling	\$13.20	\$12.40	-\$0.80
Hot water	\$10.58	\$12.17	\$1.59
Total HVAC	\$149	\$198	\$49

### Cost Difference Comparison



Assuming \$1.50/therm; \$0.2063/kWh; 20% down payment, 4% interest rate on 30yr mortgage. Assumed average price of \$1.2million. Homes sold in 2019 for between \$1million and \$1.5 million had a 3,196 SF average.

**Get Involved and Learn More:** Learn more at [www.cleanheatforarlingtonma.org](http://www.cleanheatforarlingtonma.org), and contact us to volunteer or ask questions.

Sources: NMR Group Inc., RLPNC 17-14: Massachusetts Building Code Mini split heat Pump Incremental Cost Assessment; Zillow.com; MLS Property Information Network, Inc; Mass CEC testimony related to Brookline bylaw fall 2019.



# Clean Heat for Arlington

*Sustainable Buildings Now!*

## Fossil Fuel Infrastructure Warrant Article

*Frequently Asked Environmental Questions.*

### What is the environmental motivation for the proposed bylaw?

**We are facing a global climate crisis of extreme proportions**, requiring significant actions to prevent the worst outcomes. Massachusetts is one of the fastest-warming states in the country. We have seen a rapid increase in extreme heat events that threaten our health the ecosystems we rely on. Rising seas and increased flooding threaten Boston and coastal communities. Climate change brings significant public health risks, including heat-related illnesses and deaths, as well as worse disease outbreaks. As natural ecosystems change or collapse, Massachusetts farmers, fishermen, and residents will suffer.

We as a Town and as a State have committed to try to tackle these threats. The 2006 Global Warming Solutions Act mandates that the state reduce emissions by 2050 to 80% below 1990 levels. Arlington and many other municipalities in MA have committed to having net zero emissions by 2050 or earlier, and Gov. Baker has recently committed the state to reach Net Zero by 2050. **There is no way to meet these legally mandated goals while including large-scale use of fossil fuels for home heating.** Every new building constructed with fossil fuel infrastructure makes the Net Zero goal harder to achieve because the use of these carbon-emitting fuels continues unabated. It is unfair to the next generation to continue to install infrastructure that we already know will need to be replaced in a very short time.

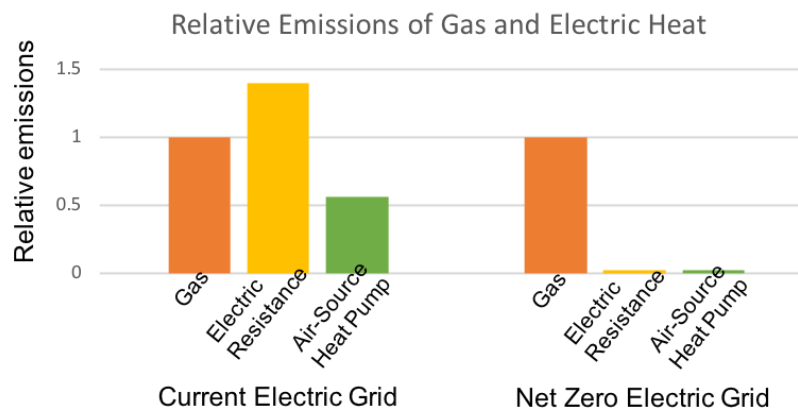
### Is building heat a significant source of emissions in Arlington?

Residential and commercial building heat is one of the largest sources of emissions in Arlington. According to Arlington's 2005 Climate Action Plan, **residential and commercial buildings accounted for 60% of the Town's overall emissions.** According to the U.S. Energy Information Administration, in Massachusetts space and water heating account for 75% of residential building energy use. This makes heating alone one of the largest sources of emissions in Arlington.

### If natural gas is used to generate electricity, does switching to electric heat actually lower emissions?

For modern cold-climate Air Source Heat Pumps the answer is a clear yes. These systems use electricity to move heat around rather than creating it directly, allowing them to be extremely efficient, even down to temperatures as low as -12 °F. **They are so efficient that averaged over the whole winter, with natural gas currently producing about 50% of the electricity we use, using a heat pump results in roughly half the emissions of burning natural gas in your**

**home.** More importantly, however, electric heating is the only way to get close to Net Zero emissions. This will never be possible with burning fossil fuels for home heating.



Many towns considering fossil fuel bans also have green community choice aggregation programs, as in Arlington, which use a higher default percentage of renewable energy and also give you the opportunity to opt-up to higher percentages of renewables. Learn more at <https://arlingtoncca.com/>

### Can our electric grid handle this?

Yes! Electrical demand is currently declining in New England due to both solar panels on building roofs and gains in energy efficiency through retrofits such as LED light bulbs for street lights. There are declines in both annual and peak demand, and these declines are expected to continue. Furthermore, the proposed bylaw will affect such a small fraction of buildings on the grid (<1% turnover in any one year, even if adopted across the entire New England grid territory), that it should not have an appreciable impact on the power grid, which already has year-on-year variation exceeding 1%.

While peak consumption is already a significant challenge to manage, it is currently a summer problem when AC kicks in on hot days. In the winter, **the bigger problem is actually natural gas shortages, which should be slightly alleviated by this policy.**

**Get Involved and Learn More:** Learn more at [www.cleanheatforarlingtonma.org](http://www.cleanheatforarlingtonma.org), and contact us to volunteer or ask questions.

Data sources: Relative emissions from “Northeast/Mid-Atlantic Air-Source Heat Pump Market Strategies Report, 2016 Update.” Northeast Energy Efficiency Partnerships (NEEP). January 2017. Grid resource mix, electricity use trends, and variability are from ISO-NE “Key Grid and Market Stats.” <https://www.iso-ne.com/about/key-stats>

# WA #13 Detailed Testimony

By Amos Meeks, Anne, Wright, and Pat Hanlon



## Background

Ongoing climate change is a serious issue that is already negatively impacting Arlington residents through more extreme weather, extreme heat, flooding, sea level rise, and degradation of our natural environment.<sup>1</sup> Climate change is caused by the release of CO<sub>2</sub> into the atmosphere from the burning of fossil fuels like methane, otherwise known as natural gas. The scientific consensus is that in order to avoid a high likelihood of worldwide catastrophe we must limit global temperature increase by the end of this century to 1.5 °C. Doing so requires reaching net zero emissions by 2050, with negative emissions for decades thereafter.<sup>2</sup>

Arlington and the state of Massachusetts are committed to tackling these issues head on. In 2018 Arlington's Select Board formally committed the Town to a goal of being net zero by 2050. On the state level, the 2008 Global Warming Solutions Act committed the state to reduce emissions by 80% by 2050.<sup>3</sup> In addition, on January 21st 2020 Governor Baker announced a goal of reaching net zero emissions by 2050.<sup>4</sup> These are ambitious but necessary goals that show our commitment to helping create a livable future, both here in Arlington and globally.

It will not be possible to meet these goals while continuing the widespread use of fossil fuels for building heat.<sup>5</sup> In Arlington, buildings account for about 60% of emissions.<sup>6</sup> Space heating and water heating account for about 75% of residential energy use<sup>7</sup>, making these by far the largest single contributors to building emissions. Currently around 85% of buildings in MA use oil or gas heating,<sup>8</sup> and about 85% of new construction is built with a natural gas heating system.<sup>9</sup> This,

---

<sup>1</sup> "Town of Arlington Community Resilience Building Workshop Summary of Findings & Recommendations." Kleinfelder. May 2018. <https://www.arlingtonma.gov/home/showdocument?id=43409>  
Also see "FOURTH NATIONAL CLIMATE ASSESSMENT Volume II: Impacts, Risks, and Adaptation in the United States." <https://nca2018.globalchange.gov/>

<sup>2</sup> IPCC, 2018: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Water eld (eds.)]. In Press. <https://www.ipcc.ch/sr15/>

<sup>3</sup> <https://www.mass.gov/service-details/global-warming-solutions-act-background>

<sup>4</sup> <https://www.mass.gov/info-details/ma-decarbonization-roadmap>

<sup>5</sup> "Massachusetts Gas versus Massachusetts Climate Goals." Applied Economics Clinic. December 2019. [https://static1.squarespace.com/static/5936d98f6a4963bcd1ed94d3/t/5dfa5edf2ef84a2cce2117c9/1576689375660/MA+Gas+vs+MA+Climate+Goals\\_AEC+brief\\_18Dec2019.pdf](https://static1.squarespace.com/static/5936d98f6a4963bcd1ed94d3/t/5dfa5edf2ef84a2cce2117c9/1576689375660/MA+Gas+vs+MA+Climate+Goals_AEC+brief_18Dec2019.pdf)

<sup>6</sup> "Arlington Sustainability Action Plan, Volume 1: Climate Action Plan." May 2005. [http://www.wearestillin.com/sites/default/files/sustainability-plan/arlington\\_sustainability\\_action\\_plan.pdf](http://www.wearestillin.com/sites/default/files/sustainability-plan/arlington_sustainability_action_plan.pdf)

<sup>7</sup> "Massachusetts Residential Energy Use." Energy Information Administration. [https://www.eia.gov/consumption/residential/reports/2009/state\\_briefs/pdf/ma.pdf](https://www.eia.gov/consumption/residential/reports/2009/state_briefs/pdf/ma.pdf)

<sup>8</sup> Ibid.

combined with the hundred year lifetime of buildings and the multi-decade lifespan of heating equipment, means that action must be taken now to decarbonize building heating in order to meet our net zero goals.

Fortunately there is a clear path to the decarbonization of building heat. First is to electrify everything, using highly efficient heat pumps as the sole source of heat. This results in an immediate, large reduction in greenhouse gas (GHG) emissions that continue to decrease over time as the grid approaches the net zero goal. Effort towards the electrification of building heat are already underway, including the incredibly successful recent HeatSmart campaign.<sup>10</sup> However, HeatSmart focused mostly on retrofits of existing buildings, while at the same time many new buildings are installing gas technology that will need to be retrofitted in the future at greater expense. The policy that we are proposing, to prohibit the installation of fossil fuel infrastructure in new construction and gut rehabilitations, is the most practical, easy, and economical step that we can take towards the goal of widespread electrification.

Below we go into more detail on the details behind the practicality of the proposed bylaw. We start by considering the immediate emissions benefits of using a heat pump system compared to natural gas, even though about 50% of our electricity is generated with natural gas. Then we go into detail on the economic and practical questions of using heat pumps in new construction. We end with an overview of the commonsense exemptions that are included in the proposed bylaw as well as the waiver process included to assure that no one is subject to unforeseen undue burdens. We also include a brief FAQ addressing some common concerns.

## Emissions Impact

When considering the emissions impact of the proposed bylaw it is important to reiterate that the goal is not immediate reduction in emissions, although there are substantial immediate reductions, but rather the long-term goal of being able to reach net zero by 2050.

In terms of immediate reductions, the Applied Economics Clinic (and Arlington-based business) estimates that the lifetime emissions of a single-home three ton<sup>11</sup> heat pump system are about 49 tons of CO<sub>2</sub> or about 70% lower than the equivalent natural gas+A/C system.<sup>12</sup> These emissions are driven by the amount of fossil fuels, primarily natural gas, that are used to generate electricity.

When presented with heat pumps as a viable source of low-emission electric home heating many people initially wonder how electric heating can lower emissions when natural gas is used

---

<sup>9</sup> "MA RLPNC 17-2: 2017 Massachusetts Single-Family New Construction Mini- Baseline/Compliance Study." NMR Group, Inc. January 3, 2018.

<https://drive.google.com/open?id=1xHgkYdxq7u5b8QOvlyx3i97uJ4SJyXdm>

<sup>10</sup> <http://wepowr.com/heatsmartaw>

<sup>11</sup> Corresponding roughly to the heating load of a 3,000 sqft house, which is close to the average size of new single-family construction in Arlington.

<sup>12</sup> "Home Heat Pumps in Massachusetts." Applied Economics Clinic. July 2019.

<https://static1.squarespace.com/static/5936d98f6a4963bcd1ed94d3/t/5d24dd1ec22927000120e025/1562696991620/Updated+AEC+MA+Heat+Pump+9July2019.pdf>

to generate electricity. Firstly, natural gas is only used to generate about 50% of electricity in New England, while other fossil fuels like oil and coal generate less than 1% of electricity annually.<sup>13</sup> The efficiency of natural gas fired power plants ranges from about 40-60%, meaning that roughly 1 unit of natural gas energy goes into generating 1 unit of electrical energy. The seasonal heating efficiency of a modern cold-climate heat pump is around 250%,<sup>14</sup> meaning that averaged over the heating season 1 unit of electrical energy is converted to 2.5 units of heat energy in your home. In comparison, efficient gas heaters are about 90% efficient, converting 1 unit of gas energy to 0.9 units of heat energy in your home. Thus, even considering the gas used to produce electricity, the heat pumps results in less than half as much gas being burned, with correspondingly lower emissions.

The total effect on building emissions in Arlington between now and 2050 will be significant but not comprehensive. The planning department has estimated that at most 70 buildings on average would be affected by this bylaw each year, or about 0.4-0.5% of Arlington's total housing stock. Thus, by 2050 we estimate this would result in guaranteeing that about 12-15% of Arlington's buildings use efficient electric heat. In order to reach our net zero goal this number will need to be close to 100%, underscoring the need for additional policies and the importance of passing this bylaw now so as not to make our future problems more difficult than they already are.

## Economics of Heat Pumps in New Construction

Heat pumps are both practical and economically feasible as the sole source of heat for new construction. It is a common misconception that heat pumps cannot be used as the sole source of heat in our climate and must have electric resistance or a fossil fuel backup for especially cold days. While this used to be true, the advent of cold-climate air-source heat pumps within the past seven years has completely flipped this, and now heat pumps as the sole source of heat is becoming standard practice in new construction across the state. In fact, Arlington's new high school will be heated entirely with heat pumps, large sections of it entirely with cold-climate air-source heat pumps. For residential construction a large selection of cold-climate air-source heat pumps are available.<sup>15</sup> These are rated efficient to as low as -12 °F, temperatures that are simply not seen in Boston.<sup>16</sup>

---

<sup>13</sup> Resource mix from ISO-NE information: <https://www.iso-ne.com/about/key-stats/resource-mix> Some people may point to the 77% of electricity generated in MA that is generated using natural gas (<https://www.eia.gov/state/print.php?sid=MA>). However, MA is part of a regional grid, ISO-NE, and we do not consume electricity only generated in MA. To use MA numbers would be akin to saying that because we live in Arlington we should consider the resource mix of electricity generated within Arlington, which is obviously a fallacy.

<sup>14</sup> The other term for this is the season Coefficient of Performance (COP). A seasonal COP of 2.5 is used based on "Northeast/Mid-Atlantic Air-Source Heat Pump Market Strategies Report 2016 Update." Northeast Energy Efficiency Partnerships (NEEP). January 2017. [https://neep.org/sites/default/files/NEEP\\_ASHP\\_2016MTStrategy\\_Report\\_FINAL.pdf](https://neep.org/sites/default/files/NEEP_ASHP_2016MTStrategy_Report_FINAL.pdf)

<sup>15</sup> "NEEP's Cold-Climate Air-Source Heat Pump List." <https://ashp.neep.org/#/>

<sup>16</sup> "How Cold are Boston Winters?" The Boston Globe. January 7 2015. <https://www.bostonglobe.com/metro/2015/01/07/how-cold-are-boston-winters/8WLSz71EjGv72eUyHvGxL/story.html>

In addition to being feasible as the sole heating source for new construction in our climate, cold-climate air-source heat pumps are also currently financially practical. While each project will be unique, in 2018 consultants NMR Group Inc. issued a report for MassSave in which the costs for natural gas+A/C vs. a heat pump were modeled for a 2,500 SF single family Stretch Energy code compliant Massachusetts home.<sup>17</sup> They found that, without any rebates or incentives, all electric equipment was about \$750 more to install. Compared to the hundreds of thousands of dollars that go into new construction this is a negligible cost difference of less than 1%. However, in all-electric new construction several thousand dollars and many hours of time can be saved by avoiding gas hookup costs, which more than makes up for the slightly higher initial costs of the heat pump system.

The operating cost difference between the gas and heat pump systems is also negligibly small. The NMR Group report finds that the electric system costs \$41/month more to use than the gas system. This should be compared to the monthly mortgage, insurance, and property taxes for a new \$1 million, 2,500 square foot home, which total about \$5,000/month. \$41/month represents less than a 1% increase in monthly costs. However, this is only one report. The Applied Economics Clinic finds that without any rebates or incentives the levelized cost of a residential heat pump system is only \$36/year, or \$3/month, more than the gas system.<sup>18</sup>

While these minor cost increases may not have an impact on those who are purchased new million dollar homes in Arlington, they could be significant for residents of affordable housing. However, it turns out that affordable housing and multi-family housing are already leading the way in terms of heat pump adoption. The reasons for this are detailed in testimony from the MassCEC,<sup>19</sup> however the summary is that the higher density and higher efficiency of dense multi-family construction shifts the economics such that heat pumps are almost always the lowest cost option. This is true even in Arlington, where all of the Arlington Housing Authority's current projects are being planned or built with air-source heat pumps as the sole source of heat. The exception to this is in central hot water systems, which are not currently economical, although such systems are widespread in Europe and Asia. This is why such systems are specifically exempted in the proposed bylaw, as we describe later.

Finally, while space heating is the main focus of the proposed bylaw, other appliances such as clothes dryers are also affected. While electric resistance clothes dryers are common, there also exist options for heat pump powered clothes dryers, which are much more efficient and have the advantage of not needing any outside venting.

---

<sup>17</sup> "RLPNC 17-14: Mini-Split Heat Pump Incremental Cost Assessment." NMR Group, Inc. November 27 2018. [https://drive.google.com/file/d/1spNI84avw37u0UD9T0Esg7LYpo\\_Jv4eW/view?usp=sharing](https://drive.google.com/file/d/1spNI84avw37u0UD9T0Esg7LYpo_Jv4eW/view?usp=sharing)

<sup>18</sup> "Home Heat Pumps in Massachusetts." Applied Economics Clinic. July 2019. <https://static1.squarespace.com/static/5936d98f6a4963bcd1ed94d3/t/5d24dd1ec22927000120e025/1562696991620/Updated+AEC+MA+Heat+Pump+9July2019.pdf>

<sup>19</sup> <https://drive.google.com/file/d/0B3NX52pcQwJTV1dZLTc4MWtEbZliSzN4bC1UWlpZVjkxLVdV/view>



# Exemptions and Waivers

While we have shown that going all-electric is almost always economical and has large and immediate emissions benefits, we recognize that it may not be feasible in all situations. It is for this reason that our proposal includes a number of practical and commonsense exemptions, as well as a waiver process in case of unforeseen circumstances.

We previously mentioned one practical exemption, which is central hot water for large buildings. In this case the technology is not currently available in the US to efficiently and cost-effectively provide a large, centralized source of hot water.<sup>20</sup> However, the exemption is set up to apply only if a cost-effective alternative is unavailable.

Another practical exemption is cooking equipment. Especially for commercial scale cooking there do not exist practical all-electric alternatives to gas. Thus all cooking equipment is exempted. Backup generators are also exempted for clear practical reasons as are medical and research facilities due to their more stringent requirements for temperature control and air flow. Finally, any repair of existing piping that is deemed unsafe is exempted.

The proposed bylaw also explicitly includes several important clarifications on scope. Firstly, the bylaw only applies to piping on the customer side of the meter, which is important in order not to conflict with state regulation. In addition, since the bylaw only applies to piping, there is no effect on outdoor portable cooking appliances, such as grills. In addition, since it only applies to fossil fuel piping, the non-fossil fuel components of a heating system are not affected and can be extended or modified freely.

In the case of a practical or economic burden not covered by the existing exemptions, the bylaw includes a waiver process. We propose that the waiver process be handled by the Building Inspector with the support of other Town staff. Since the waiver requests may be quite technical in nature we empower the Building Inspector to see outside expertise as necessary.

## Conclusions

Overall we believe that the proposed bylaw is a significant, important, and necessary first step towards meeting our long-term emissions goals. The proposal is practical and commonsense, and once common misconceptions are dispelled it tends to be entirely noncontroversial.

## Additional Questions and Concerns

### **1. Can the grid handle this?**

Electrical demand is currently declining in New England due to solar panels on building roofs and gains in energy efficiency (e.g., LEDs). There are declines in both annual and peak

---

<sup>20</sup> Ibid.

demand, and these declines are expected to continue. The proposed bylaw affects too few buildings, too slowly (1% or fewer per year), to impact the electrical grid, which already has year-on-year variation exceeding 1%, significantly.<sup>21</sup> Meanwhile peak consumption is a summer problem, when AC kicks in on hot days. In the winter the bigger problem is actually natural gas shortages, which should be slightly alleviated by this policy.

## **2. Is a ban really an appropriate response?**

We believe that the answer is yes, for a variety of reasons. First, generous incentives already exist to help spur the adoption of heat pumps, so the carrot is already there. Second, every new building built today that uses fossil fuels is a building that will need to be retrofitted in the next few decades, likely at a much higher cost than just building all-electric from the start. Due to the large-scale need to retrofit our buildings, these costs will likely be paid at least in part by the government, meaning all of us, rather than by the people who put in the fossil fuel system. It is thus prudent policy for us to want to avoid these future costs. Third, our understanding is that one of the contributing reasons for why gas systems are still used despite the economic feasibility of all-electric buildings is that developers will use a fairly standard building design with only minor changes from one project to another. This policy will thus provide a needed push to change this standard design.

## **3. How many other municipalities are considering similar proposals?**

Arlington is not alone in considering a prohibition on fossil fuel infrastructure in new construction. We don't have up-to-date information from every municipality, but our current tally is 18 municipalities that are considering it, and of that seven, including neighboring Belmont, are currently moving forward with a proposal (including Brookline).

---

<sup>21</sup> <https://www.iso-ne.com/about/key-stats/electricity-use/>

# WELCOME!



## TONIGHT'S AGENDA

- Welcome and Agenda Review (5) *Anne Wright*
- Overview of Warrant Article (5) *Amos Meeks*
- The Need (5) *Coralie Cooper*
- How does electric heat work? and  
Affordability: costs of heat vs. gas/oil (10) *Jeremy Koo*
- Will heat pumps work for affordable housing? (5) *Bev Craig and Bob  
Fitzpatrick, CEC*
- Proposed exemptions and waivers (5) *Anne Wright*
- Brookline's experience (5) *Jesse Grey*
- Questions and Answers (75) *Amos Meeks, MC*
- Closing (5)



# PROPOSED BYLAW OVERVIEW



## THE PROPOSED BYLAW PROHIBITS NEW FOSSIL FUEL PIPING IN:

New Construction



Gut Renovations



**Existing buildings, kitchen renovations, additions, etc.  
will be entirely unaffected**



## THE PROPOSED BYLAW INCLUDES A VARIETY OF PRACTICAL AND COMMONSENSE EXEMPTIONS:

Customer side only



Backup generators are **exempted**



Portable propane appliances **unaffected**



All gas cooking appliances **exempted**



## THE PROPOSED BYLAW INCLUDES A VARIETY OF PRACTICAL AND COMMONSENSE EXEMPTIONS:



Hot water for large buildings **exempted**



Repair of existing unsafe piping is **exempted**



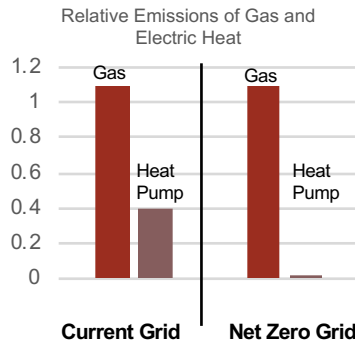
Research and medical facilities are **exempted**

Extension or modification of non-fossil fuel side is **unaffected**



## QUICK ANSWERS TO SOME COMMON CONCERNS:

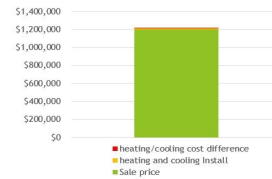
Heat pumps immediately lower emissions, even with electricity from gas



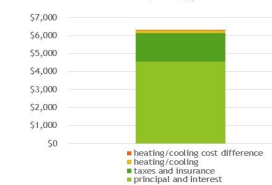
Calculated assuming a 90% efficient gas furnace, heat pump seasonal COP of 2.5, and 50% of electricity generated with natural gas

Cost differences for residential buildings are extremely small

Approximate price for a new 3,000 sq' home



Approximate monthly costs for a new 3,000 sq' home



Assuming \$1.50/therm; \$0.2063/kWh; 20% down payment, 4% interest rate on 30yr mortgage



## QUICK ANSWERS TO SOME COMMON CONCERNS:

Affordable housing is already leading the way



Finch Cambridge, 98 affordable housing units, passive house standard with VRF heat pumps

Maximum average annual number of building affected: **~70**  
**0.4-0.5%**



O'Shea house, Brookline Housing Authority property, 100 units of affordable housing. VRF heat pumps.



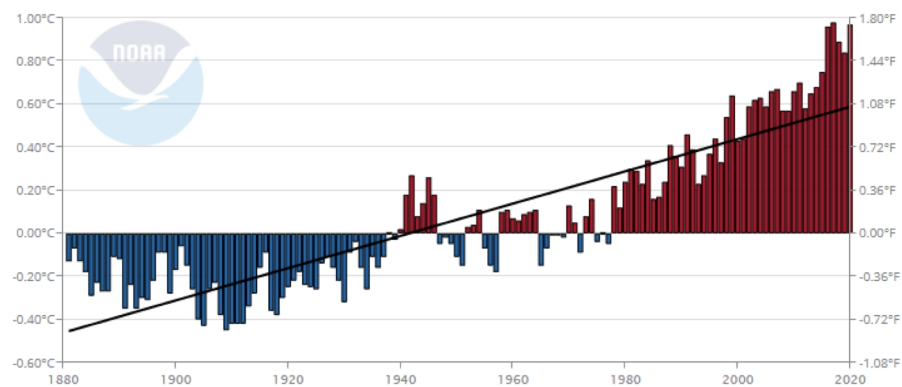


# The need

To reach Arlington's  
Net-Zero goal by  
2050, we will need to  
decarbonize our  
buildings



Global Land and Ocean  
February-January Temperature Anomalies



Source: National Oceanic and Atmospheric Administration (NOAA)



Environment ► Climate change Wildlife Energy Pollution

## Climate change

# JP Morgan economists warn climate crisis is threat to human race

Leaked report for world's major fossil fuel financier says Earth is on unsustainable trajectory

Patrick Greenfield and  
Jonathan Watts

Fri 21 Feb 2020 11.27 EST

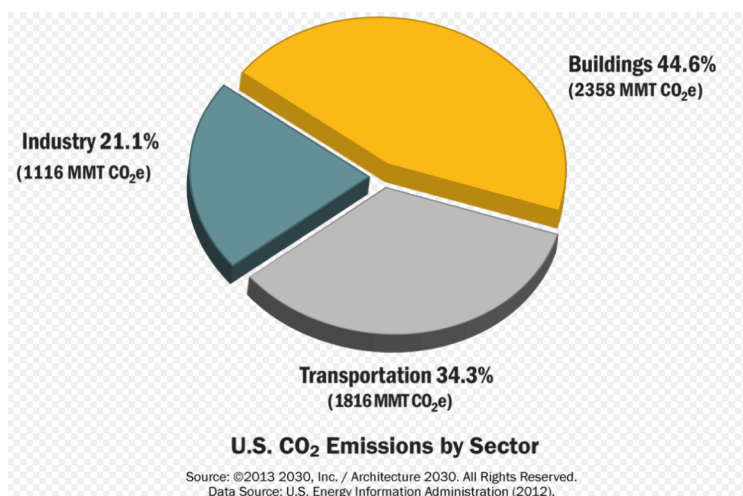


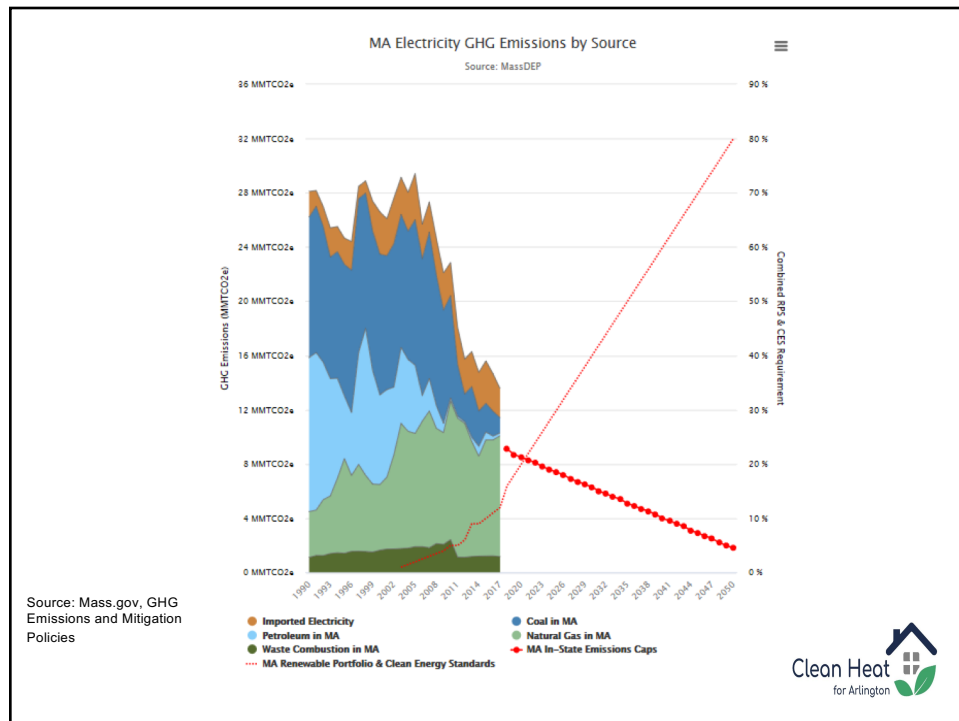
12,328



▲ The JP Morgan paper said 'catastrophic outcomes' could not be ruled out. Photograph: Dimitar Dilkoff/AFP via Getty Images

Source: The Guardian





What is a heat pump?

Heat pumps in the Northeast

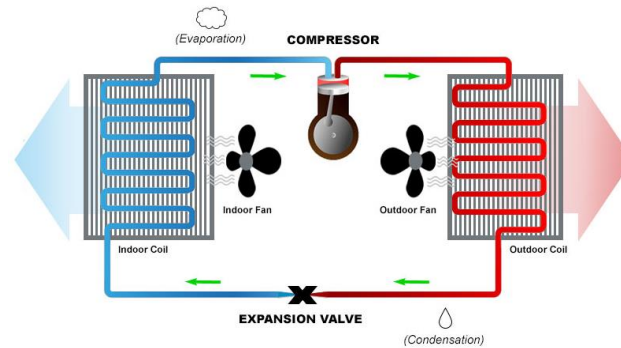
Costs vs. gas in new construction

14

CADMUS

# WHAT IS A HEAT PUMP?

## How an air conditioner works



**Heat Pump: Run it in reverse!**

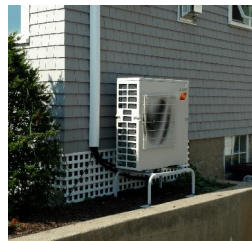
Image Source: Carrier (<https://www.carrier.com/residential/en/us/products/heat-pumps/how-does-a-heat-pump-work>)

15

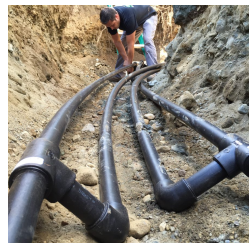


# WHAT IS A HEAT PUMP?

## Air Source



## Ground Source (Geothermal)



## Water Heater



Images courtesy of: Boucher Energy Systems, New England Ductless, EnergySmart Alternatives, and Hot Water Solutions Northwest



16

## WHAT IS A HEAT PUMP?

Common misconceptions

- **Electric heat is inefficient**
- Heat pumps don't work in Massachusetts climate
- Heat pumps cannot serve as the only source of heat in a home



**Air Source:**  
220-350+% efficient

**Ground Source:**  
350-480+% efficient

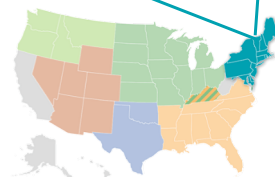
17



## WHAT IS A HEAT PUMP?

Common misconceptions

- Electric heat is inefficient
- **Heat pumps don't work in Massachusetts climate**
- Heat pumps cannot serve as the only source of heat in a home



**Cold-Climate Air Source Heat Pump Specification requires high-efficiency at 5°F, many systems perform to -13 to -22°F**

18



## WHAT IS A HEAT PUMP?

Common misconceptions

- Electric heat is inefficient
  - Heat pumps don't work in Massachusetts climate
  - Heat pumps cannot serve as the only source of heat in a home
- In 2017, approx. **10%** of new homes in MA used a heat pump as the **only source of heating/cooling**
  - Ground source heat pumps **do not lose output and efficiency** significantly on the coldest days of the year
  - Dozens of systems installed through HeatSmart 2019 in retrofits had **no backup heat**

Sources: MA RLPNC 17-2: 2017 Massachusetts Single-Family New Construction Mini-Baseline/Compliance Study; 2019 HeatSmart Mass program data

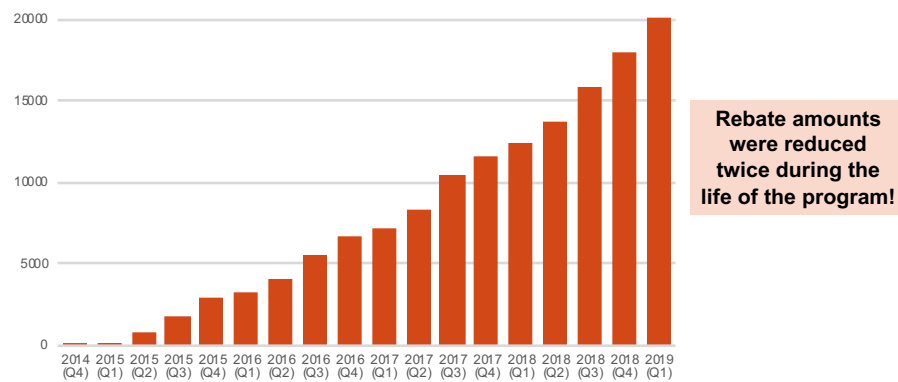
19



## HEAT PUMP MARKET IN THE NORTHEAST

MassCEC Rebate Data

Cumulative Cold Climate Air Source Heat Pump Rebates (MassCEC), 2014-2019



Source: MassCEC







20





## HEAT PUMP MARKET IN THE NORTHEAST

The Rest of the Region

State	Program	# of Rebated Installations
		<b>~30,000 systems</b> (2013-2018)
		<b>8,200+ systems</b> (Q1 2015-Q4 2017)
		<b>11,000+ sites</b> (9/2017-12/2019)

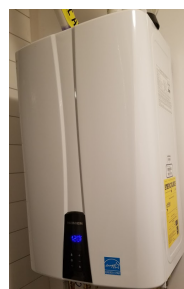
21



## HEAT PUMP COST COMPARISON

An example new single-family home

**Traditional**  
Gas Furnace  
Central AC  
Tankless Gas HW



**All-Electric**  
Minisplit Air Source Heat Pump  
Heat Pump Water Heater



22



## HEAT PUMP COST COMPARISON

An example new single-family home

	Installed Cost	Annual Operating Cost
<b>Traditional</b> Gas Furnace Central AC Tankless Gas HW	\$11,724	\$1,511
<b>All-Electric</b> Minisplit Air Source Heat Pump Heat Pump Water Heater	\$12,478	\$2,007 (\$1,362 powered with solar)

Source: RLPNC 171-4: Mini-Split Heat Pump Incremental Cost Assessment;  
 Estimate of Solar PPA/cost with financing price from Solarize MA Data

23



CADMUS


# Thank You / Q&A

**Jeremy Koo**

Associate

Strategic Electrification & Distributed Energy Resources

[jeremy.koo@cadmusgroup.com](mailto:jeremy.koo@cadmusgroup.com)



**MASSACHUSETTS  
CLEAN ENERGY  
CENTER**

**HEAT PUMPS: WHAT CAN AND  
CAN'T BE DONE**

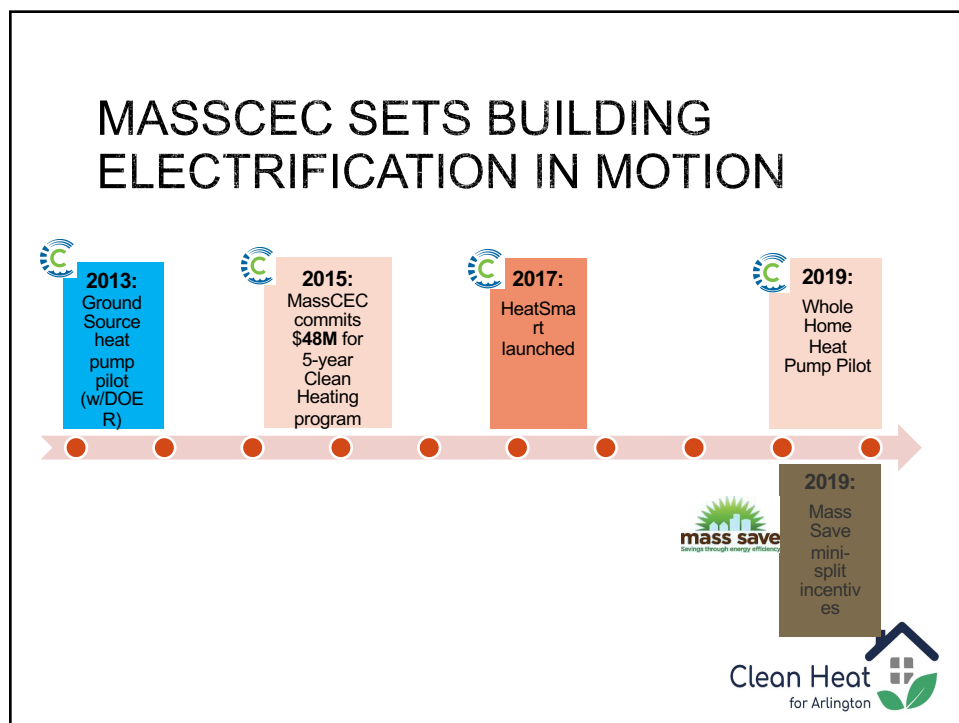
**ELECTRIFICATION AND  
AFFORDABLE HOUSING**

Presented By

**MassCEC**

**OUR MISSION**

Grow the economy and help meet the state's ambitious clean energy and climate goals.



## HEAT PUMPS ARE BECOMING INDUSTRY STANDARD IN NEW CONSTRUCTION

- Today's new buildings regularly use cold-climate air source heat pumps
- Air source heat pumps use electricity but are 3x as efficient electric resistance heat
- Used in climates colder than ours: upper Canada, Alaska, and Maine
- First costs are often lower than separate heating and cooling systems in new construction
- Operating costs in new construction multi-family are comparable to gas heated with cooling

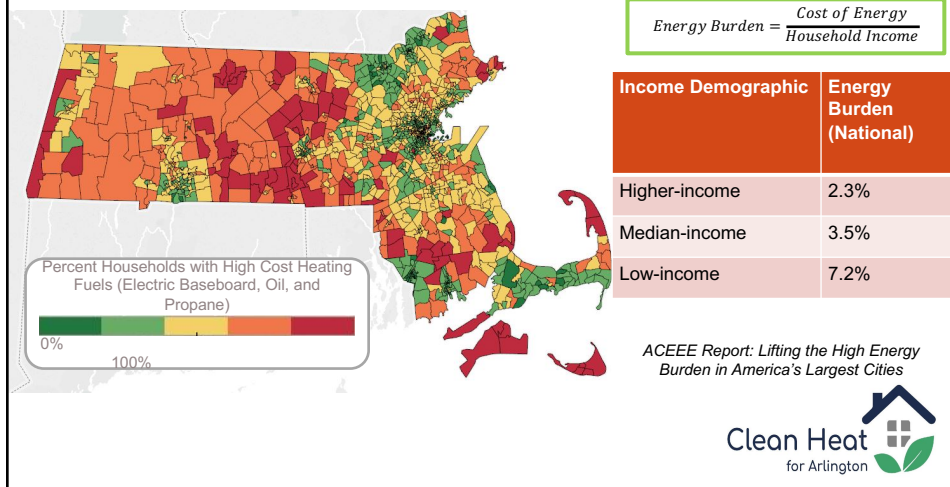


## CENTRAL HOT WATER HEAT PUMP TECHNOLOGY NOT AVAILABLE

- Individual heat pump water heaters work great
- At 8+ units rental, developer will want to install central hot water system
- While some central technologies in Europe and Canada, not available in US
- Other difficult part of high performance building is heat recovery ventilation without any gas preheat



## HEATING COSTS ARE DISPROPORTIONATELY HIGH IN COMMUNITIES WITH NO GAS



## BUT NEW CONSTRUCTION ELECTRIC HEATING AND COOLING IS AFFORDABLE

- In new construction, there will not be increase in operating costs
- When cooling is included, operating may be much lower in future years as climate warms
- If electrify existing building with no envelope improvements= higher operating cost
- Masonry/brick buildings will be the most difficult to retrofit



## QUESTIONS



- Robert Fitzpatrick
- Director, Gov't Relations
- [rfitzpatrick@masscec.com](mailto:rfitzpatrick@masscec.com)
- 



- Beverly Craig  
Sr. Manager, Low-Income  
[bcraig@masscec.com](mailto:bcraig@masscec.com)



## WHAT THE BYLAW DOESN'T COVER

### Exemptions:

- Residential and commercial cooking;
- Hot water heaters for structures over 10,000 sq. feet;
- Emergency generators
- Scientific labs & medical offices .... and more.

### Bylaw will not affect:

- Gas pipelines in the street
- Gas meters and hookups (piping (connections to the street))
- Removal of any existing infrastructure, piping, equipment or appliances
- Building insulation
- Energy efficiency of equipment
- Specific equipment or technologies to be installed



## WAIVERS AND APPEALS

- If electrification causes undue expense or practical challenges, a waiver can be sought via appeal
- Method of appeal: Building Inspector grants waivers; may consult with town staff and local energy experts
- Special consideration given to projects sponsored by the Arlington Housing Authority, given its limited sources of capital funds



Jesse Grey

*Brookline Town Meeting Member and*

*Architect of Brookline's Warrant Article 21*

*which passed in Brookline Town Meeting in November*





# Q & A'S



This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)



## THANK YOU!

- For more information, to submit questions, or to contact the Working Group, go to:
- [www.cleanheatforarlingtonma.org](http://www.cleanheatforarlingtonma.org)



## ADDITIONAL INFORMATIONAL SLIDES FOLLOW



## MASSCEC'S APPROACH GETS RESULTS



### **Accelerate Market Adoption**

Enable homeowners, businesses, government agencies, and non-profits to install clean energy systems



### **Build The Workforce**

Connect job seekers and employers through internships, job and resume boards, and training programs



### **Supercharge Innovation**

Support innovation at research institutions, startup companies, incubators and business accelerator programs



## BUILDINGS: ENERGY, CARBON, AND MONEY



\$2,500

Annual household  
energy spending

27%

MA GHG emissions from  
fossil fuels used in buildings

0% (net)

Proposed 2050 MA  
emissions target

2 million

Number of buildings in MA



**\$229M** awarded  
to residents, businesses  
and communities



Over **45,000**  
Systems Supported



**\$60M** awarded to  
low-moderate  
income residents

**SINCE 2010, INNOVATIVE MASSCEC PROGRAMS HAVE  
INCREASED THE DEPLOYMENT OF RENEWABLE ENERGY  
TECHNOLOGIES**



**157 MW**  
Solar



**5,100** solar loans  
supported  
**\$164M** in loan value



**\$1B** in private  
capital leveraged



**240 MW**  
clean heating +  
cooling



## **Warrant Article #13**

By Coralie Cooper

As a member of the Clean Energy Future Committee and Mothers Out Front Arlington, I am writing in support of warrant article 13.

Climate change is caused by the release of greenhouse gases (GHGs) – including carbon dioxide (CO<sub>2</sub>) and other gases, such as methane into the atmosphere - largely from fossil fuel combustion. The United Nations Intergovernmental Panel on Climate Change has concluded that we must reduce GHG emissions to near zero if we are to avoid catastrophic climate change.<sup>1</sup>

In 2000, the Board of Selectmen pledged to adopt a climate action plan, and since that time, the Town has taken carefully considered, common sense steps to reduce GHGs and fuel consumption.<sup>2</sup> In the process it has lowered operating costs for the Town (through the installation of LED street lights, improved insulation in buildings, and improved heating, ventilation, and air conditioning systems for example). Most recently, the Town has engaged in the development of fully electric new high school which will significantly reduce energy consumption. In 2018, Arlington committed to reach net zero GHGs by 2050. This target is consistent with the Commonwealth of Massachusetts' 2008 Global Warming Solutions Act that requires a statewide reduction of GHGs between 10 and 25 percent by 2020 and at least an 80 percent reduction by 2050. Warrant article 13 is an additional common sense step the Town can take to further reduce GHG emissions.

In Arlington, approximately 60 percent of GHG emissions are released from buildings, making buildings the single largest GHG emitting sector in the Town. According to the U.S. Department of Energy, as much as 75 percent of residential building GHG emissions come from on-site combustion of fossil fuels for space, water heating, and other uses.<sup>3</sup> Most Arlington heating systems use either #2 fuel oil or natural gas. The installation of new fossil fuel systems in new construction and in gut renovations in the town is a serious concern. The installation of this infrastructure will "lock in" GHG emissions for decades that could otherwise be avoided with the installation of cleaner thermal heating systems. Fuel oil, natural gas, propane, and other fossil fuel systems last approximately 15 years and over their lives emit many tons of GHGs.

There are commercially available and cost-effective alternatives to the use of fossil fuel heating systems in our homes: air source and ground source heat pumps. The use of heat pumps result in immediate, substantial reductions in GHG emissions. These systems provide a level of heating and comfort equivalent to fossil fuel systems. Furthermore, as emissions associated with electricity generation are reduced, electrically powered heating systems will get cleaner. The Massachusetts Department of Environmental Protection estimates that electrical grid-related GHG emissions have dropped approximately 50 percent over the past 20 years, and are projected to continue to drop substantially in coming years.<sup>4</sup> Thus, a heat pump system installed today will be cleaner next year and the year after. A fossil fuel system will continue to emit at high levels, and will even emit more with system deterioration over time.

For the above reasons, we need to take the important step to eliminate combustion-related GHGs emissions in new construction and gut rehabilitation. I strongly support warrant article 13 and thank the Board for the opportunity to provide this letter of support.

---

<sup>1</sup> IPCC, "Climate Change 2014: Mitigation of Climate Change," available at <https://www.ipcc.ch/report/ar5/wg3/>

<sup>2</sup> <https://www.mass.gov/files/documents/2017/10/19/green-communities-case-study-arlington.pdf>

<sup>3</sup> U.S. Department of Energy, 2011 "Buildings Energy Data Book," March, 2012

<sup>4</sup> Mass.gov, GHG Emissions and Mitigation Policies, available at <https://www.mass.gov/info-details/ghg-emissions-and-mitigation-policies#electricity-generation->

To: Arlington Select Board  
From: Karen E. Kelleher   
Town Meeting Member, Precinct 5  
Member, Housing Plan Implementation Committee

Date: March 6, 2020

Re: Proposed Bylaw Amendment/Fossil Fuel Infrastructure Ban

---

I write to offer my support for a proposed bylaw amendment to ban fossil fuel burning building systems.

In addition to being an Arlington resident and Town Meeting Member, I serve as the Executive Director of the Boston office of Local Initiatives Support Corporation (LISC). LISC is a community development support organization that has supported the production of affordable housing in Massachusetts for more than 30 years through financing, grants, technical assistance and training. And, for more than a decade, we have also worked to make the Commonwealth's affordable housing energy efficient and healthy. Most recently, we are working to promote housing resiliency in the face of climate change. These goals are difficult to achieve in a state with a lot of older housing stock. Which is all the more reason why it is important to incorporate efficient, clean energy systems in new buildings.

Because LISC works at the intersection of affordable housing and energy efficiency, we have evaluated the impact on multifamily housing of the fossil fuel bans that have been enacted or proposed recently by Massachusetts municipalities. While I'm not personally an expert in building systems, my organization works closely with experts to ensure we advocate for effective, feasible policies that are consistent with our deep commitment to housing affordability. I attach a brief memo that we prepared recently to guide gas ban ordinances of the type that appears to be proposed by Warrant Article 13. Consistent with the memo, I offer three drafting suggestions to avoid enacting gas ban that materially deters or increases the cost of new construction or substantial rehabilitation of multifamily housing:

- **HVAC Systems:** All-electric heating and cooling systems are widely available and costs are comparable to gas-powered systems. I support a ban on fossil fuel powered HVAC systems.
- **Domestic Hot Water Systems:** The market for all-electric hot water systems is still evolving, and a ban on fossil fuel-fired hot water heating could, at least in the short term, add significant cost. Any such ban should include an exemption or waiver process for buildings including affordable or moderate income housing, or should be paired with subsidies to cover this additional cost.
- **Emergency Backup Systems:** The building industry does not yet have realistic alternatives to fossil fuel fired emergency backup systems. Any ban should not apply to these systems.

I reviewed a draft of the proposed bylaw amendment dated March 4 based on the one recently passed in Brookline, and it appears to contain waivers and exclusions consistent with this guidance. I encourage the Select Board to vote yes on Warrant Article 13 and applaud Town efforts to promote clean energy, efficiency and high performing buildings, in a manner that does not increase housing cost burdens, particularly on low and moderate income households. Thank you very much for your consideration.

Attachment: "LISC Boston, Smart Gas Ban Ordinances for Multifamily," January 29, 2020





## Smart Gas Ban Ordinances for Multifamily Housing

January 29, 2020

LISC Boston is deeply committed to climate resiliency and encouraged by local fossil fuel bans proposed recently that would require building electrification for new construction and rehabilitation projects. We applaud these communities' efforts to move swiftly toward high-performance, carbon neutrality, and particularly the call for all-electric heating and cooling systems in new multifamily buildings.

We are also deeply committed to housing affordability and safety. Accordingly, we urge communities drafting fossil fuel bans to consider the practical effects such bans may have on multifamily housing, and consider supporting additional investments/subsidies, exemptions or other measures to ensure safe, inclusive communities and avoid unintended consequences:



**Heating and Cooling Systems.** All-Electric HVAC, or heating and cooling, systems are broadly available for multifamily new construction and gut rehabilitation projects, and the cost of all-electric systems is generally equivalent to that of gas-powered HVAC systems. There is a strong case for banning gas-powered HVAC systems.



**Domestic Hot Water Systems.** There is an evolving market for electric-powered domestic hot water systems. However, the capital cost of such systems is currently approximately three times the cost of comparable gas-powered systems, and there is currently only one local supplier. Banning gas-powered domestic hot water systems may result in increased construction costs, exacerbating our housing affordability crisis and pushing more low- and moderate- income residents out of the communities imposing such bans. LISC is a longstanding advocate for efficiency and resiliency in affordable housing. However, we cannot afford to absorb this added cost with current affordable housing subsidies. We urge the pairing of domestic hot water bans with additional investment to support the added cost, or consider exemptions for multifamily buildings that will include restricted low- or moderate- income housing.



**Emergency Backup Systems.** There is currently no sufficient all-electric option available for emergency backup systems in multifamily rental homes. Often, on-site diesel generators power emergency backup systems where they are required. While municipal gas bans should not touch these systems, it is important to note that the building sector does not yet have realistic, cost-effective (or subsidized) alternatives to fossil fuel-powered backup systems.

To ease the transition to high-performance, all-electric buildings, we will need additional investment from the energy and climate resiliency sectors to ensure Massachusetts addresses its affordable housing and climate change crises in a truly comprehensive and synergistic way.

### Encourage Efficient Building Standards – Specifically Passive House

In addition, we urge communities to consider encouraging multifamily new construction to be designed to high-performance building standards such as Passive House, to increase building efficiency and

# LISC BOSTON

reduce utility consumption. Mass Save offers valuable [Passive House financial incentives](#) and [training](#) to support the use of Passive House. Combining clean energy with high-performance building standards is an ambitious and viable approach that will help Massachusetts achieve carbon neutrality by 2050.

Following are some examples of how electric-powered heating and cooling systems, combined with efficient building design and operation, are producing multifamily buildings that are dramatically less reliant on fossil fuels and helping to position Massachusetts for climate neutrality:

- **Passive House Plus Electric HVAC.** The Massachusetts Clean Energy Center provided funding to subsidize the cost of building eight new multifamily affordable housing developments to Passive House standards in their recent [Passive House Design Challenge](#). All eight developments are using highly efficient all-electric HVAC systems. Building science expert New Ecology advises that such systems often cost less than gas-powered HVAC systems, especially where air source heat pump (ASHPs) mini-splits are used.<sup>1</sup> Operating costs for such systems are also the same or less than a similar gas-powered HVAC system if projects are built to [the Massachusetts Building Energy Stretch Code](#), or Building Energy Base Code.
- **Planning for Electric Hot Water Systems.** The City of Cambridge is allowing high-efficiency gas-powered hot water systems, while encouraging developers to reserve enough space in their designs for future central tanks. This way, when the costs and technology for large-scale heat pump water heaters evolve, they will be well-positioned to transition to all-electric systems.
- **Solar Thermal Hot Water Heating Systems.** Some multifamily affordable housing developers are considering using solar thermal systems to reduce water heating loads by 60-80%, and then using gas systems to heat the remaining DHW load. While this may be a promising path for the multifamily sector to pursue, it is important to note that there are currently only two solar thermal companies operating in the New England area. Solar thermal systems also require a relatively higher level of maintenance, so any owner/operator pursuing this option should ensure they have an appropriate maintenance contract. It is also likely that the existing valuable state-level incentives available for solar thermal systems may sunset over the next few years.
- **Building Operator Certification Training.** Reducing utility consumption and fossil fuel reliance doesn't stop with systems installation. Research shows that training maintenance staff in energy efficiency practices saves energy and money and optimizes performance. Twenty building operators are currently completing an 8-day training class for operators of multifamily affordable housing that LISC has cosponsored with its partners, the Mel King Institute, NEAHMA, CHAPA and the City of Boston. We are working to make such training standard practice.

We welcome your feedback and will update as more information becomes available.

**Contact for more information:** Emily Jones ▪ [ejones@lisc.org](mailto:ejones@lisc.org) ▪ 617-410-4336

---

<sup>1</sup> Variable refrigerant flow (VRF) systems are more expensive than ASHPs and cannot yet be submetered, making them an attractive option only for owners/operators that plan to pay for residents' heating and cooling loads, such as those building supportive and senior housing.



March 4, 2020

Andrew Fischer

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

781 439 2600 cell

Dear Select Board,

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

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

We hope to begin a discussion to reimagine how insurance is managed. Perhaps the mission statement of insurance should be to inform and motivate people about causes of claims, and to provide revenue for prevention expenses.

There is a remote possibility that insurance could be designed to become a source of revenue.

The total cost of our insurance premiums is high enough to deserve scrutiny.

Several sources, such as US World News, report that the average cost of auto insurance in our State is over \$1000, suggesting that Arlington's aggregate auto insurance cost of our 38,000 cars might be about \$38 million. Where does all this money go? What are the main causes of accidents?

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

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

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

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

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

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

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

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

Continued on next page

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

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

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

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

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

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

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

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

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

**The police and fire department provide interesting information about their work in the Annual Report to Town Meeting.**

The following quote is from page 38 of the 2016 Report to Town Meeting:

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

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

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

**Traffic Unit**

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

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

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

I look forward to exploring this idea further with you.

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

Sincerely,

Andrew Fischer

## Arlington Police Department

**Juliann Flaherty**  
Chief of Police



POLICE HEADQUARTERS  
112 Mystic Street  
781-316-3900

*Town of Arlington*  
MASSACHUSETTS 02474

Date: March 6, 2020

To: Adam Chapdelaine, Town Manager

From: Chief Julie Flaherty

Re: Recommendation for Police Chief's Advisory Committee

---

After researching best practices from the International Chiefs of Police, Police Executive Research Forum, and studying the President's Task Force on 21<sup>st</sup> Century Policing Report, I believe that an Arlington Police Chief's Resident Advisory Committee on 21<sup>st</sup> Century Policing (PCAC) would be extremely beneficial to the Town. In an effort to further our mission of building and maintaining community relationships, building trust, fostering cooperation, and increasing transparency, I would like to form this commission to involve residents of Arlington in the overall mission of the police department. I envision creating a committee consisting of 11-13 community leaders, members of the Human Rights Commission, Disability Commission, Rainbow Commission, Arlington Public Schools, Student Council Leadership, religious leaders, the Equal Opportunity Advisory Committee, business owners, an elected official, Town Counsel, and a police union representative. The PCAC would provide a forum for discussion and present the chief of police with a diverse spectrum of viewpoints represented by community members.

The mission of the PCAC would be to foster open communication and cooperation among community members and the police department. The PCAC would be tasked with advising and making recommendations to the Chief of Police, enhancing police-community relations by serving as a liaison between the police department and the community, and reviewing and making recommendations on policies, procedures, recruitment, training, culture, and programs. Working with the Chief of Police, the

***"Proactive and Proud"***

committee would identify areas of focus including homelessness, the opioid crisis, immigration, police officer safety and wellness, and best police practices.

As part of my research, I consulted with Chelsea Police Chief and President of the Massachusetts Major City Chiefs, Brian Kyes, who reinforced my belief that such an initiative was a progressive and exceptional model. Chief Kyes suggested the Framingham Police Department Model, which he was intimate with, as one that proved beneficial to the City of Framingham.

In addition to forming the PCAC, I would engage the services of a consultant with experience in developing benchmarking standards and a comprehensive evaluation instrument to measure the effectiveness of the PCAC and ensure goals and objectives of the committee are accomplished. I believe that through the formation of a PCAC, in addition to our state accreditation assessment, we will continue to move the Arlington Police Department forward as a 21st century police department.

<https://www.framinghamma.gov/2560/Police-Advisory-Committee>

<https://www.policechiefmagazine.org/citizen-advisory-boards-in-contemporary-practice-a-practical-approach-in-policing/>

[https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf) (page 46)



## How do I contact the Community Ombudsman Oversight Panel?



If you want further information, you can contact the CO-OP in writing:

By mail:

The Community Ombudsman Oversight Panel  
P.O. Box 190189  
Roxbury, MA 02119

By email:

COOP.bpd@cityofboston.gov

Or by phone:

617-594-9216

*"Such oversight will serve to promote the professionalism of the Boston Police Department."*

*Excerpt from Mayor Thomas M. Menino's Executive Order*

## What else should I know?

The entire process is confidential. Personal information will not be released. Your appeal and any correspondence will be filed and kept secure.



## City of Boston Community Ombudsman Oversight Panel

P.O. Box 190189  
Roxbury, MA 02119  
Phone: 617-594-9216

All CO-OP Forms and Publications are available **online** at the address listed below:

Website Address:

[www.cityofboston.gov/LAW/CO-OP](http://www.cityofboston.gov/LAW/CO-OP)



Mayor Martin J. Walsh

## City of Boston Community Ombudsman Oversight Panel

*"It is in the best interest of the City of Boston and the Boston Police Department to have an oversight mechanism to build trust and confidence within the community."*

*Excerpt from Mayor Thomas M. Menino's Executive Order*



## What is the CO-OP?

The Community Ombudsman Oversight Panel, or CO-OP, is a three person independent civilian board appointed by the Mayor that is empowered to review Boston Police Internal Investigations cases appealed by complainants.

## What cases are eligible for appeal?

Cases eligible for appeal include those with a finding of not sustained, exonerated or unfounded that you feel were not fairly and/or thoroughly investigated.

## How do I file an appeal?

You, or your legal representative, can file an appeal once you have received the Notice of Finding from the Boston Police Internal Investigations Unit. You must file your appeal in writing or using a CO-OP Appeal Form (which is sent with your Notice or available for download online) within fourteen (14) calendar days of the date on the Notice of Finding. You may also reference the Appeal Form which accompanies your Notice. This has the *Date Due* listed on it for your convenience. If your appeal is sent via mail, the appeal must be postmarked within fourteen (14) calendar days of the date on the Notice of Finding.

Please mail appeals to:

Community Ombudsman Oversight Panel  
P.O. Box 190189  
Roxbury, MA 02119

If your appeal is hand-delivered, it must be delivered to the address below by the close of business of the fourteenth (14<sup>th</sup>) day from the date on the Notice of Finding.

Please hand deliver appeals to:

Community Ombudsman Oversight Panel  
City of Boston Law Department  
Boston City Hall  
Room 615  
Boston, MA 02201

You may also email your appeal to:

[COOP.bpd@cityofboston.gov](mailto:COOP.bpd@cityofboston.gov)

Please reference the IAD Case # in the subject line.

## What is the process of appeal?

When an appeal is received within the allotted time-frame, it is assigned to an Ombudsman. The Ombudsman will then review the entire Internal Investigations case file and make a recommendation. Once a final decision has been made, the CO-OP will notify you by mail.

Please refer to the Mayor's Executive Order for more detailed information online at:

[www.cityofboston.gov/LAW/CO-OP](http://www.cityofboston.gov/LAW/CO-OP)

## How much does it cost?

There is no fee to file an appeal.

## Who makes the final decision?

The Boston Police Commissioner makes the final decision on an appealed case. Recommendations by the Ombudsman and the Chief of the Bureau of Professional Standards are considered in addition to case file documents. The Police Commissioner's determination is final and no further appeal is available.

## How long will this appeal take?

There is no specific time limit allotted for an appeal. It will take time for the Ombudsman to review the entire case file, especially when a case contains multiple violations. Ombudsmen will be assigned more than one CO-OP case file for review at a time.

## What training does the Panel receive?

Each of the Ombudsmen has extensive knowledge and experience in law enforcement, the criminal justice system and/or the judicial process. However, prior to reviewing any Boston Police Department Internal Investigation case, the Panel members receive training at the Boston Police Academy to better their understanding of how police officers are trained while in the Academy. Topics discussed at this training include Constitutional Law, Race and Community Relations, and Use of Force, among others. A second day of training is given by the Department to educate the Panel members on the Internal Affairs Investigation process, the disciplinary process and other related topics.

## Will the Panel review cases other than civilian complaints?

The Panel will review a random sample of not sustained, exonerated or unfounded cases that *have not* been appealed by complainants. This external oversight of cases will help ensure that current Internal Investigation practices are fair, thorough and complete even when an appeal is not filed. Not sustained, exonerated, or unfounded cases involving allegations of serious misconduct or unjustified use of force will also be reviewed by the Panel at the discretion of the Department.

---

## **COMMENDING EXEMPLARY PERFORMANCE**

Each year police officers and other employees from our department have thousands of contacts with people. In some cases, individuals may question why an incident was handled in a particular way, or they may wish to acknowledge the employees involved. In other situations, they may disagree with the actions of a department employee.

The Brookline Police Department values the feedback it receives from the community as a means to evaluate current policies. For example, if a particular policy routinely generates questions from citizens, the policy may need to be changed, or employee training may need to be increased in that area. Occasionally, an employee's actions may be inappropriate and warrant corrective action.

The Police Department takes people's concerns seriously. We believe the public is entitled to efficient, fair, and impartial service. We investigate all allegations of employee misconduct, respond to inquiries about employee actions or department policy, and document all commendations received from the public.

If you wish to commend an officer for exemplary service please ask to speak to the employee's supervisor and verbally praise them, or you can express your gratitude in writing to the Chief of Police or at [www.brooklinema.gov/police](http://www.brooklinema.gov/police).

Although our employees do not expect to be thanked for everything they do, recognition of exceptional service is always appreciated.

A commendation may address any event that you deem noteworthy on the part of an employee whom you believe should be recognized. This may range from the display of unusual courtesy or compassion to significant life-saving measures or heroic acts.

Letters of commendation received by the Chief of Police result in notifying the officer of your gratitude and documentation is placed in their personnel file.

Brookline Police Department  
350 Washington Street  
Brookline, MA 02445

Phone: 617-730-2222  
Fax: 617-730-8454

Daniel C. O'Leary  
Chief of Police

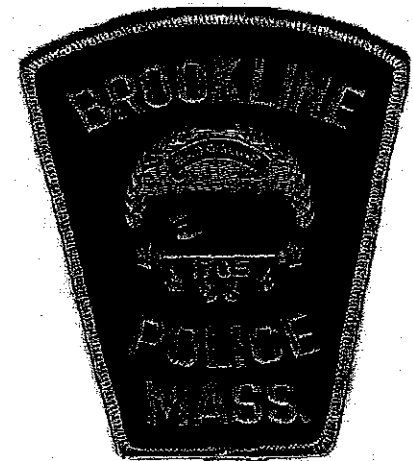
Office of Professional  
Responsibility  
617-730-2255

Commendations and Complaints can be  
submitted online at:  
[www.brooklinema.gov/police](http://www.brooklinema.gov/police)

Please contact us should you have any questions.

This brochure is a summary of the Police Department policies and procedures. It is not a complete account of the investigation, discipline, and appeals process.

# **BROOKLINE POLICE DEPARTMENT**



# **COMMENDATION AND COMPLAINT PROCEDURES**

## OUR COMMITMENT TO YOU

The Brookline Police Department is committed to providing courteous and professional service to every citizen. We hope that all your contacts with our employees are positive; however, if you are dissatisfied with the performance or service of an employee, we will thoroughly review your complaint and resolve it fairly.

Police officers are sworn to protect the rights of all citizens, including those taken into custody, without regard to race, disability, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation.

The Brookline Police Department takes complaints seriously, and to protect the public interest, we have adopted internal safeguards.

We have also implemented a system to acknowledge exceptional customer service by our employees. We encourage our citizens to utilize these avenues to keep us informed of the service we are providing. If you feel an employee has excelled in the quality of service provided to you or others, please let us know.

The information in this brochure is provided to you in the spirit of community cooperation. We sincerely appreciate receiving any comments because it helps us identify our strengths and work to improve weaknesses.

We are committed to excellence and strive to provide the finest quality service possible to our citizens. With your help, we can achieve our goal.

---

**Daniel C. O'Leary**  
Chief of Police

Effective July 28, 2009, the Board of Selectmen and Chief of Police adopted a revised complaint review and disciplinary procedure: Process for Police Department Discipline and Selectmen's Review.

## WHERE CAN A CITIZEN FILE A COMPLAINT?

- Brookline Public Safety Building
- Board of Selectmen's Office, Town Hall
- [www.brooklinema.gov/police](http://www.brooklinema.gov/police)

## WHAT HAPPENS AFTER A COMPLAINT IS FILED?

- A police command officer (rank of sergeant or higher) will interview you about your complaint. He or she will ask you questions about what happened. It is possible that the command officer may be able to explain the officer(s) actions to your satisfaction.
- After the interview, the Police Department will investigate your complaint.
- The investigating officer, under most circumstances, will be the Detective Lieutenant who commands the Office of Professional Responsibility.
- All officers will be interviewed and witnesses whom you have named will be contacted and interviewed, if they agree. You may be asked for more information.
- Most investigations are completed within 30 days. If you have any questions on the progress you may contact the Office of Professional Responsibility at (617) 730-2255.

## WHAT HAPPENS AFTER THE INVESTIGATION IS COMPLETED?

- A report will be prepared by the investigating officer. You will receive a copy and have the opportunity to comment.
- The Chief of Police reviews every complaint after an investigation is completed and a report is written.
- The Chief then forwards his/her report, along with the Office of Professional Responsibility's report and investigative file, to the Board of Selectmen via the Town Administrator for review by that office. The Chief's report sets forth the Department's disposition on the allegation(s) along with a summary of the reasons therefore.
- You will be notified by mail (certified) on the disposition and finding of your complaint

## WHAT IS THE "DISPOSITION" OR "FINDING"?

The results of the investigation into your complaint are called "findings". There are six possible findings:

1. "Sustained" – investigation indicates sufficient evidence to support the allegation
2. "Unfounded" – investigation revealed the alleged conduct did not occur
3. "Exonerated" – alleged action occurred but was reasonable and proper
4. "Not Sustained" – allegation cannot be either proven or disproved
5. "Mediated" – both parties agree to a proposed and described disposition
6. "Filed" – no action necessary or possible at this time

## WHAT IF I AM NOT SATISFIED WITH THE FINDING?

- Any citizen dissatisfied with the disposition and finding on their complaint may, within 21 days, appeal for review by the Board of Selectmen, 6<sup>th</sup> Floor of Town Hall or 617-730-2202.
- The Town Administrator will confirm receipt of your appeal and review the police reports for completeness.
- You shall be entitled to make an informal presentation before the Board of Selectmen at a Civilian Appeal Hearing. You will be given at least two weeks notice prior to the date of your appeal hearing before the Board of Selectmen.
- You may have up to three witnesses participate in the brief presentation to the Board of Selectmen.
- The Board of Selectmen after hearing your appeal may: take steps to discipline the subject officer(s); refer the matter back to the Police Chief for further action; appoint an independent person to conduct further investigation; or dismiss the complaint.

## **Cambridge Civilian Review Board**

The Police Review & Advisory Board provides a prompt, impartial and fair investigation of complaints brought by individuals against members of the Cambridge Police Department. The Police Review & Advisory Board consists of five civilian residents of Cambridge who are representative of the racial composition, social composition, and economic composition of the city.

The Police Review & Advisory Board was established by Cambridge City Ordinance in 1984 to:

- Provide for citizen participation in reviewing Police Department policies, practices, and procedures;
- Develop programs and strategies to promote positive police/community relations and to provide opportunities for expanded discussions, improved understanding, and innovative ways of resolving differences.
- Provide a prompt, impartial and fair investigation of complaints brought by individuals against members of the Cambridge Police Department concerning, but not limited to
  - Excessive use of force
  - Use of discourteous or demeaning language
  - Improper stop, arrest, search and seizure
  - Inadequate investigation or improper police reports
  - Discrimination on the basis of race, color, creed, ancestry, age, sexual orientation, sex, religion, disability, or national origin or any other criteria defined in federal and state guidelines.
  - Harassment
  - Improper police procedures
  - Improper traffic citation or towing of a car by the police



## Chapter 2.74 - POLICE REVIEW AND ADVISORY BOARD

## 2.74.010 - Purpose.

- A. The general purpose of this chapter is to provide for citizen participation in reviewing Police Department policies, practices and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the Police Department.
- B. The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 1)

(Ord. 1268, Amended, 09/29/2003)

## 2.74.020 - Established—Composition.

- A. There shall be a five-member City of Cambridge Police Review and Advisory Board (the "Board"). Members of the Board shall be appointed by the City Manager. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to the Board. The term of membership on the Board is five years. No person may serve more than two consecutive terms as a member of the Board. The City Manager may remove members of the Board only for cause as defined in the City Charter. All members of the Board shall be residents of the City at the time of appointment. If a Board member ceases to be a resident of the city, he/she shall remain on the Board until the City Manager appoints a suitable candidate to fill the position.
- B. The members of the Board shall not hold any other position for the city while he or she is a member of the Board.
- C. No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.
- D. No member of the Board shall have been an employee of the City within two years of his or her appointment to the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.
- E. The Board shall elect a Chairperson annually. The Board shall meet at the call of its Chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private. All meetings of the Board shall be conducted in accordance with the open meeting laws of the Commonwealth.
- F. Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 2)

(Ord. 1284, Amended, 04/11/2005)

## 2.74.030 - Officers and staff.

- A. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.



B. Investigative Staff.

1. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for such Board Investigator shall be fixed by the Board, but the salary of the Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.
2. The terms and conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.
- C. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.
- D. All members of the staff are under the direction of the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 4)

(Ord. 1284, Amended, 04/11/2005)

2.74.040 - Duties.

The Board shall have the following duties:

- A. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- B. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;
- C. The Board shall receive and resolve, as provided in Sections 2.74.080 and 2.74.090 of this chapter, any complaint concerning the operation of the Department;
- D. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;
- E. The Board shall make quarterly reports to the City Manager, the Mayor, City Council and to the public, of the Department's activities during the previous year, including the handling of complaints, and of future plans. The final disposition of complaints shall be made public;
- F. The Board, with the assistance and approval of the City Solicitor, shall have the power to subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Board, through the office of the City Solicitor, shall apply to the appropriate court to enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order. The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 3)

2.74.050 - Chief of Police—Duties.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the State civil service rules and regulations.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 5)

**2.74.060 - Special meetings.**

Special meetings may be called by the Executive Secretary or by three members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight hours prior to such meeting, unless such notice is waived by such members.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 10)

**2.74.070 - Discipline.**

- A. **Manual.** The Chief of Police, in consultation with the Board, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall defined categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. The offenses and penalties shall not be defined in a manner that is inconsistent with existing civil service laws.
- B. **Summary Discipline.** The Chief of Police may implement summary discipline for a minor offense.
- C. **General Discipline.** The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 6)

**2.74.080 - Complaints.**

- A. A complaint by a member of the public, hereinafter referred to as "a civilian complaint," or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board Secretary. Copies of the complaint shall be made available to each member of the Board, the Board Investigator and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. The preliminary investigation shall be completed within ten days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty days. After completion of such preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.
- B. In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.
- C. The Board Secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.
- D. The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 7)

**2.74.090 - Resolution of complaints.**

- A. If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent



employee, or a member of the Board, either the complainant, the respondent employee or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder. A representative of the City Solicitor's office shall be present at any hearing before the Board.

- B. The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, subpoena witnesses, administer oaths, take testimony and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall apply to the appropriate court. The costs of the fact finder shall be borne by the City.
- C. After a hearing, the fact finder shall, within thirty days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder, if any, shall within thirty days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.
- D. Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the Board. All pleadings filed and all hearings before the Board and the fact finder which involve a civilian complaint shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 8)

#### 2.74.100 - Hiring and promotions.

- A. Entry into employment with the Department as a police officer is by appointment of the City Manager, in accordance with the rules, regulations and procedures of the Department and the Commonwealth's civil service laws.
- B. Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 9)

#### 2.74.110 - Hearing by petition.

On the written petition of fifty or more residents of the City, filed with the Board, the Board shall hold a special hearing for the purpose of responding to such petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of such hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct such hearing upon the subject matter of the petition within thirty days of the filing of such petition with the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 11)

----- Forwarded Message -----

**From:** Beth Melofchik <tankmadel@yahoo.com>

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

**Sent:** Monday, March 9, 2020, 7:45:05 AM EDT

**Subject:** Please support Article 17, Monday March 9, 2020

Select Board

Arlington MA

Dear Select Board,

I write to urge you to review and support proposed Article 17 to study the feasibility of creating a Civilian Police Advisory Board to give Arlington residents a way to more effectively monitor our police force and to provide residents with a venue for filing complaints about police misbehavior. Such boards have been adopted in nearby [Cambridge](#) and in [Springfield](#). And even [Boston](#) has an ombudsman to handle complaints against police and [Brookline](#) has its own process..

This would be a constructive step to make progress after previous missteps.

OK!  
Deputy

**Brookline Police Department,  
MA - Offic...**

## ARTICLE 17

### VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE

To see if the Town will vote to form a committee of Town Meeting to study, craft and submit a Warrant Article to Town Meeting in 2021 for the creation of an Arlington police civilian advisory board comprised of seven (7) voting members and three (3) non-voting members, or take any action related thereto. The study committee would make decisions based on the vote of a simple majority of the committee's voting members who shall be appointed to the committee by: the Envision Arlington Standing Committee (1); the Arlington Human Rights Commission (1); the LGBTQIA & Rainbow Commission (1); the Disability Commission (1); the Board of Youth Services (1); the Equal Opportunity Advisory Committee (1); and the Town Moderator (1). Non-voting members of the committee shall include one (1) representative from the Arlington Police Department, the Town's Diversity, Equity and Inclusion Coordinator, and the Town Counsel. The membership of the study committee's voting members will include at least one Town Meeting member and shall reflect racial/ethnic and other forms of diversity of Town residents.

(Inserted at the request of Jordan Weinstein and ten registered voters)

Thank you

Respectfully,

Beth Melofchik

Russell Street

Town Meeting Member

**From:** Peter Katzin <p\_katzin@yahoo.com>

**To:** mkrepelka@town.arlington.ma.us

**Date:** 03/09/2020 11:18 AM

**Subject:** ARTICLE 17: VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE

---

Dear Select Board Administrator Krepelka,

I am writing to voice my strong support for a civilian advisory committee as proposed in the warrant article 17 submitted by Jordan Weinstein. It is important we make sure that all town officials, and the police force in particular, exhibit an inclusive attitude and are perceived to profess and provide fair and unbiased regulation enforcement for all members of our community regardless of gender, race, ethnicity, or country of origin.

Yours truly,

Peter Katzin

83 Beverly Rd  
Arlington, MA 02474



**From:** Damon <bosetti@gmail.com>

**To:** mkrepelka@town.arlington.ma.us

**Date:** 03/09/2020 09:13 AM

**Subject:** Support for Article 17 - VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE

---

Dear Ms. Krepelka,

I am writing to register my support for Jordan Weinstein's proposed warrant article #17. I continue to be fearful that someone who expressed views like Lt Pedrini did remains on our police force, authorized to use deadly force. And I am frustrated that our Town could only muster a weak demonstration of disapproval without any consequences that would serve as an example for others. A civilian advisory board will begin the work of true accountability for our police force.

Thank you,  
Damon Bosetti  
22 Yale Road



**ARTICLE: VOTE/ELECTION MODERNIZATION COMMITTEE**

To see if the Town will vote to extend the life of the Election Modernization Committee, change its structure, objectives, or membership, or take any action related thereto.

**DRAFT MOTION:**

"VOTED: That Town Meeting hereby amends its vote on Article 36 of the 2019 Town Meeting, wherein the "Election Modernization Study Committee" was formed, by renaming the committee to the "Election Modernization Committee" and by extending the date of the Committee's dissolution to the close of the 2022 Annual Town Meeting.

Further, the committee membership shall be changed to consist of the following fifteen (15) members, all of whom shall be voting members:

- The Town Clerk or their designee
- One member of the Board of Registrars or their designee, as determined by such Board;
- One member of the Select Board or their designee, as determined by such Board;
- The Town Moderator or their designee;
- One member of the School Committee or their designee, as determined by the Committee;
- One member of the Disability Commission or their designee as determined by the Commission;
- One representative of the Republican Town Committee;
- One representative of the Democratic Town Committee;
- Five residents to be appointed by the Town Moderator;
- One member of the Arlington League of Women Voters or their designee, as determined by that organization;
- One resident under the age of 25 to be appointed by the Select Board."

A majority of the members of the Election Modernization Committee shall constitute a quorum.

**ARTICLE: ARTICLE: HOME RULE LEGISLATION/CONSOLIDATION OF TOWN MEETING MEMBER ELECTIONS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same, or take any action related thereto.

**DRAFT MOTION:**

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

"AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS"

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 9 through 44, and all references thereto, as Sections 10 through 45, respectively, and by adding the following new Section 9.

### *Section 9. Election of Town Meeting*

*The election of the members of Town Meeting shall continue as presently provided subject to the following exception.*

*In the event of a vacancy or vacancies in the office of town meeting member, the Town Clerk shall determine the number of full terms and the number of unexpired terms to be filled at the Annual Election of town meeting members. The ballot shall indicate the total number of town meeting members to be elected, and the candidates shall be listed together on the ballot. The candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election; the candidates receiving the next highest number of votes shall be elected to the 2-year terms to be filled at the election; and the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election. In case of a tie vote affecting the division of terms, the members elected from the precinct, including those receiving the same number of votes to gain election, shall by a precinct ballot administered by the Town Clerk, determine the division.*

Section 2. This Act shall take effect upon its passage."

---

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

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

#### **DRAFT MOTION:**

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

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

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by renumbering Sections 10 through 44, and all references thereto, as Sections 11 through 45, respectively, and by adding the following new Section 10.

#### *Section 10. Ranked Choice Voting*

*The method of casting and tabulating votes shall continue as presently provided subject to the following exception.*

*When the number of candidates for town-wide office exceeds two and exceeds the number of seats to be filled, that office shall be elected by ranked choice voting. "Ranked choice voting" shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting elections shall be tabulated in rounds using the single transferable vote method, wherein winning thresholds are calculated based on the number of countable votes and the number of seats to be filled. A ranked choice voting ballot shall not interfere with a voter's ability to rank write-in candidates.*

Section 2. This Act shall take effect upon its passage."



DRAFT-DRAFT-DRAFT

**Arlington Parking Fund and Arlington Center Parking Benefit District Statement of Revenues & Expenditures**

**Expenditures**

	<b>Projected FY21 Exp.</b>
IPS (CC, Gateway, System)	\$42,400.00
Elavon CC Fee	\$58,000.00
Coin Collection	\$32,052.00
First Parish Lease	\$6,000.00
Lease Payments	\$46,561.00
Share of Parking Enforcement	\$66,827.00
Share of Parking Admin.	\$37,176.00
Parking Benefit District	\$200,000.00
<b>Total</b>	<b>\$489,016.00</b>

**Revenues**

	<b>FY20 thru 12/31/19</b>	<b>FY20 Revenue Projections</b>	<b>FY21 Revenue Projection</b>
Single Space Meters	\$177,940.59	\$300,000.00	\$350,000.00
Multi-Space Meters	\$97,300.85	\$150,000.00	\$175,000.00
Charging Station	\$2,461.25		
Interest	\$4,572.64		
<b>Total</b>	<b>\$282,275.33</b>	<b>\$450,000.00</b>	<b>\$525,000.00</b>

**Approved FY20 Parking Benefit District Budget**

Arlington Center Sidewalk and Broadway Plaza Improvements	\$150,000
Arlington Center Sidewalk and Broadway Plaza Improvements	\$36,500.00
<b>Total</b>	<b>\$186,500.00</b>

**Proposed FY21 Parking Benefit District Budget**

Arlington Center Sidewalk and Broadway Plaza Improvements	\$50,000
Russell Common Lot Improvements	\$100,000
Snow Removal	\$10,000
Seasonal Planting in Center	\$20,000
Planter and Tree Watering	\$10,000
Sidewalk Cleaning	\$10,000
<b>Total</b>	<b>\$200,000</b>

DRAFT-DRAFT-DRAFT



## **Town of Arlington, Massachusetts**

---

### **Articles for Review:**

#### **Summary:**

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 14 Vote/School Committee Member Stipends  
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  
Article 66 Vote/Community Preservation Plan

### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Draft_Final_Votes_and_Comments.pdf	Draft 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: March 6, 2020

Re: Draft Votes and Comments re: Articles 9, 10, 11, 15, 18, 22, and 66

---

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 9 BYLAW AMENDMENT/CANINE CONTROL FEES & FINES**

**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 \$~~50~~25.**

**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.**

**(5 – 0)**

**COMMENT:** The Select Board unanimously supports this recommended bylaw adjustment from the Town Clerk’s Office to reduce the fines for late dog licensing. The Clerk’s Office reports that the present fines are redundant and counter-productive. Accordingly, the Board urges Town Meeting’s favorable action as well.

## **ARTICLE 10**

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

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

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

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

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

**(5 – 0)**

**COMMENT:** The foregoing motion represents an administrative update to Title V, Article I following last year’s successful updates to Arlington signage regulation at Town Meeting wherein the overwhelming majority of sign regulation is now set forth in the Zoning Bylaw rather than in multiple Town ordinances. As a result, regulation temporary of “Notices,” such as lost-pet, yard sale, and temporary flyers and signs often placed in or around public ways or on Town property, are no longer tethered to state laws governing outdoor advertising (as had been the case in years past). Accordingly, the Town’s fine for violations of the Bylaw cannot now exceed \$300, the maximum amount for Town Bylaw violations.

## **ARTICLE 11**

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

**VOTED:** That Title III, Article I8 (“Street Performances”), Section B, Definitions to amend the definitions of “Perform” and “Public Ways” so as to read as follows:

- 1. Perform – Includes, but is not limited to, the following outdoor 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), and creation of original items for sale (such as paintings) on site, conducted live and in-person, but shall not include presentations of audio/visual reproductions of such activities or the production of items for sale.;

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.~~

(5 – 0)

**COMMENT:** The Select Board urges favorable action under this article developed by the Arlington Commission on Arts and Culture (“ACAC”) for the purpose of supporting a wider variety of artists and creative vendors to engage in street performance in compliance with the Town Bylaws by enabling them to sell qualifying works and goods on public ways. The Board emphasizes that only original goods made on site, such as paintings are eligible to be considered “street performance” under the Bylaw and that street performers are already required to obtain a permit under the Bylaw. As an additional matter, the motion before Town Meeting would also remove a barrier to allowing sale of street performance-qualifying goods in and in park and recreation areas, if, and only if, the Park and Recreation Commission allows such sales.

## **ARTICLE 12**

## **BYLAW AMENDMENT/STORMWATER MANAGEMENT**

**VOTED:** That Title V, Article 15 of the Town Bylaws (“Stormwater Management”) be and hereby is retitled and amended as follows:

### **ARTICLE 15**

### **STORM WATER MITIGATION STORMWATER MANAGEMENT**

#### **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 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.~~

~~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.**

(5 – 0)

**COMMENT:** The Select Board strongly recommends Town Meeting approve the suite of updates to the Town's present Stormwater Mitigation Bylaw requested by both the Town's Engineering Department and the Town's Environmental Planner. The primary goals of these updates are to provide a clearer bylaw for residents and contractors, better align our local ordinance with MADEP and EPA NPDES Municipal Separate Storm Sewer Systems permitting (better known as the "MS4 Permit"), and improving the efficient and coordinated administration of the Bylaw. The updated bylaw achieves these goals in part by enhancing definitions and substantive terms, but affording greater discretion over process to Town staff. Such process shall be outlined in rules and regulations, a draft of which shall be available for Town Meeting's reference.

#### **ARTICLE 15**

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

**VOTE:** That no action be taken under this article.



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

**VOTED: That the 1993 vote of Town Meeting (Article 19) as subsequently amended is hereby amended as follows:**

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.

9

## **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.

**AND FURTHER VOTED:** That the Town hereby accepts, endorses and adopts the nine "vision statements" set forth in Article 19 of the 1993 as "statements of our community values," in place of "goals for the Town."

**AND FURTHER 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" and replacing the term "Goals" with "Statements of Community Values" throughout so as to read as follows:

#### **ARTICLE 15** **CONSIDERATION OF ~~VISION 2020~~ ENVISION ARLINGTON GOALS STATEMENTS** **OF COMMUNITY VALUES** **(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 Statements of Community Values 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.

(5 – 0)

**COMMENT:** Envision Arlington's Standing Committee requests the foregoing updates to:

- Redefine the "Town Goals" as "value statements" in the interests of the operational clarity of their purpose and greater inclusivity;
- Updating the Town Bylaws to reflect such changes in Envision Arlington's charter vote; and

- Updating the Town Bylaws to reflect 2018 Town Meeting’s vote to change the name of “Vision 2020” to “Envision Arlington,” and the foregoing re-branding of “Goals” as “Statements of Community Values.”

The Select Board respectfully requests Town Meeting join in the Board in supporting each and all of these measures.

## **ARTICLE 22**

## **HOME RULE LEGISLATION/JUSTIN BROWN**

**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. The authority under this act will expire on December 31, 2022.**

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

**(Mr. Brown is 38 years old.)**

**(5 – 0)**

**COMMENT:** The Select Board unanimously supports Town resident Justin Brown’s request to for special legislation to be permitted to sit for the fire fighter civil service exam in pursuit of a position as a firefighter in Arlington. In brief, Civil Service Law (as applied in Arlington), does not ordinarily permit a candidate aged 32 or older to be appointed to the position of Firefighter. While there may be circumstances in which the Town would not be inclined to permit a potential candidate to take the exam, the Board has historically supported affording the opportunity for each applicant on his or her own merits. The exemption the Board urges Town Meeting to approve, offers Mr. Brown only the opportunity to apply and be considered for appointment to the position of Firefighter. Mr. Brown would still be required to pass all other Civil Service requisites including a physical fitness examination and is not guaranteed a position. Therefore, the Board respectfully requests Town Meeting’s vote in the affirmative.

**ARTICLE 66**

**VOTE/ COMMUNITY PRESERVATION PLAN**

**VOTED:** That the Town of Arlington hereby endorses and adopts the 2020 Arlington Community Preservation Plan as proposed by the Community Preservation Act Committee.

**(5 – 0)**

**COMMENT:** The Community Preservation Act Committee (“CPAC”) 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. The Select Board unanimously supports the 2020 Community Preservation Plan as proposed by CPAC.



## Town of Arlington, Massachusetts

---

### Concerns Regarding the Intersection of Minuteman Bikeway and Lake Street

#### Summary:

Alessandro Drake, 32 Columbia Road

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CR_Bikeway_Concerns.pdf	Correspondence from A. Drake



14 February 2020

Selectperson Mahon  
730 Massachusetts Ave  
Arlington, MA 02476

RECEIVED  
SELECTMEN'S OFFICE  
ARLINGTON, MASSACHUSETTS  
2020 FEB 27 AM 10:53

Dear Selectperson Mahon:

Cycling has seen a surge in popularity in the past few years, as more and more people begin to act on the climate crisis, and as public health becomes a more well-known issue. Because of this, the Minuteman Bikeway has more users every day, with thousands enjoying the easy passage it allows from one town to another. The Bikeway does not come without its challenges, however. Many crossings where the Bikeway intersects with a road are quite dangerous, and one of the worst crossings is where the Bikeway crosses Lake Street, just after Spy Pond. A change is needed, and there are a few easy options: build a raised crosswalk to act as a speed bump, add flashing lights on the side of the road, or repaint the crosswalk to be more visible.

According to Wicked Local Arlington, in the months from June to November of 2019, "there were 322,241 Minuteman Bikeway trips" ("Arlington Releases Data"), which demonstrates the boom in popularity that the Bikeway has had, and the cruciality with which it serves the residents of Arlington and surrounding towns. Because of this high number of users, the Bikeway can lead to accidents. Also, the road that the Bikeway intersects can be very unsafe. When traveling down Lake St, many cars go too fast, as they do not expect to have to slow down on a road that seems more important and arterial than it is. Also, Lake Street is often backed up with traffic. Many drivers get very impatient waiting in traffic, and are therefore less likely to slow down or stop at the crosswalk, especially if they believe the crosswalk is *causing* the traffic.

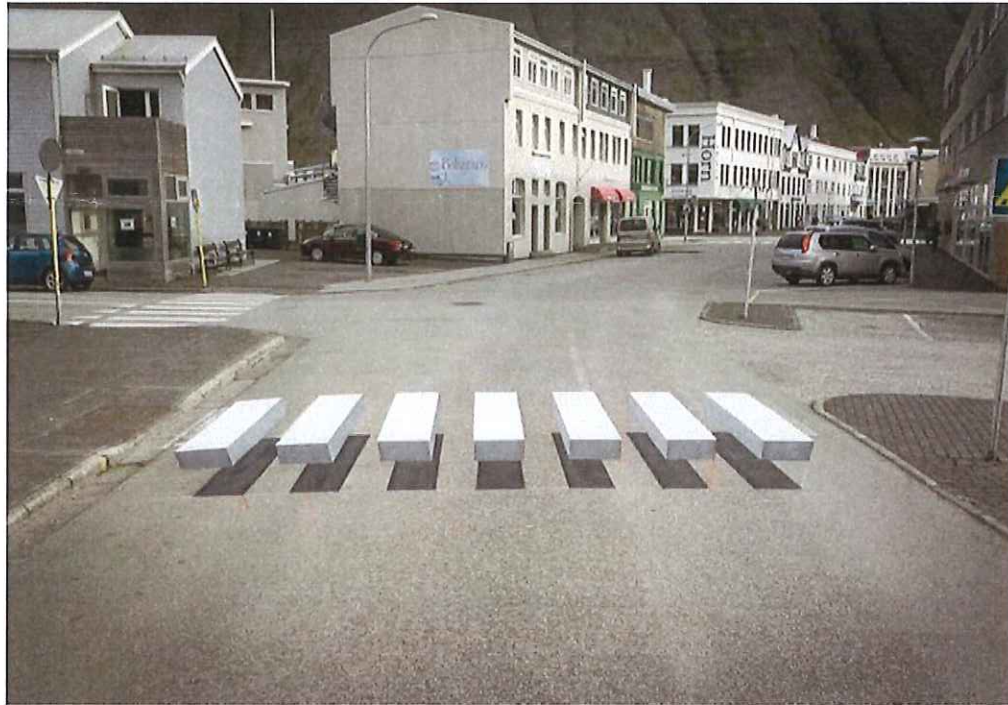
These three factors (a large number of people on the Bikeway, general ignorance of the speed limit on Lake St, and a large number of impatient drivers waiting in traffic) all combine to create a dangerous situation.

Unsafe conditions like these go hand in hand with an alarming fact: that 75% of biking incidents occur at or near road junctions ("Cycling Accidents"). Junctions are the most dangerous place on a road or Bikeway for cyclists, and logically so, as a junction is the spot on the road where you have to pay the most attention. Also, biking incidents have happened on the Bikeway near Arlington. In March of 2019, a "71-year-old Arlington cyclist [died] ... on the Minuteman Bikeway" (WCVB-TV), demonstrating how severe accidents can happen even on a local, slow speed bike path. The Town is willing to take action; the crossing of the Bikeway with Mill Street has been improved incredibly over the past few years. Lines have been repainted, and two signs on either side of the road flash with lights whenever cyclists are crossing. Why not make some of those changes at Lake St as well, which is arguably more dangerous?

Here is a bill that could be proposed to try and change that intersection for the better. This bill offers three solutions for the problem:

- 1) A raised crosswalk to act as a speed bump for cars going past.
- 2) A 3-Dimensional or otherwise visually attractive crosswalk to attract driver attention (see Figure 1 for an example).
- 3) A Rectangular Rapid-Flashing Beacon (a type of sign with lights) that would also attract driver attention, and would not go down in effectiveness with time.

These solutions are plausible, and they are effective. A raised crosswalk would serve threefold: For one, it would be much easier to see than the current, fading crosswalk. Also, raised crosswalks “[improve] pedestrian safety by causing motorist speed to decrease at the crossing”.



*Fig 1: A 3D Crosswalk in Iceland (Rocheleau “Optical Illusions Trick Drivers”).*

Lastly, a raised crosswalk would serve as an uninterrupted continuation of the Bikeway, meaning cyclists would not need to descend into the bumpy, unkempt road. One of the main critiques of raised crosswalks is that they impede emergency vehicles, however there are many alternate, fast routes to reach the surrounding areas. Also, raised crosswalks delay emergency vehicles less than regular speed bumps do, and have “less jarring [effects] on large, stiff-bodied emergency service [vehicles]” (Xu). A crosswalk painted to stand out could act as a visual shock, also causing drivers to slow down as they approach a previously unknown marking on the road. Although the visually unique crosswalk may stop being effective after a period of time, flashing



lights rarely fail to attract attention. They have also already been implemented in other spots along the Minuteman Bikeway.

All of these options are relatively inexpensive, with the raised crosswalk costing about \$8,000 (Bushell), the visually attractive crosswalk costing no more than repainting a regular crosswalk would, and the flashing lights being relatively cheap, around \$4500 (Zegeer). All of these solutions would enhance the safety of thousands of Minuteman Bikeway users, especially if they were used in conjunction with each other. Also, these crosswalk improvements are not unique, and other towns have already begun to implement techniques like these. In April of 2019, Medford “unveiled a newly painted three-dimensional crosswalk at one of its elementary schools”, and “officials said they planned to install more of them soon at other schools” (Rocheleau “Students Convince Medford”). Other towns are already racing to improve pedestrian safety, so why should Arlington lag behind?

This crossing is a problem that affects thousands of people; something needs to be done to change it. The crosswalk is faded and difficult to see, cars regularly speed along this road, and long traffic lines lead to impatient drivers. Not only that, but there are also multiple solutions readily available that are easy to implement and cost-effective. The safety of pedestrians and cyclists on the Bikeway depends on this change, and hopefully it will be considered.

Sincerely,

Alessandro Drake

## Works Cited

*700 CMR 5.000: REGULATION OF CERTAIN ROADWAYS AND BRIDGES*. Massachusetts

Department of Transportation, 22 Jan. 2010,

[www.mass.gov/files/documents/2017/10/30/700cmr5.pdf](http://www.mass.gov/files/documents/2017/10/30/700cmr5.pdf).

"Arlington Releases Minuteman Bikeway Data." *The Arlington Advocate*, Wicked Local, 25

Nov. 2019,

[arlington.wickedlocal.com/news/20191126/arlington-releases-minuteman-bikeway-data](http://arlington.wickedlocal.com/news/20191126/arlington-releases-minuteman-bikeway-data).

Bushell, Max A, et al. *Costs for Pedestrian and Bicyclist Infrastructure Improvements*. UNC

Highway Safety Research Center, Oct. 2013,

[www.pedbikeinfo.org/cms/downloads/Countermeasure%20Costs\\_Report\\_Nov2013.pdf](http://www.pedbikeinfo.org/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf).

"Cycling Accidents." *Road Safety Factsheet*, The Royal Society for the Prevention of Accidents,

Nov. 2017,

[www.rospa.com/rospaweb/docs/advice-services/road-safety/cyclists/cycling-accidents-factsheet.pdf](http://www.rospa.com/rospaweb/docs/advice-services/road-safety/cyclists/cycling-accidents-factsheet.pdf).

Rocheleau, Matt. "Can Optical Illusions Trick Drivers into Slowing down? - The Boston Globe."

*BostonGlobe.com*, The Boston Globe, 9 Nov. 2017,

[www.bostonglobe.com/metro/2017/11/09/floating-sidewalks-children-running-street-can-optical-illusions-trick-drivers-into-slowing-down/D9Lm0v6rbG3hZm9IimWaLI/story.html](http://www.bostonglobe.com/metro/2017/11/09/floating-sidewalks-children-running-street-can-optical-illusions-trick-drivers-into-slowing-down/D9Lm0v6rbG3hZm9IimWaLI/story.html).

Rocheleau, Matt. "Students Convince Medford to Install '3-D' Crosswalks at Elementary Schools

- The Boston Globe." *BostonGlobe.com*, The Boston Globe, 22 Apr. 2019,

[www.bostonglobe.com/metro/2019/04/22/students-convince-medford-install-crosswalks-elementary-schools/LolOjXXkyKBxBsB8vNJCNM/story.html](http://www.bostonglobe.com/metro/2019/04/22/students-convince-medford-install-crosswalks-elementary-schools/LolOjXXkyKBxBsB8vNJCNM/story.html).

WCVB-TV. "Arlington Cyclist Is Killed in Accident on Minuteman Bikeway." *The Arlington Advocate*, Wicked Local, 25 Mar. 2019, [arlington.wickedlocal.com/news/20190325/arlington-cyclist-is-killed-in-accident-on-minuteman-bikeway](http://arlington.wickedlocal.com/news/20190325/arlington-cyclist-is-killed-in-accident-on-minuteman-bikeway).

Xu, Guan. "Traffic Calming EPrimer - Safety: Federal Highway Administration." *Safety*, U.S. Department of Transportation, 2017, [safety.fhwa.dot.gov/speedmgt/ePrimer\\_modules/module3pt2.cfm](http://safety.fhwa.dot.gov/speedmgt/ePrimer_modules/module3pt2.cfm).

Zegeer, Charles V, et al. "Rectangular Rapid-Flashing Beacon (RRFB)." *Pedestrian Safety Guide and Countermeasure Selection System*, University of North Carolina Highway Safety Research Center, Aug. 2013, [pedbikesafe.org/PEDSAFE/countermeasures\\_detail.cfm?CM\\_NUM=54](http://pedbikesafe.org/PEDSAFE/countermeasures_detail.cfm?CM_NUM=54).





## Town of Arlington, Massachusetts

---

### Request for Traffic Calming on Huntington Road

#### Summary:

Mandy

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Mandy_CR_Redacted.pdf	Reference

Original Message-----

From: [REDACTED]

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

Sent: Wed, Mar 4, 2020 11:31 am

Subject: Question about submitting a petition to request traffic calming

Dear Ms. Mahon,

I live on [REDACTED] between [REDACTED] and [REDACTED] and the way people barrel down our street to avoid waiting at the corner of Park and Forest has become pretty scary. It makes it difficult for kids who live on Park OR Huntington to cross Huntington in order to walk down Park Ave to school. Since there is no sidewalk on half of the north side of Huntington, we HAVE to cross Huntington to get down the hill and there is no great place to cross when you never know who is going to come careening up the street from Park.

I was wondering if you could provide any instruction you have on petitioning the Town Meeting to request traffic calming. Is there a template or form we should use to do this? Any advice you can provide would be appreciated.

Thanks,

[REDACTED]



---

## **Town of Arlington, Massachusetts**

**NEW BUSINESS**



## **Town of Arlington, Massachusetts**

---

**Next Scheduled Meeting of Select Board March 23, 2020**