



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice January 27, 2020

The Arlington Redevelopment Board will meet Monday, January 27, 2020 at 7:30 PM in the **Senior Center, Main Room, 1st Floor, 27 Maple Street, Arlington, MA 02476**

1. Environmental Design Review, Continued Public Hearing

- 7:30 p.m. - Board will continue hearing for Special Permit Docket #3602 to review
8:30 p.m. application by James F. Doherty for 1211 Mass Ave Realty Trust, at 1207-1211 Massachusetts Avenue, Arlington, MA, 02476, to construct a 50 room hotel and restaurant at 1207-1211 Massachusetts Avenue within the B2 Neighborhood District and the B4 Vehicular Oriented Business District in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4 Environmental Design Review.
- Applicant will be provided 10 minutes for updates from prior public hearing session.
 - DPCD staff will be provided 5 minutes for updates.
 - Members of the public will be provided time to comment.
 - Board members will discuss docket and may vote.

2. Environmental Design Review, Continued Public Hearing

- 8:30 p.m. - Board will continue hearing for Special Permit #3610 filed by Apothca,
9:00 p.m. Inc. at 1386 Massachusetts Avenue, Arlington, MA, 02476, in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review, and Section 8.3, Standards for Marijuana Uses. The applicant proposes to establish a co located marijuana retailer and medical marijuana treatment center within the B3 Village Business District.
- Applicant will be provided 10 minutes for updates from prior public hearing session.
 - DPCD staff will be provided 5 minutes for updates.
 - Members of the public will be provided time to comment.
 - Board members will discuss docket and may vote.

3. Potential Warrant Articles for submission to 2020 Annual Town Meeting continued discussion from January 6, 2020

- 9:00 p.m. - • Board members will continue discussion and may move to support
9:45 p.m. submission of articles

4. Debrief and follow-up from joint meeting with Select Board on January 13, 2020

9:45 p.m. -
10:00 p.m.

- Board will debrief meeting and discuss next steps.

5. Open Forum

10:00 p.m. -
10:20 p.m.

- Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

6. Adjourn

10:20 p.m. - Adjourn

7. Correspondence received:

Correspondence received from:

Barbara Thornton (1/8/20)

Patricia Worden (1/8/20)

Patrick Hanlon (1/13/20)

Steve Revilak (1/13/20)



Town of Arlington, Massachusetts

Environmental Design Review, Continued Public Hearing

Summary:

7:30 p.m. -
8:30 p.m.

Board will continue hearing for Special Permit Docket #3602 to review application by James F. Doherty for 1211 Mass Ave Realty Trust, at 1207-1211 Massachusetts Avenue, Arlington, MA, 02476, to construct a 50 room hotel and restaurant at 1207-1211 Massachusetts Avenue within the B2 Neighborhood District and the B4 Vehicular Oriented Business District in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4 Environmental Design Review.

- Applicant will be provided 10 minutes for updates from prior public hearing session.
- DPCD staff will be provided 5 minutes for updates.
- Members of the public will be provided time to comment.
- Board members will discuss docket and may vote.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_1A_-_Memo_to_ARB_re_Review_of_New_Material_Submissions_01-21-20.pdf	Memo to ARB re Review of New Material Submissions 01-21-20
Reference Material	Agenda_Item_1B_-_EDR_Public_Hearing_Memo_Docket_#3602_1207-1211_Mass_Ave_Final.pdf	EDR Public Hearing Memo Docket #3602 1207-1200 Mass Ave. Final
Reference Material	Agenda_Item_1C_-_Memo_to_ARB_from_E._Zwirko_re_Special_Permit_filing_fee_08-07-19.pdf	Memo to ARB from E. Zwirko re Special Permit filing fee 08-7-19
Reference Material	Agenda_Item_1E_-_Correspondence_from_D._Heim_re_Waiver_of_Fees_08-21-19.pdf	Correspondence from D. Heim re Waiver of Fees 08-21-19
Reference Material	Correspondence_from_C._Loretti_re_ARB_and_SB_Authority_to_Waive_Permit_Fees_with_attachments_08-19.pdf	Correspondence from C. Loretti reARB and SB Authority to Waive Permit Fees with attachments received 08-19
Reference Material	Correspondence_from_C._Loretti_Attachment_1_08-19.pdf	Correspondence from C. Loretti Attachment 1 08-19
Reference Material	Correspondence_from_C._Loretti_Attachment_2_08-19.pdf	Correspondence from C. Loretti Attachment 2 08-19
Reference Material	Agenda_Item_1F_-_Application_Materials_Submitted_06-21-19.pdf	Application Materials Submitted 06-21-19
Reference Material	Agenda_Item_1G_-_Application_Materials_Submitted_01-21-20_.pdf	Application Materials Submitted 01-21-20



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Environmental Design Review, 1207-1211 Massachusetts Avenue, Arlington, MA Docket #3602

Date: January 21, 2020

Since the initial public hearing on July 22, 2019, the Department of Planning and Community Development (DPCD) staff and members of the Arlington Redevelopment Board (ARB) have provided feedback to the applicant, Jim Doherty, in relation to the above-noted Docket in different formats, including at the public hearing session, emails, and in-person meetings. This memo documents how the materials submitted by the applicant are responsive. Attached to this memo is correspondence that Attorney Winstanley-O'Connor responds to in her letter dated January 21, 2020.

1. Conduct a traffic study, with a focus on Mass Ave, Lowell, Appleton, Forest, and the neighborhood adjacent to the project site, determine how the use may impact circulation in the area, and complete the study when school is in session.

An overview of traffic information prepared by BSC Group was submitted by the applicant. This overview provides a good basis for understanding the potential trip generation of the mixed-use structure; however, it does not include an analysis of area circulation. It also does not provide an analysis of area intersections and does not provide any recommendations on how the trips generated by the proposal may be mitigated.

The overview by BSC Group notes that right turns onto Clark Street from the parking area will not occur as the parking will be controlled by the valet staff.

2. Show parking onsite and document any offsite parking for employees and tour buses.

The materials provided on January 21, 2020, indicate some adjustments were made to the garage parking and the surface parking to the rear of the building to accommodate moving the dumpster away from Clark Street. In the garage, four spaces were gained by adjusting the size of the parking spaces which are compliant with the Zoning Bylaw and slightly oversized. Five spaces were reduced in surface parking to provide an adequate size drive aisle for two-way traffic and access to the dumpster. At its narrowest, the two-way drive aisle does not comply with the required 24 feet, but it is noted that access is only available to valet and other delivery services in order to minimize vehicular conflicts.

No additional information has been provided regarding employee parking and tour bus parking. A reference to the Mill Brook Animal Clinic offering to provide additional off-site parking was made, but no formal documentation of a shared parking agreement has been provided.

3. Identify where and how passenger and delivery loading and unloading will occur, and determine whether delivery vehicles have the adequate turning radius onto Clark Street from the project site.

As noted above, the surface parking at the rear of the site was adjusted to provide more adequate space for loading and unloading of deliveries. The materials submitted on January 21, 2020, indicate that single-unit box trucks and smaller vehicles will be making deliveries to the site at the rear of the building. Additionally the dumpster was moved from Clark Street frontage to the interior of the site. However, no documentation is provided to illustrate the turning radii of the types of vehicles that would typically enter and exit the project site to make deliveries, so the feasibility of this could not be assessed.

The addition of the circular driveway off of Mass Ave will facilitate passenger loading and unloading outside of the public right-of-way limiting conflicts between pedestrians, bicycles, and other vehicles on Mass Ave. This is a better solution than the cut out of the sidewalk originally proposed. Outside of business hours, the circular driveway could be used for deliveries as well.

4. Provide information on the valet parking plan.

The information provided by BSC Group indicates that all parking onsite will be controlled by valet staff and there is no self-parking. There is no information about offsite parking provided.

5. Calculate the floor area ratio (FAR) for the building and the bonus and open space.

Exhibit A to Attorney Winstanley-O'Connor's memo is an accounting of the FAR for the building and how the bonus provisions of Section 5.3.6 apply to the proposal. Exhibit B to Attorney Winstanley-O'Connor's memo is an accounting of open space calculations.

6. Share a marketing study of similar hotels, including hotel operators, customer base, rack rates, and amenities.

The applicant has indicated that this information is proprietary and is not relevant to the relief being sought.

7. Re-evaluate the shadow study previously submitted to consider the existing shadows and provide a comparison and determine any impact to solar arrays in the neighborhood.

The plan set includes an updated shadow study based on the new building. The plan set also includes a shadow study documenting the existing conditions of the building and shows trees at the rear of the site.

Two properties with solar panels have been identified as 18 Pierce Street and 24 Clark Street. The property at 24 Clark Street is beyond the reach of the proposal's shadows, but it appears that the early afternoon shadow on the Winter Solstice will affect 18 Pierce Street.

8. Submit a revised LEED Checklist and make some assumptions to bring the credits up.

An updated LEED Checklist has been provided. The score has increased from 21 points to 52 points.

9. Show ADA accommodations in parking lot and along the Mass Ave frontage.

One accessible parking space has been designated in the rear surface parking lot. The reference to ADA accommodations along the frontage refers to the original version of the proposal which included a cut out in the sidewalk to provide a wider shoulder for loading and unloading.

10. Show any plans for sidewalk enhancement on Clark Street.

The plan set illustrates how the at-grade open space on the lot will be improved and activated and that a concrete sidewalk will be extended around the hotel on Clark Street. Further detail was not provided.

11. Improve the design of roof top mechanicals and kitchen venting.

The rendering shows more roof top mechanical equipment, but no roof plan was submitted or specifications for the roof top mechanical equipment or kitchen venting. The memo from Attorney Winstanley-O'Connor indicates that the final locations will be determined at a later stage.

12. Revisit the quantity and placement of louvers on the main façade of the building.

The louvers proposed on the façade have been eliminated.

13. Show additional bike parking at the front of the hotel.

Parking racks are proposed on Mass Ave rather than off of Clark Street in the current plan set. Relocating the bicycle parking to the main frontage is an improvement.

14. Re-evaluate the façade elevations including the materials proposed for the façade, the hierarchy between the restaurant and hotel entrances, the sliding doors on the fourth floor of the building, windows on the Clark Street elevation, and screening for the rear deck.

The materials proposed for the façade have been updated to reflect comments made by two members of the ARB who provided detailed feedback. The materials proposed now include brick, masonry, and clapboard panels, and the use of such materials is specified on the elevations.

The plan set has been revised to make the hotel entrance more prominent than the restaurant entrance.

Sliding doors are still proposed for the fourth floor hotel units.

The Clark Street elevation has been revised.

The rear deck has been eliminated from the proposal.

15. Re-evaluate the restaurant space planning and the location of the hotel gym.

The plan set has been revised to show no seating or space usage in the restaurant in response to a question regarding the accuracy of the seat count. Note that while the parking requirement for restaurants is based on the seat count, in mixed-use structures such as this one, the first 3,000 square feet of space is exempt from meeting the parking requirement. The restaurant is proposed at 2,816 square feet.

In the original proposal, the location of the gym required hotel guests to leave the interior of the building and then reenter the building elsewhere to access the gym. In this submission, the gym has been eliminated from the proposal.

16. Re-evaluate the secondary signage on Clark Street.

A wall sign remains on the Clark Street elevation for the restaurant.

17. Provide more details on the proposed lighting.

Attorney Winstanley-O'Connor's memo notes that the lighting will be energy efficient LED low profile lighting. Deflectors and other technology will be utilized, and a photometric study will be prepared prior to installation. The ARB may desire to see that photometric plan as well as lighting specifications to understand the type of fixtures to be used for the proposal and how it may or may not impact abutters.

Attachment:

1. Memo to Jim Doherty dated January 7, 2020.



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Jim Doherty, Trustee, 1211 Mass Ave Realty Trust

From: Jennifer Raitt, Director of Planning and Community Development

cc: Mary Winstanley-O'Connor, Esq.

Date: January 7, 2020

Re: Docket #3602, 1207-1211 Massachusetts Avenue supplemental materials and follow-up

Thank you for your submission of materials to my office on January 2, 2020 per my most recent memo and requests. The Department of Planning and Community Development (DPCD) staff reviewed the materials received, dated December 12, 2019, and note that they are an updated plan set that illustrates changes made to the site and the building in the intervening time since the public hearing in the summer 2019 based on feedback from staff and ARB members. This memo documents how the submitted materials respond to items outlined and annotated in two emails sent to you following the initial public hearing on this project on July 22, 2019.

In an email from Erin Zwirko, Assistant Director, to you dated July 24, 2019, the staff enumerated the items that were requested by the Arlington Redevelopment Board (ARB) members during the initial public hearing session:

1. Traffic Study, with a strong focus on Mass Ave, Lowell, Appleton, Forest, and the neighborhood behind the project site and circulation in the area, and completed when school is back in session;

DPCD has not yet received a traffic study.

2. Parking onsite, and any offsite parking for employees and tour buses;

The materials provided on January 2, 2020, indicate some adjustments were made to the garage parking and the surface parking to the rear of the building to accommodate moving the dumpster away from Clark Street. In the garage, four spaces were gained by adjusting the size of the parking spaces; however, no dimensions are provided making compliance with the Zoning Bylaw difficult to determine. Five spaces were reduced in surface parking, presumably to provide an adequate size drive aisle for two-way traffic and access to the dumpster, but no dimensions are provided to document compliance with the Zoning Bylaw. Overall, moving the dumpster away from Clark Street is an improvement.

No additional information has been provided regarding employee parking and tour bus parking. There was reference to the Mill Brook Animal Clinic offering to provide additional off-site parking, but no formal documentation of a shared parking agreement has been provided.

3. Loading and unloading and deliveries, where and how will it happen and determining if vehicles have the ability to turn onto Clark Street and into the project site;

As noted above in what we have received relative to item 1 (Traffic Study), the surface parking at the rear of the site was adjusted to presumably provide more adequate space for loading and unloading of deliveries.

The addition of the circular driveway off of Mass Ave will facilitate passenger loading and unloading outside of the public right-of-way limiting conflicts between pedestrians, bicycles, and other vehicles on Mass Ave. This is a better solution than the cut out of the sidewalk originally proposed. Outside of business hours, the circular driveway could be used for deliveries as well.

4. Accounting of the FAR for the building and the bonus;

DPCD has not received an updated accounting of the FAR for the building and how the bonus provisions of Section 5.3.6 apply to the proposal.

5. Open space calculations;

DPCD has not received updated open space calculations.

6. Marketing study of similar hotels you've identified, including who operates these hotels, their customers, rack rates, amenities, etc.;

DPCD has not received a marketing study for similar hotels in the greater Boston area.

7. Take another look at your shadow study, consider the existing shadows and provide a comparison and determine any impact to solar arrays in the neighborhood;

The plan set includes an updated shadow study based on the new building. The plan set also includes a shadow study documenting the existing conditions of the building and shows trees at the rear of the site. The updated materials do not identify if any of the adjacent buildings have solar arrays installed.

8. Reconsider the LEED Checklist and make some assumptions to bring the credits up;

DPCD has not received an updated LEED Checklist.

9. ADA accommodations in parking lot and along frontage; and

One accessible parking space has been designated in the rear surface parking lot. The reference to ADA accommodations along the frontage refers to the original version of the proposal which included a cut out in the sidewalk to provide a wider shoulder for loading and unloading.

10. Better understanding of roof top mechanicals and kitchen venting.

The rendering shows more roof top mechanical equipment, but no roof plan was submitted or specifications for the roof top mechanical equipment or kitchen venting.

In an email forwarded from Erin Zwirko to you dated July 29, 2019, an ARB member provided comments on the proposal including:

1. Prepare a full transportation plan to understand the impact on the intersection with Appleton/Mass Ave and the adjacent secondary streets. Consider the public recommendation of restricting right turns onto Clark;

DPCD has not yet received a transportation plan.

2. What are the plans for sidewalk enhancement on Clark around the hotel?

The plan set illustrates how the at-grade open space on the lot will be improved and activated; however, there is not information regarding sidewalk enhancements on Clark Street.

3. Currently no bike parking is shown at the front of the hotel for restaurant guests. What dayparts is the restaurant open for? Only dinner? Or breakfast and lunch? Think about public need for bike parking for the dining space based on daypart.

Parking racks are proposed on Mass Ave rather than off of Clark Street in the current plan set. Relocating the bicycle parking to the main frontage is an improvement.

4. What is the plan for deliveries and loading/unloading of buses? Restricted hours?

DPCD has not received detailed information about deliveries and loading or unloading of buses. The circular driveway and adjustments to the rear surface parking lot might accommodate these functions better, but there is not documentation or dimensions to determine compliance with the Zoning Bylaw.

5. Please detail the hotel valet parking plan proposed to include offsite parking to mitigate the differential between number of hotel rooms, staff, restaurant patrons, and parking spaces.

DPCD has not received a detailed hotel valet parking plan.

6. Please take another look at the materials proposed for the facade. The stucco and metal panel proposed are not materials that are found in the neighborhood of businesses in the Heights or Arlington Center and are not contextually appropriate nor are they appropriate for the level of Boutique Hotel that has been expressed as the operational/marketing intent. I would suggest that you take another look at the precedents that were cited in the application and come back with a more contextually appropriate facade design. Think about masonry, clapboard, and other more appropriate materials.

The materials proposed for the façade have been updated to reflect comments made by two members of the ARB who provided detailed feedback. The materials proposed now include brick, masonry, and clapboard panels. However, detailed information regarding the materials is not provided.

7. The quantity and placement of louvers on the main facade of the building are concerning and should be revisited.

The louvers proposed on the façade have been eliminated.

8. Think about the hierarchy between the Restaurant and Hotel entrances. Currently they are both rendered identically, when they have the opportunity to more individually present themselves.

The plan set has been revised to make the hotel entrance more prominent than the restaurant entrance.

9. The sliding doors on the front facade of the building on the 4th floor are not appropriate for the context of the neighborhood. If doors are proposed, consider swing doors. Similarly, the horizontal windows on the Clark St elevation are not contextually appropriate.

Sliding doors are still proposed for the fourth floor hotel units. The Clark Street elevation has been revised.

10. Restaurant planning - You are showing more seating than is achievable and you should accurately identify your potential seat count for the parking study. A good rule of thumb for a restaurant this size is dedicating 1/3 of the space to kitchen/BOH. As an example, currently there is no walk in shown cooler for the restaurant or enough dry storage. This will help mitigate some of the public concern about the number of seats.

The plan set has been revised to show no seating or space usage in the restaurant space. Without knowing the number of seats proposed for the restaurant, DPCD cannot confirm the parking required per the Zoning Bylaw for the proposal.

11. What are you planning for the deck on the rear of the building? is this seating? For the restaurant or the hotel lounge? Think about noise impact on the neighbors. Think also about whether they should look down onto the parking area. Should screening be incorporated? Wood? Vegetated?

The rear deck has been eliminated from the proposal.

12. It appears that the only access to the gym is to leave the interior of the building, walk across the parking area and into the gym under the restaurant. This does not seem like an ideal solution for your guests.

The gym has been eliminated from the proposal.

13. Reconsider the lit secondary signage on Clark St, especially if the parking is expected to be Valet and solely for the hotel staff and guests. If additional signage is proposed, perhaps a vertical banner or blade sign on the front facade to speak to approaching drivers on MA Ave would be more appropriate.

A wall sign remains on the Clark Street elevation for the restaurant.

14. Come back with more details on the proposed lighting under the overhang on Mass Ave (above outdoor seating) and in the parking garage under the building as this will spill over into the neighborhood.

DPCD has not received information on the proposed lighting or how it may or may not impact abutters.

Please provide us with a response to the above-noted items that we have not yet received by January 20th.

Should you have any questions regarding this feedback, please contact my office at 781-316-3092 or by email.

Thank you.



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Environmental Design Review, 1207-1211 Massachusetts Avenue, Arlington, MA
Docket #3602

Date: July 16, 2019

I. Docket Summary

This is an application by James F. Doherty for 1211 Mass Ave Realty Trust to construct a mixed-use structure at 1207-1211 Massachusetts Avenue within the B2 Neighborhood Business District and the B4 Vehicular Oriented Business District. The Special Permit is to allow the Board to review and approve the proposed project, under Section 3.4, Environmental Design Review.

Following the Town's Request for Proposals (RFP) process in 2016, the applicant has entered into a Purchase & Sale (P&S) Agreement to purchase the property at 1207 Massachusetts Avenue in order to construct the mixed-use building, which is desirable to the Town. 1207 Massachusetts Avenue is the location of the now closed Disabled American Veterans (DAV) club, which ceased operations and has been vacant since mid-2014. The applicant currently owns the immediately adjacent property at 1211 Massachusetts Avenue, and upon successful permitting, will combine the two properties for a unified mixed-use development.

The RFP sought proposals for the purchase and future use of the parcel as a mixed-use development consistent with 2016 amendments to the Arlington Zoning Bylaw, that defined mixed-use as "[a] Combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication,

residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.” The applicant proposes a 50-room hotel and restaurant consistent with this definition of mixed-use.

The application also requests a parking reduction under Section 6.1.5 and additional gross floor area under Section 5.3.6.

Materials submitted for consideration of this application:

- Application for EDR Special Permit,
- Narrative,
- Site Plan, Floor Plans, Elevations, and Renderings dated June 20, 2019;
- Planting Schedule;
- Parking and Bicycle Schedule;
- Shadow Study dated June 20, 2019; and,
- Traffic Demand Management Plan.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The applicant proposes a mixed-use structure consisting of a 50-room hotel and restaurant. Mixed-use, which as defined by the Zoning Bylaw includes lodging and commercial uses, requires a Special Permit in both the B2 Neighborhood Business District and the B4 Vehicular Oriented Business District. Mixed-use is additionally subject to Environmental Design Review under Section 3.4.G and due to the proposal’s location on Massachusetts Avenue. Mixed-use is described as being allowed in Section 5.5.1 for both the B2 and B4 Districts, in particular in the B4 District when automotive-oriented uses close and are redeveloped. The Board can find that these conditions exist for the proposed project site.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

The redevelopment of the DAV site and the adjacent outdated automotive use is desirable for the public convenience and welfare. The mixed-use structure, which combines a small boutique hotel and restaurant, is well-positioned to take advantage of tourism opportunities along the Battle Road Scenic Byway, the approximate path the British used at the beginning of the American Revolution, in Arlington and neighboring communities. A hotel and restaurant in the immediate area could be desirable to tour groups that want more personalized accommodations. There is an economic benefit that would be gained through the hotel/motel tax (6%) and meals tax (0.75%). Based on current tax revenue generated by the one hotel in Town, this

50-room hotel may generate up to approximately \$150,000 of additional tax revenue to the town on an annual basis.¹ The proposed hotel's proximity to Lexington, which welcomes over 100,000 tourists per year, makes it well-positioned to absorb some of the local and regional heritage and business travel, which would provide an economic benefit to the Town of Arlington and local businesses. Neighborhood residents have voiced the critical importance for more restaurants and mixed-use based on feedback gathered from residents as well as a market demand analysis that were part of the development of the Arlington Heights Neighborhood Action Plan.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The application materials do not provide detailed information regarding the traffic impact of the new use. The ARB must request additional information from the applicant on the following topics before determining that this criterion is satisfied.

The project's only means of ingress and egress is on Clark Street as the existing curb cuts on Massachusetts Avenue will be closed. Due to the new uses, a trip generation analysis is needed to understand the traffic flow and circulation of using Clark Street as the main point of access to the property. For vehicles exiting the property, turning right directs those vehicles into a residential neighborhood and a circuitous route back to Massachusetts Avenue or to Forest Street. The best course of action may be to require vehicles exiting the property to turn left onto Clark Street and then continue either north or south on Massachusetts Avenue, and the ARB will want to consider this as a condition of a decision. By adding more turning traffic to the intersection of Clark Street and Massachusetts Avenue there may be the need to address pedestrian safety at this intersection. On the opposite side of the street is an inbound MBTA Route 77 and 79 bus stop with departures every few minutes, so a cross walk may be necessary at the intersection as the closest cross walk is at Appleton Street. However, without a trip generation analysis, the ARB does not have the full scope of understanding regarding additional traffic as a result of the proposed project.

The nearby intersection of Appleton Street and Massachusetts Avenue is uncontrolled except for when a pedestrian triggers a red light in order to cross the street. A large majority of the pedestrians at this intersection are students walking to or from the Ottoson Middle School. More information is needed from the applicant on how the introduction of a hotel and restaurant could affect the operation of this intersection, especially during the beginning and end of the school day during the school year.

¹ According to the Town of Lexington's most recent Economic Development Report to Town Meeting, the Town of Lexington generates an average of \$1.27 million dollars of revenue in hotel/motel taxes.

Additionally, the Transportation Demand Management (TDM) Plan submitted in support of the parking reduction request needs firm commitments regarding the methods in which vehicular use will be reduced at the property. The applicant should also consider providing staff subsidized transit passes and guaranteed rides home. Commitments such as these must be required in any future lease of the building. Finally, the plans show an area to pull off of Massachusetts Avenue which could facilitate valet parking, and could be supported, but this would require approval from the Select Board.

It should be noted that the proposal will improve pedestrian safety along the project site's Massachusetts Avenue frontage. Two large curb cuts will be closed as access to the property will be from Clark Street, where the curb cut will be narrowed.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The mixed-use structure introduces different uses than presently on the project site. There may be different demand on the municipal systems as a result, but will not create hazards affecting health, safety, or the general welfare of the immediate area or in any other area of the Town. While the application materials note that a stormwater system will be installed to control roof and surface stormwater runoff, the ARB will need more information regarding water and sewer usage. The applicant should submit evidence that the public water, drainage, and sewer system are capable of handling the needs of the 50-room hotel and restaurant.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

No special regulations are applicable to the proposal. The Board can find that this condition is met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The 2016 Annual Town Meeting adopted mixed-use zoning for all business districts with an affirmative vote of 187-35. This stretch of Massachusetts Avenue does not have a distinct aesthetic and there are no predominant architectural styles that characterize this area. The proposed mixed-use structure will not impair the integrity of the district and will provide connections between the Arlington Heights business district and other segments of the Mass Ave commercial corridor. The hotel use in particular will provide greater access for tourists to Arlington's historic

resources that make it part of the Battle Road Scenic Byway, including the nearby Foot of the Rocks monument and the Old Schwamb Mill.

The immediate area around the project site is a mix of residential and commercial spaces. Immediately behind the project site is a neighborhood of mostly single- and two-family homes in an R2 Two-Family District. Higher density residential uses are present across the street on Massachusetts Avenue, but the R2 District carries across Massachusetts Avenue as well where significant elevation is gained. The Heights business district is a short distance away (about 1,500 feet to the west) and an industrial-zoned area is less than 1,000 feet to the east.

7. Section 3.3.3.G.

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The use will not be in excess or detrimental to the character of the neighborhood. The Board can find that this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The existing site condition is primarily impervious, but the proposal will increase the amount of open space on the site. A 5-foot landscaped buffer is provided along the rear property line that will be planted with tree lilacs, arborvitae, and smaller shrubs such as hydrangea and holly. Planters along Massachusetts Avenue are also proposed. While a planting schedule is provided, a landscape plan must be submitted. The application materials indicate that there will be 1,581 square feet of landscaped open space and 3,384 square feet of usable open space. The landscape plan should also document where the two types of open space will be satisfied on the property.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

At 4 stories and 44 feet tall, the proposed building is taller than most of the buildings in the immediate vicinity. On the opposite side of Massachusetts Avenue, the terrain

quickly gains elevation, so nearby buildings appear much taller due to the elevation change. The proposal also steps in the first floor 8 inches from the second and third floor, and provides the upper-story step back at the top of the third floor at 34 feet. Section 5.3.17 requires that building more than three stories in height, such as the proposal, an additional 7.5-foot step-back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. As part of the EDR jurisdiction, these requirements should be further addressed until the Board is satisfied that the building is well-situated on the parcels.

The building does not trigger the height buffer area of Section 5.3.19 because it is proposed at the lower maximum stories and height as identified in the Table of Dimensional and Density Requirements for the Business Districts. However, the application materials also provide a shadow study during each season at the respective Solstice and Equinox.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

As noted above, the proposed project will provide open space on the existing primarily impervious site. The application materials indicate that there will be 1,581 square feet of landscaped open space and 3,384 square feet of usable open space. Landscaped buffers will be located at the rear of the property providing some relief to the residential structures located behind the project site. A large patio along Massachusetts Avenue is proposed, which can create gathering space and an inviting atmosphere along the sidewalk. A landscape plan must be submitted and must document where the two types of open space will be satisfied on the property in order to assess compliance with this criterion.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The application materials indicate that 28 parking spaces will be provided on the site, either under the building or at the rear of the property. The applicant has requested a parking reduction under Section 6.1.5:

Parking Requirement			
		<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Hotel	50 rooms	1 space per room	50
Restaurant	2,568 sf	1/300 sf*	0
Total Parking			50
Section 6.1.5 Reduction			Up to 25% of the requirement, or 13 spaces
Total Parking Provided			28
* First 3,000 sf of non-residential space in mixed-use projects is exempt.			

In general, as discussed under the response to criterion 3.3.3.C, there is no information about circulation on and around the project site. The only access to the property is from Clark Street and there is no information on how trips to and from the project site will change. A trip generation analysis is needed to understand the traffic flow and circulation of using Clark Street as the main point of access to the property. A trip generation analysis may indicate that right turns from the property onto Clark Street should be restricted and there may be the need for pedestrian improvements at the intersection of Clark Street and Massachusetts Avenue due increased traffic.

On the project site, there is no information on where loading and unloading will occur. Based on the application materials, there is no information on the size of truck that can access the project site and whether vendors need to be limited to a certain size truck in order to navigate Clark Street and the parking lot. Additionally, the floor plan does not seem to provide direct loading access to the restaurant's kitchen or the hotel from the rear parking lot. If loading and unloading will occur on Massachusetts Avenue, it is not clear whether there is shoulder space for a large truck to park during these activities. To combat idling and disruption to the surrounding neighborhood, deliveries should be limited to certain hours of the day.

Circulation within the parking lot is not clearly discussed. Some of the parking spaces provided are tandem spaces and it is not clear how the spaces will be assigned or allocated between the hotel and restaurant. If the parking spaces will be used primarily by the hotel, the ARB needs an understanding of the on-street parking utilization of the area. Additionally, there is no information in the applicant materials regarding the safety and security of the proposed parking area other than 12-foot

light poles. It will be important for the ARB to understand how the spaces will be utilized on the property.

Additionally, the Transportation Demand Management (TDM) Plan submitted in support of the parking reduction request needs firm commitments regarding the methods in which vehicular use will be reduced at the property. The Applicant could also consider providing staff subsidized transit passes and guaranteed rides home. Commitments such as these must be required in any future lease of the building. Finally, the plans show an area to pull off of Massachusetts Avenue which could facilitate valet parking, and could be supported, but this would require approval from the Select Board.

It should be noted that the proposal will improve pedestrian safety along the project site's Massachusetts Avenue frontage. Two large curb cuts will be closed as access to the property will be from Clark Street, where the curb cut will be narrowed.

The application materials indicate that proposal exceeds the requirements of the newly adopted bicycle parking bylaw. For the mixed-use building, 5 short-term bicycle parking spaces are required and 2 long-term bicycle parking spaces are required. The proposal exceeds this requirement by providing 7 short-term spaces and 7 long-term spaces. However, the application materials do not provide any specifications of the proposed racks, and the location of the short-term spaces is inconsistent between the plan set and renderings and the written information. The ARB should request additional information.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

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

The application materials only indicate that a subsurface infiltration system will be provided under the parking lot to control surface and roof runoff. There are no further details provided in the application materials. The applicant must submit an engineered site plan showing surface water drainage systems and a stormwater management plan that includes an analysis that will inform the size of an underground infiltration system and includes engineering plans for the system. It is also strongly recommended that the applicant include low impact development techniques such as creating a rain garden or other similar feature in the landscape area in the northeast corner of the property.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

The application materials indicate that the new utilities will be underground, but the ARB will want additional information from the applicant on whether any of the existing utilities that serve the site will be reused. It should be noted that there are three utility poles (one of which is a double pole) along the Massachusetts Avenue frontage. Although requests to move or consolidate utility poles are often not accepted by the utility companies, the applicant should attempt to coordinate with the utility company to at least remove the double pole and consolidate the operations to the other two poles as the poles and lines interfere with the structure's visibility. The ARB will want to understand that the services carried on these poles will not be overloaded.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The signage proposed in the application materials are place holders for the mixed-use structure. However, the proposal appears to be consistent with the newly adopted sign bylaw in terms of location and size. The application materials indicate that the signage will be back lit, but there is no information in the application materials about lighting of the building in general. A condition of a decision by the ARB should include a requirement that the final signage be reviewed for compliance.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There will be equipment on the roof to service the mixed-use structure, and it appears that some of the equipment will be screened. Each hotel room has its own system and the louvers can be seen on the renderings. Although Arlington does not specify a certain noise level at the property line, many nearby communities identify a day-time noise level of no more than 65 dbA or no more than 10 dbA over the background noise level. Overnight, many nearby communities identify a noise level of 50 dbA. Using this as guidance, the applicant should clarify the noise impact of the HVAC and other noise-emitting equipment.

To reduce noise from deliveries or from solid waste removal, the ARB will want information on anti-idling measures and time of day restrictions to ensure that these services do not impact the surrounding residential properties.

The applicant should clarify how the dumpster will be screened and shared.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

As noted in the application materials, the proposed interior layout plans have been designed to facilitate building evacuation and accessibility by fire, police, and other emergency personnel and equipment. The application materials indicate that the rear parking lot will be illuminated through the use of 12-foot pole mounted LED lights; however, there is no indication on the plans where these light poles would be located and the specification of such. Further, there is no information on how the open garage will be secured.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The existing structures are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor are they under the jurisdiction of

the Arlington Historical Commission. As such, the site contains no historic, traditional or significant uses, structures or architectural elements. The Board can find that this condition is met.

Two properties on the opposite side of Massachusetts Avenue (1210 Massachusetts Avenue and 1218-1222 Massachusetts Avenue) are under the jurisdiction of the Historical Commission. The redevelopment of the subject property will not disrupt historic, traditional, or significant uses, structures, or architectural elements that exist on the adjacent properties.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that will impact the microclimate. A shadow study was prepared and is provided in the application materials to illustrate how the building may create additional shadows in the immediate area. Although the project does not trigger the height buffer area, the ARB will want to assess to ensure that the Board is satisfied that the building is well-situated on the parcels.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

The Applicant indicates that the building will meet the Stretch Code. Additional information regarding the LEED Checklist is needed.

IV. Conditions

General

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board at the time when future operators are identified. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board

2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

Date: August 7, 2019

To: Arlington Redevelopment Board

From: Erin Zwirko, Assistant Director, Planning and Community Development

cc: Jenny Raitt, Director, Planning and Community Development

RE: Docket 3602, 1207-1211 Massachusetts Avenue, Special Permit Filing Fee Waiver Request

The Arlington Redevelopment Board (ARB) may vote to waive all or some of the Special Permit filing fee in cases where it is warranted. This memorandum provides background on the Special Permit filing fee for Docket 3602, 1207-1211 Massachusetts Avenue.

The Request for Proposals (RFP) issued by the Town in 2016 for the Town-owned property located at 1207 Massachusetts Avenue (also known as the Disabled American Veterans club) stated that:

"The Town, through its Board of Selectmen and Town Manager, is seeking proposals for the purchase and future use of the parcel with highly advantageous bidders accepting a 40-year deed restriction to require mixed-use development of the property consistent with recent revisions to the Arlington Zoning Bylaws, and defined as "[a] Combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment." Such advantageous bidders shall receive waivers of building and special permit fees in additional consideration. [emphasis added]"

The successful bidder, and now the applicant, proposed a project that spanned both 1207 and 1211 Massachusetts Avenue. Town Counsel advised that the Special Permit fees and the building permit fees would be waived for 1207 Massachusetts Avenue, but not for 1211 Massachusetts Avenue. Representatives from Inspectional Services and Planning and Community Development and Town Counsel determined that 50% of the total fee otherwise required for the specific mixed-use project at 1207-1211 Massachusetts Avenue would be an acceptable fee required for the Special Permit and future building permits.

The Environmental Design Review Special Permit filing fee is calculated as \$500 plus \$0.20 per square foot of new construction. The gross square footage of the building proposed at 1207-1211 Massachusetts Avenue is approximately 24,443 square feet (all new construction). Therefore, the total fee is calculated to be \$5,388.60. The Department of Planning and Community Development accepted a filing fee of \$2,694.30 or 50% of the total fee that would otherwise be required.

We recommend that Board accept this filing fee of \$2,694.30, by voting to waive the Special Permit filing fee for 1207 Massachusetts Avenue per the RFP.

From: "Doug Heim" <DHeim@town.arlington.ma.us>
To: ""Jenny Raitt"" <JRaitt@town.arlington.ma.us>, ""abunnell@town.arlington.ma.us"" <ABunnell@town.arlington.ma.us>, ""Erin Zwirko"" <EZwirko@town.arlington.ma.us>
Cc: "Adam Chapdelaine" <achapdelaine@town.arlington.ma.us>, "Mike Byrne" <MByrne@town.arlington.ma.us>, ""Jim Feeney"" <JFeeney@town.arlington.ma.us>
Date: 08/21/2019 04:37 PM
Subject: Waiver of fees

Good afternoon folks,

In light of the recent exchange with Mr. Chris Loreti, I wanted to share with you an excerpt from “Zoning Practice: Procedures for Obtaining Variances and Special Permits,” by Martin Healy, Esq., § 5.4 Massachusetts Basic Practice Manual 5–8 6th Edition 2017, MCLE, Inc., which discusses Special Permit Granting Authorities’ general authorities to create rules and customs, and to waive them, including the waiver of their fees, which provides in relevant part:

§ 5.4.1 Board Rules and Customs

Section 9 of the Zoning Act provides that SPGAs “shall adopt and from time to time amend rules relative to the issuance of [special] permits, and shall file a copy of said rules in the office of the city or town clerk.” The SPGA’s rules “shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits.” G.L. c. 40A, § 9, ¶ 10. (Section 9A contains substantially identical language concerning special permits for adult bookstores and motion picture theaters.)

Section 12 of the Zoning Act provides that

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or bylaw for the conduct of its business and for purposes of [G.L. c. 40A] and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with [G.L. c. 40A § 13] said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

Section 15 of the Zoning Act further provides that “[m]eetings of [a board of appeals] shall be held at the call of the chairman or when called in such other manner as the board shall determine in its rules.”

The requirement for filing of the rules of a PGA or an SPGA with the municipal clerk is “directory,” not mandatory, and failure to so file will not affect the validity of the rules. *Kiss v. Bd. of Appeals of Longmeadow*, 371 Mass. 147, 157–58 (1976). Failure to adopt rules altogether is not grounds for annulling zoning relief absent a showing of prejudice. *Burwick v. Zoning Bd. of Appeals of Worcester*, 1 Mass. App. Ct. 739, 742–45 (1974). Older cases have held that a zoning board was bound to give notice in accordance with its own rules. See, e.g., *Co-Ray Realty Co. v. Bd. of Zoning of Boston*, 328 Mass. 103, 107 (1951) (notice requirements); *Roman Catholic Archbishop v. Bd. of Appeal of Boston*, 268 Mass. 416, 418 (1929) (publication of notice). ***More recent cases have upheld the authority of local boards to waive rules relating to other procedural matters. See Zartarian v. Minkin*, 357 Mass. 14, 18 (1970) (method of preparing written decision); see also *Lynch v. Bd. of Appeal of Boston*, 1 Mass. App. Ct. 353, 357 (1973) (filing fees under Boston Zoning Enabling Act).**

I have not decided whether Mr. Loreti’s correspondence warrant further correspondence from this Office, including the foregoing.

Nonetheless, while I’m satisfied with my previous analysis, this may prove useful for your future discussions.

Sincerely yours,

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Douglas W. Heim
Arlington Town Counsel
50 Pleasant St
Arlington, MA 02476

Tel: (781) 316-3150

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Hello Doug,

Thank you again for your response.

You are right that you are not going to convince me that waiving the permit fees for certain developments is a good idea. It was thoughtless for the Select Board to offer to waive the special permit fee without first consulting the ARB and confirming the ARB had the authority to waive the fee, and then expect the ARB to go along after accepting a proposal that involved waiving this fee. And it is foolish of the Select Board to give away tens of thousands of dollars in building permit fees, just to satisfy an irrational obsession with mixed-use development.

I could be convinced that the ARB has the authority to set and waive its special permit fee, but neither you nor anyone else has provided any evidence of that. All I've seen are claims without any supporting documentation, such as the language in the rules the ARB created for itself.

I've inserted my responses to your points below in brackets. I've tried to keep them brief as I don't see much point in continuing this email conversation. I've given you several opportunities to demonstrate that the ARB has the authority to set and waive its special permit fee. It is obvious to me that you can't do it. And I am glad of that. I believe the lack of authority to waive fees on a case by case basis is really a good thing for the town. For if the ARB (or the Select Board/Town Manager) were to have that authority, it would be a recipe for cronyism.

No need to respond to this message. You obviously see your job as justifying the decisions of the Select Board/Town Manager however misguided they may be.

Sincerely,

Chris Loreti

On 8/12/2019 6:44 PM, Doug Heim wrote:

Good evening Chris,

I understand that you remain unconvinced. I'll stick to a few key points and answers to questions that don't belabor areas of disagreement unlikely to be moved:

<!--[if !supportLists]-->A. <!--[endif]--> On the RFP:

<!--[if !supportLists]-->1. <!--[endif]-->It is false to state that those waivers were proposed by the applicant. [Indeed it would be false to state this. I have not done so.]

The RFP approved by the Select Board on June 20, 2016 called for waiver of permits fees as part of the deal in its introductory paragraphs:

"INTRODUCTION, HISTORY, & GOALS

*This building is available for purchase and re-use in "as-is" condition, having been approved for disposition by the Arlington Board of Selectmen and Town Meeting. 1207 Massachusetts Avenue constitutes **4,645 square foot (more or less) parcel** of land improved with a one-story masonry commercial building with approximately **2,700 square feet** of usable floor space.*

The Town, through its Board of Selectmen and Town Manager, is seeking proposals for the purchase and future use of the parcel with highly advantageous bidders accepting a 40-

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year deed restriction to require mixed-use development of the property consistent with recent revisions to the Arlington Zoning Bylaws, and defined as “[a] Combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.” Such advantageous bidders shall receive waivers of building and special permit fees in additional consideration. “

(emphasis added).

<!--[if !supportLists]-->2. <!--[endif]-->Similarly, the applicant is required to commit to mixed use. [No applicant was required to submit a proposal for mixed use. The RFP contained five "Comparative Quality Evaluation Criteria" with ratings ranging from "Highly Advantageous" to "Not Advantageous". A mixed-use deed restriction was just one of these criteria. There was no requirement that an applicant be rated "Highly Advantageous" for all of the criteria or specifically for the one related to the mixed-use deed restriction. Moreover, mixed-use was not one of the required goals of the RFP.

If you are saying the applicant is required to commit to mixed use because that is what he proposed, that is a different matter. I am confident, however, that since there was only one proposal submitted if the applicant wished to switch to a development other than mixed use, a good attorney could explain to the Select Board how it could approve such a change subject to the other conditions in the RFP being met.]

The RFP was structured to afford the Select Board some discretion should no advantageous bidders respond to its call for mixed-use. It was an RFP, not an IFB, so price was not by design the only controlling factor. Indeed the first “Qualitative Criteria” (Section VI) was a deed-restriction for mixed-use:

<!--[if !supportLists]-->1. <!--[endif]-->***“Purchase for Mixed-Use Development***

Highly Advantageous – Proposer will accept a 40-year deed restriction requiring that redevelopment of the property would be restricted to “mixed-use,” defined as follows:

A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

As part of its consideration for such restriction the Town will agree to waive special permit and building permit fees for proposed mixed-use developments.

Advantageous – Proposer presents a means of confirming commitment to mixed use 30 of 354

development of the parcel by alternate means than a deed restriction.

Not Advantageous – *Proposer does not intend to develop the parcel for mixed-use."*

The only applicant who submitted a response to the RFP agreed to the deed restriction for mixed use. The proposal states "The proposer will accept a 40 year deed restriction **as defined in the RFP.**" (emphasis added). Under c. 30B, a applicant is bound to the most of terms of their bid – in this case terms we specifically demanded to rate as advantageous. Thus mixed used development is very much a requirement both substantively in receiving an advantageous rating and substantively in that the applicant committed to such a term.

<!--[if !supportLists]-->B. <!--[endif]-->With respect to G.L. c. 40 sec 22F:

<!--[if !supportLists]-->1. <!--[endif]-->According to the Clerk's Records, the 2005 Annual Town Meeting adopted c. 40 sec. 22F in Article 42 on June 15, 2005, the Town's Main Budget Article that year. [I've attached both the Finance Committee's recommended vote on this article and the Clerk's record of the articles as voted. I can find nothing in either about the town adopting this permissive legislation. Until someone shows me some real documentation confirming that the town adopted this, I have to believe it never happened. If you can find it, please pass it on. (And please don't pass the buck to the Town Clerk. I expect the Town Counsel's office to keep records of all permissive legislation adopted by the town.) In any case, even if the town has adopted this legislation, I don't see that it allows case-by-case waivers of fees, and in the case of the ARB, it seems to me any permit fee it sets would have to approved by the Select Board and/or Town Manager since the ARB is an appointed board.]

<!--[if !supportLists]-->2. <!--[endif]--> My best understanding based is that there was some consideration of sec. 22F in response to the Finance Committee's request for a Bylaw Amendment on fees in the 2004 Town Meeting.

<!--[if !supportLists]-->C. <!--[endif]--> With respect to other fees, neither the RFP, nor my response to your questions suggests the ARB is considering waiver of expert fees. [I am glad to hear this, but aside from the correction I've made below, I don't see the rest of your comments as having any relevance.] More importantly, to my understanding, the applicant has not sought a waiver of those fees. My point remains a straightforward one: the money from the proceeds of a sale and the money derived from administrative special permit fees go the same place.

The zoning bylaw states the Board "may adopt reasonable administrative fees and fees for employing outside consultants" [You are confusing your Boards or doing a lawyer misquote here. This is what the Bylaw really says: "The Board of Appeals may adopt reasonable administrative fees...." The ARB is not the Board of Appeals, the ZBA is (and it is not clear where that bit about the ZBA adopting

administrative fees comes from). The zoning bylaw does not contain similar language for the ARB. And while I agree 53G and 53G 1/2 may apply to the ARB, those section of state law do not address the permit application fee that is charged irresepctive of any outside consultants or performance bonds the board may require.] under c. 53G and 53G ½ (emphasis added). We probably both agree that those are two different categories of fees. We also probably agree that those “administrative” special permit fees may be assessed even though those fees we are not set forth in the Town Bylaws.

Those “administrative” fees, like most other Town fees are supposed to be reasonably based on the costs of the Town’s administrative business – primarily the Planning Department including the ARB Secretary Ex-Officio, Ms. Raitt, who I realize now was not included on your correspondence. Waiving or not waiving fees that go towards operating a Town Department might be more important if those fees and the proceeds of this property (unlike paying for expert consultants) were not going to end up in the same place – the General Fund.

In that vein, I’ve cc’d Ms. Raitt on this correspondence, given that it includes the rest of the ARB. I respectfully suggest that it would be helpful to have her included on future colloquies about the Redevelopment Board given her role as its Secretary Ex-Officio and status as the head of the Department of Planning and Community Development.

Sincerely yours,

Douglas W. Heim
Arlington Town Counsel
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From: Chris Loreti [<mailto:cloreti@verizon.net>]

Sent: Sunday, August 11, 2019 9:33 PM

To: Doug Heim

Cc: 'Adam Chapdelaine'; 'Jim Feeney'; DMahon@town.arlington.ma.us; JCurro@town.arlington.ma.us; DDunn@town.arlington.ma.us; JHurd@town.arlington.ma.us; SDeCoursey@town.arlington.ma.us; 'abunnell@town.arlington.ma.us'; KLau@town.arlington.ma.us; EBenson@town.arlington.ma.us; DWatson@town.arlington.ma.us; rzsembery@town.arlington.ma.us; MByrne@town.arlington.ma.us; 'John Leone'; ATosti@town.arlington.ma.us

Subject: Re: ARB and SB Authority to Waive Permit Fees

Hi Doug,

Thank you for your response.

I remain unconvinced that the ARB has the authority to set and waive special permit fees, and the Select Board or Town Manager can waive building permit fees. Moreover, the power to set a fee is not the same as the power to change that fee on case by case basis for particular developments. If you believe it is, do you think permit fees can be increased for a specific development if the developer refuses to employ union labor, should one or more of Arlington's Select Board so desire? The recent convictions of Boston Mayor Walsh's two aids suggest otherwise. I see no difference in town officials thinking they can lower permit fees to advance the political agenda (e.g., for mixed-use) of one or more Select Board members.

While my original question wasn't specifically about 1207 Mass Ave., I am convinced the Select Board has botched the disposition of that property, and not just in its handling of permit fees. Now it is looking to other town officials to clean up the mess it caused, which will cost the likely cost the town tens of thousands of dollars. And the Select Board doesn't seem to care whether those officials have the authority to act in the ways it likes. See more specific responses to your comments below [in brackets].

Sincerely,

Chris Loreti

On 8/9/2019 2:53 PM, Doug Heim wrote:

Hello Chris,

Under the present Zoning Bylaw Section 3.2.4, "[t]he Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with its review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations, in accordance with G.L. c. 44, § 53G and § 53G-1/2." [These sections of state law do not address the setting of permit application fees. They address the process for charging permit applicants for hiring outside consultants to review the permit applications and the posting of performance bonds. If the Town has adopted MGL C.40 s 22f (see more on that below), the ZBA can set its special permit fee, subject to the approval of the Select Board, as indicated by the first paragraph of the text you provided.]

Furthermore, the ARB acts as the Town's Planning Board under the Town Manager Act. Pursuant to its duties under G.L. c. 41 sec. 81, a Planning Board is permitted to set and waive fees for development review, which to my understanding they have from time to time. [This section of state law has nothing to do with setting and waiving fees; it pertains to damages to which Planning Boards may be subject. Did you mean some other section? Also, I am not sure what you mean by "fees for development review". I was referring to the special permit filing fee. The town shouldn't be paying a dime for permit review by outside experts to be used for 1207 Mass. Ave. or any other development (e.g., for a traffic study) and the RFP doesn't indicate that it will. I would be most interested to hear for which developments the ARB has waived permit applications fees in the past.]

Germane to the property Ms. Zwirko's memo references, the requested waiver of fees is part of a negotiated sale of Town Property. The Select Board was broadly authorized by Town Meeting to sell such property, with a stated goal of advantageous redevelopment. [The 2015 vote of Town Meeting was: "VOTED: That the Board of Selectmen be and hereby is authorized to dispose of property located at 1207 Massachusetts Avenue and its appurtenant land by sale, lease, or otherwise." It makes no mention of what type of development it deemed advantageous, and says nothing

about discounting permit fees for developments the Select Board or any one else decides are "advantageous" whether that be politically advantageous or otherwise.]

The Select Board in turn publicly developed an RFP which conditioned sale upon acceptance of a 40-year Mixed-Use Deed Restriction [The RFP has no requirement for a mixed-use development (the requirement for the mixed-use deed restriction only applies if the developer proposed mixed use). That was the Select Board's decision, as was the unauthorized claim that special and building permit fees would be waived if the development were for mixed-use.] and a minimum sale price of \$750,000. Closing is conditioned upon receipt of required Special Permits for mixed-use and waiver associated fees. [This was a condition the developer proposed, not the town, though the town seems to have accepted it.] Hence, both the special permit itself and waivers of special permit fees may be conditions of the sale, but they are not orders to the ARB by the Select Board. [Seriously? If the Select Board doesn't have the authority to waive the special permit fee, what business did they have stating in an RFP that the fee would be waived for a mixed-use development? Did they just figure they could pass the buck to the ARB and know it would do whatever it wanted? Also, the RFP required that the respondents demonstrate how the proposed use complied with uses allowed in the Zoning Bylaw for the R7 (Apartment District - High Density) zoning district, a particularly bizarre requirement as the subject lot is zoned B2 and mixed use is not even allowed in the R7 district. The sole respondent did not comply with this RFP requirement, nor did he demonstrate compliance with the uses allowed in the actual (B2) zoning district, which of course he could not do for a hotel because hotels are not allowed in the B2 district. The proposal should have been rejected for failure to include the required Zoning Compliance Statement.]

You are correct that the Pre-April 2016 Zoning Bylaw, stated "Fees shall be as established by the Bylaws of the Town of Arlington." That said, I'm not aware of a special permit fee in the Bylaw. I do not read the bylaw to assert that every potential fee must be listed therein, or that a special permit fee is impermissible. [I am not aware of special permit fees in the Bylaw, either, though I do see many other fees on the Town website that indicate they were set by Town Meeting.]

Moreover, the Town accepted G.L. c. 40 sec. 22F at the 2005 Annual Town Meeting, which provides in relevant part: [Can you provide the Article number for this ATM? I can't see that the 2005 ATM voted on this at all. The BoS comment on Article 28 of the 2004 ATM claims that the Town had already accepted this section of state law without stating when (and that some then current bylaw setting fees could be repealed in the future), but if that were true, there would be no need to accept this section of state law in 2005 or later.]

"Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a

new fee or charge is fixed under this section."

With respect to Building Permit fees, Section 15 (a) of the Town Manager Act vests the Manager with authority to direct officers, committees, and commissions except those enumerated. Section 15(h) vests the Manager with contract negotiating authority, and Section 15(j) vests the Manager with duties required of him/her by the Board. Hence, where the Town has authorized, and the Select Board has approved the sale of a Town property pursuant to certain conditions, including the waiver of permit fees, the Manager may execute a contract which includes waiver of building permit fees. [Let's be clear, the Town did NOT authorize the waiver of permit fees. And just because the Select Board did so without any authorization of their own, that does not mean the Town Manager is thereby authorized to execute a contract waiving such fees.] To my understanding, this interpretation is consistent with past interpretation and practice in Arlington, [Please cite examples of when the Town waived building and special permit fees at its own discretion.] and similar to the practice of many Towns where select boards may grant waivers of fees under a variety of circumstances.

Finally, because the proceeds of both the property sale and any permit fees both go into the general fund, it should be noted that the net effect of the sale would be the same if the sale price had been adjusted to reflect likely costs of review and permitting. [This is completely incorrect in the case of 1207 Mass. Ave. The winning bid was for the minimum purchase price. It could not have been reduced further if the developer wanted to acquire the property. So any reduction in permit fees is a real reduction in income to the town. (And the fact that you refer to "costs of review" again makes me wonder if the town is planning to further increase its own costs by bearing the costs of outside consultant review--something the RFP made no mention of--costs which are normally borne by the developer.)]

Sincerely yours,

Douglas W. Heim
Arlington Town Counsel
50 Pleasant St
Arlington, MA 02476

Tel: (781) 316-3150

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From: Chris Loreti [mailto:cloreti@verizon.net]

Sent: Thursday, August 8, 2019 12:43 PM

To: Douglas Heim

Cc: Adam Chapdelaine; Jim Feeney; DMahon@town.arlington.ma.us; JCurro@town.arlington.ma.us; DDunn@town.arlington.ma.us; JHurd@town.arlington.ma.us; SDeCourcey@town.arlington.ma.us; abunnell@town.arlington.ma.us; KLau@town.arlington.ma.us; EBenson@town.arlington.ma.us; DWatson@town.arlington.ma.us; rzsembery@town.arlington.ma.us; MByrne@town.arlington.ma.us; John Leone

35 of 354

Subject: ARB and SB Authority to Waive Permit Fees

Hello Doug,

A memo dated August 7, 2019 from Erin Zwirko to the ARB begins with this line: "The Arlington Redevelopment Board (ARB) may vote to waive all or some of the Special Permit filing fee in cases where it is warranted."

Could you kindly cite the legal basis for that statement? According to Section 10.06 of the pre-recodification Zoning Bylaw (see below), fees for both special permits and building permits are established by the Town Bylaws--in other words by a vote of Town Meeting. (And since the public was assured there were no substantive changes made to the Zoning Bylaw during recodification, presumably this is still the case.)

If there was a change to our local bylaws or state law since 2016 that allows the ARB and Select Board to set special permit and building permit fees and grant exceptions to those fees, could you provide the legal reference? If not, I can see no basis for Ms. Zwirko's claim that the ARB can change the fees however it wishes should it deem it warranted. And I can see no basis for the Select Board or anyone else to waive building permit fees.

Thank you,

Chris Loreti

Section 10.06 - Permit and Certificate Fees

ART. 4, ATM 5/91; ART. 33, ATM 4/97

Fees shall be as established by of the Bylaws of the Town of Arlington.

**Arlington Annual Town Meeting Voting
2005**

ARTICLE 3 APPOINTMENT OF MEASURERS OF WOOD AND BARK

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That John A. FitzMaurice, 17 Lakeview, be and hereby is appointed Measurer of Wood and Bark until the next Annual Town Meeting.

A true copy of the vote under
Article 3 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held April 25, 2005.

ATTEST:

Town Clerk

ARTICLE 4 ELECTION OF ASSISTANT MODERATOR

VOTED: (QUORUM PRESENT)

An election for the position of Assistant Moderator for a term of one year as provided in Title I, Article 1, Section 11A of the Bylaws was conducted by ballot.

The ballots were tallied by the Moderator and the Town Clerk and the results were:

Richard L. Carreiro	62
John Leone	121
Spoiled Ballot	<u> 1 </u>

TOTAL	184
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Mr. Leone was declared elected. A true copy of the vote under
Article 4 of the Warrant for the

Annual Town Meeting of the
Town of Arlington at the session
held April 27, 2005.

ATTEST:
Town Clerk

ARTICLE 5

**ZONING BYLAW AMENDMENT/
AFFORDABLE HOUSING**

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN
85 T.M.M. PRESENT AND VOTING)**

That the Town vote to amend the Zoning Bylaw in Article 11, Section 11.06-
Environmental Design Review, subsection b,1(b) immediately following “Six or more
dwelling units on the premises, whether contained in one or more structures”, by adding
the words, “or on one or more contiguous lots, constructed within a two year period”;

AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, following use “1.01
Single-family detached dwelling”, add a new use “1.01a Six or more single-family
dwellings on one or more contiguous lots”, and by inserting the letters “SP” under the
columns headed R0, R1, R2, R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, MU, PUD;

AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, following use “1.02
Two-family dwelling, duplex house”, add a new use “1.02a Six or more units in
two-family or duplex houses on one or more contiguous lots”, and by inserting the letters
“SP” under the columns headed R2, R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, MU,
PUD;

AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, at the end of the
table in footnote a, immediately after the words “(defined as uses” by inserting “1.01a,
1.02a,”;

AND, in Article 11, Section 11.08,c., DEFINITIONS, in the definition of “Residential”
immediately after the words, “Use items”, by inserting “1.01a and 1.02a”.

A true copy of the vote under
Article 5 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held April 25, 2005.

ATTEST:
Town Clerk

ARTICLE 6

**ZONING BYLAW AMENDMENT/
PARKING REQUIREMENTS
SINGLE ROOM OCCUPANCY DEVELOPMENTS**

**VOTED: (STANDING VOTE – 135 IN THE AFFIRMATIVE AND 21 IN THE
NEGATIVE) (QUORUM PRESENT)**

That the Town vote to amend the Zoning Bylaw in Article 11, Section 11.08 by adding to section (e), a subparagraph 2. to read:

- “2. Notwithstanding the special permit requirements in Section 8.12(a)(10), in the case of a single room occupancy dwelling, dormitory, boarding house or lodging house, where more than 50% of the units are affordable to households earning no more than 60% of median income, according to Section 11.08(c), DEFINITIONS, “Affordable Units”, the number of parking spaces may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.”

A true copy of the vote under
Article 6 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held April 25, 2005.

ATTEST:
Town Clerk

ARTICLE 7

ZONING BYLAW AMENDMENT/HOSPITAL ZONE

**VOTED: (STANDING VOTE – 148 IN THE AFFIRMATIVE AND 4 IN THE
NEGATIVE) (QUORUM PRESENT)**

That the Town vote to amend the Zoning Bylaw in Article 5, Section 5.02 in the second paragraph, immediately after the words, “A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I,” by deleting “H” and inserting “MU” in place thereof;

And in Article 10, Section 10.05, immediately after the words, “No sign in any “B”,” by deleting “H” and inserting “MU” in place thereof.

A true copy of the vote under
Article 7 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session

held April 25, 2005.

ATTEST:
Town Clerk

ARTICLE 8

ZONING BYLAW AMENDMENT/ STORMWATER MANAGEMENT

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN
85 T.M.M. PRESENT AND VOTING)**

That the Town amend the Zoning Bylaw, Article 11, Section 11.06 (f). Environmental Design Review Standards under standard 5, Surface Water Drainage in the second sentence by deleting the words, “Stormwater shall be removed from all roofs, canopies and paved areas” and inserting in place thereof the words, “Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas.

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

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

A true copy of the vote under
Article 8 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held June 20, 2005.

ATTEST:

Town Clerk

ARTICLE 17

BYLAW AMENDMENT/OUTSIDE LIGHTING

VOTED: (STANDING VOTE – 80 IN THE AFFIRMATIVE AND 74 IN THE NEGATIVE) (QUORUM PRESENT)

That Title V Regulations Upon the Use of Private Property of the Bylaws be and hereby is amended by inserting a new Article 14 – Regulation of Residential Outdoor Lighting, to provide as follows:

Article 14 Regulation of Residential Outdoor Lighting

Section 1. Introduction

It is the intention of this by-law to regulate the use of residential outdoor lighting so as to not unduly inconvenience abutters by having outdoor lighting shining directly into their windows or onto their properties. This by-law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or property owner within the Town.

Section 2. Regulation

In all residential neighborhoods, all outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational facilities, except for temporary holiday lighting, shall be continuous, indirect, and installed and/or shielded in a manner that shall prevent direct light from shining onto or upon any street and/or adjacent or abutting property.

Section 3. Enforcement

Enforcement of this by-law shall be under the authority of the Building Inspector. Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.

Section 4. Fines & Fees Schedule

- | | | |
|----|---|--|
| A. | First offense: | A written warning stating a property owner/resident is in violation; Ten (10) days to meet compliance. |
| B. | Second offense: | \$25.00 Fine. Five (5) days to meet compliance. |
| C. | Third offense and each subsequent offense | \$50.00 Fine. Five (5) days to meet compliance before another \$50.00 fine issues. |

A true copy of the vote under Article 17 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 16, 2005.

ATTEST:

Town Clerk

ARTICLE 19

BYLAW AMENDMENT/CONSTRUCTION NOISE

VOTED: (STANDING VOTE – 106 IN THE AFFIRMATIVE AND 45 IN THE NEGATIVE)

That the Town Bylaws be and hereby are amended by deleting in its entirety Article 12 of TITLE V and substituting therefore a new Article 12 as follows:

TITLE V REGULATIONS UPON THE USE OF PRIVATE PROPERTY

Article 12 NOISE ABATEMENT

Section 1. Definitions.

Except as may be otherwise specified in this Section, all acoustical terminology used in this Article shall have the meaning stated in American National Standard Acoustical Terminology [ANSI S1.1-1998 (R2004) or as it may be revised.]

For purposes of this Article the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Construction.

Any activity requiring a building permit and any and all activity necessary or incidental to the erection, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including demolition, land clearing, grading, excavating, and filling and paving.

DB(A).

The A-weighted sound level in decibels, as measured by a type I or II sound level meter complying with the provisions of Specifications for Sound Level Meters [(ANSI S1.4-1983 (R2001) with amendment S1.4A-1983 or as it may be revised], American National Standards Institute (ANSI), properly calibrated, and operated on the “A” weighting network, slow setting.

Demolition.

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Domestic Power Equipment.

Electrical, battery or generator powered equipment intended for use in residential areas by a homeowner. Examples include but are not limited to chain saws, log splitters, power saws, drills, grinders, lawn and garden tools.

Emergency.

An occurrence or set of circumstances requiring immediate action involving

- a. the restoration of public utilities or
- b. the restoration of property to a safe condition following a public calamity or
- c. the protection of persons or property from imminent exposure to danger.

Emergency Work.

Work which is performed in an effort to alleviate an emergency.

Emergency Vehicle.

Any vehicle being operated as part of emergency work.

Heavy Equipment.

Commercial or industrial equipment such as motorized earth moving equipment, jack hammers, pavement breakers, pile drivers, trucks for loading and unloading dumpsters, tractor-trailers, and parking lot maintenance equipment.

Pavement Breaker.

Any hydraulically or pneumatically powered impact device intended to cut or trench pavement, subbase macadam, gravel, concrete, or hard ground.

Person.

Any individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties, including the Town, its agencies and departments and any person, as herein defined, operating under a contractual arrangement or agreement with the Town.

Pile Driver.

An impact device designed or used for the driving of piles, columns and other supports into soil or other material by means of impact, vibrations, pressure, or other means.

Section 2. Exceptions.

The provisions of this Article shall not apply to:

- A. Emergency Alert. The emission of sound for the purpose of alerting persons to the existence of an emergency or as otherwise specifically permitted by the provisions of this Article.
- B. Emergency Work. The emission of sound in the performance of emergency work.
- C. Public Speakers. Public speaking and public assembly activities except those activities otherwise regulated by this Article.
- D. Activities with Permits. Events and activities (other than construction work) for which proper permits or licenses have been issued.
- E. Emergency Vehicles.
- F. Snow Removal. The emission of sound for the purpose of clearance or removal of snow.
- G. Explosives. The emission of sound resulting from the use of explosives when authorized by the Arlington Fire Department in accordance with Board of Fire Prevention Regulations 527 CMR 13 and other relevant regulations and statutes of the Commonwealth of Massachusetts.
- H. Religious Uses. Devices used in conjunction with places of religious worship.
- I. Town Horn. The sounding of the Town Horn.
- J. The intermittent or occasional use, during the daytime (as defined in Section 3, Subsection A), of homeowner's domestic power equipment.

Section 3. Daytime-Only Activities.

The following acts are specifically prohibited.

- A. Prohibited Times. Operating, or permitting the operation of, any of the following devices or vehicles
 - 1. before 8:00 A.M. on Saturday, Sunday or legal holiday
 - 2. before 7:00 A.M. on all other days, or
 - 3. after 8:00 P.M. on any day,
- in any zone in the Town:
- a. Heavy equipment (as defined in Section 1), and
 - b. All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition, maintenance, or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dump trucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills, and chainsaws.

- B. Loudspeakers. Operating or causing to be operated a public address loudspeaker, whether mobile or stationary, after 9:00 P.M. or before 8:00 A.M.

Section 4. Maximum Sound Levels.

- A. Sound Measurement. When a sound source is located in public spaces, sound measurements shall be made at, and sound level determination made in relation to, any location lawfully accessible to the public.

When the sound source is located on private property, sound measurements shall be made at the boundary line of such property or as close thereto as is feasible.

- B. Sound Limitations. No person or persons owning, leasing, or controlling the operation of any source or sources of sound shall permit, either willfully, negligently, or by failure to provide necessary equipment or facilities or to take necessary precautions, the production of sound with a sound level greater than 85 dB(A) at any time, other than sounds associated with construction or maintenance work.

For any sounds above 85 dB(A) associated with construction or maintenance work, the Town Manager or the Town Manager's designee is authorized to require the person to provide noise monitoring equipment, pay for consultants to advise the Town as to feasible alternatives to accomplish the work at lower sound levels, implement any reasonable noise mitigation measures, and/or to impose any reasonable time restrictions on the activity.

Section 5. Penalties.

Any person violating any provision of this Article shall be subject to a fine of \$200.00 for each offense and/or an action in a court of competent jurisdiction, seeking an order to cease and desist from such activity. Each day or part thereof if any violation continues shall constitute a separate offense.

Section 6. Manner of Enforcement.

Violations of this Article shall be prosecuted in the same manner as other violations of the Town By-Laws provided, however, that in the event of an initial violation of the provision of this Article, a written notice shall be given the violator requiring the cessation of the activity. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected upon the receipt of such notice.

In the event the violator cannot be located in order to serve the notice, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the violator at his last known address or at the place where the violation occurred. At the discretion of the Town Manager subject to the approval of the Board of Selectmen, repetition of the same offense may result in the immediate filing of a complaint and/or action in a court of competent jurisdiction to cease and desist same.

Section 7. Notification.

The Building Inspector will provide a copy of this bylaw to any individual applying for any permit for work that might involve noise levels subject to this bylaw but his failure to do so will not affect the enforceability of this bylaw.

Section 8. Conflict with other Regulations.

The provision(s) of this Article or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this Article and applicability of such provisions to other persons or circumstances shall not be affected thereby.

And by adding the following line

“Title V, Article 12 (Noise Abatement)”

to Title IX, Article 2 (Non-Criminal Disposition of Bylaws)

immediately after the line which says

“Title V, Article 9 (Dumpster Placement)”

A true copy of the vote under
Article 19 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held June 20, 2005.

ATTEST:

Town Clerk

ARTICLE 20

BYLAW AMENDMENT/NOTICE OF DEMOLITION

VOTED: (MAJORITY VOTE) (QUORUM PRESENT)

That the Bylaws be and hereby are amended by adding a new Article 7 to Title VI Building Regulations to provide as follows:

“Article 7 Notice of Demolition. The owner of any building who intends to have such building demolished must, at the least seven days prior thereto, give notice by first-class mail to all abutters within 200 feet of such building before such demolition can commence. Demolition shall be defined as the act of pulling down, destroying, removing, or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same. When applying for a demolition permit, the applicant shall demonstrate to the satisfaction of the Inspector of Buildings that he has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed. Violators of this bylaw will be subject to a fine of \$200.”

A true copy of the vote under Article 20 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held April 27, 2005.

ATTEST:

Town Clerk

ARTICLE 21

BYLAW AMENDMENT/HANDICAPPED PARKING

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That, pursuant to the provisions of MGL c. 40, Section 21, Clauses 23 and 24, the Bylaws of the Town be and hereby are amended by adding a new Article 13 “Handicap Parking” to Title V Regulations upon the Use of Private Property to provide as follows:

Article 13. HANDICAP PARKING

“Police are authorized to enter on to private property on which the public has a right of access as invitees and/or licensees to enforce handicap and disabled veterans parking violations as if same had occurred on public ways. The penalty for leaving of vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons shall be twenty-five dollars for the first offense and for any second or subsequent offense fifty dollars. The police may cause such vehicles to be towed at the owner’s expense in accordance with applicable state law.”

A true copy of the vote under
Article 21 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held April 27, 2005.

ATTEST:

Town Clerk

ARTICLE 23

ENLARGE PLEASANT STREET HISTORIC DISTRICT

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN
85 T.M.M. PRESENT AND VOTING)**

To enlarge the Pleasant Street Historic District (established under G.L. Ch 40C by vote under Article 32 of the 1988 Annual Town Meeting) by adding thereto properties on Academy, Irving, Maple, and Pleasant Streets and Massachusetts Avenue, and to accomplish the same to amend Title VII of the By Laws as follows:

Article 1, Section 4, add before close of parenthesis “and May 2, 2005”

Article 2, Section 4, add at the end:

“D. Third Enlargement (voted 5/2/2005). Added thereto the land and buildings now known as and numbered 5-7, 9, 11, 13, 19, 20, 22, 23, 24, 26, 26A, 28, 29, 32, 33, 34, 35, 36, 38, 41, 42, 44, 48, 49, 50, 51, 53, 54, & 55 Academy Street, 17 Irving Street, 14, 16, 19, 20, 21, 23, 24, & 28 Maple Street, 734-36 Massachusetts Avenue, and 67 Pleasant Street, said properties being bounded and described as follows:

Starting at a beginning point on the northwesterly sideline of Academy Street 91.53 feet from the easterly sideline of Irving Street, thence going northwesterly a distance of 186.20 feet to a point, thence going northeasterly a distance of 115.70 feet to a point, thence going southeasterly a distance of 19.08 feet to a point, thence going northeasterly a distance of 114.78 feet to a point, thence going southeasterly a distance of 100.00 feet to a point, thence going northeasterly a distance of 191.80 feet to a point, thence going southeasterly a distance of 15.00 feet to a point, thence going northeasterly a distance of 860.24 feet to a point, thence going easterly a distance of 12.00 feet to a point, thence going northeasterly a distance of 98.55 feet to a point, thence going southeasterly a distance of 77.00 feet to a point (being the southerly sideline of Massachusetts Avenue), thence going southwesterly a distance of 231.00 feet to a point, thence going southerly a distance of 45.00 feet to a point, thence going southeasterly a distance of 372.15 feet to a point, thence going southwesterly a distance of 135.00 feet to a point, thence going southeasterly a distance of 18.95 feet to a point, thence going southwesterly a distance of 106.00 feet to a point, thence going southeasterly a distance of 20.00 feet to a point, thence going northeasterly a distance of 106.00 feet to a point, thence going southeasterly a distance of 316.40 feet to a point on the northwesterly sideline of Pleasant Street, thence going southwesterly a distance of 165.83 feet to a point, thence going

northwesterly a distance of 204.50 feet to a point, thence going southwesterly a distance of 145.42 feet to a point, thence going northerly a distance of 64.60 feet to a point, thence going southwesterly a distance of 84.12 feet to a point, thence going northwesterly a distance of 259.75 feet to a point, thence going southwesterly a distance of 48.35 feet to a point, thence going northerly a distance of 140.25 feet to a point, thence going southwesterly a distance of 20.75 feet to a point, thence going southerly a distance of 83.68 feet to a point, thence going southwesterly a distance of 74.24 feet to a point, thence going southeasterly a distance of 10.00 feet to a point, thence going southwesterly a distance of 60.00 feet to a point (the previous 13 bounds being boundaries of the pre-existing Pleasant Street Historic District) thence going northwesterly a distance of 69.30 feet to a point, thence going southwesterly a distance of 63.10 feet to a point, thence going southeasterly a distance of 25.00 feet to a point, thence going southwesterly a distance of 68.65 feet to a point, thence going southeasterly a distance of 110.00 feet to a point, thence going westerly a distance of 49.83 feet to a point, thence going southwesterly a distance of 78.05 feet to a point, thence going northerly a distance of 16.00 feet to a point, thence going westerly a distance of 100.88 feet to a point, thence going southerly a distance of 112.00 feet to a point, thence going westerly a distance of 46.69 feet to a point, thence going southwesterly a distance of 292.66 feet to a point, thence going northwesterly along a curve (being the westerly sideline of Irving Street) a distance of 323.76 feet to a point, thence going northeasterly a distance of 131.53 feet to the point of beginning. All of said dimensions being more or less, or however said area may be otherwise bounded and described. Shown on a plan entitled "Academy and Maple Street Expansion of the Pleasant Street Historic District, Arlington-Mass January 2005" by Ronald Santosuosso, Town Engineer, dated 1/14/05."

A true copy of the vote under
Article 23 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 2, 2005.

ATTEST:

Town Clerk

ARTICLE 24

**HOME RULE LEGISLATION AMEND TOWN
MANAGER ACT/FINANCE COMMITTEE MEMBERSHIP**

**VOTED: (STANDING VOTE – 96 IN THE AFFIRMATIVE AND 31 IN THE
NEGATIVE) (QUORUM PRESENT)**

That the Town does hereby authorize and request that the Board of Selectmen file with the Legislature a Home-Rule Petition to provide substantially as follows:

**“AN ACT FURTHER AMENDING AN ACT ESTABLISHING A TOWN MANAGER
ACT FOR THE TOWN OF ARLINGTON IN REGARD TO THE APPOINTMENT OF
FINANCE COMMITTEE MEMBERS.”**

“Section 1. Members

Chapter 503 of the Acts of 1952 An Act Establishing a Town Manager Act for the Town of Arlington, be and hereby is further amended by adding the following sentence after the second sentence of Section 33 “Appointment of Finance Committee”:

‘ In the event that the appointing committee is unable to secure an appropriate candidate from each precinct of the Town, then the committee may appoint a substitute member preferably from an adjacent precinct or a member-at-large to serve in lieu thereof. Notwithstanding the foregoing, no precinct shall have more than two members nor shall there be more than three-at-large members at any given time. The term of a substitute or at-large member shall expire on October 31st of the fiscal year following the fiscal year in which the member was appointed.

No substitute or at-large member shall be appointed to fill a vacant position on the Finance Committee unless no qualified applicant from the precinct applies for appointment before December 15th.’

Section 2.

This Act will take effect upon passage.”

A true copy of the vote under
Article 24 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session

held April 27, 2005.

ATTEST:
Town Clerk

ARTICLE 27

**HOME RULE LEGISLATION/TAX EXEMPTIONS
FOR ELDERLY**

VOTED: (QUORUM PRESENT)

That, pursuant to the provisions of Section 51 of Chapter 184 of the Acts of 2002, the Town hereby increases and adjusts the income limits, asset limits and exemption amount provided under Clause 41C of Section 5 of Chapter 59 of the General Laws as follows:

- (a) Income limit --- increase from \$13,000 for a single person to \$20,000. Increase from \$15,000 to \$30,000 for a married couple.
- (b) Asset limits increase from \$28,000 for a single person to \$40,000. Increase from \$30,000 to \$55,000 for a married couple.
- (c) Increase exemption amounts from \$500 to \$1,000.

Same to be effective for the tax year 2006. (July 1, 2005)

A true copy of the vote under
Article 27 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 4, 2005.

ATTEST:
Town Clerk

ARTICLE 29

**HOME RULE LEGISLATION/
CHAPTER 31 GENERAL LAWS**

**VOTED: (STANDING VOTE – 142 IN THE AFFIRMATIVE AND 13 IN THE
NEGATIVE) (QUORUM PRESENT)**

That the Board of Selectmen be and hereby is authorized to file the following Home-Rule Legislation substantially as follows:

**“AN ACT TO REMOVE ALL SECRETARIAL STAFF IN THE SCHOOL
SYSTEM OF THE TOWN OF ARLINGTON FROM THE PROVISIONS OF
CHAPTER 31 OF THE GENERAL LAWS, THE CIVIL SERVICE LAW.**

Section 1.

Notwithstanding any General Law or special act to the contrary including without limitation the provisions of Chapter 31 of the General Laws all secretarial and clerical staff in the public schools in the Town of Arlington shall not be subject to the provisions of said Chapter.

Section 2.

This Act shall take effect upon passage.”

A true copy of the vote under
Article 29 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 30**REVOLVING FUNDS****VOTED: (UNANIMOUSLY) (QUORUM PRESENT)**

A. Private Way Repair – to reauthorize the revolving fund as established under Article 46 of the 1992 Annual Town Meeting and expenditures not to exceed \$200,000.

Beginning Balance:	\$ 33,489.00
Receipts:	\$ 27,092.76
Expenditures:	\$ 0.00
Ending Balance:	\$ 60,581.76

B. Public Way Repair – to reauthorize the revolving fund established under Article 45 of the 1992 Annual Town Meeting and expenditures not to exceed \$50,000.

Beginning Balance:	\$ 1,098.75
Receipts:	\$ 0.00
Expenditures:	\$ 0.00
Ending Balance:	\$ 1,098.75

C. Fox Library – to reauthorize the revolving fund established under Article 49 of the 1996 Annual Town Meeting relating to receipts received at the Fox Library/Community Center and expenditures not to exceed \$20,000.

Beginning Balance:	\$ 3,558.55
Receipts:	\$ 5,509.59
Expenditures:	\$ 10,019.01
Ending Balance:	\$ <959.87>

D. Robbins House – to reauthorize the revolving fund authorized under Article 77 of the 1997 Annual Town Meeting and expenditures not to exceed \$75,000.

Beginning Balance:	\$ 6,522.15
Receipts:	\$ 26,190.00
Expenditures:	\$ 26,562.39
Ending Balance:	\$ 6,149.76

E. Conservation Commission – to reauthorize the revolving fund established under Article 44 of the 1996 Annual Town Meeting relating to consultant fees charged by the Conservation Commission and expenditures not to exceed \$50,000.

Beginning Balance:	\$ 2,106.07
Receipts:	\$ 0.00
Expenditures:	\$ 0.00
Ending Balance:	\$ 2,106.07

F. Tuition Payments – to reauthorize the revolving fund established under Article 34 of the 1999 Annual Town Meeting relating to the receipts including grants and reimbursements paid any governmental entity for tuition payments for non-U.S. citizen students with expenditures not to exceed \$100,000.

Beginning Balance:	\$143,042.27
Receipts:	\$ 5,366.66
Expenditures:	\$ 0.00
Ending Balance	\$148,408.93

G. All Day Kindergarten – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for all day kindergarten under the auspices of the School Department with expenditures not to exceed \$550,000.

Beginning Balance:	\$179,949.95
Receipts:	\$390,151.70
Expenditures:	\$198,467.10
Ending Balance:	\$371,634.55

H. Uncle Sam – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for the Uncle Sam program that promotes Arlington as the “Birthplace of Uncle Sam” under the auspices of the Uncle Sam Committee with expenditures not to exceed \$2,000.

Beginning Balance:	\$ 1,147.80
Receipts:	\$ 0.00
Expenditures:	\$ 0.00
Ending Balance:	\$ 1,147.80

I. Hardy School Program – to reauthorize the revolving fund established under Article 51 of the 2001 Annual Town Meeting for the after school program at the Hardy School with expenditures not to exceed \$225,000.

Beginning Balance:	\$118,851.61
Receipts:	\$113,663.47
Expenditures:	\$111,282.82
Ending Balance:	\$121,232.26

J. Life Support Services – to reauthorize the revolving fund established under Article 37 of the 2001 Annual Town Meeting for emergency medical services with expenditures not to exceed \$400,000.

Beginning Balance:	\$194,252.53
Receipts:	\$ 80,874.00
Expenditures:	\$ 57,385.72
Ending Balance:	\$217,740.81

K. Building User Fees – to reauthorize the revolving fund established under Article 27 of the 1992 Annual Town Meeting to defray the expenses of conducting after hours activities in the schools by outside groups with expenditures not to exceed \$120,000.

Beginning Balance:	\$205,217.20
Receipts:	\$ 77,874.68
Expenditures:	\$ 39,239.88
Ending Balance:	\$243,852.00

L. Board of Health Fees – to authorize a revolving fund to accept permit fees, reinspection fees, seminar fees, and fines to be utilized to fund these programs for the Board of Health with expenditures not to exceed \$25,000.

true copy of the vote under
Article 30 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 33

ENDORSEMENT OF CDBG APPLICATION

VOTED: (QUORUM PRESENT)

That the Town hereby endorses the application for Federal Fiscal Year 2006 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (Public Law 93-383) as amended.

A true copy of the vote under

Article 33 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 34

AUTHORITY TO FILE FOR GRANTS

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the Board of Selectmen, Town Manager, the School Superintendent and the School Committee are granted the general authority to file applications and to accept grants from the federal government, the Commonwealth of Massachusetts and/or any grant making organization during fiscal year 2005.

A true copy of the vote under
Article 34 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 35

**ESTABLISH COMMITTEE/
PRIVATE WAY PROCEDURES**

VOTED: (QUORUM PRESENT)

That Article 3 Repairs to Private Ways of Title III of the Bylaws be and hereby is amended as follows:

1. In Section 3 Criteria a new subsection F “Public Safety” so that as amended Section 3 shall provide as follows:

Section 3. Criteria

The Board shall in making its determination as to the advisability of making repairs take into consideration the following factors:

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

- C. The percentage of abutters on the particular private way petitioning the Board for the repairs.
 - D. The number of years that the way shall have been open to public use.
 - E. Such other considerations that the Board deems appropriate.
 - F. Public Safety.
2. Amend Section 6 Assessment of Costs by striking out the words, “two-thirds deposit” in the first sentence of the second paragraph and substituting therefore “one-third deposit” so that said sentence as amended provides as follows:
- “A one-third deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced.”
3. and by further amending Article 3 by adding a new Section 7 Collection of Apportioned Share to provide as follows:
- “Section 7 Collection of Apportioned Share”
The Board of Selectmen before authorizing any repairs shall adopt a formal Betterment Order which shall require each abutter to pay his/her property’s unpaid apportioned share of the repair cost over a five-year period to include interest at 5 percent or 2 percent above the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question whichever amount is higher. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutter’s property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.”
4. and further that the existing Section 7 Liability is renumbered as Section 8.
5. and further voted that the Town Meeting hereby establishes a Private Way Repair Study Committee whose membership shall include one member of the Board of Selectmen, the Town Treasurer, the Town Counsel, the Director of Public Works and one citizen appointed by the Board of Selectmen who lives on a private way. The charge of the Private Way Repair Study Committee will be to examine the efficiency and procedures of the

private way repair program and make recommendations as appropriate to the Board of Selectmen, Town Manager and Town Meeting.

VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN 85 T.M.M. PRESENT AND VOTING)

That the Town appropriate \$300,000 to be expended under the direction of the Town Manager, for repairs to private ways in accordance with Article 3 Private Way Repair Title III of the Bylaws and to meet the appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$300,000 in accordance with Massachusetts General Laws, Chapter 44 or any other enabling authority.

A true copy of the vote under Article 35 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 37 ESTABLISH COMMITTEE/SYMMES NEIGHBORHOOD

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the Town does hereby establish a committee to be called the Symmes Project Post Development Impact Committee whose charge it will be to assess the impacts on the greater Symmes neighborhood and the Town that result from the completion of the Symmes project to include but not necessarily be limited to post development engineering, transportation, public works, public safety, public health and school related issues. Said committee shall develop mitigation plans with clear timelines and operating and capital budget requirements and other recommendations for the consideration of future Town Meetings. It will report on its work to the Board of Selectmen, School Committee, Town Manager, Superintendent of Schools and Finance Committee on a periodic basis. Said committee's term and charge will expire five years from issuance of the final certificate of occupancy.

There shall be seven members, two members of the Symmes Neighborhood Advisory Committee or said Committee's designees as determined by said committee's membership, the Town Manager or his designee, the Director of Planning or his designee, the Director of Public Works or his designee, a member of the Transportation Advisory Committee designated by said committee's membership and a member of the Board of Selectmen or said Board's designee.

A true copy of the vote under Article 37 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 42

APPROPRIATION/TOWN BUDGETS

VOTED: (QUORUM PRESENT)

The following appropriations were voted, with individual sub-budgets being appropriated separately.

**** SEE TEXT**

A true copy of the vote under Article 42 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held June 13, 2005.

ATTEST:
Town Clerk

ARTICLE 43

**APPROPRIATION/MINUTEMAN REGIONAL
VOCATIONAL TECHNICAL HIGH SHOOOL**

VOTED: (QUORUM PRESENT)

That the sum of \$2,573,834 be and hereby is appropriated for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, of the Minuteman Regional Vocational Technical High School District Budget; said sum to be raised by general tax and expended under the direction of the Minuteman Regional Vocational Technical High School Committee.

A true copy of the vote under Article 43 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 23, 2005.

ATTEST:

Town Clerk

ARTICLE 44

APPROPRIATION/TOWN CELEBRATIONS, ETC.

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

The sum of \$12,067 be and hereby is appropriated for the following celebrations and memorials in the amounts indicated:

- A. Veterans' Day Parade, Memorial Day Observation and the Patriot's Day Celebration - \$5,667
- B. 2006 Town Day Celebration - \$0
- C. Display of American Flags on Massachusetts Avenue - \$2,000
- D. Placing of American Flags on the Graves of Veterans - \$4,400

A true copy of the vote under Article 44 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 45

APPROPRIATION/COMMITTEES AND COMMISSIONS

VOTED: (QUORUM PRESENT)

That the sum of \$12,240, be and hereby is appropriated to be expended by the following commissions, committees, and boards in the amounts indicated:

- A. Arlington Historical Commission - \$2,160
- B. Historic District Commissions - \$3,780
(Avon Place Historic District Commission, Broadway Historic District Commission, Central Street Historic District Commission, Jason/Gray Historic District Commission, Russell Historic District Commission, Pleasant Street Historic District Commission, Mount Gilboa/Crescent Hill Historic District Commission)
- C. Capital Planning Committee - \$0
- D. Commission on Disability - \$0
- E. Recycling Committee - \$1,800
- F. Human Rights Commission - \$4,500

Said sum to be raised by general tax and expended under the direction of the various commissions, committees and boards, provided that any funds appropriated hereunder

shall remain under the jurisdiction of said commissions, committees and boards until expended or released, unless otherwise transferred by Town Meeting.

A true copy of the vote under
Article 45 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 46

APPROPRIATION/MISCELLANEOUS

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

The sum of \$13,667 be and hereby is appropriated for the following purposes:

- A. Legal Defense – To appropriate a sum of money to replenish the Legal Defense fund established under Article 13 of Title I of the Town By-Laws - \$0
- B. Out-Of-State Travel – To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager - \$3,000
- C. Revaluation – To appropriate a sum of money to fund the cost of a revaluation of Town property - \$0
- D. Indemnification of Medical Costs - \$10,667
To indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred during 2004 that are the proximate result of the disability for which they were retired; and to defray the expenses of the Medical Panel required by law; provided, however, that no incurred expenses shall be considered for indemnification thereunder except those which are in excess of covered benefits of any plan of Hospital, Surgical or other coverage which the retiree has or had available to him, either directly or through a member of his immediate family, which benefits shall be considered primary, and which must be disclosed by such plan, or by the physician, hospital or other medical personnel or facility with or without the consent of the retiree.

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

A true copy of the vote under Article 46 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 47

CAPITAL BUDGET

VOTED: (QUORUM PRESENT – MORE THAN 85 T.M.M. PRESENT AND VOTING)

(1) That the sum of \$8,014,668 be and hereby is appropriated for various capital projects and equipment as shown below, and expended under the direction of the Town Manager, said sum to be raised by general tax:

ITEM	AMOUNT	PROJECT	DEPARTMENT
1.	\$ 5,500	Photocopier Lease	Board of Assessors
2.	\$ 24,000	SCBA – Spare Cylinders	Community Safety – Fire Services
3.	\$ 5,000	Bullet Proof Vest Program	Community Safety – Police Services
4.	\$ 3,500	Laser Radar	Community Safety – Police Services
5.	\$ 4,500	Photocopier	Community Safety – Police Services
6.	\$ 7,500	Radio Maintenance/Update Program	Community Safety – Police Services
7.	\$ 127,000	Vehicle Replacement Program	Community Safety – Police Services
8.	\$ 20,000	Traffic Light Update Program	Community Safety – Support Services
9.	\$ 6,000	Exhaust Extractor	Community Safety – Support Services
10.	\$ 20,000	Cooke's Hollow Bank Stabilization	Conservation Commission
11.	\$ 2,500	Photocopier Lease – Council on Aging	Human Services
12.	\$ 1,518	Photocopier Lease – Robbins House	Human Services
13.	\$ 5,940	Photocopier	Legal/Worker's Compensation
14.	\$ 6,000	Slate Repairs	Library
15.	\$ 3,952	Hot Water Heater Replacement	Library
16.	\$ 4,500	Photocopier	Personnel
17.	\$ 3,000	Photocopier	Public Works Administration
18.	\$ 6,000	Lawn Mowers/Small Equipment	Public Works Cemetery Division
19.	\$ 200,000	Roadway Reconstruction	Public Works Engineering Division
20.	\$ 50,000	Sidewalks and Curbstones	Public Works Engineering Division
21.	\$ 8,000	Snow Plow – (2 per year)	Public Works Highway Division
22.	\$ 6,000	Small Equipment	Public Works Natural Resources Div.
23.	\$ 5,000	Equipment Replacement	Schools
24.	\$ 82,000	Photocopier Lease Program	Schools
25.	\$ 10,000	Systemwide – Roof Repairs	Schools
26.	\$ 10,000	Project Adventure/Fitness	Schools
27.	\$ 5,000	Systemwide – Parking/Roadway Resurfacing	Schools
28.	\$ 9,200	Replace Wall Padding – Pit/Toz Gym	Schools
29.	\$ 5,000	Replace Divider Curtain – Toz Gym	Schools
30.	\$ 35,000	AHS – Replace Front Doors	Schools
31.	\$ 15,000	Ottoson Wall	Schools
32.	\$ 5,500	Photocopier	Town Manager
33.	\$ 5,000	Photocopier	Treasurer

34.	\$	707,110	Acquisitions Sub-Total
35.	\$	7,385,109	Prior Debt Service
36.	\$	136,409	New Debt Service
37.	\$	(73,960)	Less MWRA
38.	\$	(140,000)	Less Transfer From Antenna Fund
	\$	8,014,668	GRAND TOTAL

And that the sum of \$140,000 be hereby transferred from the Antenna Fund to reduce expenses under this article as indicated above.

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

- (2) That the various capital projects and equipment purchases shown below shall be undertaken and financed by grants or other funds as shown below, such grants to be expended under the direction of the Town Manager.

ITEM	AMOUNT	PROJECT	DEPARTMENT
1.	\$ 15,000	Riding Mowers (60")	Public Works Cemetery Division
2.	\$ 480,000	Chapter 90 Roadway	Public Works Engineering Div.
3.	\$ 80,000	Waldo Playground	Public Works Natural Resources Division
4.	\$ 30,000	Crosby Tennis Courts	Public Works Natural Resources Division
5.	\$ 45,000	Locke Playground	Public Works Natural Resources Division
6.	\$ 750,300	Sewer System Rehabilitation	Public Works Water/Sewer Div.
7.	\$ 5,000	Small Equipment	Public Works Water/Sewer Div.
8.	\$ 25,000	Water Meter Program	Public Works Water/Sewer Div.
9.	\$ 1,000,000	Water System Rehabilitation	Public Works Water/Sewer Div.
10.	\$ 30,000	Board System and Glass	Veterans' Memorial Rink Enterprise Fund
	\$ 2,460,300		GRAND TOTAL

**VOTED: (STANDING VOTE – 127 IN THE AFFIRMATIVE AND 30 IN THE
NEGATIVE)**

- (3) That the sum of \$5,071,627 be and hereby is appropriated for extraordinary repairs to public facilities, acquisition of land and the purchase and installation of equipment and for costs incidental and related thereto as follows:**

				(STATUTORY CITATION, CHAPTER 44 SECTION (), OR ANY ENABLING AUTHORITY)
ITEM	AMOUNT	PROJECT	DEPARTMENT	
1.	\$ 150,000	Ambulance replacement	Community Safety – Fire Services	-7(9)
2.	\$ 10,000	Building Repairs	Community Safety – Fire Services	-7(3A)
3.	\$ 2,300,000	Fire Station – Park Circle	Community Safety – Fire Services	-7(3) & (3A)
4.	\$ 28,000	Prisoner Transport Van	Community Safety – Police Services	-7(9)
5.	\$ 100,000	Portable Radio Purchase	Community Safety – Police Services	-7(28&29)
6.	\$ 10,000	Cell Block Camera	Community Safety – Police Services	-7(3A)
7.	\$ 125,000	Educational IT Program	Data Processing	-7(28&29)
8.	\$ 19,250	Library MLN Equipment	Data Processing	-7(28&29)
9.	\$ 40,000	School Dept-Admin Micro Program	Data Processing	-7(28&29)
10.	\$ 25,000	Software Upgrades & Standardization	Data Processing	-7(28&29)
11.	\$ 63,000	Town-Microcomputer Program	Data Processing	-7(28&29)
12.	\$ 38,000	Generator for Phone System and Computers	Data Processing	-7(28&29)
13.	\$ 48,000	Upgrade Network Infrastructure	Data Processing	-7(28&29)
14.	\$ 140,000	Student Information System	Data Processing	-7(28&29)
15.	\$ 30,000	Cost of Financing	Financing	-7(3A)
16.	\$ 40,158	Air Conditioning & Ventilation Repair	Library	-7(3A)
17.	\$ 12,500	Exterior Stair Repair 1931 Wing	Library	-7(3A)
18.	\$ 10,000	Garage Renovation/Rehab Chapel/ HVAC	Public Works Cemetery Division	-7(3A)
19.	\$ 400,000	Reservoir Dam Repair	Public Works Engineering Division	-7 or –8
20.	\$ 27,000	Utility Vehicle 4 x 4	Public Works Engineering Division	-7(9)
21.	\$ 125,000	Front End Loader	Public Works Highway Division	-7(9)
22.	\$ 16,000	Sander Body	Public Works Highway Division	-7(9)
23.	\$ 20,000	Sidewalk Sweeper	Public Works Highway Division	-7(9)
24.	\$ 80,000	Bishop	Public Works Natural Resources Div.	-7(25)
25.	\$ 25,000	Locke Playground	Public Works Natural Resources Div.	-7(25)
26.	\$ 120,000	Menotomy Rocks Park	Public Works Natural Resources Div.	-7(25)
27.	\$ 15,000	Riding Mower, 72" Cut	Public Works Natural Resources Div.	-7(9)
28.	\$ 30,000	Utility Truck	Public Works Natural Resources Div.	-7(9)
29.	\$ 40,000	Wood Chipper	Public Works Natural Resources Div.	-7(9)
30.	\$ 60,000	Large 3 Deck Mower	Public Works Natural Resources Div.	-7(9)
31.	\$ 10,000	Town Hall – Replace AC Units	Public Works Properties Division	-7(3A)
32.	\$ 150,000	Truck Wash Station	Public Works Properties Division	-7(3A)
33.	\$ 20,000	Town Yard Security System	Public Works Properties Division	-7(3A)
34.	\$ 30,000	AHS Lighting & HVAC – Lowe Auditorium	Schools	-7(3A)
35.	\$ 139,968	AHS – Blue Gym – Gymnasium Floor	Schools	-7(3A)
36.	\$ 89,728	Pierce Field – Baseball Field Lights	Schools	-7(25)
37.	\$ 57,365	Pierce Field – Concession Stand/ Storage Shed	Schools	-7(25)
38.	\$ 345,658	Pierce Field Bleachers	Schools	-7(25)
39.	\$ 30,000	Mailing Machine	Treasurer	-7(28&29)
40.	\$ 52,000	Parking Meters – 4	Treasurer	-7(28&29)
	\$ 5,071,627		GRAND TOTAL	

And that the treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow not exceeding the sum of \$5,071,627 under and pursuant to the statutes cited above, and any other enabling authority, and to issue bonds or notes of the Town therefore, said sum to be expended under the direction of the Town Manager.

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

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

VOTED: (QUORUM PRESENT)

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

A true copy of the vote under
Article 47 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held June 15, 2005.

ATTEST:
Town Clerk

ARTICLE 49

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

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – 85 T.M.M. PRESENT
AND VOTING)**

That the sum of \$412,665 to be used with a grant of \$337,635, be hereby appropriated for the purpose of financing the construction of sewers and sewerage facilities, inflow infiltration reduction or system rehabilitation, including costs incidental and related thereto; that to raise this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$412,665 under and pursuant to Chapter 44, Section 7, of the General Laws, as amended, or any enabling authority and to issue bonds or notes of the Town therefore; and that the Board of Selectmen and the Town Manager be hereby authorized to enter into any agreements they determine to be necessary in connection with the project and its financing and be further authorized to accept and

expend, in addition to the foregoing appropriation, any grants that may become available therefore from the Massachusetts Water Resources Authority or otherwise.

A true copy of the vote under
Article 49 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 50

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

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN
85 T.M.M. PRESENT AND VOTING)**

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

A true copy of the vote under
Article 50 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 51

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

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the sum of \$0 be and hereby is appropriated to implement the provision of Chapter 32 of the General Laws, Sections 90A, 90C, 90D, and 90E (pursuant to which the Town

pays up to fifty percent of the maximum of the classification pay plan for the position formerly occupied by the retirees, and in accordance with prior practice and understanding of the Town) relating to the pension adjustment of former employees, said sum to be expended under the direction of the Retirement Board.

A true copy of the vote under
Article 51 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 52

POSITIONS RECLASSIFICATION

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the Town amends the classification plans as follows:

A. Additions and Deletions

1. By deleting the following title:
Senior Clerk and Typist – Board of Health OA2

And inserting in its place:

Principal Clerk and Secretary – Board of Health OA3
Notes: Difference in maximum salaries: \$4,468

2. By deleting the following title:
Veteran's Service Agent

And inserting in its place:

Director of Veteran's Services
Notes: This change is in title only, no change in compensation.

3. By adding the following title:
Recreation Coordinator – ATP 8

B. Reclassifications

1. Detention Attendant, Community Safety
From OA3 to OA4
Requested Appropriation: \$1,440
2. Executive Secretary, Town Manager's Office
From OA7 to ATP4
Requested Appropriation \$4,324
3. Office Manager – Data Input
From ATP4 to ATP5
Requested Appropriation: Already included in the Treasurer's Request for FY06
Notes: Difference in maximum salaries: \$2,503

Said appropriations to be raised by the general tax and expended by the Town Manager.

A true copy of the vote under
Article 52 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 53

**ESTABLISH COMMITTEE/
200TH ANNIVERSARY OF TOWN**

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

To establish a committee to consider, and, if it finds it appropriate, to plan for an observance of the 200th anniversary of the incorporation of the Town in 1807, said committee to consist of at least five members to be appointed by the Moderator; to appropriate the sum of one hundred dollars for the expenses of said committee, said sum to be raised by general tax and expended under the direction of the committee; said funds to remain under the jurisdiction of the committee until released by the committee or otherwise voted by Town Meeting.

A true copy of the vote under
Article 53 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 54

APPROPRIATION/PEIRCE SCHOOL

VOTED: (QUORUM PRESENT)

That the Town appropriate \$70,000 for architects and other expenses for the Peirce School construction, said sum to be transferred from unspent funds in the Brackett School construction account appropriated by Town Meeting held on May 5, 1997 (\$24,000) and from available funds in the elementary school unspent account created by Chapter 133 of the Acts of 1998 (\$46,000).

A true copy of the vote under Article 54 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 18, 2005.

ATTEST:
Town Clerk

ARTICLE 55

**APPROPRIATION/TRANSPORTATION
ADVISORY COMMITTEE**

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That \$17,000 of the Transportation Advisory Committee's original \$50,000 appropriation be carried over for use in fiscal year 2006.

A true copy of the vote under Article 55 of the Warrant for the Annual Town Meeting of the Town of Arlington at the session held May 23, 2005.

ATTEST:
Town Clerk

ARTICLE 57

APPROPRIATION/WEED TREATMENT

VOTED: (QUORUM PRESENT)

That \$20,000 be appropriated for remediation of invasive weeds in Spy Pond, said sum to be raised by General Tax and expended under the direction of the Town Manager.

A true copy of the vote under
Article 57 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 23, 2005.

ATTEST:
Town Clerk

ARTICLE 61

**APPROPRIATION/RETIREE
HEALTHCARE TRUST FUND**

VOTED: (QUORUM PRESENT)

That the sum of \$211,572 be appropriated to fund the Healthcare Trust Fund as established by Chapter 12 of the Acts of 1998, and to accept into this fund any other monies the Town may deem appropriate to fund its healthcare obligations, said sum to be raised by general tax and expended under the direction of the Town Treasurer.

A true copy of the vote under
Article 61 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 23, 2005.

ATTEST:
Town Clerk

ARTICLE 62

**APPROPRIATION/TIP FEE
STABILIZATION FUND**

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN
85 T.M.M. PRESENT AND VOTING)**

That the sum of \$400,000 be and hereby is appropriated and transferred from the Arlington Tip Fee Stabilization Fund established under Chapter 8 of the Acts of 1998 to the Sanitation Budget 16e Rubbish Disposal/Recycling; said sum to be expended under the direction of the Town Manager.

A true copy of the vote under
Article 62 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held June 20, 2005.

ATTEST:
Town Clerk

ARTICLE 63**TRANSFER OF FUNDS/CEMETERY**

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the Town transfer \$31,000 to the capital budget and \$150,000 to the Cemetery Commissioners for the improvement of Town cemeteries, said sums to be taken from the Mt. Pleasant Cemetery "Sale of Lots and Graves Fund" and/or the "Perpetual Care Fund".

A true copy of the vote under
Article 63 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 23, 2005.

ATTEST:
Town Clerk

ARTICLE 64**APPROPRIATION/OVERLAY RESERVE**

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the sum of \$400,000 be and hereby is appropriated, to be transferred from Overlay Reserve Surplus Accounts of previous fiscal years, said sum to be utilized in the determination of the tax rate.

A true copy of the vote under
Article 64 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 23, 2005.

ATTEST:
Town Clerk

ARTICLE 65**APPROPRIATION/STABILIZATION**

**VOTED: (UNANIMOUSLY) (QUORUM PRESENT – MORE THAN
85 T.M.M. PRESENT AND VOTING)**

That the sum of \$2,064,528 be and hereby is appropriated to a new stabilization fund pursuant to Section 5B of Chapter 40 of the General Laws to be called the Fiscal Stability Stabilization Fund to be utilized for future municipal budget expenditures said sum to be raised by general tax.

A true copy of the vote under
Article 65 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held June 20, 2005.

ATTEST:
Town Clerk

ARTICLE 66

USE OF FREE CASH

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That the sum of \$1,614,155 be taken from available funds in the treasury, and that the Board of Assessors is instructed to use said amount in the determination of the tax rate.

A true copy of the vote under
Article 66 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held June 20, 2005.

ATTEST:
Town Clerk

ARTICLE 67

HEALTH INFORMATION SPECIFIC TO ARLINGTON

VOTED: (QUORUM PRESENT)

Whereas, serious health problems are said to exist in epidemic proportions across
Massachusetts, and

Whereas, these health conditions result in both reduced quality of life, and high health
costs, and

Whereas, it is uncertain how many people in Arlington suffer from these health problems,
and

Whereas, local public health and fitness resources are necessary to address these serious
health problems, and

Whereas, the best information possible is necessary to encourage local action, and to
justify fiscal allocations to address public health problems, and,

Whereas, the technology of the information age has the capacity to manage aggregate
local health information, therefore

Let it be resolved by the Arlington Town Meeting that aggregate health data specific to the Town of Arlington is needed and high valued;

And that the Arlington Town Meeting requests that the health care system, including public health, the providers, and the insurance industry, work together to develop systems to report to the Town of Arlington the ten most prevalent health problems in the town, so Arlington will have the basis for an informed and proactive culture of prevention, while maintaining individual privacy regarding personal health and health costs.

This Resolution to be sent to, but not limited to, the following entities: the State Department of Public Health, the Schools of Public Health of Boston University, Brandeis University, Harvard University, and Tufts University, the Massachusetts Health Council, the Division of Quality Improvement at the Centers for Medicare and Medicaid Services, and to local health insurance companies including Blue Cross Blue Shield, Fallon, Harvard Pilgrim, Neighborhood Health Plan, and Tufts Health Plan.

A true copy of the vote under
Article 67 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 23, 2005.

ATTEST:
Town Clerk

ARTICLE 68

STABILIZATION FUND TRANSFER

VOTED: (UNANIMOUSLY) (QUORUM PRESENT)

That \$1,500,000 be transferred from the Town Building Insurance Fund to the Stabilization Fund.

A true copy of the vote under
Article 68 of the Warrant for the
Annual Town Meeting of the
Town of Arlington at the session
held May 23, 2005.

ATTEST:
Town Clerk

Town of Arlington Massachusetts

Report of the Finance Committee



**ANNUAL TOWN MEETING
Monday, April 25, 2005**

THE FINANCE COMMITTEE

ALLAN TOSTI, *Chairman*

ABIGAIL DUBOIS, *Vice Chairman*

CHARLES T. FOSKETT, *Vice Chairman*

RICHARD C. FANNING, *Vice Chairman*

PETER B. HOWARD, *Secretary*

PRECINCT	TERM ENDS	PRECINCT	TERM ENDS
1 PAUL MCGAFFIGAN	2005	11 DANIEL DUNN	2007
2 STEPHEN W. DECOURCEY	2007	12 KENNETH J. SIMMONS	2006
3 ALLAN TOSTI	2006	13 JOHN J. DEYST, JR.	2007
4 KERRI PIANDES	2005	14 ALAN JONES	2007
5 ABIGAIL DUBOIS	2005	15 RICHARD C. FANNING	2006
6 WALTER FEY	2006	16 DANIEL M. O'NEILL	2005
7 JOSEPH CONNORS	2007	17 VACANT	2005
8 CHARLES T. FOSKETT	2007	18 MARY RONAN	2007
9 MARY MARGARET FRANCLEMONT	2006	19 PAUL E. OLSEN	2006
10 PETER B. HOWARD	2005	20 VACANT	2005
		21 JOHN MAHONEY	2006

JOHN G. KNEELAND

Executive Secretary

The Finance Committee was established by vote of the Town over a century ago on March 7, 1895. Article 33 provided for the selection of a "committee of twenty-one", which would consider all articles in the warrant involving an appropriation of money and "make report thereof in print, with their estimates and recommendations for final action of the town...."

Arlington's Finance Committee, however, was not the first in the state. According to the Massachusetts Finance Committee Handbook, by Stuart DeBard, "The Finance Committee's beginning was the action of a group of citizens of Quincy in 1870 who created themselves a committee to restore financial order." In 1910, the legislature required finance committees for every town "whose valuation for the purposes of apportioning the state tax exceeds one million dollars." Chapter 39, Section 16, also provided that any other town may "by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town...."

In Arlington, the duties and responsibilities of the Finance Committee are stated in the Town Manager Act, Sections 31-35, and in the Bylaws, Title I, Article 7. Finance Committee members must be registered voters of the town. They are appointed by a three-member committee composed of the Moderator, the chairman of the Finance Committee and the chairman of the Board of Trust Fund Commissioners.

Under Section 4 of Article 7 of Title I of the Bylaws, the Finance Committee "shall consider all articles contained in any warrant except articles on zoning...and those articles which do not require or request an appropriation of money...said committee shall make recommendations, and shall report in print, if possible at or prior to each town meeting, but the omission of said committee so to consider, recommend and/or report shall not affect the validity of any vote or other action at any town meeting. The committee shall also make such general suggestions, criticisms and recommendations, as it may deem expedient. Nothing contained in this section shall preclude the Committee from considering, if it sees fit, articles which do not require or request an appropriation of money."

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GLOSSARY

AVAILABLE FUNDS -- See Unencumbered Funds

CHERRY SHEET -- Cherry-colored form showing state and county charges and reimbursement to the Town as certified by the State Director of Accounts.

ENTERPRISE FUNDS -- Funds that account for all revenues and expenditures for services and allow surpluses to be used to reduce user fees for the services or to pay for capital improvements. Each fund has an independent budget. Losses are made up from the Town's general fund. Presently, Arlington has enterprise funds for Council on Aging Transportation, Recreation, Veterans' Memorial Rink, Water & Sewer and Youth Services.

FISCAL YEAR -- July 1 through June 30.

FREE CASH -- See Unencumbered Funds.

OVERLAY -- Funds set aside to cover abatements and exemptions. The amount is determined by the Board of Assessors.

OVERLAY RESERVE -- Unused accumulated amount of Overlay for previous years that is not required to be held in a specific Overlay account for a given year. Once released by the Board of Assessors, the funds may be used for any municipal purpose.

RESERVE FUND -- A fund established by the Annual Town Meeting. It is under control of the Finance Committee, which may authorize transfers for extraordinary or unforeseen expenditures. The fund may be composed of an appropriation of not more than 5% of the tax levy for the preceding year.

STABILIZATION FUND -- A special account created to provide a reserve for municipal expenditures.

SURPLUS REVENUE -- The total amount of cash, accounts receivable, and other current assets that exceed liabilities and reserves.

UNENCUMBERED FUNDS -- The amount of surplus revenue, minus uncollected taxes of prior years. Unencumbered funds must be certified by the State Bureau of Accounts before they can be used. Also known as Free Cash or Available Funds.

O'NEILL FORMULA -- Former Chairman of the Finance Committee, Robert F. O'Neill, developed the O'Neill formula. Mr. O'Neill served as Chairman of the Finance Committee for 17

years during the 1970's and 1980's. During the latter period he worked to develop a formula that would fairly distribute the available revenues of the Town among the various appointing authorities. He believed that if such a formula could be agreed to by all parties it would avoid battles among these groups and encourage people to work together for the good of the entire community. He worked with all of the various groups, listened to their concerns, and finally developed a formula that all the appointing authorities agreed to.

The formula is fairly simple in concept, but complex in implementation. The first and most difficult is the estimation of the revenues available to the Town. These estimates change constantly and are not finalized until the tax rate is set in November of each year. Unfortunately, the Finance Committee has to make a recommendation to the Town Meeting during the prior April, so Town Meeting can vote in May for the fiscal year, which begins in July.

Once the best estimate of revenues is made, the so called "fixed costs" are determined. They were determined after discussion and negotiation with all parties. Some, such as health insurance, apply to virtually all authorities in the Town while others, such as out of district tuition (education), apply only to certain departments. The fact that they are labeled as fixed does not mean they are not thoroughly reviewed. However, once they are reviewed to make sure they are as accurate as possible, they must be paid.

At this point the fixed costs are deducted from the available revenues and the remaining funds are distributed among the various appointing authorities according to the percentage they received during the previous year. Each appointing authority can distribute its allocation among its sub-budgets as it sees fit.

The Finance Committee reviews all of the budgets in view of the available revenues and makes its recommendations to the Town Meeting, which is the final decision-maker.

This formula has been used during the 1980's and during the most recent difficult years when revenues have declined significantly.

REPORT OF THE CHAIRMAN

The Finance Committee began its work in October, facing an escalation of the financial stress which began in fiscal year 2003. This situation was caused primarily by an economic recession which severely undercut the Commonwealth's revenue structure and its ability to continue to support municipalities with local aid. The recession also negatively impacted local revenues, while local pension and health insurance costs continued to increase. Unfortunately, even though the nation seems to be beginning to pull out of the recession and the State revenues have increased, Arlington's local aid will increase only marginally from lottery funds. Even with this increase, the State is still holding back for its own programs a substantial amount of lottery revenues which are supposed to be dedicated to local budgets. This Report is being written as attempts are made on the House floor to increase local aid. While this small increase is certainly an improvement over the severe cuts of fiscal 2003 and 2004, the State will need to return to appropriate revenue sharing if the cities and towns are to achieve financial and service stability.

In January, we proceeded to study the budget requests, meet with department heads and review all of the warrant articles. We also participated with other Town officials in meetings of the Budget and Revenue Task Force. As the degree of fiscal stress became apparent to the Task Force, the Town Manager created a five year revenue and expenditure projection to demonstrate the extent of fiscal stress into the future. After review by the Task Force, the Town Manager, working with members of the Board of Selectmen, crafted a five year plan to include an override of six million dollars to ensure fiscal and service stability over that time frame. The plan included the following items: a six million dollar operating override to be voted on by the citizens, a promise to the voters not to seek another operating override for five years, a limit on increases in the operating budgets, the pension appropriation and health insurance, an increase in exemptions for qualified elderly taxpayers and a promise to maintain reserves of 5% of non-enterprise fund expenditures.

This five year plan was approved by the School Committee, Finance Committee and Board of Selectmen, and the Board voted unanimously to place the override question on the ballot on Saturday, June 11, 2005. The five year revenue and expenditure projections are at the end of this Report.

The Finance Committee worked over the last three months to develop two budgets, which are included in this Report for your review and vote. We have included the two fiscal 2006 budgets side by side to enable you to see the differences easily. There are also two capital budgets. We have utilized the "O'Neill Formula" to distribute the reductions for the non-override budgets between the various appointing authorities. Their proposed reductions were returned to the Finance Committee in April at which time we reviewed the proposals and made our final recommendations which are before you in this Report. We would like to thank the Superintendent, Town Manager, Treasurer, Town Clerk, Assessors and Board of Selectmen for making these very difficult recommendations and returning them in a timely manner. The large snow and ice deficit did not help this process.

If the override fails to pass, the next five years will be very difficult. Even with the passage of the override on June 11, strong fiscal discipline will be required. In facing the override vote, citizens will need to decide if the services which would be lost are worth the increase in their taxes. That is their decision to make. But even if the override passes, the Town will need to work very hard over

the next five years to control expenditures. Every efficiency will need to be pursued, every grant applied for, every dollar spent as wisely as possibly.

Perhaps most important, the State will need to return to a revenue sharing commitment to the cities, towns and school districts. Without the kind of local aid commitment that we saw in the 1980s and 1990s to share the growth taxes and distribute all of the revenues of the State Lottery, very few cities and towns will be able to survive in any meaningful sense, and the services we depend on will be reduced each year. Local officials must stress to the State the importance of our local services and the need for a share of their revenues.

The issue of future obligations for the disposal of trash has been stabilized. We have included three tables (C, D & E) in this report to explain what is happening to the Tip Fee and Community Stabilization Funds. Balances remaining in these accounts will be used to support budgets over the next five years.

In closing, we need to emphasize the importance of controlling appropriations in the fiscal year 2006 budget. We cannot use any more of the Town's reserves without jeopardizing the Town's future financial condition. In 2005, when we refunded some of the Town's outstanding bonds, the Town maintained its high Aa2 and AA ratings from Moody's Investors Service and Standard and Poors, respectively, which rate the Town's bonds. We accomplished this because we continued funding the retiree health insurance fund and were conservative in projecting receipts. However, they noted that the Town used over \$1.0 million from the stabilization fund in fiscal year 2005. We justified this as a transitional strategy to give the Town time to solve the problems discussed above. We need to return to prior conservative financial practices if we are to maintain our high credit rating for future bonding and our financial stability. This will be especially important in keeping interest rates and the resulting tax impact down for the taxpayers who entrusted us with their money for the rebuilding of our schools.

As in past years, we ask for your support to keep the budgets balanced. We have allocated revenues as prudently as possible and continued to fund some reserves to stabilize services. Proposed increases must be balanced by reductions elsewhere. As always, we are available to answer any questions you may have.

Respectfully submitted,

Allan Tosti, Chairman

The Finance Committee recommends passages of the following votes:

(Unless otherwise indicated, the following recommendations were by unanimous votes: any exceptions are noted in parentheses following the text of the recommended vote. The Chairman votes only when the recommendation of the Finance Committee will be affected.)

ARTICLE 3 – 4 The Board of Selectmen will report on these articles.

ARTICLE 5 – 16 The Redevelopment Board will report on these articles.

ARTICLE 17 – 30 The Board of Selectmen will report on these articles.

ARTICLE 31

REVOLVING FUND/PARKING PROGRAM

To see if the Town will vote to establish a revolving fund pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E1/2 in order for the purpose of making expenditures relating to the Town's Parking/Parking Ticket Program, including the payment of all expenses relating to said program including the maintenance/replacement of parking signs and the painting/repainting of handicap areas and other parking zones where appropriate; or take any action related thereto.

(Inserted at the request of the Town Treasurer/Parking Clerk)

VOTED: **That no action be taken under this article.**

COMMENT: **It is expected that the Board of Selectmen will establish procedures to address this program and return to a future Town Meeting if further action is required.**

ARTICLE 32

REVOLVING FUND/CONSERVATION COMMISSION

To see if the Town will vote to establish, pursuant to Section 53E 1/2 of Chapter 44 of the General Laws, a revolving fund for the Conservation Commission and to transfer any funds currently available to the Conservation Commission into such funds, or take any action related thereto.

(Inserted at the request of the Conservation Commission)

VOTED: **That no action be taken under this article.**

COMMENT: **The Conservation Commission budget has been moved into the Planning Department budget and the use of receipts will be voted upon by Town Meeting each year within that budget.**

ARTICLE 33 and 34 The Board of Selectmen will report on these articles.

ARTICLE 35 ESTABLISH COMMITTEE/PRIVATE WAY PROCEDURES

To see if the Town will vote to establish a Private Way Procedures Committee to explore various alternatives to the financing of the repair/reconstruction of the Town's private ways, and set forth written procedures regarding the said private way program including the establishment and recording of betterment liens against the properties and property owners benefited by any improvements; said committee to be comprised of one member of the Board of Selectmen appointed by the Board; the Town Counsel; the Director of Public Works; the Director of Assessments and the Town Treasurer; the organizational meeting of the committee to be called and presided over by the Selectman member, and the business of the committee will be conducted so long as a quorum of the members are present at the organizational and subsequent meetings of the committee; or take any action related thereto

(Inserted at the request of the Town Treasurer)

VOTED: That the Town appropriate \$300,000 to be expended under the direction of the Town Manager, for repairs to private ways in accordance with Article 3 Private Way Repair Title III of the Bylaws and to meet the appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$300,000 in accordance with Massachusetts General law, Chapter 44 or any other enabling authority.

COMMENT: At the present time there are no funds available to begin the process of repairing private public ways when requested by abutters. With this authorization, 2/3 of the abutters on a private way may petition the Board of Selectmen to repair a private street. If approved, the abutters put up 1/3 of the funds up front and the Town funds on a temporary basis the remainder of the project from this authorization. Once completed the remaining 2/3 plus interest is apportioned over a five-year period on the respective abutters' tax bill. The Town will assess an extra 2% on the interest bill to compensate for administrative cost.

ARTICLE 36 and 37 The Board of Selectmen will report on these articles.

ARTICLE 38 FIRE STATION RENOVATION POSTPONEMENT

To see if the Town will vote to postpone the rebuilding of Park Circle Fire Station until a formal evaluation of actual response times for fire and emergency medical vehicles over the past three years is submitted to Town Meeting. Such submission shall be no later than the next annual town meeting, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under this article.

COMMENT: The discussion on the Park Circle Fire Station will take place under the Capital Budget in the Override Section of this report.

ARTICLE 39**FIRE STATION RENOVATION CAPITAL PLAN**

To see if the Town will vote to reallocate funds from the Capital Plan proposed for the rebuilding of Park Circle Fire Station to the renovation of Highland and/or Central Station(s), or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under this article. (14-1)

COMMENT: The discussion on the Park Circle Fire Station will take place under the Capital Budget in the Override Section of this report. If the recommendation of the Finance Committee is approved, we recommend that the Town proceed with plans for the Central and Highland stations.

ARTICLE 40**TRASH FEE**

To see if the Town will vote to institute a fee to offset all or part of the costs of trash and yard waste collections and disposal, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under this article.

COMMENT: This proposal would simply enact a per residential unit fee with no incentives for the recycling of trash. It is strictly a revenue raising proposal. Should the override placed on the ballot by the Board of Selectmen pass, this proposal would not be needed.

ARTICLE 41**TRASH COLLECTION PLAN**

To see if the Town will vote to implement one of the trash collection options included in the PAYT Committee's report to the Board of Selectmen, making all necessary changes to its Bylaws required for the implementation of the PAYT plan selected, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under this article. (10-4)

COMMENT: While this proposal will contain recycling incentives, the Finance Committee does not believe sufficient information is available to proceed forward with this proposal. Many members also feel that this is one of the only services almost all citizens receive on a regular basis from the Town and it would be unfair to burden them with this extra fee at the same time an override proposal is on the ballot.

ARTICLE 42 APPROPRIATION/TOWN BUDGETS (Beginning on Pages B1)

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended, or take any action related thereto:

Finance Committee, Board of Selectmen, Town Manager, Personnel, Comptroller, Data Processing, Town Treasurer and Collector of Taxes, Assessors, Legal and Worker's Compensation, Town Clerk, Registrars, Planning and Community Development, Redevelopment Board, Parking, Zoning Board of Appeals, Public Works, Highway, Snow and Ice Removal, Engineering, Properties, Natural Resources, Cemeteries and Sanitation, Community Safety, School Department, Libraries, Human Services, Insurance, Non-Contributory Pensions, Contributory Pensions, Town Debt and Interest, Reserve Fund, and/or any other Town Departments, Boards, Commissions or Committees, Water and Sewer Enterprise Fund, Recreation Enterprise Fund, Council on Aging Transportation Enterprise Fund, Veterans Memorial Rink Enterprise Fund, and Youth Services Enterprise Fund.

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

ARTICLE 43

APPROPRIATION/MINUTEMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL

To see if the Town will vote to appropriate a sum of money for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, of the Minuteman Regional Vocational Technical High School, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of Minuteman Regional School District School Committee)

VOTED: **That the sum of \$2,573,834 be and hereby is appropriated for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, of the Minuteman Regional Vocational Technical High School District Budget; said sum to be raised by general tax and expended under the direction of the Minuteman Regional Vocational Technical High School Committee.**

ARTICLE 44

APPROPRIATION/TOWN CELEBRATIONS, ETC.

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

- A. Veterans' Day Parade, Memorial Day Observation and the Patriots' Day Celebration
- B. 2004 Town Day Celebration
- C. Display of American Flags on Massachusetts Avenue
- D. Placing of American Flags on the Graves of Veterans

(Inserted at the request of the Town Manager)

VOTED: The sum of \$12,067 be and hereby is appropriated for the following celebrations and memorials in the amounts indicated:

- A. Veterans' Day Parade, Memorial Day Observation and the Patriots' Day Celebration. - \$5,667**
- B. 2006 Town Day Celebration - \$0**
- C. Display of American Flags on Massachusetts Avenue - \$2,000**
- D. Placing of American Flags on the Graves of Veterans - \$4,400**

ARTICLE 45 APPROPRIATION/COMMITTEES AND COMMISSIONS

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of various committees, commissions, and boards of the Town, determine how the money shall be raised; provided that any funds appropriated hereunder shall remain under the jurisdiction of said entities until expended at their direction, unless otherwise appropriated by the Town Meeting; the entities included hereunder, without limitation, are: Arlington Historical Commission, Arlington Recycling Committee, Avon Place Historic District Commission, Broadway Historic District Commission, Central Street Historic District Commission, Mt. Gilboa/Crescent Hill Historic District Commission, Jason/Gray Historic District Commission, Pleasant Street Historic District Commission, Russell Historic District Commission, Conservation Commission, Capital Planning Committee, Commission on Disability, Personnel Board, Public Memorial Committee, Human Rights Commission, and any other Town committee or commission, or take any action related thereto. (Inserted at the request of the Board of Selectmen)

VOTED: That the sum of \$12,240, be and hereby is appropriated to be expended by the following commissions, committees, and boards in the amounts indicated:

- A. Arlington Historical Commission – \$2,160**
- B. Historic District Commissions – \$3,780**
(Avon Place Historic District Commission, Broadway Historic District Commission, Central Street Historic District commission, Jason/Gray Historic District Commission, Russell Historic District Commission, Pleasant Street Historic District Commission, Mount Gilboa/Crescent Hill Historic District Commission)
- C. Capital Planning Committee – \$0**
- D. Commission on Disability – \$0**
- E. Recycling Committee – \$1,800**
- F. Human Rights Commission – \$4,500**

Said sum to be raised by general tax and expended under the direction of the various commissions, committees and boards, provided that any funds appropriated hereunder shall remain under the jurisdiction of said commissions, committees and boards until expended or released, unless otherwise transferred by Town Meeting.

ARTICLE 46

APPROPRIATION/MISCELLANEOUS

To see if the Town will vote the following:

- A. Legal Defense - To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title I of the Town Bylaws,
- B. Unemployment Compensation - To appropriate a sum of money to be expended under the direction of the Town Manager for the Unemployment Compensation Program,
- C. Out-Of-State Travel - To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager,
- D. Revaluation - To appropriate a sum of money to fund the cost of a revaluation of Town property,
- E. Indemnification of Medical Costs - To appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred,

determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTED: The sum of \$13,667 be and hereby is appropriated for the following purposes:

- A. Legal Defense - To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13 of Title I of the Town By-Laws - \$0**
- B. Out-Of-State Travel - To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager - \$3,000**
- C. Revaluation - To appropriate a sum of money to fund the cost of a revaluation of Town property - \$0**
- D. Indemnification of Medical Costs – \$10,667**
To indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred during 2004 that are the proximate result of the disability for which they were retired; and to defray the expenses of the Medical Panel required by law; provided, however, that no incurred expenses shall be considered for indemnification thereunder except those which are in excess of covered benefits of any plan of Hospital, Surgical or other coverage which the retiree has or had available to him, either directly or through a member of his immediate family, which benefits shall be considered primary, and which must be disclosed by such plan, or by the physician, hospital or other medical personnel or facility with or without the consent of the retiree.

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

ARTICLE 47

CAPITAL BUDGET

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

(Inserted by the Board of Selectmen, and at the request of the
Town Manager and the Capital Planning Committee)

Alternative A (To be voted on if the June 11, 2005 Override is approved)

VOTED: (1) That the sum of \$7,962,918 be and hereby is appropriated for various capital projects and equipment as shown below, and expended under the direction of the Town Manager, said sum to be raised by general tax:

ITEM	AMOUNT	PROJECT	DEPARTMENT
1.	\$ 5,500	Photocopier lease	BOARD OF ASSESSORS
2.	\$ 24,000	SCBA - Spare Cylinders	COMMUNITY SAFETY - FIRE SERVICES
3.	\$ 5,000	Bullet Proof Vest Program	COMMUNITY SAFETY - POLICE SERVICES
4.	\$ 3,500	Laser Radar	COMMUNITY SAFETY - POLICE SERVICES
5.	\$ 4,500	Photocopier	COMMUNITY SAFETY - POLICE SERVICES
6.	\$ 7,500	Radio Maintenance/Update Program	COMMUNITY SAFETY - POLICE SERVICES
7.	\$ 127,000	Vehicle Replacement Program	COMMUNITY SAFETY - POLICE SERVICES
8.	\$ 20,000	Traffic Light Update Program	COMMUNITY SAFETY - SUPPORT SERVICES
9.	\$ 6,000	Exhaust Extractor	COMMUNITY SAFETY - SUPPORT SERVICES
10.	\$ 20,000	Cooke's Hollow Bank Stabilization	CONSERVATION COMMISSION
11.	\$ 2,500	Photocopier Lease - Council on Aging	HUMAN SERVICES
12.	\$ 1,518	Photocopier Lease - Robbins House	HUMAN SERVICES
13.	\$ 5,940	Photocopier	LEGAL/WORKERS' COMPENSATION
14.	\$ 6,000	Slate Repairs	LIBRARY
15.	\$ 3,952	Hot water heater replacement	LIBRARY
16.	\$ 4,500	Photocopier	PERSONNEL
17.	\$ 3,000	Photocopier	PUBLIC WORKS ADMINISTRATION
18.	\$ 6,000	Lawn Mowers/Small Equipment	PUBLIC WORKS CEMETERY DIVISION
19.	\$ 200,000	Roadway Reconstruction	PUBLIC WORKS ENGINEERING DIVISION
20.	\$ 50,000	Sidewalks and Curbstones	PUBLIC WORKS ENGINEERING DIVISION
21.	\$ 8,000	Snow Plow -(2 per yr.)	PUBLIC WORKS HIGHWAY DIVISION
22.	\$ 6,000	Small Equipment	PUBLIC WORKS NATURAL RESOURCES DIVISION
23.	\$ 5,000	Equipment Replacement	SCHOOLS
24.	\$ 82,000	Photocopier Lease Program	SCHOOLS
25.	\$ 10,000	Systemwide - Roof Repairs	SCHOOLS
26.	\$ 10,000	Project Adventure/Fitness	SCHOOLS
27.	\$ 5,000	Systemwide - Parking/Roadway Resurfacing	SCHOOLS
28.	\$ 9,200	Replace wall padding -Pit/TOZ gym	SCHOOLS
29.	\$ 5,000	Replace Divider Curtain - TOZ gym	SCHOOLS
30.	\$ 35,000	AHS - Replace Front Doors	SCHOOLS
31.	\$ 15,000	Ottoson Wall	SCHOOLS
32.	\$ 5,500	Photocopier	TOWN MANAGER
33.	\$ 5,000	Photocopier	TREASURER
34.	\$ 707,110	Acquisitions Sub-total	
35.	\$ 7,385,109	Prior Debt Service	
36.	\$ 84,659	New Debt Service	
37.	\$ (73,960)	Less MWRA	
38.	\$ (140,000)	Less Transfer From Antenna Fund	
	\$ 7,962,918		GRAND TOTAL

And that the sum of \$140,000 be hereby transferred from the Antenna Fund to reduce expenses under this article as indicated above.

(2) That the various capital projects and equipment purchases shown below shall be undertaken and financed by grants or other funds as shown below, such grants to be expended under the direction of the Town Manager.

ITEM	AMOUNT	PROJECT	DEPARTMENT
1.	\$15,000	Riding Mowers (60")	PUBLIC WORKS CEMETERY DIVISION
2.	\$480,000	Chapter 90 Roadway	PUBLIC WORKS ENGINEERING DIVISION
3.	\$80,000	Waldo Playground	PUBLIC WORKS NATURAL RESOURCES DIVISION
4.	\$30,000	Crosby Tennis Courts	PUBLIC WORKS NATURAL RESOURCES DIVISION
5.	\$45,000	Locke Playground	PUBLIC WORKS NATURAL RESOURCES DIVISION
6.	\$750,300	Sewer System Rehabilitation	PUBLIC WORKS WATER/SEWER DIVISION
7.	\$5,000	Small equipment	PUBLIC WORKS WATER/SEWER DIVISION
8.	\$25,000	Water Meter Program	PUBLIC WORKS WATER/SEWER DIVISION
9.	\$1,000,000	Water System Rehabilitation	PUBLIC WORKS WATER/SEWER DIVISION
10.	\$30,000	Board System and Glass	VETERANS' MEMORIAL RINK ENTERPRISE FUND
	\$2,460,300		Grand Total

(This Space Intentionally Blank)

(3) That the sum of \$2,771,627 be and hereby is appropriated for extraordinary repairs to public facilities, acquisition of land and the purchase and installation of equipment and for costs incidental and related thereto as follows:

(Statutory Citation, Chapter 44, Section (), or any enabling authority)

ITEM	AMOUNT	PROJECT	DEPARTMENT	
1.	\$ 150,000	Ambulance replacement	COMMUNITY SAFETY - FIRE SERVICES	-7(9)
2.	\$ 10,000	Building Repairs	COMMUNITY SAFETY - FIRE SERVICES	-7(3A)
3.	\$ 28,000	Prisoner Transport Van	COMMUNITY SAFETY - POLICE SERVICES	-7(9)
4.	\$ 100,000	Portable Radio Purchase	COMMUNITY SAFETY - POLICE SERVICES	-7(28&29)
5.	\$ 10,000	Cell Block Cameras	COMMUNITY SAFETY - POLICE SERVICES	-7(3A)
6.	\$ 125,000	Educational IT Program	DATA PROCESSING	-7(28&29)
7.	\$ 19,250	Library MLN Equipment	DATA PROCESSING	-7(28&29)
8.	\$ 40,000	School Dept-Admin Micro Program	DATA PROCESSING	-7(28&29)
9.	\$ 25,000	Software Upgrades & Standardization	DATA PROCESSING	-7(28&29)
10.	\$ 63,000	Town-Microcomputer Program	DATA PROCESSING	-7(28&29)
11.	\$ 38,000	Generator for Phone system and computers	DATA PROCESSING	-7(28&29)
12.	\$ 48,000	Upgrade network infrastructure	DATA PROCESSING	-7(28&29)
13.	\$ 140,000	Student InformationSystem	DATA PROCESSING	-7(28&29)
14.	\$ 30,000	Cost of Financing	FINANCING	-7(3A)
15.	\$ 40,158	Air conditioning and ventilation repair	LIBRARY	-7(3A)
16.	\$ 12,500	Exterior stair repair 1931 wing	LIBRARY	-7(3A)
17.	\$ 10,000	Garage Renovation/ Rehab Chapel/HVAC	PUBLIC WORKS CEMETERY DIVISION	-7(3A)
18.	\$ 400,000	Reservoir Dam Repair	PUBLIC WORKS ENGINEERING DIVISION	-7 or -8
19.	\$ 27,000	Utility vehicle, 4 X 4	PUBLIC WORKS ENGINEERING DIVISION	-7(9)
20.	\$ 125,000	Front End Loader	PUBLIC WORKS HIGHWAY DIVISION	-7(9)
21.	\$ 16,000	Sander Body	PUBLIC WORKS HIGHWAY DIVISION	-7(9)
22.	\$ 20,000	Sidewalk Sweeper	PUBLIC WORKS HIGHWAY DIVISION	-7(9)
23.	\$ 80,000	Bishop	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(25)
24.	\$ 25,000	Locke Playground	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(25)
25.	\$ 120,000	Menotomy Rocks Park	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(25)
26.	\$ 15,000	Riding mower, 72" cut	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)
27.	\$ 30,000	Utility Truck	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)
28.	\$ 40,000	Wood chipper	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)
29.	\$ 60,000	Large 3 deck mower	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)
30.	\$ 10,000	Town Hall - replace AC units	PUBLIC WORKS PROPERTIES DIVISION	-7(3A)
31.	\$ 150,000	Truck Wash station	PUBLIC WORKS PROPERTIES DIVISION	-7(3A)
32.	\$ 20,000	Town Yard Security System	PUBLIC WORKS PROPERTIES DIVISION	-7(3A)
33.	\$ 30,000	AHS Lighting & HVAC - Lowe Auditorium	SCHOOLS	-7(3A)
34.	\$ 139,968	AHS - Blue Gym - Gymnasium floor	SCHOOLS	-7(3A)
35.	\$ 89,728	Pierce Field - Baseball Field Lights	SCHOOLS	-7(25)
36.	\$ 57,365	Pierce Field - Concession Stand/Storage Shed	SCHOOLS	-7(25)
37.	\$ 345,658	Pierce Field - Bleachers	SCHOOLS	-7(25)
38.	\$ 30,000	Mailing Machine	TREASURER	-7(28&29)
39.	\$ 52,000	Parking Meters - 4	TREASURER	-7(28&29)
\$ 2,771,627		GRAND TOTAL		

And that the Treasurer, with the approval of the Board of Selectman, is hereby authorized to borrow not exceeding the sum of \$2,771,627 under and pursuant to the statutes cited above (requires a 2/3 vote), and any other enabling authority, and to issue bonds or notes of the Town therefor, said sum to be expended under the direction of the Town Manager.

- (4) That the Town Manager is authorized and directed to apply for and accept any further federal, state or other grants that may be available for any one or more of the foregoing projects and equipment.**
- (5) Notwithstanding the foregoing, in the event that monies are not expended for the purposes delineated above then the Comptroller is authorized and directed not to transfer these excess funds to available funds, but said funds shall remain and be accounted for in the warrant article pending further vote of the Town Meeting, except as otherwise provided by law.**

Alternative B (To be voted on if the June 11, 2005 Override is not approved)

VOTED: (1) That the sum of \$7,744,756 be and hereby is appropriated for various capital projects and equipment as shown below, and expended under the direction of the Town Manager, said sum to be raised by general tax:

ITEM	AMOUNT	PROJECT	DEPARTMENT	No Override Change
1.	\$ 5,500	Photocopier lease	BOARD OF ASSESSORS	\$ -
2.	\$ 12,000	SCBA - Spare Cylinders	COMMUNITY SAFETY - FIRE SERVICES	\$ (12,000)
3.	\$ 5,000	Bullet Proof Vest Program	COMMUNITY SAFETY - POLICE SERVICES	\$ -
4.	\$ -	Laser Radar	COMMUNITY SAFETY - POLICE SERVICES	\$ (3,500)
5.	\$ 4,500	Photocopier	COMMUNITY SAFETY - POLICE SERVICES	\$ -
6.	\$ 7,500	Radio Maintenance/Update Program	COMMUNITY SAFETY - POLICE SERVICES	\$ -
7.	\$ 70,000	Vehicle Replacement Program	COMMUNITY SAFETY - POLICE SERVICES	\$ (57,000)
8.	\$ -	Traffic Light Update Program	COMMUNITY SAFETY - SUPPORT SERVICES	\$ (20,000)
9.	\$ 6,000	Exhaust Extractor	COMMUNITY SAFETY - SUPPORT SERVICES	\$ -
10.	\$ -	Cooke's Hollow Bank Stabilization	CONSERVATION COMMISSION	\$ (20,000)
11.	\$ 2,500	Photocopier Lease - Council on Aging	HUMAN SERVICES	\$ -
12.	\$ 1,518	Photocopier Lease - Robbins House	HUMAN SERVICES	\$ -
13.	\$ 5,940	Photocopier	LEGAL/WORKERS' COMPENSATION	\$ -
14.	\$ 6,000	Slate Repairs	LIBRARY	\$ -
15.	\$ 3,952	Hot water heater replacement	LIBRARY	\$ -
16.	\$ 4,500	Photocopier	PERSONNEL	\$ -
17.	\$ 3,000	Photocopier	PUBLIC WORKS ADMINISTRATION	\$ -
18.	\$ 6,000	Lawn Mowers/Small Equipment	PUBLIC WORKS CEMETERY DIVISION	\$ -
19.	\$ 200,000	Roadway Reconstruction	PUBLIC WORKS ENGINEERING DIVISION	\$ -
20.	\$ 25,000	Sidewalks and Curbstones	PUBLIC WORKS ENGINEERING DIVISION	\$ (25,000)
21.	\$ 4,000	Snow Plow -(2 per yr.)	PUBLIC WORKS HIGHWAY DIVISION	\$ (4,000)
22.	\$ 6,000	Small Equipment	PUBLIC WORKS NATURAL RESOURCES DIVISION	\$ -
23.	\$ 5,000	Equipment Replacement	SCHOOLS	\$ -
24.	\$ 82,000	Photocopier Lease Program	SCHOOLS	\$ -
25.	\$ 10,000	Systemwide - Roof Repairs	SCHOOLS	\$ -
26.	\$ -	Project Adventure/Fitness	SCHOOLS	\$ (10,000)
27.	\$ -	Systemwide - Parking/Roadway Resurfacing	SCHOOLS	\$ (5,000)
28.	\$ -	Replace wall padding -Pit/TOZ gym	SCHOOLS	\$ (9,200)
29.	\$ 5,000	Replace Divider Curtain - TOZ gym	SCHOOLS	\$ -
30.	\$ -	AHS - Replace Front Doors	SCHOOLS	\$ (35,000)
31.	\$ 15,000	Ottoson Wall	SCHOOLS	\$ -
32.	\$ 5,500	Photocopier	TOWN MANAGER	\$ -
33.	\$ 5,000	Photocopier	TREASURER	\$ -
34.	\$ 506,410	Acquisitions Sub-total		
35.	\$ 7,385,109	Prior Debt Service		
36.	\$ 67,197	New Debt Service		
37.	\$ (73,960)	Less MWRA		
38.	\$ (140,000)	Less Transfer From Antenna Fund		
	\$ 7,744,756		Reductions Sub-total	\$ (200,700)
		GRAND TOTAL		

And that the sum of \$140,000 be hereby transferred from the Antenna Fund to reduce expenses under this article as indicated above.

(2) That the various capital projects and equipment purchases shown below shall be undertaken and financed by grants or other funds as shown below, such grants to be expended under the direction of the Town Manager.

ITEM	AMOUNT	PROJECT	DEPARTMENT
1.	\$15,000	Riding Mowers (60")	PUBLIC WORKS CEMETERY DIVISION
2.	\$480,000	Chapter 90 Roadway	PUBLIC WORKS ENGINEERING DIVISION
3.	\$80,000	Waldo Playground	PUBLIC WORKS NATURAL RESOURCES DIVISION
4.	\$30,000	Crosby Tennis Courts	PUBLIC WORKS NATURAL RESOURCES DIVISION
5.	\$45,000	Locke Playground	PUBLIC WORKS NATURAL RESOURCES DIVISION
6.	\$750,300	Sewer System Rehabilitation	PUBLIC WORKS WATER/SEWER DIVISION
7.	\$5,000	Small equipment	PUBLIC WORKS WATER/SEWER DIVISION
8.	\$25,000	Water Meter Program	PUBLIC WORKS WATER/SEWER DIVISION
9.	\$1,000,000	Water System Rehabilitation	PUBLIC WORKS WATER/SEWER DIVISION
10.	\$30,000	Board System and Glass	VETERANS' MEMORIAL RINK ENTERPRISE FUND
	\$2,460,300		Grand Total

(This Space Intentionally Blank)

(3) That the sum of \$2,441,469 be and hereby is appropriated for extraordinary repairs to public facilities, acquisition of land and the purchase and installation of equipment and for costs incidental and related thereto as follows:

ITEM	AMOUNT	PROJECT	DEPARTMENT	(Statutory Citation, Chapter 44, Section (), or any enabling authority)	No Override Change
1.	\$150,000	Ambulance replacement	COMMUNITY SAFETY - FIRE SERVICES	-7(9)	
2.	\$10,000	Building Repairs	COMMUNITY SAFETY - FIRE SERVICES	-7(3A)	
3.	\$28,000	Prisoner Transport Van	COMMUNITY SAFETY - POLICE SERVICES	-7(28&29)	
4.	\$100,000	Portable Radio Purchase	COMMUNITY SAFETY - POLICE SERVICES	-7(3A)	
5.	\$10,000	Cell Block Cameras	COMMUNITY SAFETY - POLICE SERVICES	-7(28&29)	
6.	\$75,000	Educational IT Program	DATA PROCESSING	-7(28&29)	(\$50,000)
7.	\$19,250	Library MLN Equipment	DATA PROCESSING	-7(28&29)	
8.	\$40,000	School Dept-Admin Micro Program	DATA PROCESSING	-7(28&29)	
9.	\$25,000	Software Upgrades & Standardization	DATA PROCESSING	-7(28&29)	
10.	\$38,000	Town-Microcomputer Program	DATA PROCESSING	-7(28&29)	(\$25,000)
11.	\$38,000	Generator for Phone system and computers	DATA PROCESSING	-7(28&29)	
12.	\$48,000	Upgrade network infrastructure	DATA PROCESSING	-7(28&29)	
13.	\$140,000	Student Information System	DATA PROCESSING	-7(3A)	
14.	\$30,000	Cost of Financing	FINANCING	-7(3A)	
15.		Air conditioning and ventilation repair	LIBRARY	-7(3A)	(\$40,158)
16.	\$12,500	Exterior stair repair 1931 wing	LIBRARY	-7(3A)	
17.	\$10,000	Garage Renovation/ Rehab Chapel/HVAC	PUBLIC WORKS CEMETERY DIVISION	-7(3A)	
18.	\$400,000	Reservoir Dam Repair	PUBLIC WORKS ENGINEERING DIVISION	-7 or -8	
19.	\$27,000	Utility vehicle, 4 X 4	PUBLIC WORKS ENGINEERING DIVISION	-7(9)	
20.	\$125,000	Front End Loader	PUBLIC WORKS HIGHWAY DIVISION	-7(9)	
21.	\$16,000	Sander Body	PUBLIC WORKS HIGHWAY DIVISION	-7(9)	
22.	\$20,000	Sidewalk Sweeper	PUBLIC WORKS HIGHWAY DIVISION	-7(9)	
23.	\$80,000	Bishop	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(25)	
24.		Locke Playground	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(25)	(\$25,000)
25.		Menotomy Rocks Park	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(25)	(\$120,000)
26.	\$15,000	Riding mower, 72" cut	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)	
27.	\$30,000	Utility Truck	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)	
28.	\$40,000	Wood chipper	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)	
29.		Large 3 deck mower	PUBLIC WORKS NATURAL RESOURCES DIVISION	-7(9)	(\$60,000)
30.		Town Hall - replace AC units	PUBLIC WORKS PROPERTIES DIVISION	-7(3A)	(\$10,000)
31.	\$150,000	Truck Wash station	PUBLIC WORKS PROPERTIES DIVISION	-7(3A)	
32.	\$20,000	Town Yard Security System	PUBLIC WORKS PROPERTIES DIVISION	-7(3A)	
33.	\$30,000	AHS Lighting & HVAC - Lowe Auditorium	SCHOOLS	-7(3A)	
34.	\$139,968	AHS - Blue Gym - Gymnasium floor	SCHOOLS	-7(3A)	
35.	\$89,728	Pierce Field - Baseball Field Lights	SCHOOLS	-7(25)	
36.	\$57,365	Pierce Field - Concession Stand/Storage Shed	SCHOOLS	-7(25)	
37.	\$345,658	Pierce Field - Bleachers	SCHOOLS	-7(25)	
38.	\$30,000	Mailing Machine	TREASURER	-7(28&29)	
39.	\$52,000	Parking Meters - 4	TREASURER	-7(28&29)	
\$2,441,469			GRAND TOTAL		(\$330,158)

And that the Treasurer, with the approval of the Board of Selectman, is hereby authorized to borrow not exceeding the sum of \$2,441,469 under and pursuant to the statutes cited above (requires a 2/3 vote), and any other enabling authority, and to issue bonds or notes of the Town therefor, said sum to be expended under the direction of the Town Manager.

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

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

ARTICLE 48

RESCIND AUTHORITY TO BORROW

To see if the Town will vote to rescind the authority to borrow for certain abandoned capital projects, or take any action related thereto.

(Inserted at the request of the Capital Planning Committee)

VOTED: That no action be taken under this article.

COMMENT: There are no authorizations to be rescinded at this time.

ARTICLE 49

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

SEWERAGE FACILITIES

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

VOTED: That the sum of \$412,665 to be used with a grant of \$337,635, be hereby appropriated for the purpose of financing the construction of sewers and sewerage facilities, inflow infiltration reduction or system rehabilitation, including costs incidental and related thereto; that to raise this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$412,665 under and pursuant to Chapter 44, Section 7, of the General Laws, as amended, or any enabling authority and to issue bonds or notes of the Town therefore; and that the Board of Selectmen and the Town Manager be hereby authorized to enter into any agreements they determine to be necessary in connection with the project and its financing and be further authorized to accept and expend, in addition to the foregoing appropriation, any grants that may become available therefore from the Massachusetts Water Resources Authority or otherwise.

COMMENT: This authorization allows the Town to receive an interest free loan from the MWRA.

ARTICLE 50

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

WATER FACILITIES

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

(Inserted at the request of the Town Manager)

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

COMMENT: This authorization allows the Town to receive a grant and interest free loan from the MWRA.

**ARTICLE 51 APPROPRIATION/PENSION ADJUSTMENT FOR
FORMER TWENTY-FIVE YEAR EMPLOYEES**

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of the Massachusetts General Laws, Sections 90A, 90C, 90D, and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position formerly held by retired employees with twenty-five or more years of service to the Town who qualify for this adjustment; said adjustment to be administered in accordance with prior practice and understanding relating to the retirement allowance of said retirees; determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

VOTED: That the sum of \$0 be and hereby is appropriated to implement the provision of Chapter 32 of the General Laws, Sections 90A, 90C, 90D, and 90E (pursuant to which the Town pays up to fifty percent of the maximum of the classification pay plan for the position formerly occupied by the retirees, and in accordance with prior practice and understanding of the Town) relating to the pension adjustment of former employees, said sum to be expended under the direction of the Retirement Board.

COMMENT: This vote, which is required annually, allows the Retirement Board to ensure that retired employees will continue to receive at least 50% of the current pay of the position they held as an active Town employee.

ARTICLE 52 POSITIONS RECLASSIFICATION

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

(Inserted at the request of the Town Manager and Personnel Director)

Voted: That the Town amends the classification plans as follows:

A. Additions and Deletions

1. By deleting the following title:

Senior Clerk and Typist – Board of Health 0A2

And inserting in its place:

Principal Clerk and Secretary – Board of Health 0A3

Notes: Difference in maximum salaries: \$4,468.

2. By deleting the following title:

Veteran's Service Agent

And inserting in its place:

Director of Veteran's Services

Notes: This change is in title only, no change in compensation.

3. By deleting the following title:

Superintendent of Highway Water and Sewer – ATP 11

And inserting in its place:

Assistant Director of Public Works/Operations – ATP14

Notes: Difference in maximum salaries: \$17,167.

4. By adding the following title:

Recreation Coordinator – ATP 8

B. Reclassifications

1. **Detention Attendant, Community Safety**

From OA3 to **OA4**

Requested Appropriation: \$1,440

2. **Executive Secretary, Town Manager's Office**

From OA7 to ATP4

Requested Appropriation \$4,324

3. **Office Manager – Data Input**

From ATP4 to ATP5

Requested Appropriation: Already included in the Treasurer's Request for FY06

Notes: Difference in maximum salaries: \$2,503.

Said appropriations to be raised by the general tax and expended by the Town Manager.

ARTICLE 53 ESTABLISH COMMITTEE/200TH ANNIVERSARY OF TOWN

To see if the Town will vote to establish a committee to consider and possibly plan for an observance of the 200th anniversary of the incorporation of the Town in 1807; to determine the manner of appointment of such a committee; to make an appropriation for the expenses of such committee; or take any action related thereto.

(Inserted at the request of the Town Moderator)

VOTED: To establish a committee to consider, and, if it finds it appropriate, to plan for an observance of the 200th anniversary of the incorporation of the Town in 1807, said committee to consist of at least five members to be appointed by the Moderator; to appropriate the sum of one hundred dollars for the expenses of said committee, said sum to be raised by general tax and expended under the direction of the committee; said funds to remain under the jurisdiction of the committee until released by the committee or otherwise voted by Town Meeting.

ARTICLE 54

APPROPRIATION/PEIRCE SCHOOL

To see if the Town will vote to appropriate a sum of money or transfer existing monies under the control of the Permanent Town Building committee to fund shortfalls related to construction and/or design of the Peirce School, to determine how the money will be raised or expended, or take any action related thereto.

(Inserted at the request of the Permanent Town Building Committee)

VOTED: That the Town appropriate \$67,000 for architects and other expenses for the Peirce School construction, said sum to be transferred from unspent funds in the Brackett School construction account appropriated by the Town Meeting held on May 5, 1997 (\$24,000) and from unspent funds in the Dallin School construction account appropriated by the Town Meeting held on May 5, 1997 (\$43,000).

COMMENTS: The Permanent Town Building Committee has invoices for architects' services and surplus funds in the school construction accounts specified.

ARTICLE 55 APPROPRIATION/TRANSPORTATION

ADVISORY COMMITTEE

To see if the Town will vote to carry over into fiscal year 2006 any unexpended funds previously appropriated for expenses of the Transportation Advisory Committee, or take any action related thereto.

(Inserted at the request of the Transportation Advisory Committee)

VOTED: That \$17,000 of the Transportation Advisory Committee's original \$50,000 appropriation be carried over for use in fiscal year 2006.

ARTICLE 56 APPROPRIATION/TECHNICAL ASSESSMENT/TREASURER'S

SYSTEMS

To see if the Town will vote to appropriate a sum of money to enable the Town Treasurer to conduct a review of the Data Processing assets dedicated to support the functions of the Office of the Town Treasurer/Collector of Taxes; for the purposes of this review the Data Processing assets will include software packages (collections of computer programs), any and all hardware used to host the packages, and the communications capabilities which connect the Treasurer/Tax Collector systems operators/users to the systems, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Treasurer)

VOTED: That no action be taken under this article.

COMMENT: This project will be studied further by various departments and committees to ensure that the most appropriate system is utilized for this critical function.

ARTICLE 57

APPROPRIATION/WEED TREATMENT

To see if the Town will vote to appropriate a sum of money for remediation of invasive weeds in Spy Pond, determine how the money will be raised or expended, or take any action related thereto.

(Inserted at the request of the Vision 2020 Environment Task Group-Spy Pond Committee, the Vision 2020 Standing Committee and the Conservation Commission)

VOTED: That \$20,000 be appropriated for remediation of invasive weeds in Spy Pond, said sum to be raised by General Tax and expended under the direction of the Town Manager.

COMMENT: The preservation of the water quality of Spy Pond must be maintained in order to prevent a downward cycle that will be far more costly to correct.

ARTICLE 58**APPROPRIATION/ZONING BYLAW REVIEW**

To see if the Town will vote to appropriate a sum of money and to instruct the Zoning Bylaw Review Committee (ZBRC) to analyze the Town Zoning Bylaw and make recommendations for changes thereto regarding the use, zoning, and rezoning of lots which, under the existing Zoning Bylaw may be converted, either by right, or otherwise from an existing use to a more intensive or denser residential use; to authorize the ZBRC to expend through the Department of Planning and Community Development monies to hire a zoning and planning consultant to assist the ZBRC in conducting this analysis; and to request that Town officials cooperate with the ZBRC by supplying all relevant zoning and lot parcel data and assistance as requested by the ZBRC for this effort. The ZBRC shall report its findings, results, and Bylaw and/or Zoning Bylaw amendment proposals, if any, to the next Annual Town Meeting or, if possible, the next Special Town Meeting; determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of Zoning Bylaw Review Committee)

VOTED: **That no action be taken under this article.(16-1)**

COMMENT: **The Finance Committee understands that there are issues involving housing density within the Town, however there needs to be consensus within the various boards and committees involved in this issue. The Committee believes that the Town should consider filling the assistant planner position in the Planning Department before going outside for consultant help which could be of marginal value.**

ARTICLE 59**PERMISSIVE LEGISLATION**

To see if the Town will vote to accept permissive legislation relating to any one or more of the following:

1. Retirement changes and/or early retirement.
 2. Education reform and/or application and acceptance of any educational funds appropriated by the legislature.
 3. Special needs students.
- or take any action related thereto

(Inserted at the request of the School Committee and Superintendent)

COMMENT: **Because there is no legislation enacted in this area that could be accepted at this time, the Finance Committee voted not to make a recommendation in this report. It will do so during Town Meeting.**

ARTICLE 60**LOCAL OPTION TAXES**

To see if the Town will vote to accept any local option taxes which are made available to cities and towns through enactments of the legislature, or take any action related thereto.

(Inserted at the request of the Finance Committee)

COMMENT: Because there is no legislation enacted in this area that could be accepted at this time, the Finance Committee voted not to make a recommendation in this report. It will do so during Town Meeting.

ARTICLE 61 APPROPRIATION/RETIREE HEALTHCARE TRUST FUND

To see if the Town will appropriate a sum of money to the Healthcare Trust Fund as established by Chapter 12 of the Acts of 1998, and to accept into said trust fund a transfer of funds and/or additional moneys that the Town may deem advisable from other sources in order to fund its healthcare obligations, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Town Treasurer and the Finance Committee)

VOTED: That the sum of \$211,572 be appropriated to fund the Healthcare Trust Fund as established by Chapter 12 of the Acts of 1998, and to accept into this fund any other monies the Town may deem appropriate to fund its healthcare obligations, said sum to be raised by general tax and expended under the direction of the Town Treasurer.

COMMENT: This continues the action to fund the unfunded liability for retiree health insurance. We are utilizing the decrease in the non-contributory pension system to contribute to this fund. We use \$500,000 in the non-contributory pension appropriation as the base and each year the difference between that base figure and the next year's requirements would be added to the Retiree Healthcare Trust Fund.

ARTICLE 62 APPROPRIATION/TIP FEE STABILIZATION FUND

To see if the Town will vote to make an appropriation/transfer from the Tip Fee Stabilization Fund established by Chapter 8 of the Acts of 1998 for any purpose allowed by such act, to determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Finance Committee)

VOTED: That the sum of \$400,000 be and hereby is appropriated and transferred from the Arlington Tip Fee Stabilization Fund established under Chapter 8 of the Acts of 1998 to the Sanitation Budget 16d Rubbish Disposal/Recycling; said sum to be expended under the direction of the Town Manager.

COMMENT: See page E-1 for an explanation of how the fund will be utilized to level our appropriation over the next five years.

ARTICLE 63

TRANSFER OF FUNDS/CEMETERY

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

(Inserted at the request of the Finance Committee)

VOTED: That the Town transfer \$31,000 to the capital budget and \$150,000 to the Cemetery Commissioners for the improvement of Town cemeteries, said sums to be taken from the Mt. Pleasant Cemetery "Sale of Lots and Graves Fund" and/or the "Perpetual Care Fund."

ARTICLE 64

APPROPRIATION/OVERLAY RESERVE

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

(Inserted at the request of the Finance Committee)

VOTED: That the sum of \$400,000 be and hereby is appropriated, to be transferred from Overlay Reserve Surplus Accounts of previous fiscal years, said sum to be utilized in the determination of the tax rate.

ARTICLE 65

APPROPRIATION/STABILIZATION FUND

To see if the Town will make an appropriation to be added to the Stabilization Fund created under Article 73 of the 1958 Annual Town Meeting in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Finance Committee)

COMMENT: The Finance Committee will report on this article after the June 11th Town override referendum. Under current financial conditions, there is no General Fund monies available to contribute to the Stabilization Fund, however if the override is approved by the citizens an appropriation of approximately \$2,000,000 into a Fiscal Stability Stabilization Fund will be recommended under this article.

ARTICLE 66

USE OF FREE CASH

To see if the Town will vote to authorize the taking of a sum of money voted for appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2005, or take any action related thereto.

(Inserted at the request of the Finance Committee)

VOTED: That the sum of \$1,614,155 be taken from available funds in the treasury, and that the Board of Assessors is instructed to use said amount in the determination of the tax rate.

ARTICLE 67 The Board of Selectmen will report on this article.

ARTICLE 68

STABILIZATION FUND TRANSFER

To see if the Town will vote to transfer certain monies in the Town Building Insurance Fund to the Stabilization Fund, or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTED: That \$1,500,000 be transferred from the Town Building Insurance Fund to the Stabilization Fund.

COMMENT: Over many years the Town Building Insurance Fund had grown far beyond its needs to cover the deductible on the Town's building insurance policy. Special legislation was recently passed to allow for this transfer of surplus funds into the Stabilization Fund.

ARTICLE 69 The Board of Selectmen will report on this article

The Finance Committee recommends that the sums be appropriated to defray obligations, outlays, and expenses for the Fiscal Year ending June 30, 2006, to be raised by general tax except as otherwise specifically voted, and expended; and that the disposal of motor vehicles and other personal property be authorized, all under the direction of the respective department heads as shown below.

Individual Sub-Budgets to be appropriated separately.

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
GENERAL ADMINISTRATION					
1. FINANCE COMMITTEE					
Personnel Services	7,860	8,153	8,308	8,208	(100)
Expenses	2,135	2,135	2,135	1,835	(300)
TOTAL	9,995	10,288	10,443	10,043	(400)
	-11%	3%	2%	-2%	
Detail of Personnel Services:					
Chairman	650	650	650	650	0
Vice Chairmen (3)	1,200	1,200	1,200	1,200	0
Secretary	400	400	400	400	0
Members (16)	800	800	800	700	(100)
Executive Secretary	4,810	5,103	5,258	5,258	0
TOTAL	7,860	8,153	8,308	8,208	(100)
2. BOARD OF SELECTMEN					
Personnel Services	168,882	195,591	179,328	179,328	
Expenses	128,933	155,742	107,250	107,250	
Out of State Travel	3,000	3,000	3,000	3,000	
TOTAL	300,815	354,333	289,578	289,578	
	-3%	18%	-18%	-18%	
a. Administration and Licensing					
Personnel Services	149,324	157,591	159,908	159,908	
Expenses	22,328	25,700	23,700	23,700	
Out of State Travel	3,000	3,000	3,000	3,000	
TOTAL	174,652	186,291	186,608	186,608	
Detail of Personnel Services:					
Chairman	3,500	3,500	3,500	3,500	
Members (4)	12,000	12,000	12,000	12,000	
Board Administrator	59,477	63,099	67,449	67,449	
Clerk (PT)	4,000	3,984	4,000	4,000	
Clerks (2)	68,078	72,224	70,436	70,436	
Longevity	2,269	2,784	2,523	2,523	
SUB TOTAL	149,324	157,591	159,908	159,908	
b. Elections and Town Meeting					
Personnel Services	19,558	38,000	19,420	19,420	
Expenses	55,605	74,042	27,550	27,550	
TOTAL	75,163	112,042	46,970	46,970	
Detail of Personnel Services:					
Custodians	7,250	12,000	7,270	7,270	
Police	12,308	26,000	12,150	12,150	
SUB TOTAL	19,558	38,000	19,420	19,420	
c. Annual Report - Expenses					
d. Audit - Expenses	6,000	6,000	6,000	6,000	
	45,000	50,000	50,000	50,000	
3. TOWN MANAGER					
(Board of Selectmen)					
Personnel Services	295,330	361,913	387,510	369,846	(17,664)
Expenses	13,000	13,000	15,500	15,500	0
SUB TOTAL	308,330	374,913	403,010	385,346	(17,664)
Water/Sewer Enterprise Fund	(30,705)	(35,255)	(40,301)	(40,301)	0
TOTAL	277,625	339,658	362,709	345,045	(17,664)
	-11%	22%	7%	2%	
Detail of Personnel Services:					
Town Manager	114,400	140,000	140,000	140,000	0
Deputy Town Manager*	54,785	97,850	100,815	100,815	0
Purchasing Officer	66,140	59,920	65,229	65,229	0
Exec Sec'y/Admin Ass't	41,425	43,948	45,280	45,280	0
Purchasing Assistant	15,026	16,645	17,664	0	(17,664)
Longevity & salary reserve	3,554	3,550	18,522	18,522	0
SUB TOTAL	295,330	361,913	387,510	369,846	(17,664)

* Deputy Town Manager partially funded in Fiscal Year 2004.

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
4. PERSONNEL/PAYROLL					
(Town Manager/Treasurer)					
Personnel Services	135,414	147,471	156,878	156,878	0
Expenses	8,450	8,650	18,650	8,650	(10,000)
SUB TOTAL	143,864	156,121	175,528	165,528	(10,000)
Water/Sewer Enterprise Fund	(4,668)	(4,928)	(5,545)	(5,545)	0
TOTAL	139,196	151,193	169,983	159,983	(10,000)
Detail of Personnel Services:	3%	9%	12%	6%	
Director of Personnel	63,750	70,169	75,006	75,006	
Personnel Technician	36,354	38,568	39,736	39,736	
Personnel Technician	33,773	37,173	39,736	39,736	
Longevity	1,537	1,561	2,400	2,400	
SUB TOTAL	135,414	147,471	156,878	156,878	
5. COMPTROLLER					
(Board of Selectmen)					
Personnel Services	614,121	645,821	665,915	647,675	(18,240)
Expenses	249,237	258,753	263,145	235,473	(27,672)
SUB TOTAL	863,358	904,574	929,060	883,148	(45,912)
Water/Sewer Enterprise Fund	(94,901)	(83,662)	(89,805)	(89,805)	0
TOTAL	768,457	820,912	839,255	793,343	(45,912)
Detail of Personnel Services:	-14%	7%	2%	-3%	
Comptroller	92,421	98,049	101,020	101,020	0
Director of Data Processing	68,621	72,800	77,818	77,818	0
Mgr of Software Development	77,728	82,462	83,527	83,527	0
Prod Coord/Computer Operator	0	0	0	0	0
Prod Coord/Computer Operator	0	0	0	0	0
Senior Programmer	52,506	55,704	57,392	57,392	0
Programmer	45,792	48,580	50,053	50,053	0
Webmaster	22,880	28,502	27,672	27,672	0
Data Processing Admin Ass't	39,080	41,460	42,717	42,717	0
Data Input Operator/Asst. Comptroller	43,679	48,077	51,391	51,391	0
Ass't Computer Operator	33,290	35,317	37,200	37,200	0
Junior Accountant	36,450	38,669	39,841	39,841	0
Principal Account Clerk	33,290	35,317	36,387	36,387	0
Telephone Operator	27,811	29,505	30,399	30,399	0
Telephone Operator (PT)(2)(2)(1)(1)	27,812	17,703	18,240	0	(18,240)
Overtime	1,000	1,000	1,000	1,000	0
Longevity & Clothing Allowance	11,761	12,676	11,258	11,258	0
SUB TOTAL	614,121	645,821	665,915	647,675	(18,240)
6. TREASURER-COLLECTOR					
Personnel Services	497,281	527,233	543,881	533,881	(10,000)
Expenses	103,206	104,531	104,531	94,531	(10,000)
Out-of-State Travel	5,000	5,000	5,000	5,000	0
SUB TOTAL	605,487	636,764	653,412	633,412	(20,000)
Water/Sewer Enterprise Fund	(60,535)	(59,583)	(63,772)	(63,772)	0
TOTAL	544,952	577,181	589,640	569,640	(20,000)
Detail of Personnel Services:	-5%	6%	2%	-1%	
Treasurer*	75,355	79,944	82,366	82,366	0
Ass't Treasurer/Collector	58,087	61,760	63,492	63,492	0
Deputy Tax Collection Program	15,000	15,000	15,000	15,000	0
Clerks (10)	323,754	344,558	355,766	355,766	0
Overtime	15,000	15,000	15,000	13,835	(1,165)
Longevity	10,085	10,971	12,257	12,257	0
SUB TOTAL	497,281	527,233	543,881	542,716	(1,165)
* Treasurer is also Parking Clerk (see Budget 12)					
7. POSTAGE					
(Treasurer)					
Personnel Services	21,948	23,688	26,409	26,409	0
Expenses	116,945	117,045	132,488	117,488	(15,000)
SUB TOTAL	138,893	140,733	158,897	143,897	(15,000)
Water/Sewer Enterprise Fund	(16,461)	(14,874)	(15,302)	(15,302)	0
TOTAL	122,432	125,859	143,595	128,595	(15,000)
Detail of Personnel Services:	-21%	3%	14%	2%	
Output Media Handler	21,055	22,337	25,052	25,052	
Overtime	679	1,000	1,000	1,000	
Longevity	214	351	357	357	
SUB TOTAL	21,948	23,688	26,409	26,409	

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
8. BOARD OF ASSESSORS					
Personnel Services	245,456	257,015	262,644	254,644	(8,000)
Expenses	25,500	25,800	25,800	25,800	0
Out-of-State Travel	0	0	0	0	0
TOTAL	270,956	282,815	288,444	280,444	(8,000)
Detail of Personnel Services:	-1%	4%	2%	-1%	
Board Members (3)	15,600	15,600	15,600	15,600	0
Director of Assessments	80,877	85,802	93,545	93,545	0
Office Manager	49,399	52,407	53,996	53,996	0
Senior Clerk Typist (2)(2)(1ft2pt)(1ft1pt)	55,099	56,752	49,107	41,107	(8,000)
Data Collector	38,484	40,828	44,445	44,445	0
Overtime	2,500	2,500	2,500	2,500	0
Longevity	3,497	3,126	3,451	3,451	0
SUB TOTAL	245,456	257,015	262,644	254,644	(8,000)
9. LEGAL					
(Town Manager)					
Personnel Services	313,105	331,536	343,148	343,148	
Expenses - Workers' Comp	231,000	331,000	367,696	367,696	
Expenses - Legal	75,000	75,000	75,000	75,000	
SUB TOTAL	619,105	737,536	785,844	785,844	
Water/Sewer Enterprise Fund	(13,408)	(14,078)	(14,549)	(14,549)	
TOTAL	605,697	723,458	771,295	771,295	
Detail of Personnel Services:	-14%	19%	7%	7%	
Town Counsel	103,438	109,737	113,062	113,062	
Benefits Atty./Workers' Compensation Agent	91,708	97,293	100,240	100,240	
Safety Coordinator	49,399	52,407	53,996	53,996	
Legal Secretary	39,080	41,460	42,717	42,717	
Legal Secretary PT	19,023	20,182	21,568	21,568	
Longevity	10,457	10,457	11,565	11,565	
SUB TOTAL	313,105	331,536	343,148	343,148	
10. TOWN CLERK					
Personnel Services	169,677	181,349	186,528	177,321	(9,207)
Expenses	25,500	26,200	25,200	22,400	(2,800)
TOTAL	195,177	207,549	211,728	199,721	(12,007)
Detail of Personnel Services:	-1%	6%	2%	-4%	
Town Clerk	65,920	69,935	72,054	72,054	0
Ass't Town Clerk	40,169	42,615	43,906	43,906	0
Other Clerks (2FT&1PT)	58,307	62,860	63,869	54,662	(9,207)
Overtime	2,500	2,500	2,500	2,500	0
Longevity	2,781	3,439	4,199	4,199	0
SUB TOTAL	169,677	181,349	186,528	177,321	(9,207)
11. BOARD OF REGISTRARS					
Personnel Services	37,387	40,841	43,187	43,187	
Expenses	15,000	15,100	15,100	15,100	
TOTAL	52,387	55,941	58,287	58,287	
Detail of Personnel Services:	-44%	7%	4%	4%	
Town Clerk	1,500	1,500	1,500	1,500	
Members (3)	1,500	1,500	1,500	1,500	
Moderator	500	500	500	500	
Ass't Registrars (2)(1)(1)(1)	32,087	34,041	36,387	36,387	
Temporary Ass't Registrars	0	0	0	0	
Overtime	1,500	3,000	3,000	3,000	
Custodial Services	0	0	0	0	
Longevity	300	300	300	300	
SUB TOTAL	37,387	40,841	43,187	43,187	

		Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
12. PARKING						
(Board of Selectmen)						
Personnel Services		62,996	66,742	71,222	71,222	0
Expenses		10,775	10,875	15,875	15,875	0
TOTAL		73,771	77,617	87,097	87,097	0
		-7%	5%	12%	12%	
Detail of Personnel Services:						
Parking Clerk (also Treasurer; see Budget 6)		15,704	16,661	17,166	17,166	0
Data Input Operator/Clerk		45,792	48,581	52,556	52,556	0
Overtime		1,000	1,000	1,000	1,000	0
Longevity		500	500	500	500	0
SUB TOTAL		62,996	66,742	71,222	71,222	0
13. PLANNING & COMMUNITY DEVELOPMENT						
(Town Manager)						
Personnel Services		215,982	221,155	233,997	196,697	(37,300)
Expenses		4,400	4,870	4,870	4,870	0
SUB TOTAL		220,382	226,025	238,867	201,567	(37,300)
Central School Allocation		(19,000)	(19,980)	(21,858)	(21,858)	0
Comm Dev Bock Grant		(7,381)	(6,256)	(6,838)	(6,838)	0
Conservation Comm. Fees & Fines Account*		0	(3,000)	(3,000)	(3,000)	0
TOTAL		194,001	196,789	207,171	172,871	(34,300)
		-9%	1%	5%	-12%	
Detail of Personnel Services:						
Director		103,438	92,055	94,845	94,845	0
Ass't Director(1) (.5)		66,644	63,310	70,212	35,212	(35,000)
Conservation Commission Administrator*		0	20,827	22,479	20,179	(2,300)
Head Clerk		39,080	41,460	42,716	42,716	0
Longevity		6,820	3,503	3,745	3,745	0
SUB TOTAL		215,982	221,155	233,997	196,697	(37,300)
* The Conservation Commission budget has been transferred into the Planning Department.						
14. REDEVELOPMENT BOARD						
(Town Manager)						
Personnel Services		45,290	48,366	51,102	51,102	
Purchase of Services		303,828	366,650	379,850	379,850	
SUB TOTAL		349,118	415,016	430,952	430,952	
Central School Allocation		(19,338)	(20,345)	(23,101)	(23,101)	
TOTAL		329,780	394,671	407,851	407,851	
		-6%	20%	3%	3%	
Detail of Personnel Services:						
Building Craftsman		40,290	43,366	45,802	45,802	
Overtime		5,000	5,000	5,000	5,000	
Longevity		0	0	300	300	
SUB TOTAL		45,290	48,366	51,102	51,102	
15. ZONING BOARD OF APPEALS						
(Board of Selectmen)						
Personnel Services		16,784	17,709	18,819	18,819	
Expenses		3,848	4,103	4,103	4,103	
TOTAL		20,632	21,812	22,922	22,922	
		3%	6%	5%	5%	
Detail of Personnel Services:						
Members		1,600	1,600	1,600	1,600	
Principal Clerk (PT)		15,184	16,109	17,219	17,219	
Longevity		0	0	0	0	
SUB TOTAL		16,784	17,709	18,819	18,819	

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
16. PUBLIC WORKS (Town Manager)					
Personnel Services	3,002,777	3,235,444	3,363,617	2,976,488	(387,129)
Expenses	6,223,912	6,635,604	4,435,189	4,181,689	(253,500)
SUB TOTAL	9,226,689	9,871,048	7,798,806	7,158,177	(640,629)
Water/Sewer Enterprise Fund	(886,075)	(820,000)	(902,000)	(902,000)	0
Transfer Tip Fee Stabilization Fund	(2,121,460)	(2,537,230)	(400,000)	(400,000)	0
Transfer Lots & Graves/Perpetual Care	(200,000)	(150,000)	(150,000)	(150,000)	0
Recycling Grant	(22,557)	0	0	0	0
TOTAL*	5,996,597	6,363,818	6,346,806	5,706,177	(640,629)
	-12%	6%	0%	-10%	

*For fiscal 2006 the Director of Public Works is hereby authorized to transfer funds within this budget.

a. Administration					
Personnel Services	320,720	391,996	407,070	407,070	
Expenses	10,000	13,200	13,200	13,200	
SUB TOTAL	330,720	405,196	420,270	420,270	
Water/Sewer Enterprise Fund	(160,000)	(175,000)	(192,500)	(192,500)	
TOTAL	170,720	230,196	227,770	227,770	
Detail of Personnel Services:	-2%	35%	-1%	-1%	
Director	98,000	103,976	107,118	107,118	
Assistant Director (FY04 50% in Water/Sewer)	33,324	70,703	72,846	72,846	
Accts/Operations Asst	0	0	0	0	
Office Manager	46,344	49,166	52,556	52,556	
Principal Acct Clerk	29,809	31,628	33,805	33,805	
Administrative Asst.	37,287	39,558	40,757	40,757	
Bookkeeper	33,290	35,315	36,387	36,387	
Custodian (1)	35,568	37,734	38,896	38,896	
Overtime & Out of Grade Pay	4,252	20,854	20,854	20,854	
Longevity	2,846	3,062	3,851	3,851	
SUB TOTAL	320,720	391,996	407,070	407,070	
b. Engineering					
Personnel Services	193,734	213,313	224,085	218,085	(6,000)
Expenses	36,500	36,700	20,700	20,700	0
SUB TOTAL	230,234	250,013	244,785	238,785	(6,000)
Water/Sewer Enterprise Fund	(133,075)	(135,000)	(148,500)	(148,500)	0
Warrant Article Charges	0	0	0	0	0
TOTAL	97,159	115,013	96,285	90,285	
Detail of Personnel Services:	-5%	18%	-16%	-22%	
Engineer Div. Manager	61,708	65,464	67,450	67,450	0
Operations Engineer	0	0	0	0	0
Junior Civil Engineer (3)(2)(2)(2)	93,610	99,278	104,099	104,099	0
Senior Engineer Aide	34,043	37,469	40,790	40,790	0
Overtime	0	6,000	6,000	0	(6,000)
Longevity	4,373	5,102	5,746	5,746	0
SUB TOTAL	193,734	213,313	224,085	218,085	(6,000)
c. Cemeteries					
Personnel Services	398,037	431,136	445,168	389,988	(55,180)
Expenses	44,900	40,600	41,650	41,650	0
SUB TOTAL	442,937	471,736	486,818	431,638	(55,180)
Transfer Lots & Graves/Perpetual Care	(200,000)	(150,000)	(150,000)	(150,000)	0
TOTAL	242,937	321,736	336,818	281,638	(55,180)
Detail of Personnel Services:	-45%	32%	5%	-12%	
Supervisor	54,344	57,653	64,401	19,221	(45,180)
Working Foreman	36,920	43,185	44,491	44,491	0
Motor Equip. Operator (5)(5)(4.5)(4.5)	161,175	171,663	172,522	172,522	0
Senior Clerk Typist	29,202	30,990	31,918	31,918	0
Laborers(4)(3)(3)(3)	92,789	98,440	102,774	102,774	0
Longevity	7,917	6,660	6,517	6,517	0
Overtime & Out of Grade Pay	15,690	22,545	22,545	12,545	(10,000)
SUB TOTAL	398,037	431,136	445,168	389,988	(55,180)

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
d. Properties/Natural Resources					
Personnel Services	809,016	842,569	847,403	620,009	(227,394)
Expenses	272,313	295,900	352,500	232,500	(120,000)
SUB TOTAL	1,081,329	1,138,469	1,199,903	852,509	(347,394)
TOTAL	1,081,329	1,138,469	1,199,903	852,509	(347,394)
Detail of Personnel Services:	3%	5%	5%	-25%	
Ground Supertendent/Tree Warden	63,211	67,069	49,176	49,176	0
Forestry Supervisor	50,246	53,306	42,443	42,443	0
Working Foreman, Tree Climber	40,706	43,185	44,493	44,493	0
Parks Maint. Supervisor	50,245	53,306	54,921	54,921	0
Working Foreman	36,920	39,168	42,536	42,536	0
Motor Equip. Operator(2)(3)(3)(5)	97,116	103,703	183,485	183,485	0
Park Maint. Craftsman (5)(3)	177,840	188,670	155,508	75,508	(80,000)
Tree Climber (2)(3)(2)(2)	105,320	74,618	75,525	75,525	0
Ground Maint Workers-(6)(6)(5)(4)(1)	175,075	163,018	145,049	37,655	(107,394)
Overtime	2,245	46,121	46,121	6,121	(40,000)
Longevity	10,092	10,405	8,146	8,146	0
SUB TOTAL	809,016	842,569	847,403	620,009	(227,394)
e. Sanitation/Highway Division					
Personnel Services - Labor	986,278	1,065,471	1,145,170	1,046,615	(98,555)
Expenses	215,200	292,900	341,740	333,240	(8,500)
Curbside Collection Contract	1,820,000	1,965,000	1,995,325	1,920,325	(75,000)
Rubbish Disposal/Recycling *	3,369,425	3,417,230	1,080,000	1,030,000	(50,000)
Hazardous Waste**	40,000	40,000	40,000	40,000	0
Solid Fill Disposal	20,000	100,000	100,000	100,000	0
Removal of Ice & Snow	340,574	340,574	355,574	355,574	0
SUB TOTAL	6,791,477	7,221,175	5,057,809	4,825,754	(232,055)
Transfer Tip Fee Stabilization Fund	(2,121,460)	(2,537,230)	(400,000)	(400,000)	0
Water/Sewer Enterprise Fund	(475,000)	(400,000)	(440,000)	(440,000)	0
Recycling Grant	(22,557)	0	0	0	0
TOTAL	4,172,460	4,283,945	4,217,809	3,985,754	(232,055)
Detail of Personnel Services:	-13%	3%	-2%	-7%	
Assistant Director	0	0	0	0	0
Supervisor of Highway/Water/Sewer	28,664	50,599	76,076	76,076	0
Supervisor of Highway	54,344	55,570	60,566	60,566	0
Public Works Foreman	48,430	51,371	54,921	54,921	0
Foreman (2)(2)(1)(2)	41,906	82,220	91,604	91,604	0
Working Foreman, Mason	37,440	39,720	42,557	42,557	0
Mason	35,485	37,645	32,261	32,261	0
Motor Equip Oper. (15)(14)(11)(11)(10)	372,976	398,051	414,156	380,601	(33,555)
Sign Painter	35,485	37,646	40,352	40,352	0
Carpenter	36,920	39,168	41,143	41,143	0
Dispatch	35,568	37,734	39,639	39,639	0
Laborer (4)(3)(3)(3)	93,975	99,698	106,268	106,268	0
Temporary/Seasonal Laborers	90,000	60,000	67,500	37,500	(30,000)
Overtime	60,000	60,000	60,000	25,000	(35,000)
Out of Grade Pay	3,747	6,451	6,451	6,451	0
Longevity	11,338	9,598	11,676	11,676	0
TOTAL	986,278	1,065,471	1,145,170	1,046,615	(98,555)
f. Motor Equipment Repair					
Personnel Services	294,992	290,959	294,721	294,721	
Expenses	55,000	93,500	94,500	94,500	
SUB TOTAL	349,992	384,459	389,221	389,221	
Water/Sewer Enterprise Fund	(118,000)	(110,000)	(121,000)	(121,000)	
TOTAL	231,992	274,459	268,221	268,221	
Detail of Personnel Services:	2%	18%	-2%	-2%	
Supervisor of MER	50,245	53,305	54,921	54,921	
Working Foreman MER	41,912	44,464	45,811	45,811	
Motor Equip Repairman (4)(3)(4)(4)	162,824	172,740	173,953	173,953	
MER Helper	35,564	0	0	0	
Overtime & Out of Grade Pay	1,140	16,140	16,140	16,140	
Longevity	3,307	4,310	3,896	3,896	
SUBTOTAL	294,992	290,959	294,721	294,721	

*This appropriation includes funding for the Community Stabilization Fund. All funds remaining in the Rubbish Disposal/Recycling account on June 30, 2006 shall be transferred to the Tip Fee Stabilization Fund created by Chapter 8 of the Acts of 1998. Notwithstanding any other provision of the fiscal 2006 Public Works Budget, no funds from this appropriation shall be expended for any other purpose. Activity in the Community Stabilization Fund and the Tip Fee Stabilization Fund shall be reported to the 2006 Town Meeting by the Town Comptroller.
(See Sections C, D, E for information on both funds and projected trash disposal costs).

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
COMMUNITY SAFETY					
17. COMMUNITY SAFETY					
(Town Manager)					
a. Administration					
Detail of Personnel Services:					
Police Chief	105,727	112,166	115,563	115,563	
Fire Chief	88,222	93,594	96,431	96,431	
Clerks (3)	100,039	108,122	117,701	117,701	
Paid Holidays	0	0	0	0	
Overtime	500	500	500	500	
Longevity	5,139	6,487	7,552	7,552	
TOTAL	299,627	320,869	337,747	337,747	
	3%	7%	5%	5%	
b. Police Services					
Personnel Services	4,280,666	4,559,760	4,714,859	4,614,859	(100,000)
Expenses	394,480	404,875	433,475	424,975	(8,500)
TOTAL	4,675,146	4,964,635	5,148,334	5,039,834	(108,500)
	-5%	6%	4%	2%	
Detail of Personnel Services:**					
Captains (3)(3)(3)	251,161	274,125	282,425	282,425	0
Lieutenants (8)(8)(8)	599,030	666,647	675,025	675,025	0
Sergeants (10)(10)(9)	574,432	613,421	633,472	633,472	0
Patrolmen (45)(41)(42)(40)	2,174,833	2,307,280	2,426,455	2,326,455	(100,000)
Parking Control Officers (2)(3)(3)(3)	43,015	45,635	45,357	45,357	0
Senior Clerk	18,678	19,819	21,181	21,181	0
Detention Attendant/Clerk	28,732	30,482	32,582	32,582	0
Animal Control Officer	42,087	44,650	36,576	36,576	0
Animal Control Officer (PT)	0	0	0	0	0
Building Custodian	0	0	0	0	0
Matron (PT)	4,500	0	0	0	0
Overtime	167,000	250,000	250,000	250,000	0
Paid Holidays	230,000	173,447	165,000	165,000	0
School Credits	5,000	5,000	5,000	5,000	0
Court Time	51,000	35,000	35,000	35,000	0
Longevity	91,198	94,254	106,786	106,786	0
SUB TOTAL	4,280,666	4,559,760	4,714,859	4,614,859	(100,000)
** The Town Meeting recommends that any vacant management positions be reviewed as they occur by the Town Manager for possible elimination.					
c. Fire Service					
Personnel Services	4,306,171	4,549,260	4,722,775	4,626,746	(96,029)
Expenses	244,675	243,370	248,400	239,900	(8,500)
SUB TOTAL	4,550,846	4,792,630	4,971,175	4,866,646	(104,529)
Water/Sewer Enterprise Fund	(44,480)	(45,801)	(49,412)	(49,412)	0
TOTAL	4,506,366	4,746,829	4,921,763	4,817,234	(104,529)
	-6%	5%	4%	1%	
Detail of Personnel Services: **					
Chief Officer (5)	340,125	360,838	371,765	371,765	0
Captain (7)(6)	414,477	426,911	454,533	388,504	(66,029)
Lieutenant (15)	773,160	820,245	845,115	845,115	0
Firefighter (49)	2,180,402	2,313,188	2,383,262	2,383,262	0
EMS Coordinator	0	0	0	0	0
Holidays	100,000	120,000	120,000	120,000	0
School Credits	116,686	116,686	116,686	116,686	0
Captains Working as Chief Officers	9,500	9,500	9,500	9,500	0
Longevity	87,722	99,162	109,184	109,184	0
Overtime	216,000	216,000	246,000	216,000	(30,000)
Weekend Differential	46,999	45,630	45,630	45,630	0
EMT Pay	21,100	21,100	21,100	21,100	0
SUB TOTAL	4,306,171	4,549,260	4,722,775	4,626,746	(96,029)

**** The Town Meeting recommends that any vacant management positions be reviewed as they occur by the Town Manager for possible elimination.**

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
d. Support Services					
Personnel Services	528,153	582,286	596,745	596,745	
Expenses	83,000	73,675	74,275	74,275	
TOTAL	611,153	655,961	671,020	671,020	
Detail of Personnel Services:	-18%	7%	2%	2%	
Supervisor, Fire & Police Signal Systems	0	0	0	0	
Signal Maintainer	0	0	0	0	
Signal Maintenance Helper	0	0	0	0	
Master Mechanic	52,506	55,704	57,391	57,391	
Fire Apparatus Repairman	0	0	0	0	
Motor Equipment Repairman	40,706	43,185	44,893	44,893	
Lead Dispatcher	40,000	42,436	45,912	45,912	
Communications Dispatcher (9)	318,761	339,521	346,855	346,855	
Asst Civil Defense Director	0	0	0	0	
Holiday Pay	23,915	23,915	23,915	23,915	
Differential - Dispatchers & Civ Def Dir	3,040	3,040	3,250	3,250	
Overtime	40,000	65,560	65,560	65,560	
Longevity	9,225	8,925	8,969	8,969	
SUB TOTAL	528,153	582,286	596,745	596,745	

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
INSPECTIONAL SERVICES					
18a Building Inspection					
Personnel Services	286,515	306,900	318,213	308,213	(10,000)
Expenses	11,800	11,600	11,500	11,500	0
	298,315	318,500	329,713	319,713	(10,000)
Detail of Personnel Services:	-4%	7%	4%	0%	
Director of Inspectional Services	78,883	83,686	86,222	86,222	0
Wire Inspector	61,708	65,466	67,450	67,450	0
Plumbing & Gas Inspector	54,344	57,653	59,401	49,401	(10,000)
Local Inspector	52,506	55,704	57,391	57,391	0
Zoning Assistant	28,939	31,277	33,486	33,486	0
Longevity	5,135	5,114	6,263	6,263	0
Overtime	5,000	8,000	8,000	8,000	0
SUB TOTAL	286,515	306,900	318,213	308,213	(10,000)
b. Street Lighting					
TOTAL	422,500	250,000	250,000	250,000	

EDUCATION

19. EDUCATION					
(School Committee)					
a. Instructional Service Programs	14,364,365	14,969,668	16,009,220	14,792,144	(1,217,076)
b. Special Education & Pupil Services	3,398,517	3,626,069	3,774,289	3,591,163	(183,126)
c. Instructional Support Programs	2,373,894	2,590,559	2,668,536	2,386,746	(281,790)
d. Management Services	3,098,806	3,572,524	4,031,269	3,673,681	(357,588)
e. Operation/Maintenance Programs	3,770,698	4,089,692	4,312,696	4,090,489	(222,207)
f. Student Out of Dist Tuition & Trans	3,639,155	3,489,155	3,484,891	3,238,441	(246,450)
TOTAL*	30,645,435	32,337,667	34,280,901	31,772,664	(2,508,237)
	-3.76%	5.52%	6.01%	-2%	

LIBRARIES

20. LIBRARIES					
(Town Manager)					
Personnel Services	1,140,828	1,203,289	1,290,262	1,218,457	(71,805)
Expenses	343,125	375,050	444,000	373,209	(70,791)
TOTAL	1,483,953	1,578,339	1,734,262	1,591,666	(142,596)
Detail of Personnel Services:	-10%	6%	10%	1%	
Library Director	78,883	80,662	86,223	86,223	0
Ass't Director	59,643	62,132	65,193	65,193	0
Head of Adult Services	52,781	55,996	57,693	57,693	0
Head of Children's Services	52,781	55,996	57,693	57,693	0
Head of Technical Services	47,127	49,997	51,512	51,512	0
Head of Circulation	39,522	41,929	44,820	44,820	0
Branch librarian/Tech Librarian (2)(1)	94,254	99,994	103,024	51,513	(51,511)
Adult Service Librarians (3)	127,947	135,739	139,851	139,851	0
Children's Librarian	42,648	45,246	46,617	46,617	0
Children's Librarian(PT)	0	0	0	0	0
Adult Service Librarians (PT)(3)(3)(4)(4)	59,812	63,151	77,854	97,860	20,006
Senior Library Ass'ts (8)	245,863	260,874	280,149	280,149	0
Senior Library Ass'ts (PT)(2)(2)(3)(1)	38,620	40,972	50,856	29,661	(21,195)
Library Ass'ts (PT)(6)(6)(7)(6)	62,342	66,139	73,301	64,196	(9,105)
Principal Clerk/Bookkeeper	33,773	35,830	38,299	38,299	0
Senior Clerk Typist (PT)	12,602	13,369	14,290	14,290	0
Custodian (FT)(PT)(PT)(PT)	18,246	19,357	20,742	20,742	0
Custodian (PT)(2)(1)(1)(1)	8,310	8,816	7,775	7,775	0
Pages (PT)	40,723	43,203	47,041	37,041	(10,000)
Overtime	10,500	10,800	10,800	10,800	0
Night Time Differential	1,373	957	1,081	1,081	0
Longevity	13,078	12,130	15,448	15,448	0
SUB TOTAL	1,140,828	1,203,289	1,290,262	1,218,457	(71,805)

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
HUMAN SERVICES					
21. HUMAN SERVICES					
(Town Manager)					
a. Administration					
Personnel Services	108,397	116,563	124,213	124,213	0
Transfer from Whittemore-Robbins House			0	(10,000)	(10,000)
Expenses	1,700	1,800	1,800	1,800	0
TOTAL	110,097	118,363	126,013	116,013	(10,000)
Detail of Personnel Services:	4%	8%	6%	-2%	
Director	73,283	78,312	83,107	83,107	
Principal Clerk-Stenographer	31,150	34,287	36,651	36,651	
Longevity	3,964	3,964	4,455	4,455	
SUB TOTAL	108,397	116,563	124,213	124,213	
b. Veterans' Services					
Personnel Services	44,138	48,581	50,053	50,053	0
Expenses	112,951	113,215	113,235	103,235	(10,000)
TOTAL	157,089	161,796	163,288	153,288	(10,000)
Detail of Personnel Services:	-14%	3%	1%	-5%	
Veterans' Agent	44,138	48,581	50,053	50,053	0
Senior Clerk-Typist(PT)	0	0	0	0	0
Longevity	0	0	0	0	0
SUB TOTAL	44,138	48,581	50,053	50,053	0
c. Board of Health					
Personnel Services	166,125	176,755	201,155	174,155	(27,000)
Expenses	16,690	19,300	19,704	11,404	(8,300)
Tobacco Grant	0	(14,000)	0	0	0
TOTAL	182,815	182,055	220,859	185,559	(35,300)
Detail of Personnel Services:	9%	0%	21%	2%	
Board Members (3)	0	0	0	0	0
Director	51,333	54,459	58,213	58,213	0
Health Compliance Officer	50,245	53,305	54,921	54,921	0
Health Compliance Officer (PT)*	21,342	22,642	36,204	24,204	(12,000)
Senior Clerk-Stenographer	25,203	26,738	31,406	16,406	(15,000)
Public Health Nurse	18,002	19,098	19,679	19,679	0
Animal Inspector (PT)	0	0	0	0	0
Longevity	0	513	732	732	0
SUB TOTAL	166,125	176,755	201,155	174,155	(27,000)
* Responsible for Sealer of Weights & additional inspections.					
d. Council on Aging					
Personnel Services	100,164	113,730	125,334	98,566	(26,768)
Senior Work Program	0	0	0	0	0
Minuteman Home Care	0	0	0	0	0
Expenses	4,440	4,640	5,162	5,162	0
TOTAL	104,604	118,370	130,496	103,728	(26,768)
Detail of Personnel Services:	-27%	13%	10%	-12%	
Executive Secretary	61,708	65,466	67,450	67,450	0
Senior Clerk-Stenographer	15,906	24,217	24,952	24,952	0
Complaint Mediator	0	0	0	0	0
Social Worker (PT)*	12,867	13,651	23,718	0	(23,718)
Nurse *	8,935	9,479	8,240	5,190	(3,050)
Longevity	748	917	974	974	0
SUB TOTAL	100,164	113,730	125,334	98,566	(26,768)

* Represents the Town portion only. These positions are funded by State grants.

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
PENSIONS					
22. NON-CONTRIBUTORY RETIREMENT					
TOTAL	319,657	288,428	288,428	288,428	
	-1%	-10%	0%	0%	
23. CONTRIBUTORY RETIREMENT					
Pension Fund/Expenses	5,911,371	6,177,741	6,534,227	6,534,227	
SUB TOTAL	5,911,371	6,177,741	6,534,227	6,534,227	
Water/Sewer Enterprise Fund	(358,985)	(529,819)	(477,586)	(477,586)	
TOTAL	5,552,386	5,647,922	6,056,641	6,056,641	
	16%	2%	7%	7%	
INSURANCE					
24. INSURANCE					
(Town Manager)					
Group Life	70,000	70,000	70,000	70,000	
Group Health	11,115,000	10,187,500	11,840,000	11,840,000	
Unemployment Insurance *	1,000,000	35,000	100,000	100,000	
Medicare	500,000	500,000	500,000	500,000	
Indemnity	300,000	300,000	275,000	275,000	
Liability	37,000	39,000	55,000	55,000	
Flexible Benefit Plan	800	800	800	800	
SUB TOTAL	13,022,800	11,132,300	12,840,800	12,840,800	
Enterprise & Building Fund	(562,682)	(674,315)	(581,128)	(581,128)	
TOTAL	12,460,118	10,457,985	12,259,672	12,259,672	
	25%	-16%	17%	17%	
Insurance Detail Charges					
Municipal Building Trust Fund	(165,000)	(165,000)	(82,500)	(82,500)	
Water/Sewer Enterprise Fund	(325,687)	(398,416)	(399,990)	(399,990)	
Recreation Enterprise Fund	(14,938)	(31,287)	(31,274)	(31,274)	
Veteran's Memorial Rink Enterprise Fund	(17,198)	(34,978)	(33,953)	(33,953)	
Youth Services Enterprise Fund	(39,859)	(44,634)	(33,411)	(33,411)	
SUB TOTAL	(562,682)	(674,315)	(581,128)	(581,128)	
* Unemployment insurance has been moved into the insurance budget to increase management flexibility in dealing with the results of the June Proposition 2 1/2 override.					
25. RESERVE FUND *					
(Finance Committee)					
TOTAL	400,000	300,000	350,000	350,000	
	33%	-25%	17%	17%	
* The Reserve Fund was increased in fiscal year 2004 to account for possible increases in the Minuteman Regional School assessment.					

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
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ENTERPRISE FUNDS

(Enterprise funds and revolving funds and fees thereunder established pursuant to MGL c. 44, sec. 53e1/2, and c. 40, sec. 22F whose acceptance is hereby confirmed)

A . WATER AND SEWER (Town Manager)

1. EXPENSES				
Personnel Services	1,945,656	2,182,101	2,089,241	2,089,241
Expenses	9,553,667	10,146,410	10,629,915	10,629,915
Capital Outlay & Debt Service	1,355,000	1,433,500	1,924,385	1,924,385
TOTAL	12,854,323	13,762,011	14,643,541	14,643,541
2. REVENUE	3%	7%	6%	6%
User Charges	7,713,481	7,382,988	7,293,937	7,293,937
Shift of Debt to Tax Rate	5,010,842	5,395,130	5,650,291	5,650,291
MWRA Loan	0	1,373,500	1,750,300	1,750,300
Interest Income/Miscellaneous	60,000	15,000	49,836	49,836
Real Estate Tax Liens	70,000	70,000	70,000	70,000
TOTAL	12,854,323	14,236,618	14,814,364	14,814,364
3. FUND BALANCE (DEFICIT BALANCE)	0	474,607	170,823	170,823
(Deficit to be funded through General Fund)		**		

Details of Expenses:

Personnel Services:				
Administration	37,942	41,460	42,716	42,716
Clerical	30,767	34,881	37,286	37,286
Labor	1,508,462	1,566,441	1,522,153	1,522,153
Retirement	358,985	529,819	477,586	477,586
Unemployment Compensation	2,500	2,500	2,500	2,500
Workers' compensation	7,000	7,000	7,000	7,000
SUB TOTAL	1,945,656	2,182,101	2,089,241	2,089,241
Water Operating Expenses:				
Maintenance of Water Distribution System	190,500	245,200	274,800	274,800
Maintenance of Plant	67,000	67,000	75,400	75,400
M.W.R.A. Assessment	2,586,000	2,905,000	3,449,670	3,449,670
Great Meadows	4,000	4,000	4,000	4,000
SUB TOTAL	2,847,500	3,221,200	3,803,870	3,803,870
Sewer Operating Expenses:				
Maintenance of Sanitary Sewer System	106,250	89,500	93,100	93,100
Maintenance of Storm Sewer System	40,000	26,000	26,000	26,000
M.W.R.A. Assessment	5,804,000	5,995,000	5,958,159	5,958,159
SUB TOTAL	5,950,250	6,110,500	6,077,259	6,077,259
Indirect Expenses:				
Indirect Charges	685,917	744,710	678,786	678,786
Rates Uncollectable	70,000	70,000	70,000	70,000
SUB TOTAL	755,917	814,710	748,786	748,786

** Projected surplus in fiscal 2005 is needed to eliminate a \$780,000 deficit in fiscal 2004.

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
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B . RECREATION
(Town Manager)

1. EXPENSES					
Personnel Services	284,697	335,255	319,299	319,299	
Operating Expenses	83,238	99,587	269,804	269,804	
Capital Outlay	0	0	15,000	15,000	
TOTAL	367,935	434,842	604,103	604,103	
	-3%	18%	39%	39%	
2. REVENUE					
User Fees and Charges	380,000	410,000	588,000	588,000	
Miscellaneous - Cherry Sheet	14,688	14,688	21,000	21,000	
TOTAL	394,688	424,688	609,000	609,000	
3. FUND BALANCE (DEFICIT)					
(Deficit to be funded through General Fund)	26,753	(10,154)	4,897	4,897	

Details of Expenses:

Personnel Services:					
Superintendent	39,255	41,646	33,725	33,725	
Recreation Supervisor	48,081	50,512	54,632	54,632	
Recreation Supervisor	16,344	49,663	53,056	53,056	
Senior Clerk-Stenographer	15,575	16,524	17,663	17,663	
Information and Referral Assistant	0	18,536	44,147	44,147	
Playgrounds	164,000	157,412	114,000	114,000	
Retirement	0	0	0	0	
Overtime	0	0	500	500	
Longevity	1,442	962	1,576	1,576	
SUB TOTAL	284,697	335,255	319,299	319,299	
Operating Expenses:					
Office Supplies	1,000	1,000	15,000	15,000	
Summer Equipment	7,500	7,500	6,350	6,350	
Utilities	15,000	15,000	16,000	16,000	
Repairs	2,000	2,000	1,250	1,250	
Automobile Allowance	7,800	7,800	7,180	7,180	
Health Insurance	14,938	31,287	31,274	31,274	
Recreation Programs	35,000	35,000	192,750	192,750	
SUB TOTAL	83,238	99,587	269,804	269,804	

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
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C . VETERANS' MEMORIAL RINK
(Town Manager)

1. EXPENSES					
Personnel Services	190,739	212,247	232,998	232,998	
Operating Expenses	182,411	200,761	199,336	199,336	
Capital Outlay	25,000	20,000	20,000	20,000	
TOTAL	398,150	433,008	452,334	452,334	
2. REVENUE	3%	9%	4%	4%	
Public Skating	0	26,450	30,000	30,000	
Rentals	303,000	333,000	348,450	348,450	
Concession Stand	48,000	37,000	30,000	30,000	
Retained Earnings	0	0	0	0	
Fees/Service Charge	0	0	0	0	
Miscellaneous	64,400	26,000	50,225	50,225	
TOTAL	415,400	422,450	458,675	458,675	
3. FUND BALANCE (DEFICIT)	17,250	(10,558)	6,341	6,341	
(Deficit to be funded through General Fund)					

Details of Expenses:

Personnel Services:					
Administration	119,239	127,575	153,998	153,998	
Clerical, Skatguards	68,500	72,672	67,000	67,000	
Retirement & Overtime	3,000	12,000	12,000	12,000	
Longevity	0	0	0	0	
SUB TOTAL	190,739	212,247	232,998	232,998	
Operating Expenses:					
Office Supplies	1,000	1,000	2,000	2,000	
Building Supplies	15,000	14,000	9,000	9,000	
Utilities	73,500	73,500	80,000	80,000	
Repairs	4,000	4,700	7,200	7,200	
Security	3,000	3,000	3,000	3,000	
Work Study					
Refrigeration	4,500	4,500	14,000	14,000	
Automobile - Fuel & Maintenance	2,000	2,000	2,000	2,000	
First Aid	300	300	300	300	
Insurance	13,383	13,383	13,383	13,383	
Health Insurance	17,198	34,978	33,953	33,953	
Concession Stand	40,000	40,000	20,000	20,000	
Unclassified	8,530	9,400	14,500	14,500	
SUB TOTAL	182,411	200,761	199,336	199,336	

	Appropriation Fiscal Year 2004	Appropriation Fiscal Year 2005	Recommendation Fiscal Year 2006	No-Override Recommendation Fiscal Year 2006	Change Override vs No-override
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D . COUNCIL ON AGING - TRANSPORTATION
(Town Manager)

1. EXPENSES					
Personnel Services	50,523	58,034	65,480	65,480	
Operating Expenses	44,200	48,000	45,100	45,100	
Capital Outlay	0	0	0	0	
TOTAL	94,723	106,034	110,580	110,580	
2. REVENUE					
	-33%	12%	4%	4%	
From Retained Earnings	2,000	2,000	8,000	8,000	
Vans	9,100	9,100	14,000	14,000	
CDBG	67,850	67,850	67,850	67,850	
Fees/Service Contract Charges Dial-A-Ride	21,104	21,104	21,104	21,104	
Miscellaneous	0	0	0	0	
TOTAL	100,054	100,054	110,954	110,954	
3. FUND BALANCE (DEFICIT)					
	5,331	(5,980)	374	374	

E . YOUTH SERVICES DIVISION
(Town Manager)

1. EXPENSES					
Personnel Services	234,777	228,500	246,405	246,405	
Expenses	46,509	51,284	44,836	44,836	
TOTAL	281,286	279,784	291,241	291,241	
2. REVENUE					
	-28%	-1%	4%	4%	
Client Fees	10,000	10,000	10,000	10,000	
Private Insurance	0	0	0	0	
Medicaid	30,000	30,000	30,000	30,000	
Blue Cross	0	0	0	0	
Other State Revenue	0	0	0	0	
Dept. of Mental Health	0	0	0	0	
Arlington Public Schools payments	38,000	38,000	38,000	38,000	
Drug Free School Grant	0	0	0	0	
CDBG	15,000	17,000	17,000	17,000	
TOTAL	93,000	95,000	95,000	95,000	
3. FUND BALANCE (DEFICIT)					
(Deficit to be funded through General Fund)	(188,286)	(184,784)	(196,241)	(196,241)	

Detail of Expenses

Personnel Services:					
Supervisor, Group Workers(PT)	36,005	36,606	37,712	37,712	
Caseworker (2PT)	78,011	81,171	75,412	75,412	
Psychiatrist(PT)	31,237	33,139	41,600	41,600	
Counselor (PT)(1)	22,525	19,100	22,911	22,911	
Psychologist	31,142	33,039	31,753	31,753	
Social Worker	33,449	22,180	33,914	33,914	
Director, Alcohol & Drug Education	0	0	0	0	
Arlington Public Schools	0	0	0	0	
Longevity	2,408	3,265	3,103	3,103	
SUB TOTAL	234,777	228,500	246,405	246,405	
Operating Expenses:					
Electricity **	0	0	0	0	
Gas - Heat**	0	0	0	0	
Fuel**	0	0	0	0	
Repairs - Maintenance**	0	0	0	0	
Billing	4,000	4,000	4,000	4,000	
Consultation	1,000	1,000	1,000	1,000	
Office Supplies	1,000	1,000	1,000	1,000	
Car Allowance	0	4,775	4,775	4,775	
Health Insurance & Retirement	39,859	39,859	33,411	33,411	
Alcohol & Drug Education	0	0	0	0	
Unclassified	650	650	650	650	
SUB TOTAL	46,509	51,284	44,836	44,836	

**These costs are paid from the Robbins House Revolving Fund.

IF JUNE 11, 2005 OVERRIDE PASSES

26-Apr-05 Budget Year

* \$305,000 of fiscal year 2005 additional local aid is applied to the snow and ice deficit.

IF JUNE 11, 2005 OVERRIDE DOES NOT PASS

REVENUES AND EXPENDITURES FISCAL YEAR 2006

26-Apr-05 Budget Year

#	DEPARTMENT	FY '06	LOCAL RECEIPTS	FY '06	ENTERPRISE FUNDS	FY '06	ENTERPRISE FUNDS	FY '06
1	FIN COM	10,043	M.V.E.	4,032,371	A. WATER & SEWER		C. VETS' MEM RINK	
2	SELECTMEN	289,578	PENALTIES & INT	150,000	BUDGET	2,632,541	BUDGET	432,334
3	TOWN MANAGER	345,045	IN LIEU OF TAX	6,978	CAPITAL	1,924,385	CAPITAL	20,000
4	PERSONNEL	159,983	FEES	650,000	ASSESSMENT	9,407,829	ASSESSMENT	0
5	COMPTROLLER	793,343	HOTEL/MOTEL TAX	91,632	INDIRECT	678,786	INDIRECT	0
6	TREASURER	569,640	DEPT REV:SCHOOL	179,866	TOTAL	14,643,541	TOTAL	452,334
7	POSTAGE	128,595	DEPT REV:LIBRY	70,000	REVENUES	14,814,364	REVENUES	458,675
8	ASSESSORS	280,444	DEPT REV:CEMTRY	257,900				
9	LEGAL	771,295	OTHER DEPT REV	700,000	FUND BALANCE	170,823	FUND BALANCE	6,341
10	TOWN CLERK	199,721	LICENSES&PERMIT	1,000,000				
11	REGISTRARS	58,287	SPL.ASSESSMENTS	4,701				
12	PARKING	87,097	FINES & FORFEITS	80,000	B. RECREATION		E.YOUTH SERVICES	
13	PLANNING & C. D.	172,871	INVEST INCOME	450,000	BUDGET	604,103	BUDGET	291,241
14	REDEVELOPMENT	407,851	RENTAL INCOME	773,231	CAPITAL	0	CAPITAL	0
15	ZBA	22,922		0	ASSESSMENT	0	ASSESSMENT	0
			MISCELLANEOUS	0	INDIRECT	0	INDIRECT	0
16a	DPW ADMIN	227,770	TOTAL	8,446,679	TOTAL	604,103	TOTAL	291,241
16b	ENGINEERING	90,285			REVENUES	609,000	REVENUES	95,000
16c	PROP./NAT.RES/CEM	1,134,147	WARRANT	FY '06				
16d	HIGHWAYS/SANT.	3,985,754	REVALUATION	0	FUND BALANCE	4,897	FUND BALANCE	(196,241)
16e	MOTOR EQUIP REPAIR	268,221	200TH TOWN ANNIVERSARY	100				
17a	COM SAFTY ADM	337,747	SPY POND TREATMENT	20,000	D.COUNCIL ON AGING		ENTERPRISE FUND	
17b	POLICE	5,039,834	TRAVEL, OUT-STATE	3,000	TRANSPORTATION		SUMMARY:	
17c	FIRE	4,817,234	HISTORICAL COMM.	7,760	EXPENDITURE	110,580	EXPENDITURE	16,101,799
18a	BUILDING INSPECTION	319,713	MINUTEMAN RSD	2,573,834	REVENUES	110,954	REVENUES	16,087,993
18b	STREET LIGHTS	250,000	CLASSIF AMEND	5,764				
19	EDUCATION	31,772,664	CAP PLAN	0	FUND BALANCE	374	FUND BALANCE	(13,806)
20	LIBRARIES	1,591,666	IDEMNIFICATION	10,667				
21	HUMAN SERVICES	558,588	RECYCLING	1,800	REVENUES		EXPENDITURES	
22	N.C. PENSIONS	288,428	DISPLAY OF FLAGS	6,400	SOURCE	FY '06	SOURCE	FY '06
23	C.PENSIONS	6,056,641	PARADES	5,667	TAX LEVY	62,850,490	TOWN BUDGETS	42,739,676
24	INSURANCE	12,259,672	DISABILITY COMM		STATE AID	15,870,086	SCHOOL BUDGET	31,772,664
25	RESERVE FUND	350,000	CAPITAL PLAN &	506,410	LOCAL RECEIPTS	8,446,679	WARRANT ARTS.	12,095,820
			DEBT & INTEREST	7,238,346	FREE CASH	1,614,155	STATE/CTY CHRGS	196,676
			RETIREE HEALTH INS	211,572	OVERLAY SURPLUS	400,000	MBTA ASSESSMENT	2,349,058
					SYMMES DEBT	(89,429)	C.S.(D) CHRGS	8,870
			HUMAN RIGHTS COMM	4,500	INSUR TRUST FUND	1,500,000	OVERLAY RESERVE	584,602
			STABILIZATION FUND	1,500,000			ED/LIB OFFSET (C.S)	449,614
			TOTAL	12,095,820			CRT JUDGEMENTS	100,000
							REVENUE DEFICIT	0
							SNOW DEFICIT *	295,000
	TOWN DEPTS.	42,543,435						
	SCHOOL DEPT.	31,772,664	REVENUES LESS EXPENDITURES					
	GRAND TOTAL	74,316,099	BALANCE =	0	TOTAL	90,591,981	TOTAL	90,591,980

* \$305,000 of fiscal year 2005 additional local aid is applied to the snow and ice deficit.

Report Of The Town Comptroller

TIP FEE STABILIZATION FUND For the period April 1, 2004 to March 31, 2005

DATE	DESCRIPTION	REVENUE	INTEREST INCOME	TRANSFER OUT	BALANCE
	BALANCE AS OF MARCH 31, 2004				3,310,289.08
04/07/04	MARCH INTEREST		1,018.56		3,311,307.64
04/07/04	RUBBISH DISPOSAL TEWKSBURY	77,305.20			3,388,612.84
04/29/04	NESWC WIRE	121,901.81			3,510,514.65
05/17/04	APRIL INTEREST		1,030.79		3,511,545.44
06/09/04	RUBBISH DISPOSAL TEWKSBURY	31,503.50			3,543,048.94
06/14/04	TRANSFER TO GENERAL FUND			350,000.00	3,193,048.94
06/15/04	MAY INTEREST		1,195.07		3,194,244.01
06/27/04	JUNE INTEREST		462.86		3,194,706.87
06/30/04	UNSPENT 04 FUNDS FROM GENERAL FUND	68,713.44			3,263,420.31
07/01/04	TRANSFER TO GENERAL FUND			2,537,230.00	726,190.31
08/06/04	RUBBISH DISPOSAL ANDOVER & TEWKSBURY	54,632.20	1		780,822.51
08/13/04	RUBBISH DISPOSAL WILMINGTON	7,365.00			788,187.51
08/16/04	JULY INTEREST		300.60		788,488.11
08/20/04	RUBBISH DISPOSAL WESTFORD	35,000.00			823,488.11
09/08/04	AUGUST INTEREST		406.55		823,894.66
09/30/04	NESWC WIRE	466,142.72			1,290,037.38
10/12/04	SEPTEMBER INTEREST		482.27		1,290,519.65
11/09/04	OCTOBER INTEREST		1,229.90		1,291,749.55
12/14/04	NOVEMBER INTEREST		1,393.47		1,293,143.02
01/12/05	DECEMBER INTEREST		1,595.57		1,294,738.59
02/09/05	JANUARY INTEREST		1,730.48		1,296,469.07
02/09/05	RUBBISH DISPOSAL WESTFORD	25,580.86			1,322,049.93
02/18/05	RUBBISH DISPOSAL NORTH ANDOVER	32,175.00			1,354,224.93
03/08/05	FEBRUARY INTEREST		1,733.54		1,355,958.47
03/10/05	NESWC WIRE	85,856.82			1,441,815.29
03/22/05	RUBBISH DISPOSAL WHEELBRATOR	279.84			1,442,095.13
BALANCE AS OF MARCH 31, 2004		920,319.73	12,579.66	2,887,230.00	1,442,095.13

1 ANDOVER 23,440.90 TEWKSBURY 31,191.30

Report Of The Town Comptroller

COMMUNITY STABILIZATION FUND For the period April 1, 2004 to March 31, 2005

DATE	DESCRIPTION	REVENUE	INTEREST INCOME	WITHDRAWAL	BALANCE
	BALANCE AS OF MARCH 31, 2004				84,283.93
Apr-04	APRIL INTEREST		62.48		84,346.41
	APRIL REVENUE	44,247.12 ¹			128,593.53
May-04	MAY INTEREST		86.65		128,680.18
	MAY REVENUE	56,862.08 ²			185,542.26
	MAY WITHDRAWALS			59,542.81 ³	125,999.45
Jun-04	JUNE INTEREST		31.72		126,031.17
Jul-04	JULY REVENUE	129,154.44 ⁴			255,185.61
	JULY INTEREST		138.57		255,324.18
Aug-04	AUGUST REVENUE	717,811.69 ⁵			973,135.87
	AUGUST WITHDRAWALS			533,784.66 ⁶	439,351.21
	AUGUST INTEREST		105.84		439,457.05
Sep-04	SEPTEMBER WITHDRAWALS			216,556.52 ⁷	222,900.53
	SEPTEMBER INTEREST		726.07		223,626.60
Oct-04	OCTOBER INTEREST		141.08		223,767.68
Nov-04	NOVEMBER REVENUES	28,323.69 ⁸			252,091.37
	NOVEMBER INTEREST		435.39		252,526.76
Dec-04	DECEMBER REVENUES	64,540.55 ⁹			317,067.31
	DECEMBER INTEREST		119.49		317,186.80
Jan-05	JANUARY REVENUE	46,030.49 ¹⁰			363,217.29
	JANUARY WITHDRAWAL			65,227.18 ¹¹	297,990.11
	JANUARY INTEREST		167.80		298,157.91
Feb-05	FEBRUARY INTEREST		920.32		299,078.23
Mar-05	MARCH REVENUES	138,232.19 ¹²			437,310.42
	MARCH WITHDRAWALS			85,659.32 ¹³	351,651.10
	MARCH INTEREST		726.15		352,377.25
BALANCE AS OF MARCH 31, 2005		1,225,202.25	3,661.56	960,770.49	352,377.25

¹ Arlington's invoiced payment into the CSF from the month of March

² Arlington's invoiced payment into the CSF April

³ Arlington's invoiced payment into the Revenue Fund for May

⁴ Arlington's invoiced payment into the CSF June

⁵ Arlington's portion FY04 Base Fee Credit Distribution (620,871.07) and invoiced payment CSF July

⁶ Arlington's transfer CSF to TRSF (461,392.05) funds in excess FY05 Req Min to TFSF & Arlington's invoiced payment into Revenue Fund for August (72,392.61)

⁷ Arlington's adjustment in the CSF from the FY04 Year End Reconciliation (182,557.03) & Arlington's invoiced payment into Revenue Fund for September (33,999.49)

⁸ Arlington's invoiced payment into the CSF October

⁹ Arlington's invoiced payment into the CSF November

¹⁰ Arlington's invoiced payment into the CSF for December

¹¹ Arlington's invoiced payment into the Revenue Fund for January

¹² Arlington's invoiced payment into the CSF for February

¹³ Arlington's invoiced payment into the Revenue Fund for February

TOWN OF ARLINGTON

NESWC Level Tip Fee Projection FY2005-FY2006
revised through 3/31/05 statement

						Tip Fee Fund						
FY	Budgeted		GAT	MRI Charges		Revenue			Withdrawals	Balance	Budget Difference	Rev + Bal
	Tip Fee	\$		Tip Fee	Amount	Space	Dereg/MTC	Interest				
										3,194,707		
										3,291,704		
										3,360,418		
									2,537,230	823,188		(1,135,069)
						466,143	0			1,289,331		3,660,850
								112,830		1,402,161		1,402,161
										1,402,161		
									0	1,402,161		1,402,161
									0	1,402,161		823,188
						381				1,402,542	0	1,402,542
						375,000				1,777,542	0	1,777,542
FY05 Ending Balance										1,777,542	0	1,777,542
*2006	0.00	0	5,000	0.00		0	0	5,999	0	1,783,541	0	1,783,541
**2006	45.33	630,000	15,000	64.00	1,030,000	0	0	16,033	400,000	1,399,574	400,000	1,799,574
TOTAL		630,000							400,000			

Notes:

*July - September [Contract ends 9/25/2005] Estimated Tip Fee \$0.00

**October - June FY2006 Tip Fee = \$64.00

**Five Year Financial Plan
with \$6 million override**

	FY 2005	FY 2006	Difference 2005 - 2006		FY 2007	Difference 2006 - 2007		FY 2008	Difference 2007 - 2008		FY 2009	Difference 2008 - 2009		FY 2010	Difference 2009 - 2010	
			Dollar	Percent		Dollar	Percent		Dollar	Percent		Dollar	Percent		Dollar	Percent
I REVENUE																
A. State Aid	15,389,872	15,870,086	480,214	3.12%	16,670,086	800,000	5.04%	17,470,086	800,000	4.80%	18,270,086	800,000	4.58%	19,070,086	800,000	4.38%
B. Local Receipts	8,235,844	8,489,210	253,366	3.08%	9,339,210	850,000	10.01%	8,589,210	(750,000)	-8.03%	8,639,210	50,000	0.58%	8,689,210	50,000	0.58%
C. Free Cash	1,414,803	1,614,155	199,352	14.09%	957,077	(657,077)	-40.71%	600,000	(357,077)	-37.31%	600,000	0	0.00%	600,000	0	0.00%
D. Stabilization Fund	1,000,000	0	(1,000,000)	-100.00%	0	0	0	0	0	0	0	0	0	0	0	0
E. Overlay Reserve Surplus	500,000	400,000	(100,000)	-20.00%	400,000	0	0.00%	200,000	(200,000)	-50.00%	200,000	0	0.00%	200,000	0	0.00%
F. Property Tax	60,653,870	68,850,490	8,196,620	13.51%	70,933,124	2,082,633	3.02%	73,368,088	2,434,964	3.43%	75,771,577	2,403,489	3.28%	77,916,088	2,144,511	2.83%
Symmes debt to be paid		(89,429)	(89,429)		(259,009)	(169,580)	189.63%	(259,009)	0	0.00%	(259,009)	0	0.00%	(259,009)	0	0.00%
G. Use of prior years funds(Coll. Barg.)	403,525	0	(403,525)	-100.00%	0	0	0	0	0	0	0	0	0	0	0	0
H. Other Revenues (inc. Ottoson reim. In	158,158	0	(158,158)	-100.00%	0	0	0	754,621	754,621		1,244,103	489,482		2,936,002	1,691,899	
TOTAL REVENUES	87,756,072	95,134,512	7,378,440	8.41%	98,040,488	2,905,976	3.05%	100,722,996	2,682,508	2.74%	104,465,966	3,742,971	3.72%	109,152,377	4,686,410	4.49%
II APPROPRIATIONS																
A. Operating Budgets																
School	32,288,213	34,280,903	1,992,690	6.17%	35,652,139	1,371,236	4.00%	37,078,225	1,426,086	4.00%	38,561,354	1,483,129	4.00%	40,103,808	1,542,454	4.00%
Minuteman	2,140,851	2,573,834	432,983	20.22%	2,676,787	102,953	4.00%	2,783,859	107,071	4.00%	2,895,213	111,354	4.00%	3,011,022	115,809	4.00%
Town Personnel Services	18,539,482	19,220,087	680,605	3.67%	19,988,890	768,803	4.00%	20,788,446	799,556	4.00%	21,619,984	831,538	4.00%	22,484,783	864,799	4.00%
Expenses	9,959,848	7,951,933	(2,007,915)	-20.16%	8,335,614	383,681	4.82%	8,542,337	206,723	2.48%	8,884,030	341,693	4.00%	9,239,392	355,361	4.00%
Enterprise Fund/Other																
Offsets	1,288,762	1,385,483	96,721	7.50%	1,440,902	55,419	4.00%	1,498,538	57,636	4.00%	1,558,480	59,942	4.00%	1,620,819	62,339	4.00%
Tip Fee Stabilization Fund	2,537,230	400,000	(2,137,230)	-84.23%	580,000	(180,000)	-45.00%	500,000	(80,000)	-13.79%	500,000	0	0.00%	375,000	(125,000)	-25.00%
Net Town Budget	24,673,338	25,386,537	713,199	2.89%	26,303,602	917,065	3.61%	27,332,245	1,028,643	3.91%	28,445,534	1,113,290	4.07%	29,728,356	1,282,821	4.51%
B. Capital budget																
Exempt Debt Service	2,963,090	3,235,354	272,264	9.19%	2,834,918	(400,436)	-12.38%	2,748,750	(86,168)	-3.04%	2,533,477	(215,273)	-7.83%	2,449,378	(84,099)	-3.32%
Non-Exempt Service	3,795,103	4,020,454	225,351	5.94%	4,296,923	276,469	6.88%	4,991,076	694,153	16.15%	5,015,965	24,889	0.50%	5,318,575	302,610	6.03%
Cash	626,000	707,110	81,110	12.96%	745,958	38,848	5.49%	721,458	(24,500)	-3.28%	690,000	(31,458)	-4.36%	645,018	(44,982)	-6.52%
Total Capital	7,384,193	7,962,918	578,725	7.84%	7,877,799	(85,119)	-1.07%	8,461,284	583,485	7.41%	8,239,442	(221,842)	-2.62%	8,412,971	173,529	2.11%
C. Pensions	5,936,350	6,345,069	408,719	6.89%	6,598,872	253,803	4.00%	6,862,827	263,955	4.00%	7,137,340	274,513	4.00%	7,422,833	285,494	4.00%
D. Insurance	10,422,985	12,259,672	1,836,687	17.62%	13,117,849	858,177	7.00%	14,036,098	918,249	7.00%	15,018,625	982,527	7.00%	16,069,929	1,051,304	7.00%
E. State Assessments	2,756,877	2,554,604	(202,273)	-7.34%	2,552,846	(1,758)	-0.07%	2,552,846	0	0.00%	2,552,846	0	0.00%	2,552,846	0	0.00%
F. Offset Aid - Library & School	450,584	449,614	(970)	-0.22%	449,614	0	0.00%	449,614	0	0.00%	449,614	0	0.00%	449,614	0	0.00%
G. Overlay Reserve	591,196	584,602	(6,594)	-1.12%	800,000	215,398	36.85%	600,000	(200,000)	-25.00%	600,000	0	0.00%	800,000	200,000	33.33%
H. Other	772,159	395,000	(377,159)	-48.84%	200,000	(195,000)	-49.37%	200,000	0	0.00%	200,000	0	0.00%	200,000	0	0.00%
I. Warrant Articles	339,326	277,230	(62,096)	-18.30%	401,498	124,268	44.82%	365,998	(35,500)	-8.84%	365,998	0	0.00%	400,998	35,000	9.56%
J. TOTAL APPROPRIATIONS	87,756,072	93,069,983	5,313,911	6.06%	96,631,006	3,561,023	3.83%	100,722,995	4,091,989	4.23%	104,465,966	3,742,971	3.72%	109,152,377	4,686,410	4.49%
OVERRIDE BALANCE	(0)	2,064,529			1,409,482			0			0			(0)		

Reserve Balances						
Free Cash	3,228,310	1,614,155	721,644	600,000	600,000	600,000
Stabilization Fund	715,051	2,215,051	2,303,653	2,395,799	2,491,631	2,591,297
Override Stabilization Fund		2,064,529	3,556,592	3,369,275	2,665,405	173,805
Tip Fee Stabilization Fund	2,394,000	2,089,760	1,593,350	1,157,084	703,368	356,503
Municipal Building Trust Fund	2,131,605	549,105	513,346	513,255	523,473	544,412
TOTAL:	8,468,966	8,532,600	8,688,585	8,035,414	6,983,877	4,266,016
% of General Fund Revenue	10%	9%	9%	8%	7%	4%

Notes:

1. Symmes - Finance \$2 million at 5% over 10 yrs.
2. State Aid - FY 2006 increase local aid by House 1 & thereafter by \$800,000
3. Minimum Free cash - \$600,000.
4. Investment return on reserves - 4%
5. Ottoson reimbursement (\$437,717) beginning in FY 2008.
6. Symmes building permits - FY 2007 - \$800,000

**Five Year Financial Plan
without Override**

	FY 2005	FY 2006	Difference 2005 - 2006		FY 2007	Difference 2006 - 2007		FY 2008	Difference 2007 - 2008		FY 2009	Difference 2008 - 2009		FY 2010	Difference 2009 - 2010	
			Dollar	Percent		Dollar	Percent		Dollar	Percent		Dollar	Percent		Dollar	Percent
I REVENUE																
A. State Aid	15,389,872	15,870,086	480,214	3.12%	16,670,086	800,000	5.04%	17,470,086	800,000	4.80%	18,270,086	800,000	4.58%	19,070,086	800,000	4.38%
B. Local Receipts	8,235,844	8,489,210	253,366	3.08%	9,339,210	850,000	10.01%	9,389,210	50,000	0.54%	9,439,210	50,000	0.53%	9,489,210	50,000	0.53%
C. Free Cash	1,414,803	1,614,155	199,352	14.09%	957,077	(657,077)	-40.71%	600,000	(357,077)	-37.31%	600,000	0	0.00%	600,000	0	0.00%
D. Stabilization Fund	1,000,000	0	(1,000,000)	-100.00%	0	0	0	0	0	0	0	0	0	0	0	0
E. Overlay Reserve Surplus	500,000	400,000	(100,000)	-20.00%	400,000	0	0.00%	200,000	(200,000)	-50.00%	200,000	0	0.00%	200,000	0	0.00%
F. Property Tax	60,653,870	62,850,490	2,196,620	3.62%	64,783,124	1,932,633	3.07%	67,064,338	2,281,214	3.52%	69,310,233	2,245,895	3.35%	71,293,211	1,982,978	2.86%
Symmes debt to be paid		(89,429)	(89,429)		(259,009)	(169,580)	189.63%	(259,009)	0	0.00%	(259,009)	0	0.00%	(259,009)	0	0.00%
G. Use of prior years funds(Coll. Barg.)	403,525	0	(403,525)	-100.00%	0	0	0	0	0	0	0	0	0	0	0	0
H. Other Revenues (Ottoeson in 2008)	158,158	0	(158,158)	-100.00%	0	0	0	437,717	437,717		437,717	0	0	437,717	0	0
TOTAL REVENUES	87,756,072	89,134,512	1,378,440	1.57%	91,890,488	2,755,976	3.09%	94,902,342	3,011,854	3.28%	97,998,237	3,095,895	3.26%	100,831,214	2,832,978	2.89%
II APPROPRIATIONS																
A. Operating Budgets																
School	32,288,213	34,280,903	1,992,690	6.17%	35,652,139	1,371,236	4.00%	37,078,225	1,426,086	4.00%	38,561,354	1,483,129	4.00%	40,103,808	1,542,454	4.00%
Minuteman	2,140,851	2,573,834	432,983	20.22%	2,676,787	102,953	4.00%	2,783,859	107,071	4.00%	2,895,213	111,354	4.00%	3,011,022	115,809	4.00%
Town Personnel Services	18,539,482	19,220,087	680,605	3.67%	19,988,890	768,803	4.00%	20,788,446	799,556	4.00%	21,619,984	831,538	4.00%	22,484,783	864,799	4.00%
Expenses	9,959,848	7,951,933	(2,007,915)	-20.16%	8,335,614	383,681	4.82%	8,542,337	206,723	2.48%	8,884,030	341,693	4.00%	9,239,392	355,361	4.00%
Offsets	1,288,762	1,385,483	96,721	7.50%	1,440,902	55,419	4.00%	1,498,538	57,636	4.00%	1,558,480	59,942	4.00%	1,620,819	62,339	4.00%
Tip Fee Stabilization Fund	2,537,230	400,000	(2,137,230)	-84.23%	580,000	180,000	45.00%	500,000	(80,000)	-13.79%	500,000	0	0.00%	375,000	(125,000)	-25.00%
Net Town Budget	24,673,338	25,386,537	713,199	2.89%	26,303,602	917,065	3.61%	27,332,245	1,028,643	3.91%	28,445,534	1,113,290	4.07%	29,728,356	1,282,821	4.51%
B. Capital budget																
Exempt Debt Service	2,963,090	3,235,354	272,264	9.19%	2,834,918	(400,436)	-12.38%	2,748,750	(86,168)	-3.04%	2,533,477	(215,273)	-7.83%	2,449,378	(84,099)	-3.32%
Non-Exempt Service	3,795,103	4,020,454	225,351	5.94%	4,296,923	276,469	6.88%	4,991,076	694,153	16.15%	5,015,965	24,889	0.50%	5,318,575	302,610	6.03%
Cash	626,000	707,110	81,110	12.96%	745,958	38,848	5.49%	721,458	(24,500)	-3.28%	690,000	(31,458)	-4.36%	645,018	(44,982)	-6.52%
Total Capital	7,384,193	7,962,918	578,725	7.84%	7,877,799	(85,119)	-1.07%	8,461,284	583,485	7.41%	8,239,442	(221,842)	-2.62%	8,412,971	173,529	2.11%
C. Pensions	5,936,350	6,345,069	408,719	6.89%	6,598,872	253,803	4.00%	6,862,827	263,955	4.00%	7,137,340	274,513	4.00%	7,422,833	285,494	4.00%
D. Insurance	10,422,985	12,259,672	1,836,687	17.62%	13,117,849	858,177	7.00%	14,036,098	918,249	7.00%	15,018,625	982,527	7.00%	16,069,929	1,051,304	7.00%
E. State Assessments	2,756,877	2,554,604	(202,273)	-7.34%	2,552,846	(1,758)	-0.07%	2,552,846	0	0.00%	2,552,846	0	0.00%	2,552,846	0	0.00%
F. Offset Aid - Library & School	450,584	449,614	(970)	-0.22%	449,614	0	0.00%	449,614	0	0.00%	449,614	0	0.00%	449,614	0	0.00%
G. Overlay Reserve	591,196	584,602	(6,594)	-1.12%	800,000	215,398	36.85%	600,000	(200,000)	-25.00%	600,000	0	0.00%	800,000	200,000	33.33%
H. Other (snow & ice and court judgements)	772,159	395,000	(377,159)	-48.84%	200,000	(195,000)	-49.37%	200,000	0	0.00%	200,000	0	0.00%	200,000	0	0.00%
I. Warrant Articles	339,326	277,230	(62,096)	-18.30%	401,498	124,268	44.82%	365,998	(35,500)	-8.84%	365,998	0	0.00%	400,998	35,000	9.56%
J. TOTAL APPROPRIATIONS	87,756,072	93,069,983	5,313,911	6.06%	96,631,006	3,561,023	3.83%	100,722,995	4,091,989	4.23%	104,465,966	3,742,971	3.72%	109,152,377	4,686,410	4.49%
BALANCE	(0)	(3,935,471)			(4,740,518)			(5,820,654)			(6,467,730)			(8,321,162)		

Reserve Balances						
Free Cash	3,228,310	1,614,155	721,644	150,509	500,000	500,000
Stabilization Fund	715,051	2,215,051	2,303,653	2,395,799	2,491,631	2,591,297
Tip Fee Stabilization Fund	2,394,000	2,089,760	1,593,350	1,157,084	703,368	356,503
Municipal Building Trust Fund	2,131,605	549,105	513,346	513,255	523,473	544,412
TOTAL:	8,468,966	6,468,071	5,131,993	4,216,648	4,218,472	3,992,211
% of General Fund Revenue	9.65%	7.26%	5.58%	4.44%	4.30%	3.96%

Notes:

1. Symmes - Finance \$2 million at 5% over 10 yrs.
2. State Aid - FY 2006 increase local aid by House 1
3. Minimum Free cash - \$600,000.
4. Investment return on reserves - 4%
5. Ottoeson reimbursement (\$437,717) beginning in FY 2008.
6. Symmes building permits - FY 2007 - \$800,000



TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

Docket No. _____

1. Property Address 1207 & 1211 MASSACHUSETTS AVE
Name of Record Owner(s) 1211 MASS AVE Realty Trust* Phone 781-640-2942
Address of Owner 1122 MASS AV, ARLINGTON, MA 02476
Street City, State, Zip

2. Name of Applicant(s) (if different than above) N/A
Address _____ Phone _____
Status Relative to Property (occupant, purchaser, etc.) _____

3. Location of Property Parcels 58-11-1 & 57-4-14
Assessor's Block Plan, Block, Lot No.

4. Deed recorded in the Registry of deeds, Book 5873, Page 485; 60543 439
-or- registered in Land Registration Office, Cert. No. _____, in Book _____, Page _____

5. Present Use of Property (include # of dwelling units, if any) residential, Automotive,
VACANT SOCIAL CLUB

6. Proposed Use of Property (include # of dwelling units, if any) MIXED-USE CONSISTING
OF A FIFTY ROOM HOTEL AND RESTAURANT ON THE FIRST
FLOOR.

7. Permit applied for in accordance with the following Zoning Bylaw section(s) 5.5.3 Mixed use development
5.3.17 Upper story setbacks
6.1.5 Parking reduction in Business district
5.3.6 Exceptions to maximum FAR regulation
section(s) title(s)

8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

*TOWN OF ARLINGTON

SEE ATTACHED

(In the statement below, strike out the words that do not apply)

The applicant states that 1211 MASS AVE Realty Trust is the owner -or- occupant -or- purchaser under agreement of the property in Arlington located at 1211 & 1207 MASSACHUSETTS AVE.

which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

[Signature] Trustee
Signature of Applicant(s)

1122 MASSACHUSETTS AVE ARLINGTON, MA. 781-640-2942
Address Phone



Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions - photo
- ☒ Drawing of proposed structure
- ☒ Proposed landscaping. May be incorporated into site plan
- ☒ Photographs
- ☒ Impact statement
- ☒ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction ~)

FOR OFFICE USE ONLY

- | | |
|--|----------------------|
| <input type="checkbox"/> Special Permit Granted | Date: _____ |
| <input type="checkbox"/> Received evidence of filing with Registry of Deeds | Date: _____ |
| <u>62</u> <input checked="" type="checkbox"/> Notified Building Inspector of Special Permit filing | Date: <u>6/24/19</u> |

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location 1207 + 1211 MASSACHUSETTS AVE

Zoning District B4/B2

Owner: 1211 MASS AVE REALTY TRUST

Address: 1211 MASSACHUSETTS AV

Present Use/Occupancy: No. of Dwelling Units:

Uses and their gross square feet:

Mixed use / residential, automotive, social club

5,731 SF

Proposed Use/Occupancy: No. of Dwelling Units:

Uses and their gross square feet:

Mixed use / Hotel, Restaurant

24,443 SF

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	14,030	14,030	min.
Frontage	160.12	160.12*	min. 50
Floor Area Ratio	.41	1.67	max. 1.8
Lot Coverage (%), where applicable	—	—	max. N/A
Lot Area per Dwelling Unit (square feet)	—	—	min. —
Front Yard Depth (feet)	10	4.7	min. —
Side Yard Width (feet) right side	—	—	min. —
left side	—	—	min. —
Rear Yard Depth (feet)	16	38	min. 18
Height			min. —
Stories	2	4	stories 4-5
Feet	25	44	feet 50'
Open Space (% of G.F.A.)			min. —
Landscaped (square feet)	1170	1581	(s.f.)
Usable (square feet)	1670	3384	(s.f.)
Parking Spaces (No.)	24	28	min. 50
Parking Area Setbacks (feet), where applicable	0	5'	min. 5'
Loading Spaces (No.)	0	0	min. —
Type of Construction	Type 2B + 5		
Distance to Nearest Building	0	.06	min. 0

* MASSACHUSETTS AVENUE frontage only

Hand Delivered

2019 JUN 21 A 11:15

June 20, 2019

Redevelopment Board

Town of Arlington

730 Massachusetts Avenue

Arlington, Ma. 02476

RE: Special Permit Application – 1207 & 1211 Massachusetts Avenue

Dear Members:

Enclosed please find our application for Special Permit in accordance with Environmental Design Review Procedures (Section 3.4 of the Arlington Zoning Bylaw). Included in this application are the submittals outlined on the check list. We have spent many hours developing these plans with input from the Planning department staff, which we are very appreciative of. These discussions have been very helpful and we look forward to discussing this proposal with you.

The proposed development would demolish the current improvements on both parcels and construct a four story mixed use development. When complete, the property will consist of a 50 room boutique hotel and upscale restaurant. This proposal will provide much needed improvements to the area and a significant economic stimulus to the Heights. Below we address the narrative relating to the Impact Statement and Special Permit Criteria.

Impact Statement:

1. Preservation of Landscaping.

The current site has a small amount of landscaping in front of the former DAV Post. The balance of the site is covered by the buildings, pavement, and walkways on the site. We intend to provide a larger area with a substantial addition of trees, plants, and landscaping along the rear of the site, providing a nice lush buffer to the residential district to the rear. In addition we have an extensive planting and open space design for the front of the site along Massachusetts Avenue. Please see the attached site plan and planting schedule.

2. Relation of Buildings to Environment.

As mentioned above, this proposal involves a four story elevator building consisting of a hotel and restaurant. The hotel lobby and restaurant will be located on the first floor while all guest rooms will be on the upper levels. The fourth floor will also include private deck space for each unit on that level, as well as a grassed area for other hotel guests. The proposal will move the structure closer to Massachusetts Avenue and much further away for the residential neighborhood to the rear. This project is in harmony with the retail and other uses in the area.

3. Open Space.

The site is currently improved with two structures having a combined footprint of 4,614 sq. ft. The proposed structure will have a footprint of 5,516 sq. ft., an increase of 902 sq. ft. Although there is a slight increase, the usable open space, substantial pervious area reduction and rear yard setbacks are all positive results of this project.

4. Circulation.

The improvements proposed will help the circulation for vehicular, bicycle, and pedestrians. We will be eliminating two large driveway openings (totaling 55') and realigning the sidewalk and curbing. In addition we are providing indoor and outdoor areas for bicycles. All parking will be provided via a single curb cut in the rear. Bus service to multiple locations can be boarded / dropped off within feet of the property and is convenient to highway access and the bike path.

5. Surface Water Drainage.

The properties are currently covered (over 90%) by impervious surfaces. The proposal will result in a reduction in impervious surface, therefore Title 5, article 15, section 4 does not apply. However, we have met with the Assistant Town Engineer and have agreed to construct a storm water management system onsite. The system will be located under the driveway and contain all roof and surface runoff. All surface water will be contained on site, in compliance to the bylaws and with Town approval.

6. Utility Service.

As part of the redevelopment, all new utility services will be installed to the property. These systems will all be underground and conform to Town requirements.

7. Advertising Features.

As shown on the renderings, we are proposing signage for the hotel and restaurant. It will appear on the front and West side. In Addition there will be some small signs (most likely two or three) in the rear to guide vehicular, bicycle and pedestrian traffic. On the front the signage will be a contemporary font (12") and mounted to the front of the canopy to the hotel and restaurant. The signage on Clark Street will be on the building façade, the fonts (Hotel sign 12", restaurant 8") will match the canopy signage. Both the front canopy and the Clark Street signage will be back lit.

8. *Special Features.*

We have proposed substantial landscaping on site, specifically the rear boundary. This is intended to provide adequate screening and create a more harmonious environment than currently exist.

9. *Safety.*

We believe the proposed improvements to the sidewalks and the elimination of two driveway openings will create safer off site conditions for residents. In addition, the building has two stairwells servicing all floors as well as an elevator. It will meet all ADA and fire code requirements. Illumination of the rear parking area will be achieved by 12'-0" high pole mounted LED lights with cut off lenses to ensure no other properties are affected. Additional LED down lights will be mounted below the projecting balcony to illuminate the area at the building covered parking entrance.

10. *Heritage.*

This project does not involve any historical structures, nor will it disrupt any historical uses. In fact we believe that this project will increase interest in the Towns many Historic sites. Located a short distance from the property is the "FOOT OF THE HILLS" site and "OLD SCHWAMB MILL." It is our goal to leverage the Lexington tour groups, and introduce them to the Town where the first shot of the Revolution was fired!

11. *Microclimate.*

We believe the increase in permeable surface will impact light, air, and water recharge in a positive way. In addition this will also create a nice natural buffer. The new structure will be 35 to 54 feet away from the rear boundary, which is a significant increase from the current conditions which ranges from 16 to 20 feet.

The basement level has a sizable mechanical equipment room serving the main street level public spaces (the Hotel Lobby and the Restaurant). All of the upper floor hotel rooms are served by individual vertical air handlers (V-TAC) units, as depicted by the louvers on the building elevations and renderings. All of the equipment is designed and located to control any emissions. The entire building will be exhausted through the high roof with low profile exhaust fans.

12. *Sustainable Building and Site Design.*

This building will meet or exceed the Towns New Stretch Code. Below we have provided some details of the exterior finishes being proposed.

Main Level: Kawneer Curtain wall system, making the public spaces as transparent (inviting) as possible;

2ND & 3RD Floor: The cantilevered (projected) bays consist of an insulated stucco system, the recess portions consist of either actual 1"x finished wood or a "Nicha" cladding having the appearance of wood.

4TH Floor: Is clad with the insulated stucco system.

Both the high and low roofs are copped with a darker metal roof edge system.

Clark Street Façade:

Main Level: (see above for the public spaces); The stair well is clad with a metal panel system similar to Corten or equal.

2ND & 3RD Floor: Consists of either actual 1"x finished wood or a "Nicha" cladding having the appearance of wood. The stair well is clad with a metal panel system similar to Corten or equal.

4TH Floor: Is clad with the insulated stucco system. The stair well is clad with a metal panel system similar to Corten or equal.

Both the high and low roofs are copped with a darker metal roof edge system.

All windows occurring in the stair well are clad with a metal louver system.

Rear Façade:

Lower Level: The main field is clad with either actual 1"x finished wood or a "Nicha" cladding having the appearance of wood. Both ends of the building are clad with a metal panel system similar to Corten or equal.

Main Level: The main field is clad with either actual 1"x finished wood or a "Nicha" cladding having the appearance of wood. Both ends of the building are clad with a metal panel system similar to Corten or equal.

2ND & 3RD Floor: The cantilevered (projected) bays consist of an insulated stucco system, the recess portions consist of either actual 1"x finished wood or a "Nicha" cladding having the appearance of wood.

4TH Floor: Is clad with the insulated stucco system. The stair well is clad with a metal panel system similar to Corten or equal. Both ends of the building are clad with a metal panel system similar to Corten or equal.

Both the high and low roofs are copped with a darker metal roof edge system.

Right Side Façade:

A portion of the lower level is a common wall. The remainder of the exterior cover will be similar to the design of the rear façade.

Special Permit Criteria

- This mixed use project is proposed in the B4/B2 zoning districts. Mixed use is an allowable use, provided a Special Permit is issued by the Board. This proposal was submitted as a response to an RFP issued by the Town of Arlington for a mixed use development at 1207 Massachusetts Avenue. We seek approval of a special permit from the "Use Regulations For Business Districts" section 5.5.3.
- The proposal calls for a four story building containing a hotel and restaurant. The pertinent section of the bylaw, Section 5.3.17, provides for any building over three stories in height to have a "step in" of 7.5' at the third floor level or 30'.

The proposed design “steps in” the first floor 8” from the beginning of the second and third floors and again at the top of the third floor. The result of this design has the main façade comprised of only two floors (where as the bylaw allows for three), with a “step in” at 34’ rather than 30’.

We believe that this design not only meets the intent of the bylaw, but provides even greater reduction in massing. We therefore request the Board provide relief.

- The proposal increases the amount of parking on the site partially by providing 20 spaces under the building in addition to 8 outside spaces. The bylaw calls for 50 spaces and therefore we are seeking relief in accordance with section 6.1.5 of the bylaw (Please see attached parking summary grid).

The proposal provides substantial indoor and outdoor parking for bicycles on a long term and short term basis. Both areas are easily accessible and not only provide for bicycle storage, but there will be a bench and some tools available. In addition we are providing maps of the local bike network and other information for bicyclists (please see attached bicycle storage summary).

As required in the bylaw we have also included a Traffic Reduction Plan which provides many more details on our plan to comply with the bylaw. Below I have outlined a few additional commitments we are proposing;

Charge for parking off site;

Provide preferential parking for carpool vehicles;

Provide transit pass subsidies;

Provide covered bicycle parking and storage.

- The proposal is located in the zoning districts of B4 & B2, which has an FAR of 1.2. According to section 5.3.6 “Increase in Maximum Floor Area Ratio” the Board may provide relief for mixed use building area in these districts.

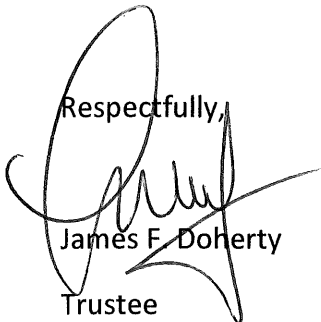
As noted, we are substantially increasing the permeable and open space on the site. This will provide for a much larger buffer to the residential district to the rear. The design of the building and landscaping plan will also provide landscaping and open space along the entire Massachusetts Avenue frontage. A portion of this area also will provide a nice open area for local community performances and art shows or presentations regarding the local historical locations nearby. We will also be dedicating an area in the lobby of the hotel to a local Veteran and community person.

Our request for an increase of 2,398 sf of building area, equates to an 11% increase. We believe we meet the criteria for relief.

1. The proposed development will transform a blighted area and provide a missing dining option in the Heights as well as a Hotel for visitors and relatives of residents. Town Meeting has changed the zoning to encourage mixed use development for the convenience and welfare of the public.
2. The property currently has three very large curb cuts on Massachusetts Avenue and Clark Street. As part of this proposal we will be removing the two on Massachusetts Avenue and shortening the Clark Street opening. We believe this and other adjustments to the sidewalk in front will improve both pedestrian safety and traffic congestion.
3. This project will not overload any public water, drainage or sewer system. We are proposing to reduce the impervious surface and install a storm water management system on site. There currently are none.
4. The current improvements consist of automotive repair and sales, as well as a former social club. The proposed development will complement the new leader bank and hopefully stimulate of retail activity in the property at 1215 Massachusetts Avenue. This proposal will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals or welfare. Our goal is to work with the Redevelopment Board and staff to ensure that any special regulations for this use, as provided in the Bylaw, are fulfilled.
5. The only other hotel in Arlington is on the Cambridge line. Not only will this proposed use not cause an excess of this use, we believe this will provide economic stimulus to the retail district in the Heights, draw visitors from Lexington to the historic sites of Arlington and provide an upscale dining and gathering area for the neighborhood.

We believe this application is in the spirit of what Town Meeting envisioned when it adopted the mixed use section to the Zoning Bylaw. The RFP waived all permitting fees associated with this development, therefore no application fee was included. We look forward to meeting with the Redevelopment Board. As a result of this process, we request the Board approve our Petition for Environmental Design Review and Special Permits requested.

Respectfully,



James F. Doherty
Trustee

1211 Massachusetts Avenue
Traffic Demand Management Plan (TDM)

This property is located in one of the most ideal locations to support a parking reduction request. The site is located within 50 yards of an East / West bound MBTA surface bus stop. In addition there is a central terminal and other bus lines within walking distance.

The site is in close proximity to the Minuteman Bike Path (approximately 600 yards) which can be accessed by a street directly adjacent to the property. In addition there are marked bike lanes on Massachusetts Avenue. Both of these options provide a practical and safe route for guests. To encourage this use we will be providing an outdoor and indoor location for bicycle storage.

To help promote ridesharing we will be working with local taxi operators, livery services, and shuttles which connect areas like Alewife to employment hubs on Route 128. We also are in discussions with ZIPCAR for a spot at the site.

Finally we are discussing other nearby locations to obtain Valet parking, if necessary. It is our belief that this plan addresses the Bylaw and as mentioned previously, is a deserving location to warrant the requested relief.

<i>Parking Summary</i>			
<i>1211 Massachusetts Ave</i>			
<u>Spaces Required:</u>			
Use	Quantity	# of spaces	Total Required
Hotel	50	50	50
Resturant	2,568 sf	0	0
Total			50
Proposed			28
Reduction			22

<i>Bicycle Storage Summary</i>			
<i>1211 Massachusetts Ave</i>			
<u>Spaces Required:</u>			
<u>Use</u>	<u>Short Term</u>	<u>Long Term</u>	<u>Total Required</u>
Hotel	3	1	4
Resturant	2	1	3
Total	5	2	7
Proposed	7	7	14

<i>Planting Schedule</i>				
<i>1211 Massachusetts Ave</i>				
<u>Quantity</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>Notes</u>	<u>Location</u>
75	Buxus Green Velvet	Green Velvet Boxwood	15-18"	Front
75	Carex Blue Zinger	Blue Zinger Grass	n/a	Front
4	Syringa Reticulata Ivory Silk	Tree Liliac	2"	Rear
10	Thujastandishi x Pucata	Green Grant Arborvitae	6-8'	Rear
4	Ilex x Meserveae	Blue Princess	8-10"	Rear
4	Hydrangea Quercifolia	Oakleaf Hydrangea	4'	side

SPECIAL PERMIT - SITE PLAN REVIEW

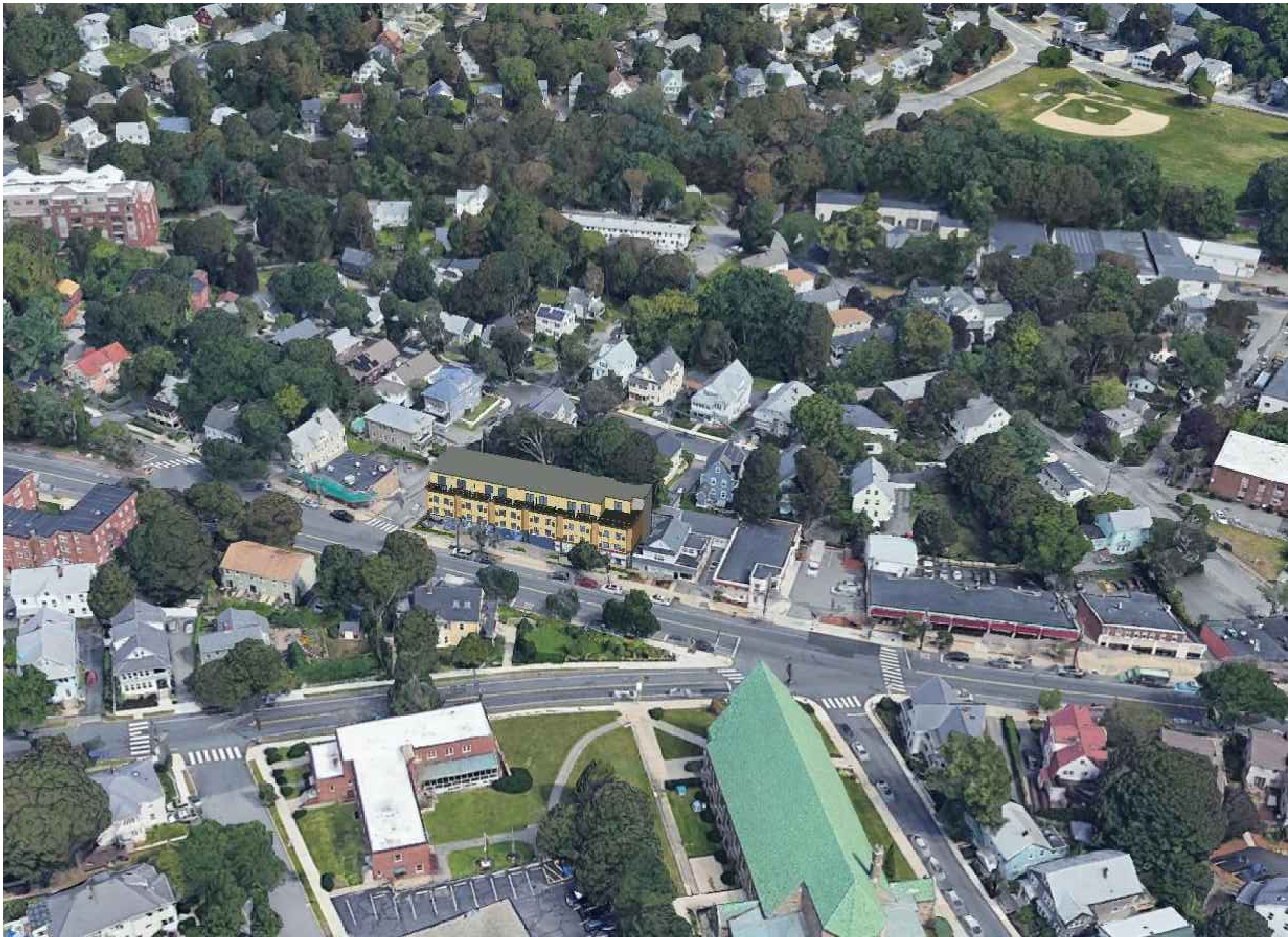
1211 Massachusetts Avenue
Arlington, MA 02476

June 20, 2019



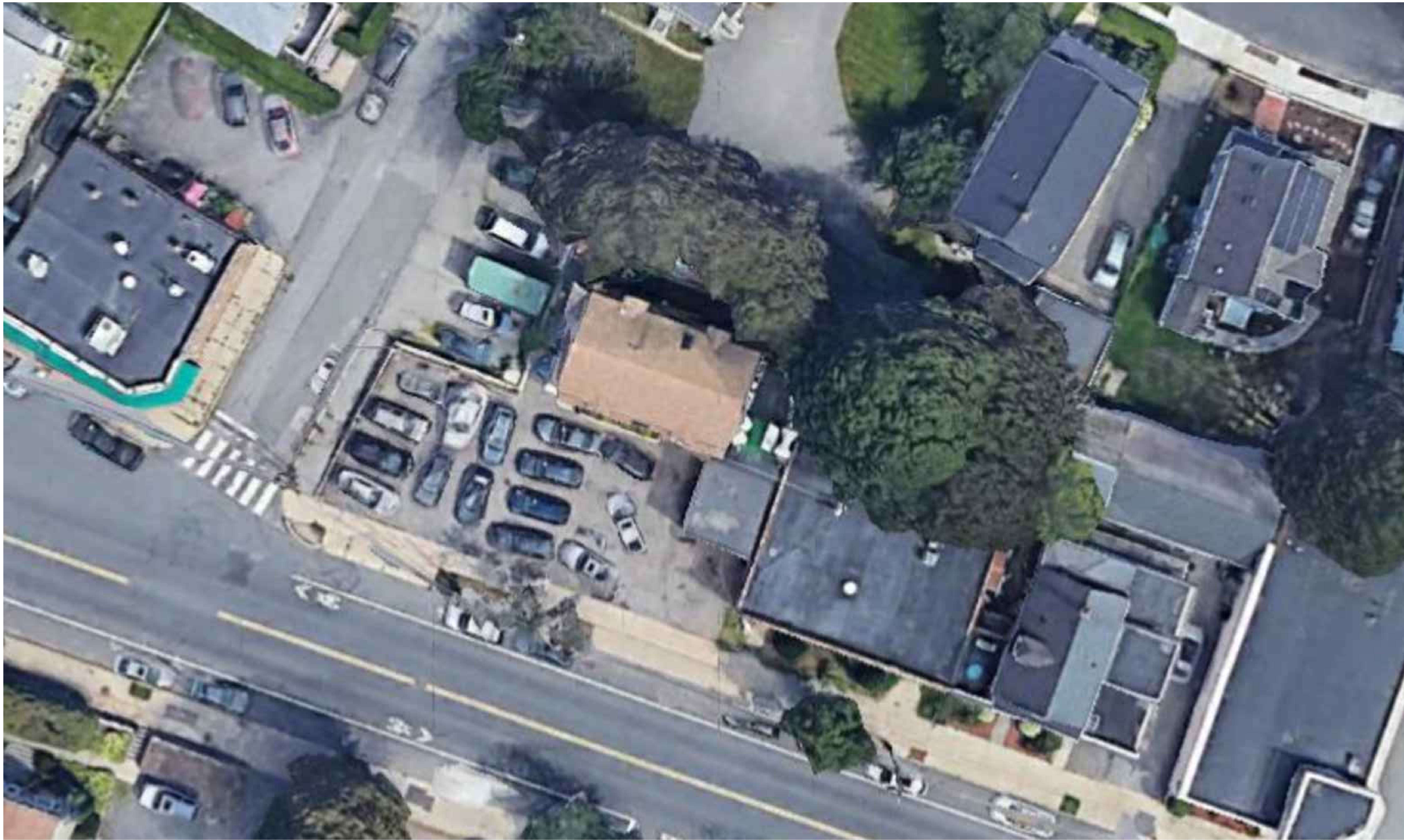
LINCOLN ARCHITECTS LLC
1 Mount Vernon Street, Suite 203
Winchester, MA 01890
781.721.7721

LOCUS PLAN

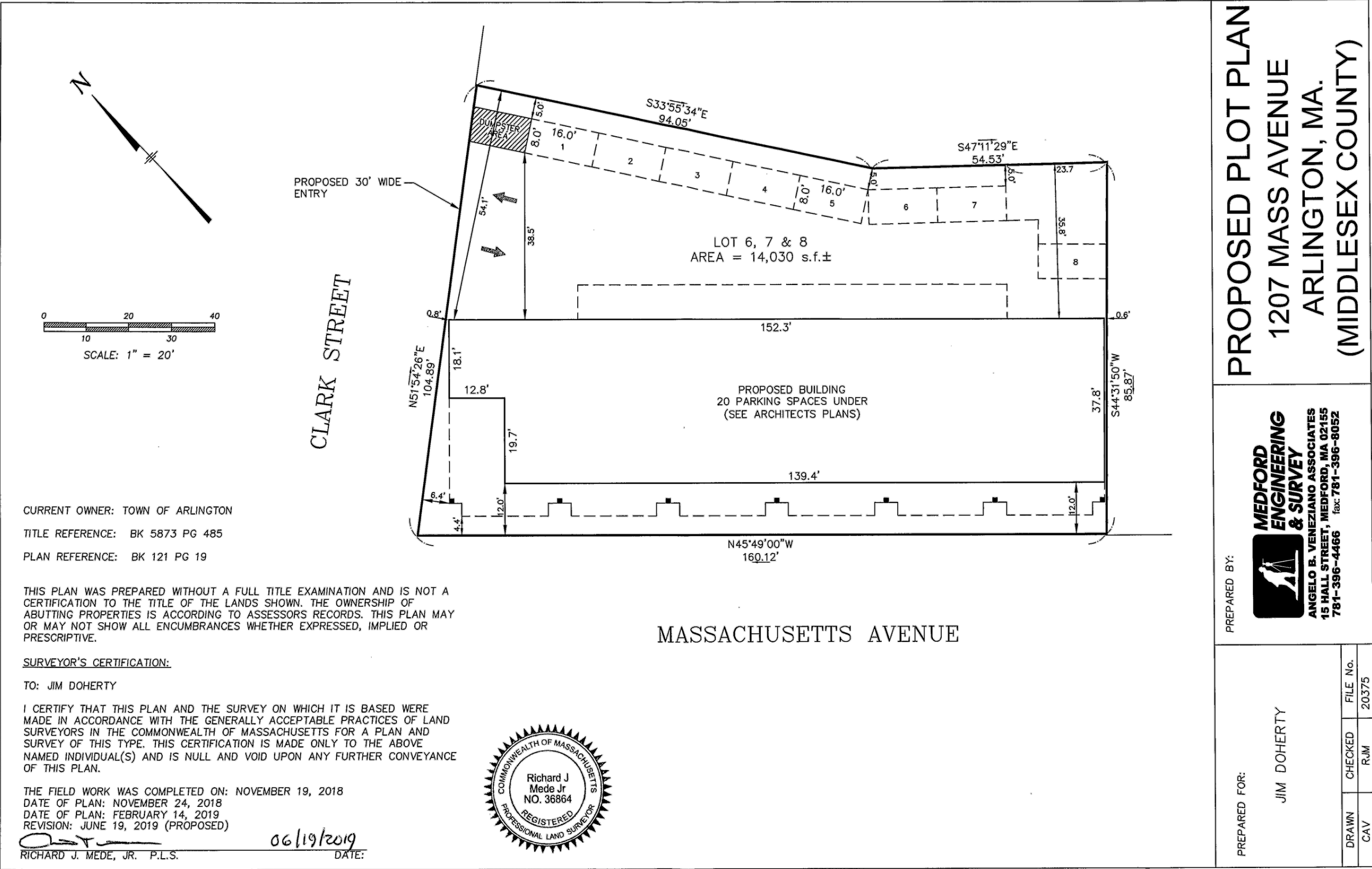


DRAWING LIST

- ARCHITECTURAL**
- COVER SHEET/LOCUS PLAN/ZONING SUMMARY
 - EXISTING CONDITION DIAGRAM
 - PROPOSED PLOT PLAN
 - SITE PLAN/LANDSCAPING PLAN
 - LOWER LEVEL FLOOR PLAN
 - MAIN LEVEL FLOOR PLAN
 - SECOND & THIRD FLOOR PLAN
 - FOURTH FLOOR PLAN
 - BUILDING ELEVATIONS
 - RENDERINGS/VIEW FROM MASSACHUSETTS AVENUE
 - RENDERINGS/VIEW FROM CLARK STREET
 - RENDERINGS/BIRDS EYE VIEW FROM MASSACHUSETTS AVENUE
 - SHADOW STUDY/SUMMER SOLSTICE
 - SHADOW STUDY/WINTER SOLSTICE
 - SHADOW STUDY/AUTUMN EQUINOX
 - SHADOW STUDY/SPRING EQUINOX

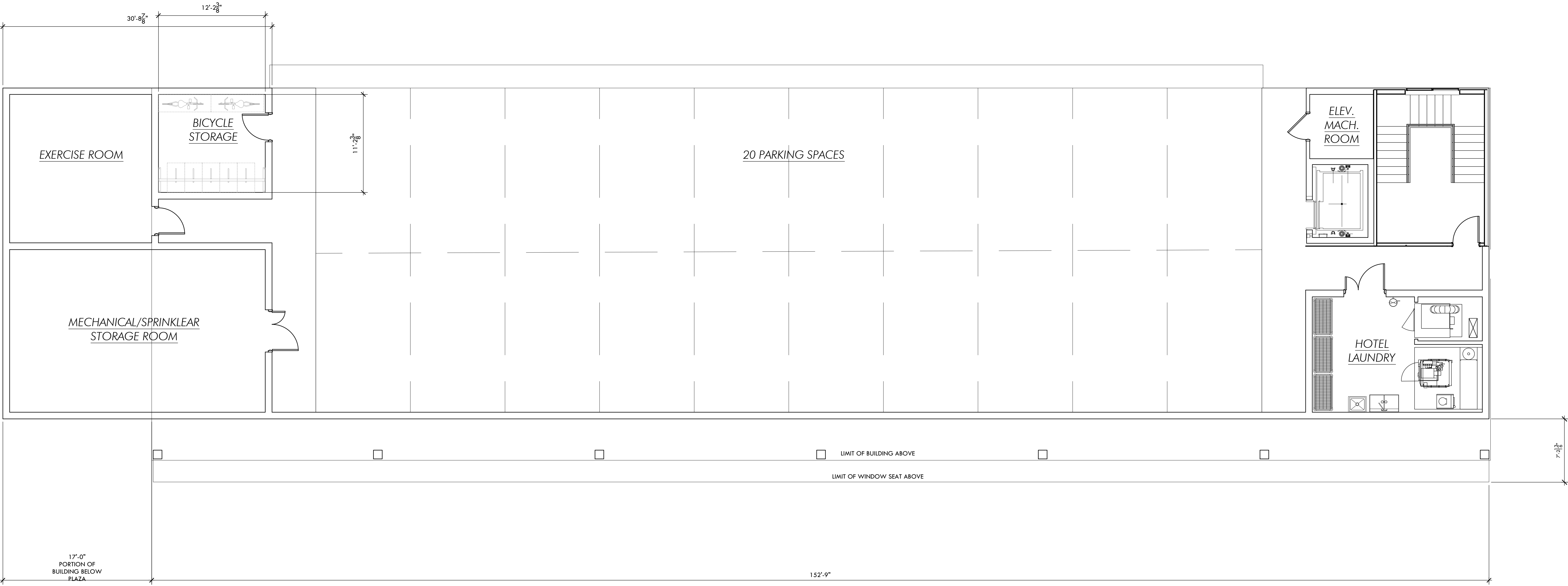


Existing Conditions Diagram



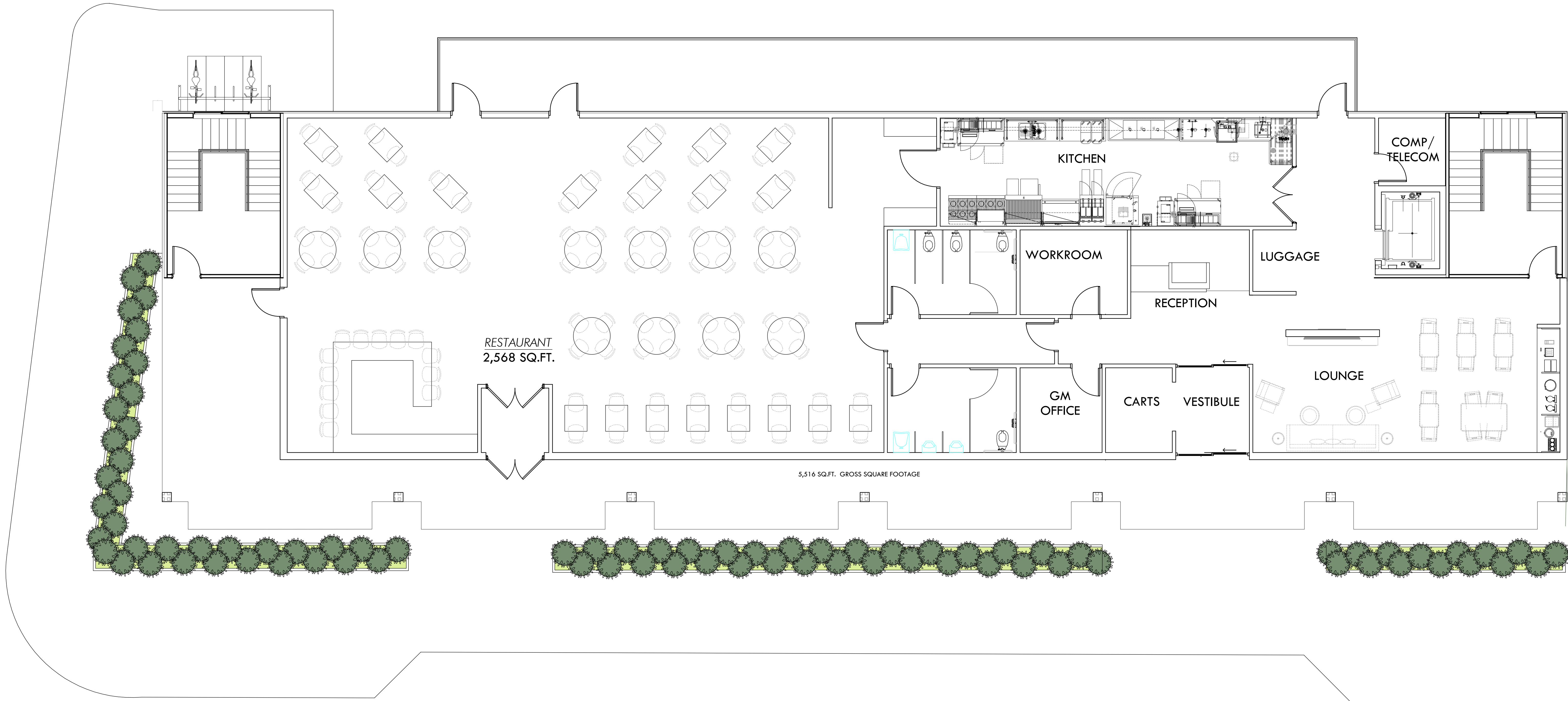


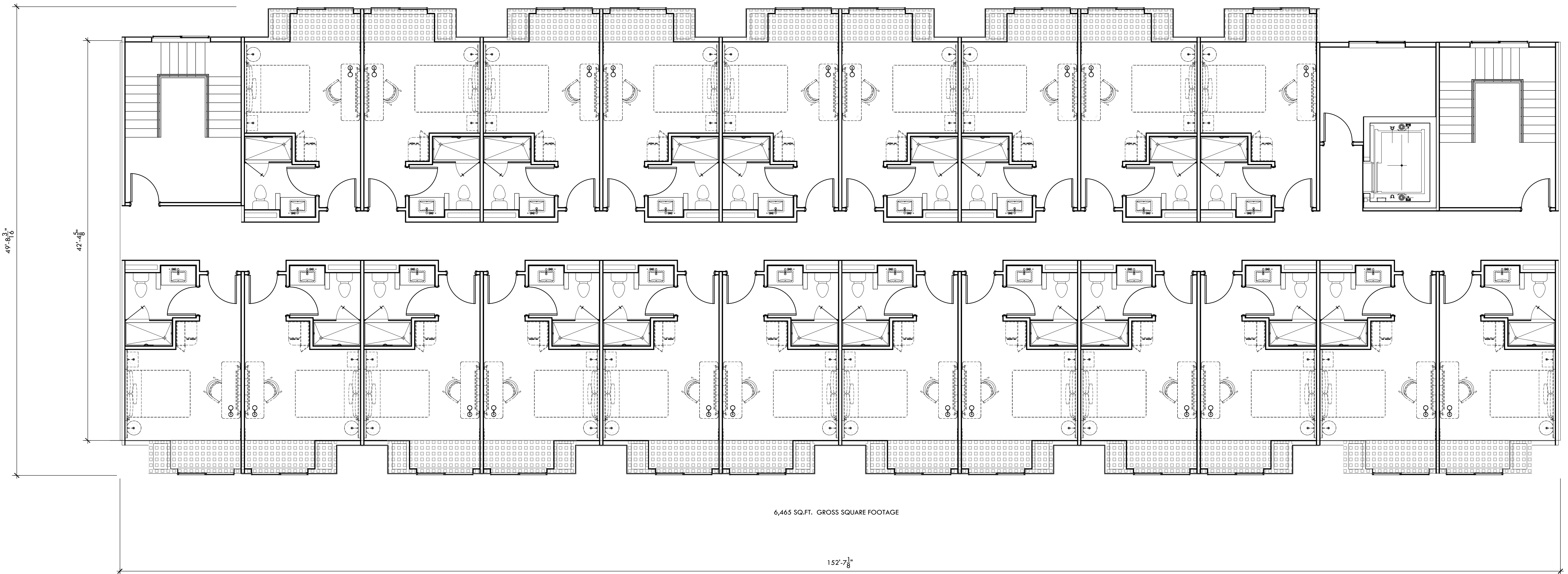
Planting Schedule				
1211 Massachusetts Ave				
75	Buxus Green Velvet	Green Velvet Boxwood	15-18"	Front
75	Carex Blue Zinger	Blue Zinger Grass	n/a	Front
4	Syringa Reticulata Ivory Silk	Tree Liliac	2"	Rear
10	Thujastandishi x Pucata	Green Grant Arborvitae	6-8'	Rear
5	Ilex x Meserveae	Blue Princess	8-10"	Rear
4	Hydrangea Quercifolia	Oakleaf Hydrangea	4'	side



Lower Level Plan

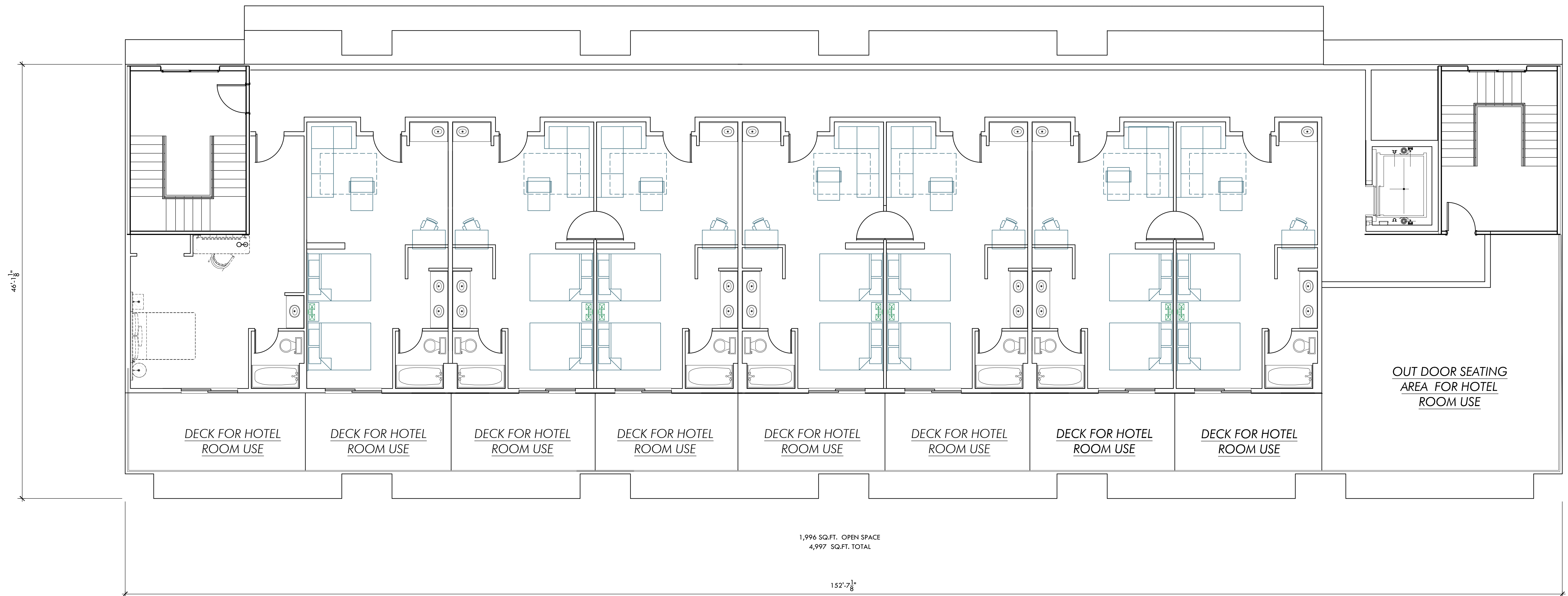






Second & Third Floor Plan







Front Elevation (Massachusetts Avenue)



Side Elevation (Clark Street)



Rear Elevation

Building Elevations



View From Massachusetts Avenue



View From Clark Street

Renderings



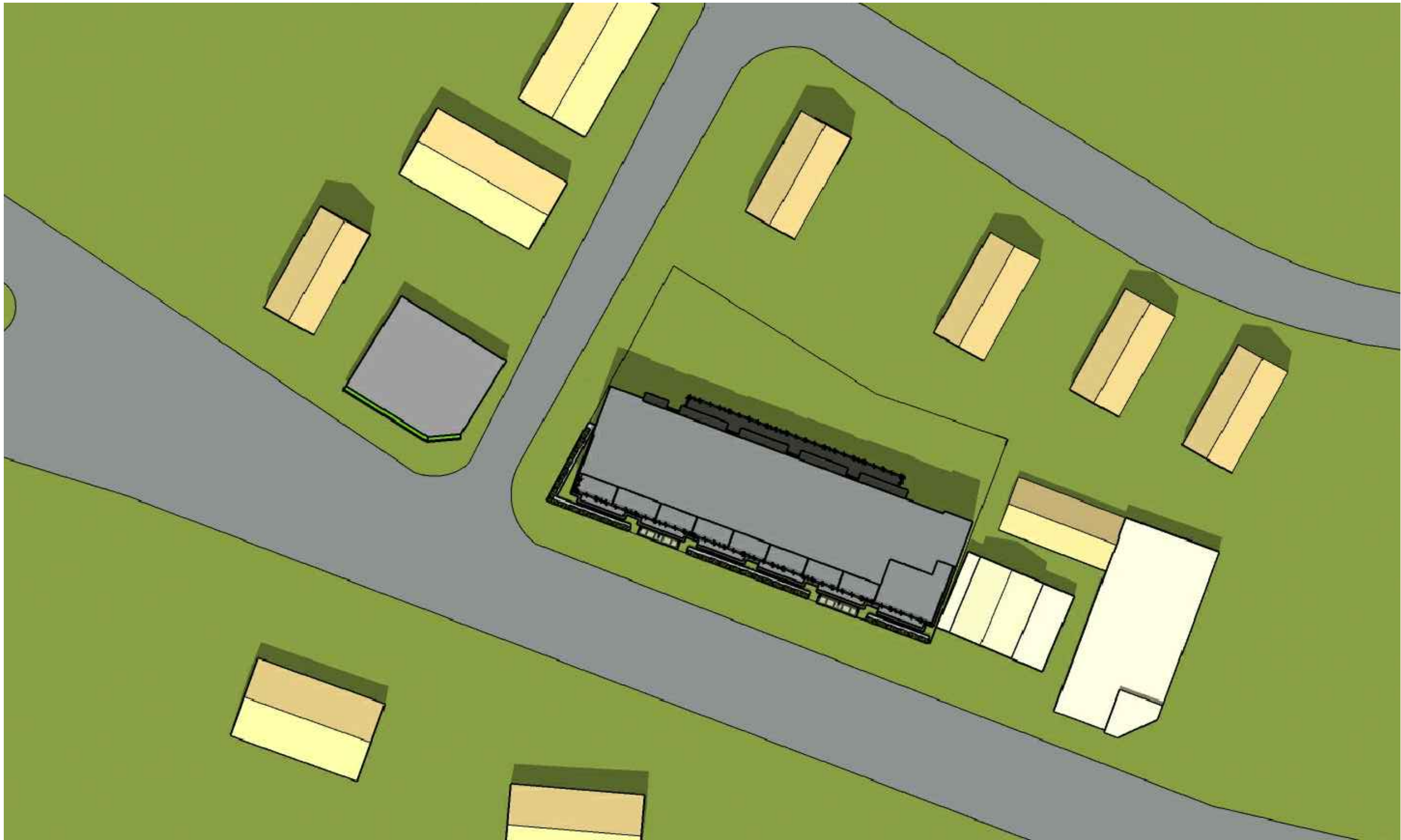
Birds Eye View From Massachusetts Avenue

Renderings

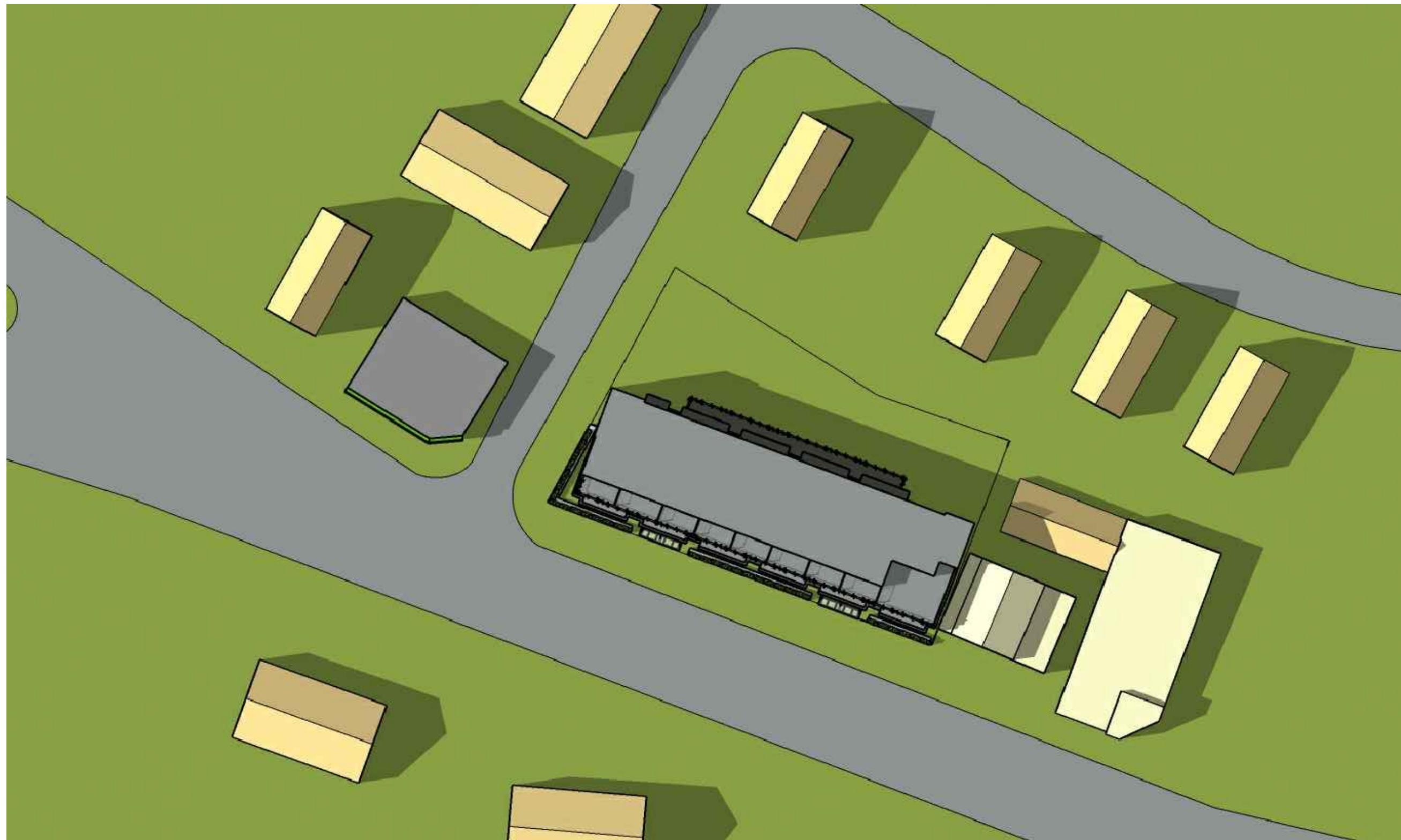
Summer Solstice



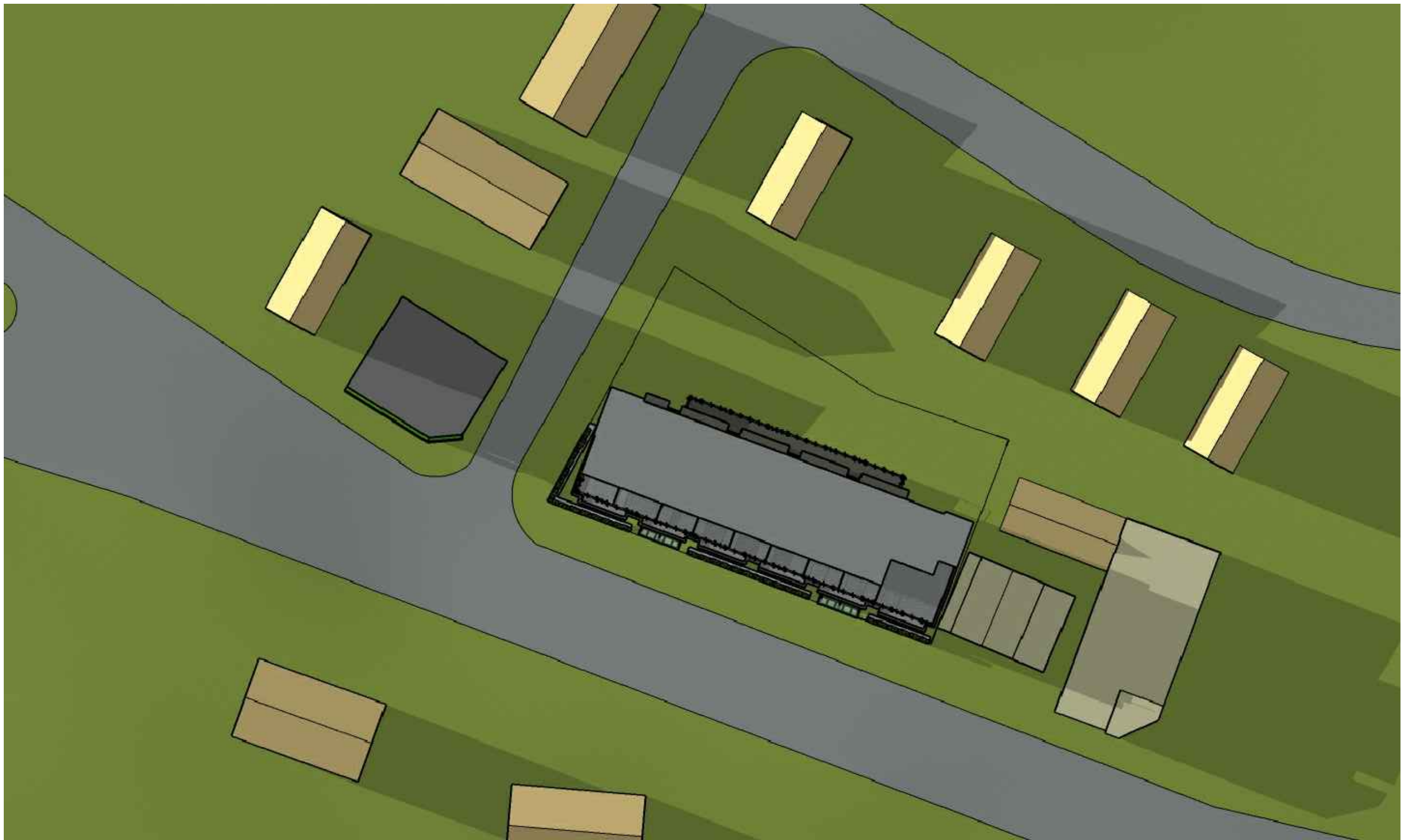
9:00 AM



12:00 PM



3:00 PM

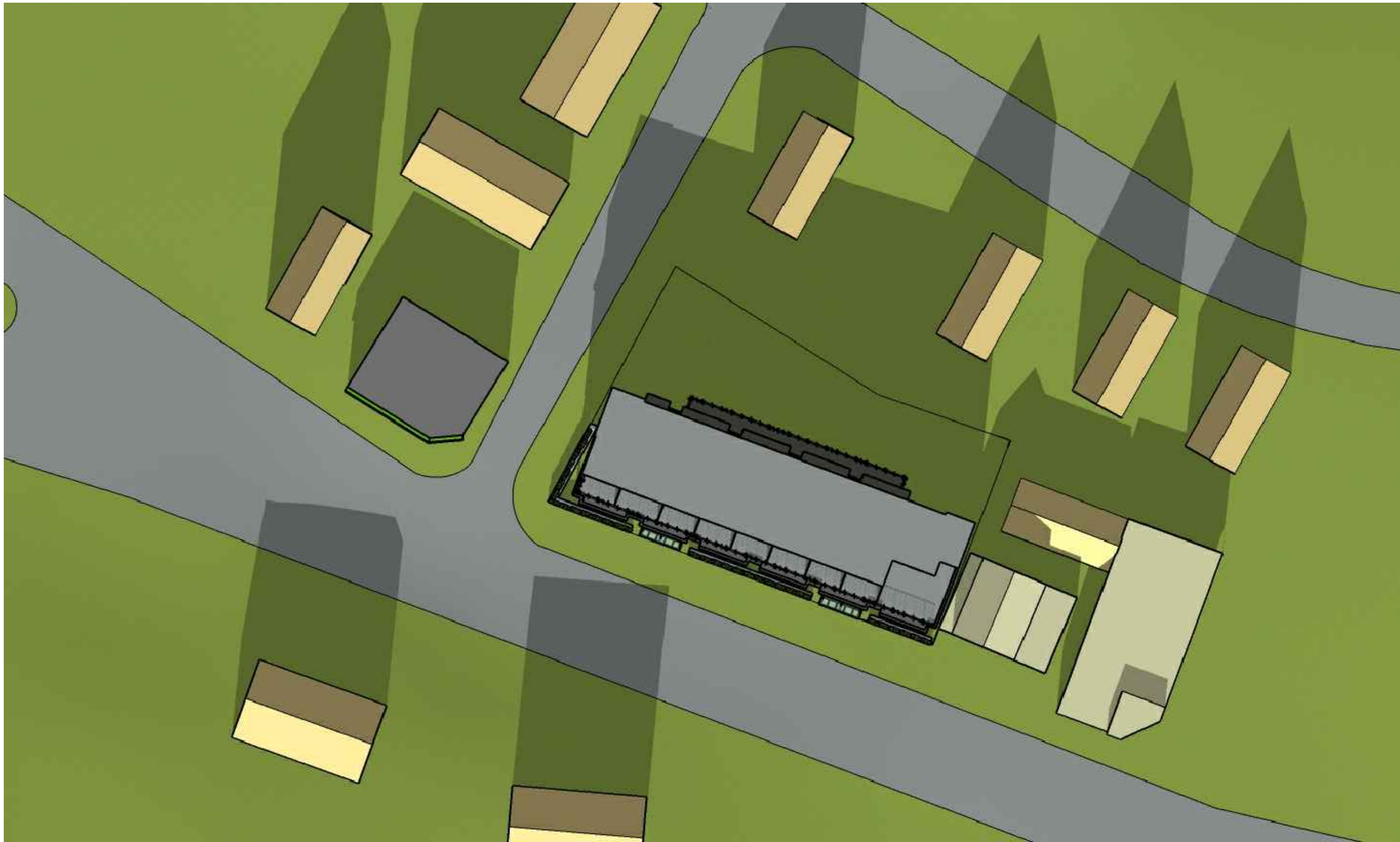


6:00 PM

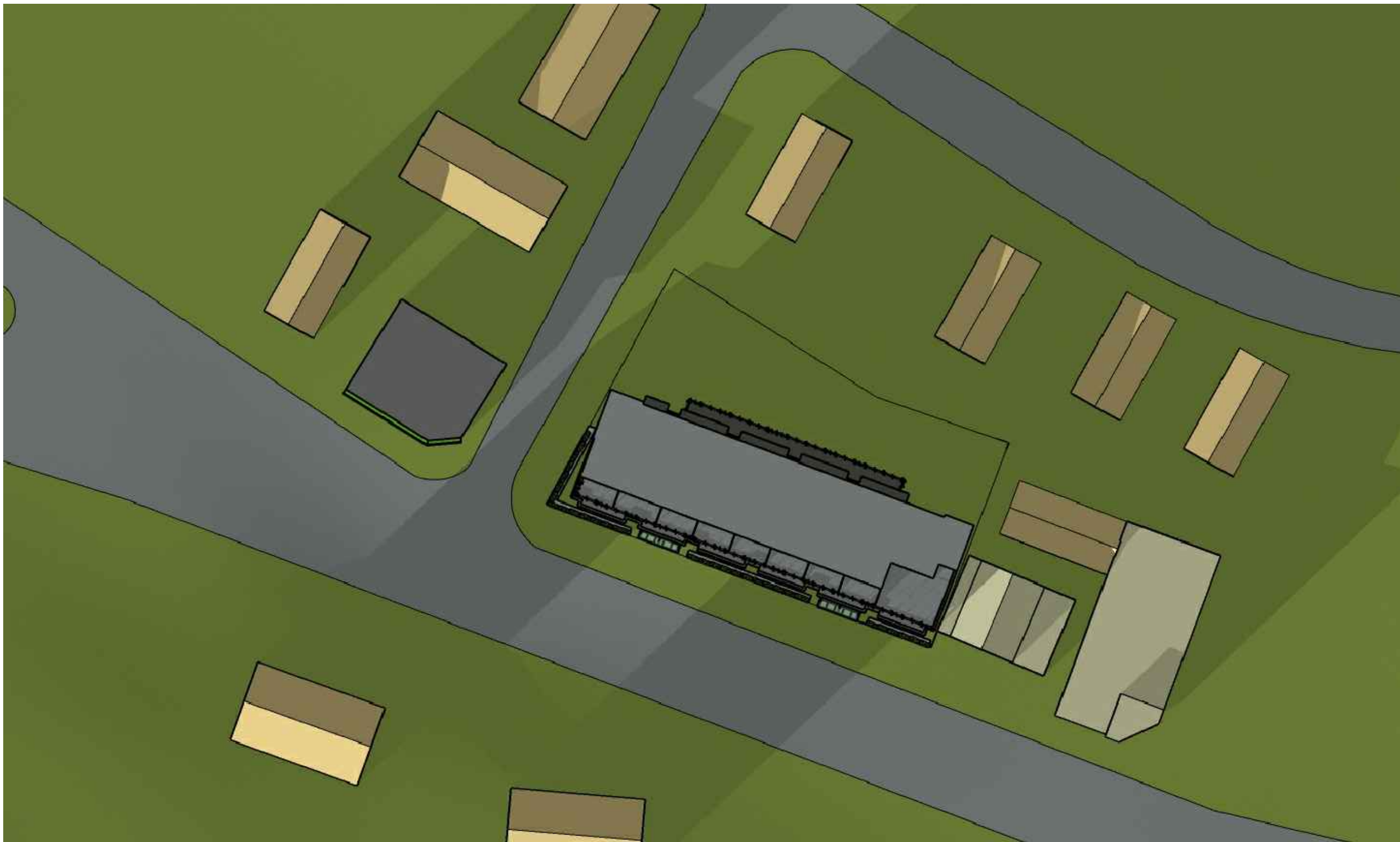
Winter Solstice



9:00 AM



12:00 PM

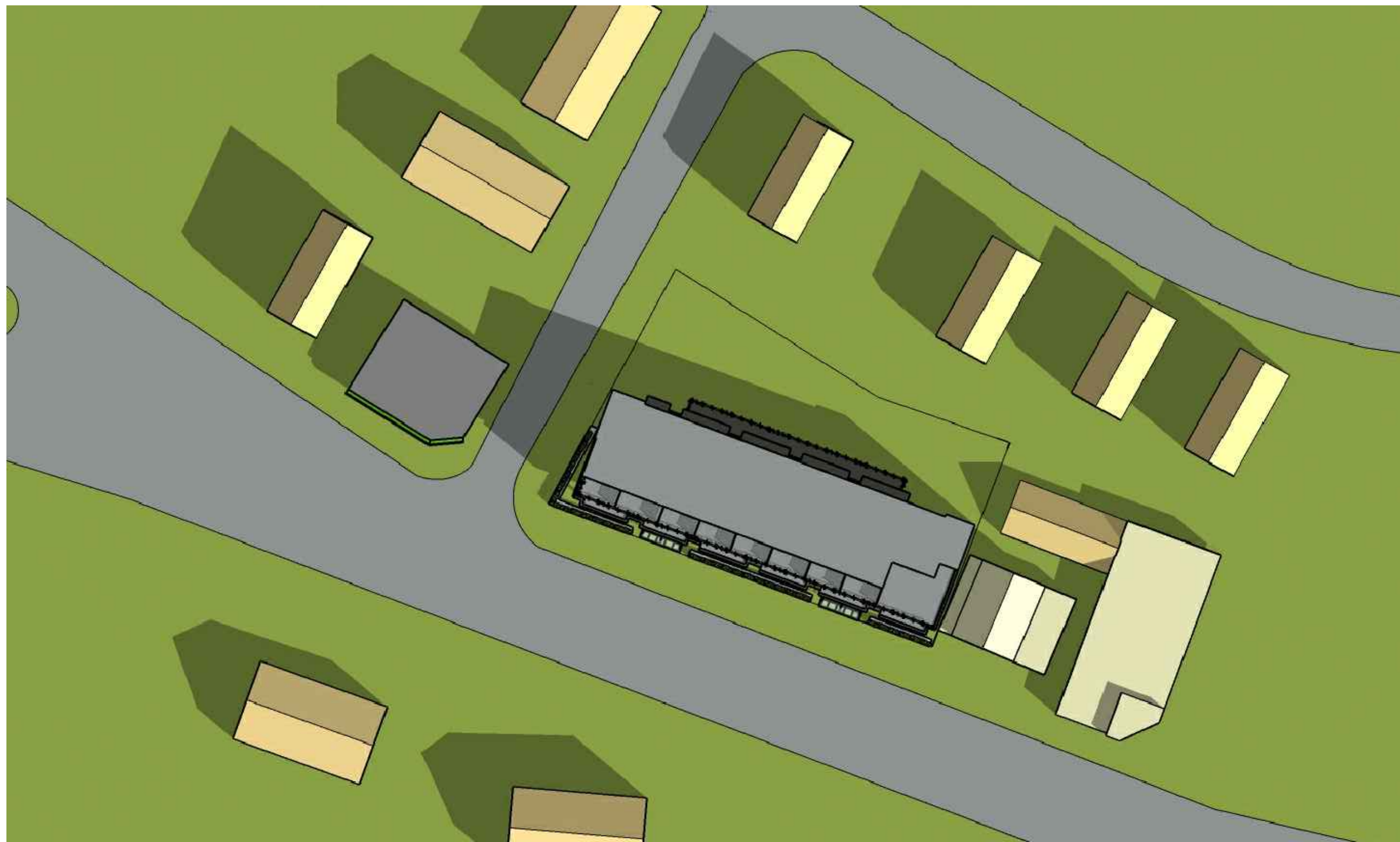


3:00 PM



6:00 PM

Autumn Equinox



9:00 AM



12:00 PM

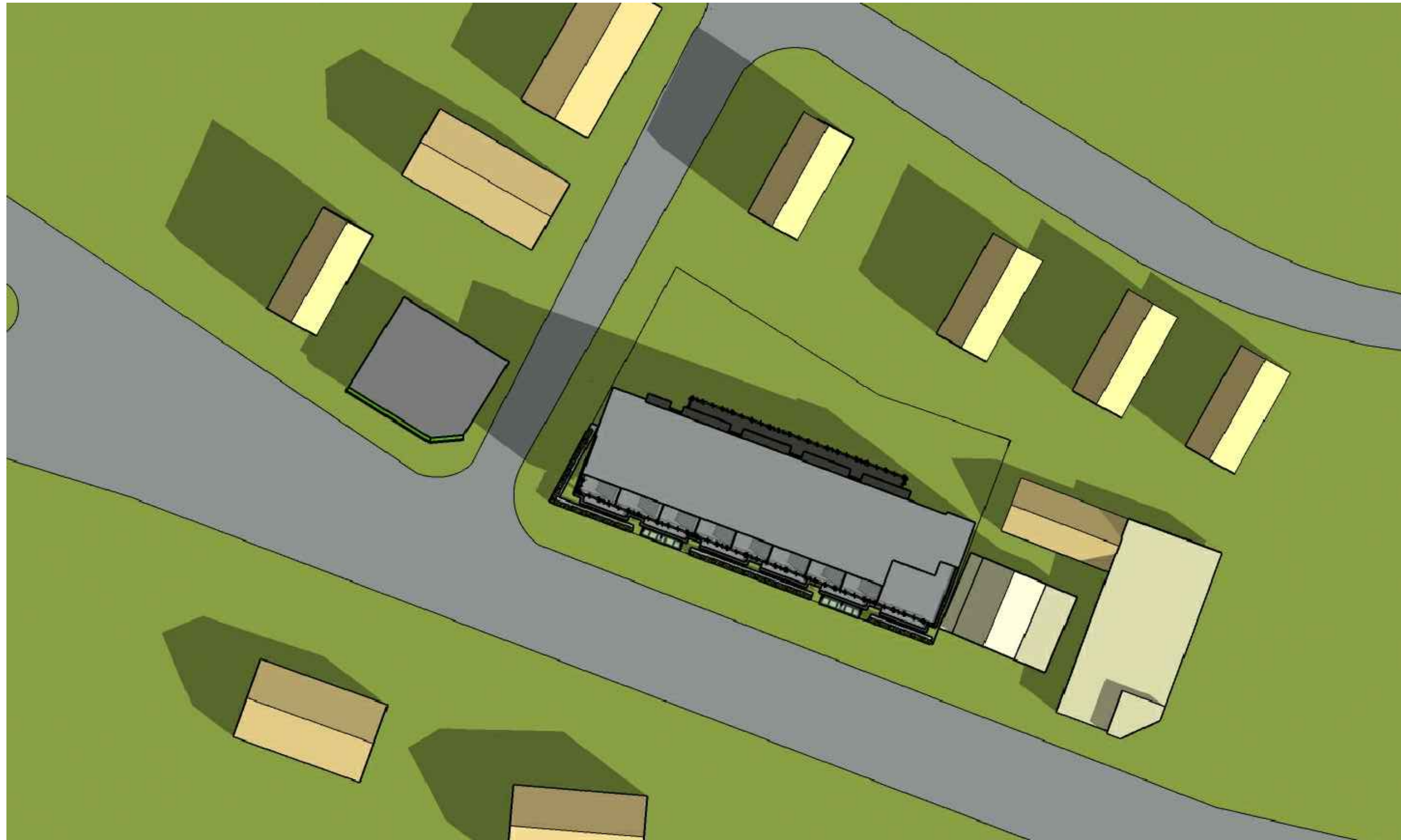


3:00 PM



6:00 PM

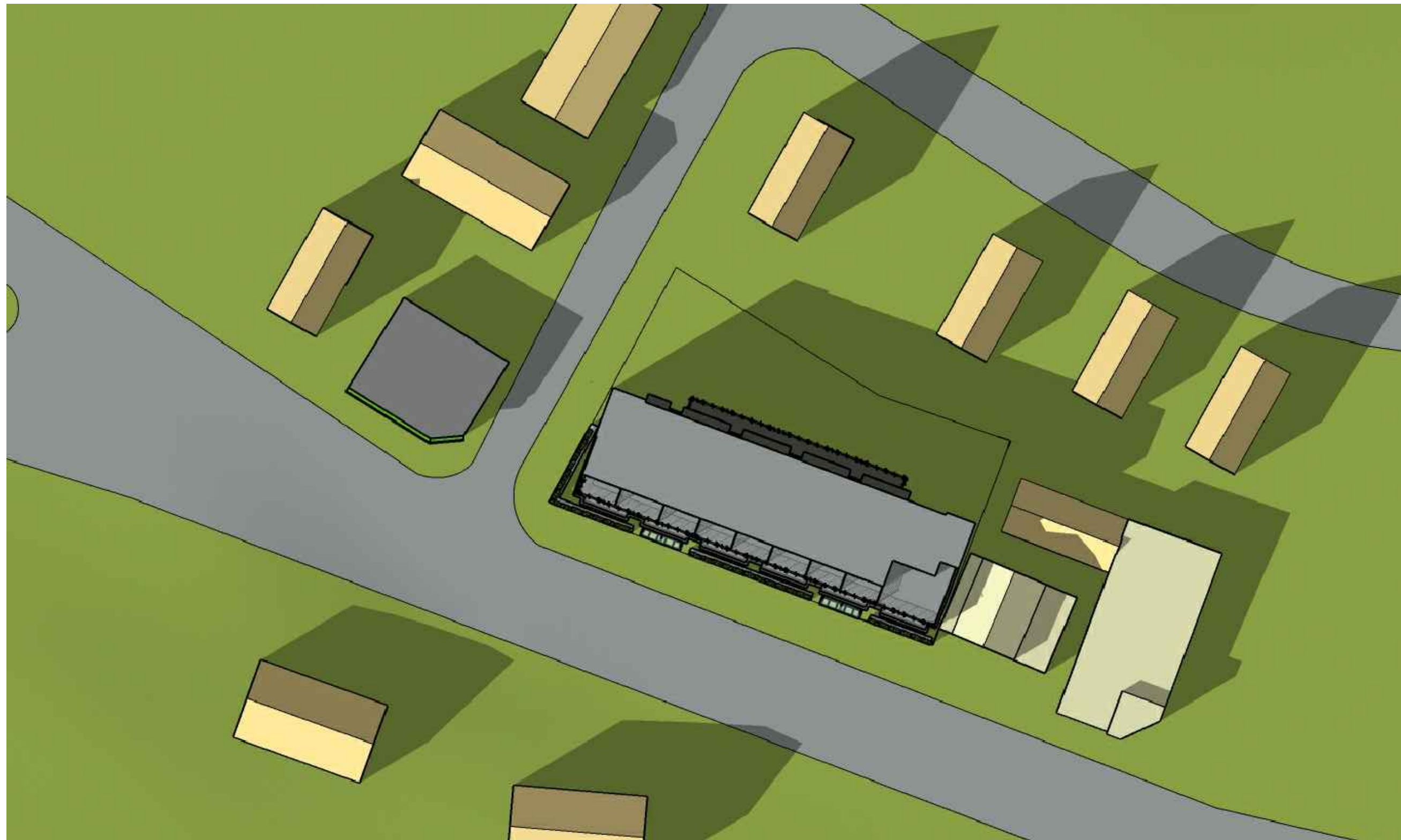
Spring Equinox



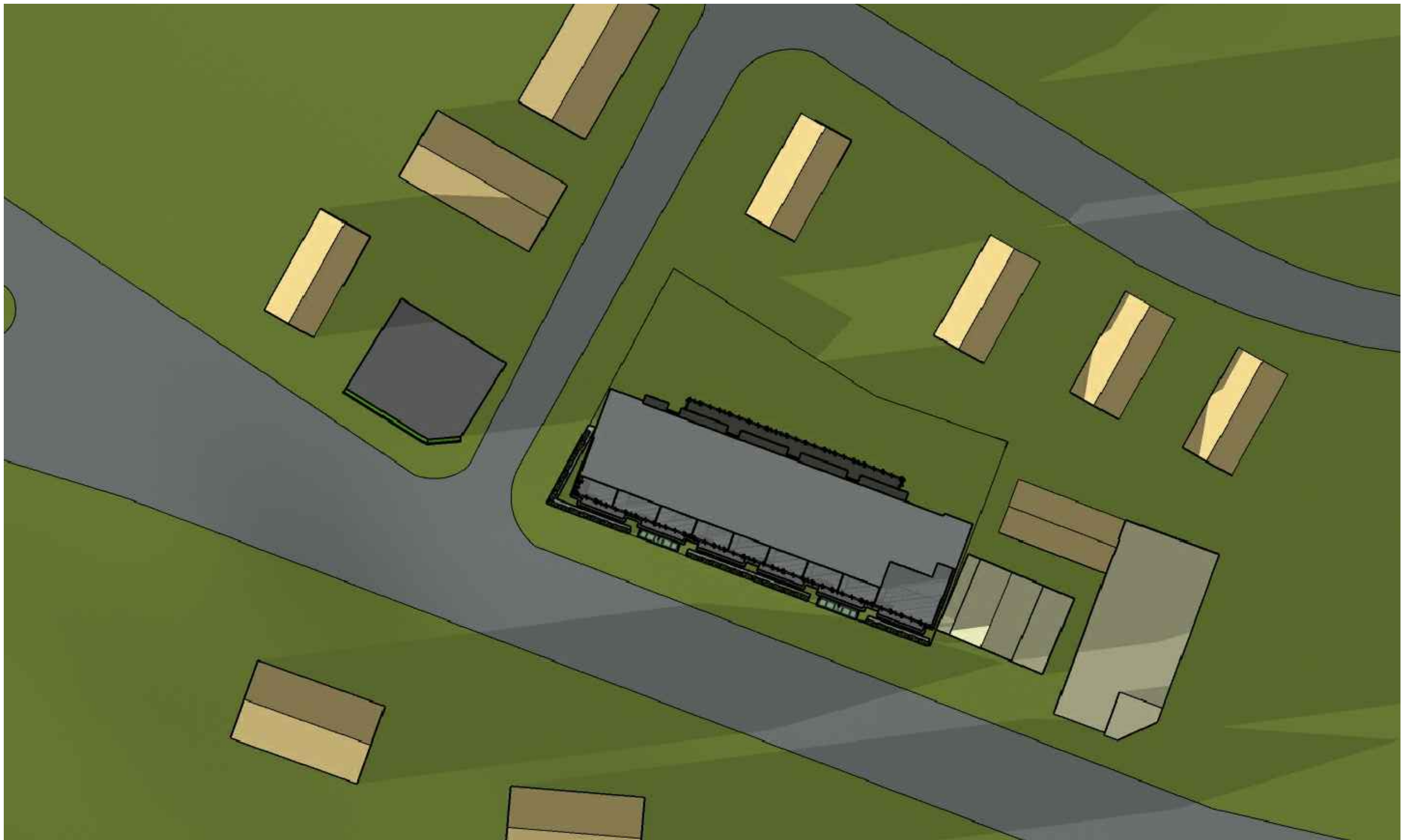
9:00 AM



12:00 PM



3:00 PM



6:00 PM

PLANNING & COMMUNITY
DEVELOPMENT

KRATTENMAKER O'CONNOR & INGBER P.C.

ATTORNEYS AT LAW

2020 JAN 21 P 2:08

ONE MCKINLEY SQUARE
BOSTON, MASSACHUSETTS 02109
TELEPHONE (617) 523-1010
FAX (617) 523-1009

CHARLES G. KRATTENMAKER, JR.
MARY WINSTANLEY O'CONNOR
KENNETH INGBER

OF COUNSEL: RAYMOND SAYEG

January 21, 2020

VIA EMAIL

Jennifer Raitt, Director
Department of Planning and Community
Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Re: Docket No. 3602 / 1207-1211 Massachusetts Avenue

Dear Jenny:

Thank you for your memorandum of January 7, 2020. I will respond to the items raised in the order in which you have listed them.

1. A traffic study will be submitted by Mr. Doherty.
2. See the revised plans.
3. The revised plans show screening where the proposed mechanical's will be located. This also reflects a reduction in the proposed venting for the building at this time. It should be noted that the final locations will be determined on the IFC (Issued for Construction) plans and will not be visible to the surrounding neighborhood.
4. See the updated information attached as Exhibit "A".
5. See the updated information attached as Exhibit "B".
6. The petitioner will not be providing this information as it is proprietary and is not relevant to the relief requested.
7. This information was provided in the materials delivered on January 2, 2020. There are two properties with solar panels behind the subject property – 18 Pierce Street and 24 Clark Street. Neither is impacted.
8. See the updated information attached.
9. Resolved – no response required.

KRATTENMAKER O'CONNOR & INGBER P.C.

Jennifer Raitt, Director
January 21, 2020
Page 2

Comments provided by ARB:

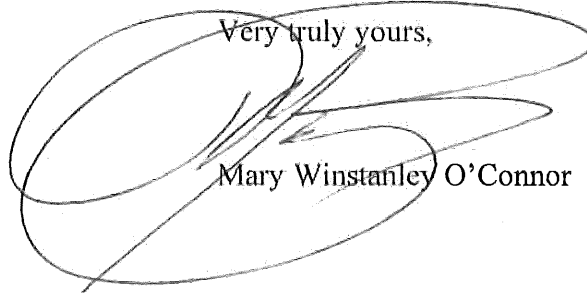
1. A draft traffic study will be submitted by Mr. Doherty.
2. Updated information was included in the package delivered on December 2, 2019. Additional information will be provided with the submission on January 20, 2020.
3. Resolved – no response is required.
4. Resolved as indicated above. Additional detailed information will be included in the January 20, 2020 submission.
5. Detailed information will be included in the January 20, 2020 submission.
6. Resolved – no response required.
7. Resolved – no response required.
8. Resolved – no response required.
9. This has been revised and was included in the December 2, 2019 submission.
10. I would suggest that no parking is required for the restaurant as it is a prior nonconforming use. The DAV had a kitchen and restaurant and had no parking. I would suggest that this is substantially similar to the restaurant use being proposed for the Balich 5 & 10, where no parking is available on site.
11. Resolved – no response required.
12. Resolved – no response required.
13. Resolved – no response required.
14. Updated information will be provided with the January 20, 2020 submission.

KRATTENMAKER O'CONNOR & INGBER P.C.

Jennifer Raitt, Director
January 21, 2020
Page 3

Please do not hesitate to contact me to discuss this matter. In advance, I thank you.

Very truly yours,

A large, stylized handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Mary Winstanley O'Connor

MWO/ccg
Enclosures
6214

cc: James Doherty

Exhibit A

The FAR for this proposal is 1.5 as provided for by the mixed use bylaws. As mentioned in your correspondence, Section 5.3.6 provides for bonus space based on certain criteria.

For this proposal we are requesting a modest increase of 10% or 2,104 s.f.. This request is based on the 'Public Access' provision and will provide for a public art and presentation area located in the front right area of the lot. We intend to provide through an easement to allow various groups the opportunity to have presentations and events for the community.

Exhibit B

As detailed on our revised plans, we are providing open space on three sides of the proposed building; the rear, left side and in front of the building. The open space will consist of a grass landscaped area and pervious paver area. The total will be 2,741 s.f.

Lighting

The lighting proposed for the site will consist of energy efficient LED low profile lighting. Deflectors and other technology will be utilized to ensure lighting does not spill into the neighborhood. To ensure the desired results are achieved, we will be conducting a photometric study prior to finalizing the installation.

To: James Doherty
1211 Massachusetts Avenue Realty Trust

Date: January 16, 2020

From: Michael A. Santos, PE

Proj. No. 28408.00

Re: 1211 Massachusetts Avenue – Arlington, MA
Traffic Information Summary

BSC Group, Inc. has conducted an evaluation of the transportation characteristics and impacts of the proposed hotel development to be located at 1211 Massachusetts Avenue (the “Project”) in Arlington, Massachusetts. This evaluation provides information related to trip generation characteristics of the Project, vehicular circulation and operations on the site, and parking supply.

Project Description

The Project will consist of the construction of a new 50-room hotel and restaurant at 1211 Massachusetts Avenue. The Project site is located along the north side of Massachusetts Avenue and is adjacent to Clark Street on the west. Vehicular access will be provided by a valet operated pick-up/drop-off area with two curb cuts along Massachusetts Avenue. Access to the parking area will be along the east side of Clark Street, on the north side of the site.

The existing site consists of both 1207 and 1211 Massachusetts Avenue and contains a 2,500 square foot (sf) Disabled American Veterans (DAV) building, a used car dealership, an automobile service station, and a three-bedroom apartment, which contains 3,031 sf. There are currently two curb cuts along Massachusetts Avenue and one curb cut along Clark Street that provide access to the existing uses on the site. The DAV building recently closed and operated similarly to a restaurant. All uses on the existing site will be demolished as part of the Project.

Site Access

Vehicular access to the site will be limited to pick-up/drop-off and valet operations. A one-way, semi-circular driveway will be located at the front of the site, adjacent to Massachusetts Avenue. Two-curb cuts will be provided to allow westbound vehicular flow through the site, with the eastern curb cut operating as enter-only and the western curb cut operating as exit-only. An additional curb cut will be provided along the east side of Clark Street to provide access to the parking area in the rear of the building. Right-turns onto Clark Street northbound from the parking area will not occur, as the parking will be valet and controlled by the hotel operator.

Pedestrian access will be provided for the hotel lobby and the restaurant along Massachusetts Avenue. Sidewalks are currently provided along Massachusetts Avenue and Clark Street, with a painted crosswalk across Clark Street. The Project will upgrade all adjacent sidewalks, curb ramps, and crosswalks that serve the site to current standards set forth by the Americans with Disabilities Act (ADA). Bicycle racks will be provided for guests and visitors along Massachusetts Avenue. A secure and covered bicycle storage room will be provided within the lower level of the building for employees of the future uses on the site.

The Massachusetts Bay Transportation Authority (MBTA) operates the #77 and #79 buses along Massachusetts Avenue, adjacent to the Project site, with inbound and outbound stops immediately east of the site, near the intersection of Massachusetts Avenue/Appleton Street. Both buses provide access between Arlington Heights and the MBTA’s Red Line. The #77 bus provides access to Harvard Station.

approximately 4.5 miles to the east, and the #79 bus provides access to Alewife Station, approximately 2.5 miles to the east.

Parking and Loading

The Project will provide a total of 27 parking spaces for the hotel uses. A tandem-style garage will be located in the rear of the building on the north side of the site and will contain 24 parking spaces. An additional three spaces will be located along the north side of the site in a surface lot. All parking on the site will be valet and will serve both the hotel and restaurant uses. The Project will not have any spaces for self-parking. On-street parking is allowed along both sides of Massachusetts Avenue. The Project will not change the overall number of available on-street parking spaces.

All loading and trash operations will occur in the rear of the building via the Clark Street curb cut. Deliveries will occur either in the pick-up/drop-off area or in the rear of the building, depending on the anticipated duration. Deliveries and loading operations will be limited to single-unit box trucks and smaller vehicles.

Trip Generation

Trip generation estimates for the Project are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition. Trip generation estimates were developed for the proposed 50-room hotel. Table 1 presents the trip generation for the Project.

Table 1
Trip Generation Summary

	Project Trips			Existing Trips					
				Automobile					
Time Period	Hotel ¹	Restaurant ²	Total	DAV Club ²	Auto Dealership ³	Service Station ⁴	Apartment ⁵	Total	Net Change
AM Peak Hour									
Entering	14	15	29	15	1	3	0	19	+10
Exiting	10	13	23	13	0	1	1	15	+8
Total	24	28	52	28	1	4	1	34	+18
PM Peak Hour									
Entering	15	17	32	17	0	3	1	21	+11
Exiting	15	10	25	10	1	2	0	13	+12
Total	30	27	57	27	1	5	1	34	+23

1 Based on ITE Land Use Code (LUC) 310 – Hotel (50 Rooms)

2 Based on ITE LUC 932 – High Turnover Sit Down Restaurant (2,800 sf)

3 Based on ITE LUC 841 – Automobile Sales, Used (264 sf)

4 Based on ITE LUC 942 – Automobile Care Center (1,650 sf)

5 Based on ITE LUC 220 – Multi-Family Housing, Low-Rise (1 unit)

Based on the trip generation and mode share data, the Project is expected to generate 52 vehicle trips during the weekday morning peak hour and 57 vehicle trips during the weekday evening peak hour. When compared to the existing uses on the site, this results in a net increase of 18 trips during the weekday morning peak hour and 23 trips during the weekday evening peak hour.

The peak hour trips are typically the most critical because those time periods are when the adjacent roadways experience the highest traffic demands throughout the course of the day. The peak hour increases represent

approximately one additional trip every 2-4 minutes.

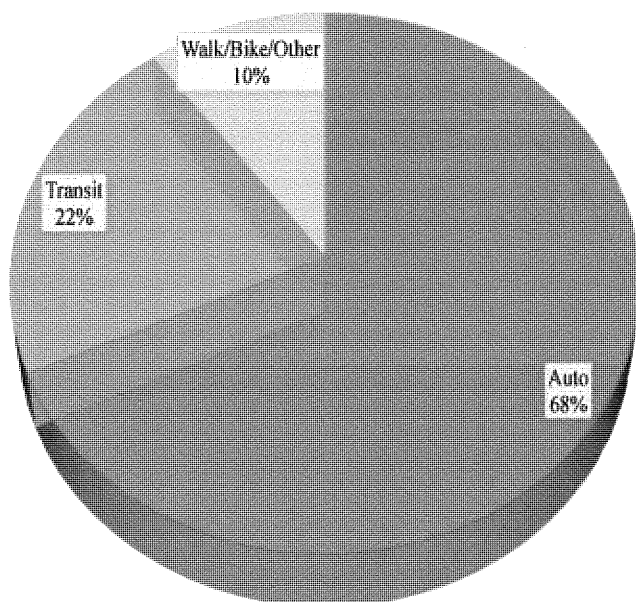
The trip generation estimates provided in Table 1 do not consider alternative modes of transportation such as walking, bicycling, and transit usage. Based on the location of the site and the proximity to two highly used MBTA bus routes (Routes #77 and #79), it is expected that a portion of the trips will be made by public transportation. It is also expected that a portion of the hotel-related trips will be made by taxi or ride-hailing service and will not use Clark Street for parking purposes. The following section discusses the mode shares for travel in the vicinity of the Project.

Modes of Travel

Mode-split data for the census tract in Arlington in which the Project site is located were obtained from the United States Census. The primary modes of travel for the Project are expected to be transit, walk/bicycling, and vehicular usage. The US Census provides travel mode shares over the course of an average weekday for commuting purposes only. However, the mode shares to provide an insight into the availability and convenience of non-vehicular modes of travel. The mode shares for the census tract in which the Project site is located are presented in **Figure 1**.

Figure 1
Modes of Travel

DAILY MODE SHARE
ARLINGTON, MASSACHUSETTS



As shown in Figure 1, the predominant mode of commuting travel in this area of Arlington is by vehicle (68 percent). Transit trips account for approximately 22 percent of travel and the remaining 10 percent of trips are made by walking, biking, or other travel modes.

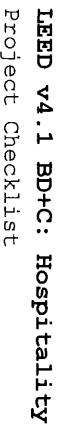
As previously stated, the mode shares represent daily commuting trips. It is expected that the hotel and restaurant usage of the Project will include taxi trips and may not exactly reflect commuting patterns. Additionally, the restaurant will serve the hotel guests and residents of the surrounding neighborhoods, allowing for a further reduction in vehicle-based trips. Further, the commuter mode share percentages do indicate that there are opportunities other than driving for guests of the hotel once they are on-site.

Summary

This evaluation indicates that the proposed development is expected to generate a minimal amount of vehicular traffic during the commuter peak hours (approximately one new trip every 3-4 minutes). The Project is expected to have a minimal impact on the surrounding roadway network throughout most of the day. The periods that will experience the most impact will occur mostly during off-peak hours. Hotels typically have check-in times in the early afternoon and check-out times in the late morning, which occur

outside of commuter peaks. The restaurant will have the highest impacts after the weekday evening commuter peak hour when traffic volumes are typically lower.

The Project will provide on-site parking for 27 vehicles, which will be operated by the hotel's valet service. Self-parking will not be provided on the site. The parking will be valet-only and will be operated by the hotel. Right-turns from the parking area on to Clark Street northbound will not occur and the Project will have minimal impact to the residential neighborhood north of the site. All loading, trash servicing, and deliveries will occur on the Project site and will not have impacts to Massachusetts Avenue or Clark Street. As part of the Project, all adjacent sidewalks, crosswalks, and curb ramps will be upgraded in accordance with ADA standards.



LEED v4.1 BD+C: Hospitality
Project Checklist

Lexington Hotel

1/20/2020

0	0	0	0	Materials and Resources	13
Y				Prearg Storage and Collection of Recyclables	Required
Y				Prearg Construction and Demolition Waste Management Planning	Required
				Credit Building Life-Cycle Impact Reduction	5
				Credit Building Product Disclosure and Optimization - Environmental Product	2
				Credit Building Product Disclosure and Optimization - Sourcing of	2
Y				Credit Building Product Disclosure and Optimization - Material Im	2
Y				Credit Construction and Demolition Waste Management	2

Y	Prereq	Minimum Indoor Air Quality Performance	Required
Y	Prereq	Environmental Tobacco Smoke Control	Required
		Enhanced Indoor Air Quality Strategies	2
		Low-Emitting Materials	3
Y	Credit	Construction Indoor Air Quality Management Plan	1
		Indoor Air Quality Assessment	2
Y	Credit	Thermal Comfort	1
Y	Credit	Interior Lighting	2

Y		Credit	Quality Views	1
Y		Credit	Acoustic Performance	1
0	0	0	Innovation	6
		Credit	Innovation	5
Y		Credit	LEED Accredited Professional	1
0	0	0	Regional Priority	4

	Credit	Regional Priority:	Specific Credit	1
	Credit	Regional Priority:	Specific Credit	1
	Credit	Regional Priority:	Specific Credit	1
	Credit	Regional Priority:	Specific Credit	1
52	0	0	TOTALS	Possible Points: 110
40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum				

TOTALS	Possible Points:	110	
40 to 49 points,	Silver: 50 to 59 points,	Gold: 60 to 79 points,	Platinum

SPECIAL PERMIT - SITE PLAN REVIEW

1211 Massachusetts Avenue
Arlington, MA 02476

December 12, 2019



LINCOLN ARCHITECTS LLC
1 Mount Vernon Street, Suite 203
Winchester, MA 01890
781.721.7721

LOCUS PLAN



DRAWING LIST

ARCHITECTURAL	
COVER SHEET	
L1.1	EXISTING CONDITION DIAGRAM
L1.2	PROPOSED PLOT PLAN
L1.3	SITE PLAN / LANDSCAPING PLAN
A0.1	RENDERING IMAGE / VIEW FROM MASSACHUSETTS AVENUE
A0.2	RENDERING IMAGE / BIRDS EYE VIEW FROM MASSACHUSETTS AVENUE
A1.1	LOWER LEVEL/MAIN LEVEL FLOOR PLAN
A1.2	SECOND & THIRD FLOOR PLAN/FOURTH FLOOR PLAN
A4.1	BUILDING ELEVATIONS
A4.2	BUILDING ELEVATIONS
A5.1	EXISTING BUILDING - SHADOW STUDY/SUMMER SOLSTICE
A5.2	EXISTING BUILDING - SHADOW STUDY/WINTER SOLSTICE
A5.3	EXISTING BUILDING - SHADOW STUDY/AUTUMN EQUINOX
A5.4	EXISTING BUILDING - SHADOW STUDY/SPRING EQUINOX
A6.1	PROPOSED BUILDING - SHADOW STUDY/SUMMER SOLSTICE
A6.2	PROPOSED BUILDING - SHADOW STUDY/WINTER SOLSTICE
A6.3	PROPOSED BUILDING - SHADOW STUDY/AUTUMN EQUINOX
A6.4	PROPOSED BUILDING - SHADOW STUDY/SPRING EQUINOX



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Revisions

PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

EXISTING CONDITRIONS

Project Number
2017.032
Drawing Scale
1" = 20'
Drawn By
GMc
Checked By
GMc
Date Issued
12/12/19

L1.1

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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SITE PLAN

Project Number

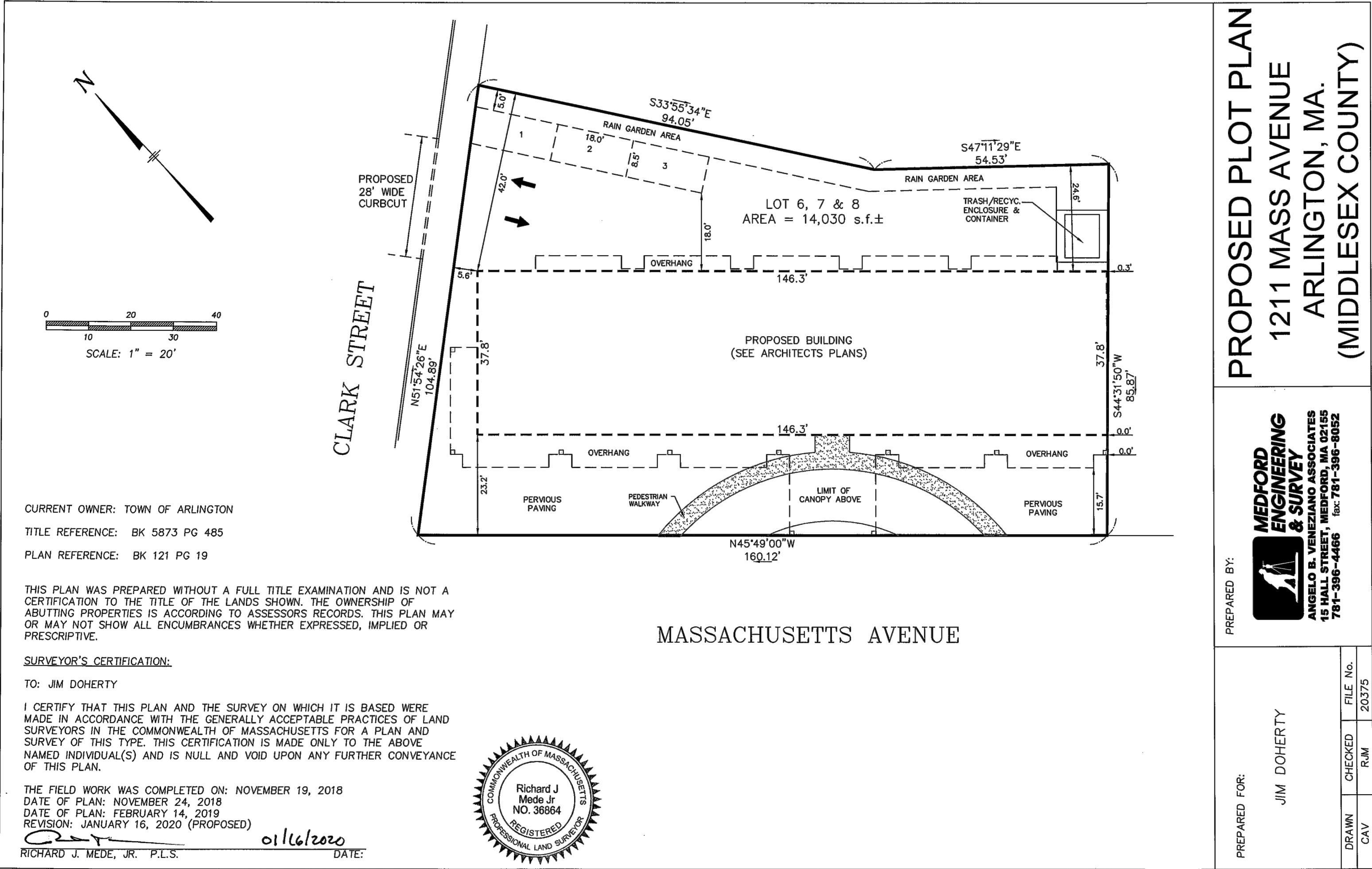
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GMc

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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

RENDERING

Project Number
2017.032

Drawing Scale
3/32"=1'-0"

Drawn By
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Checked By
GMc

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A0.1



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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

RENDERING

Project Number
2017.032

Drawing Scale
3/32"=1'-0"

Drawn By
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GMc

Date Issued
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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

RENDERING
STREET VIEW #1

Project Number
2017.032
Drawing Scale
N.T.S.
Drawn By
GMc
Checked By
GMc
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A0.3





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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
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RENDERING
STREET VIEW #2

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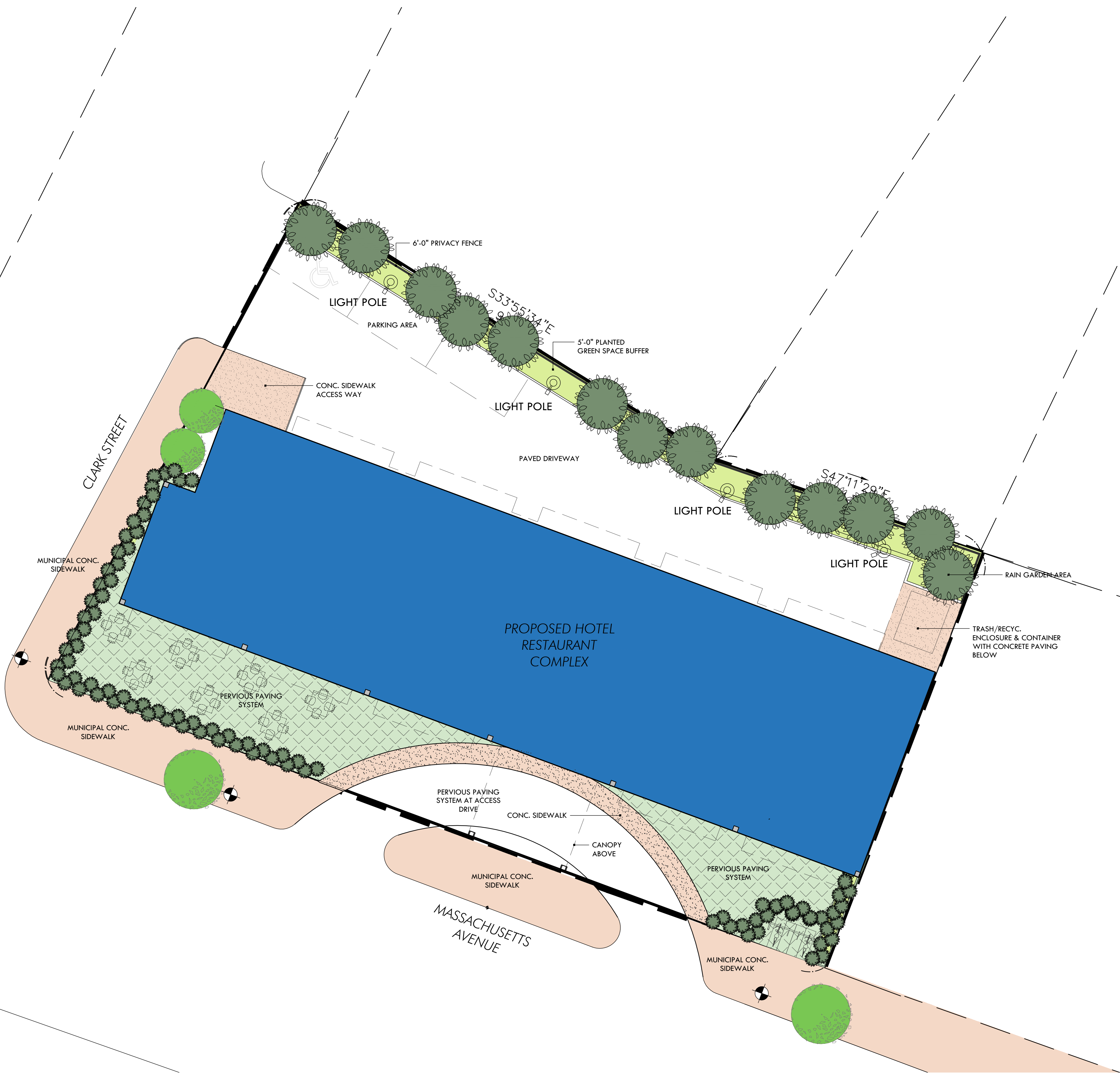
Revisions

PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

PLANTING PLAN

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Drawing Scale
3/32"=1'-0"
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1211 Massachusetts Avenue
Arlington, MA

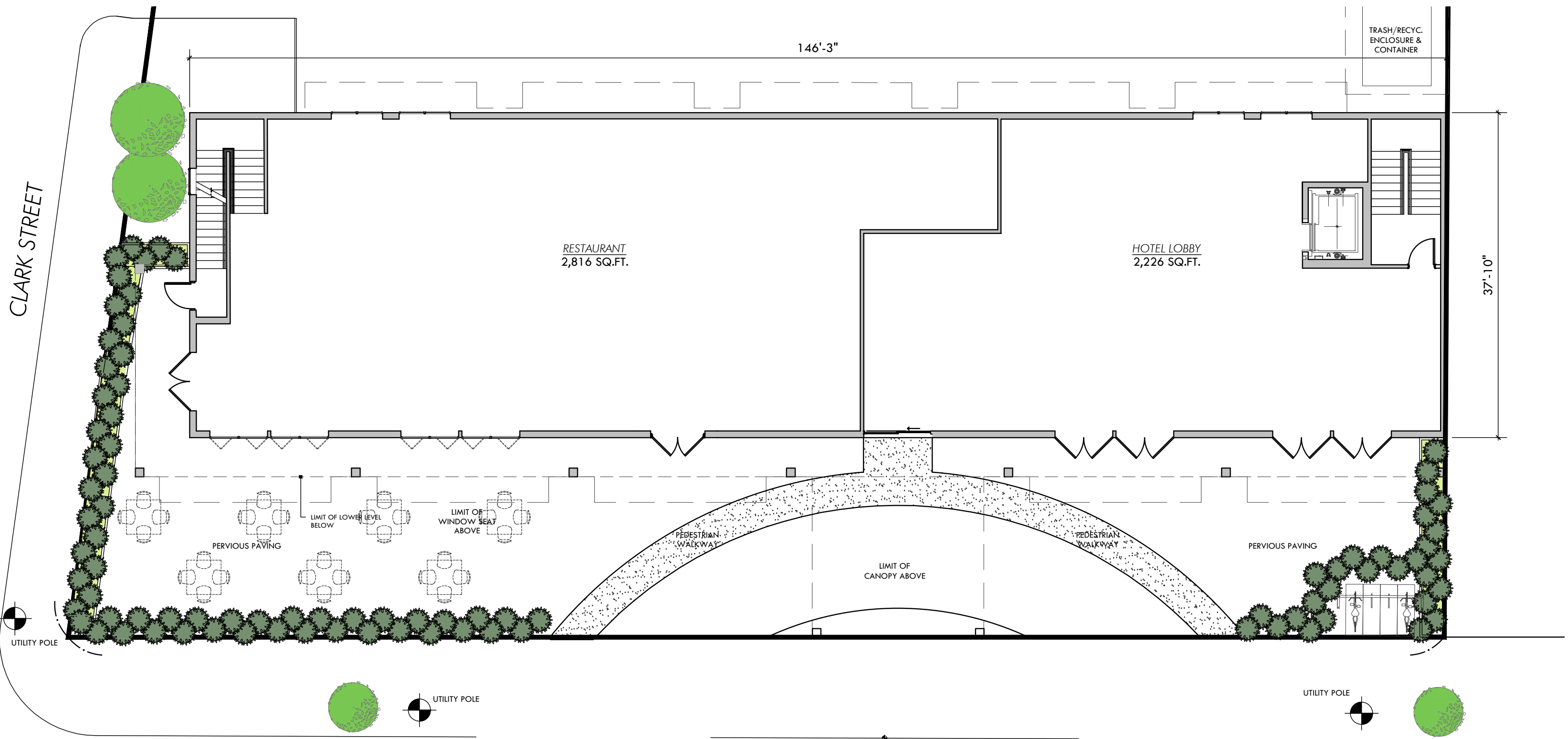
LOWER LEVEL
FIRST FLOOR
FLOOR PLANS

Project Number
2017.032
Drawing Scale
3/32"=1'-0"
Drawn By
GMc
Checked By
GMc
Date Issued
12/12/19

A1.1



1 LOWER LEVEL FLOOR PLAN
A1.1 SCALE: 3/32"=1'-0"



2 FIRST FLOOR PLAN
A1.1 SCALE: 3/32"=1'-0"

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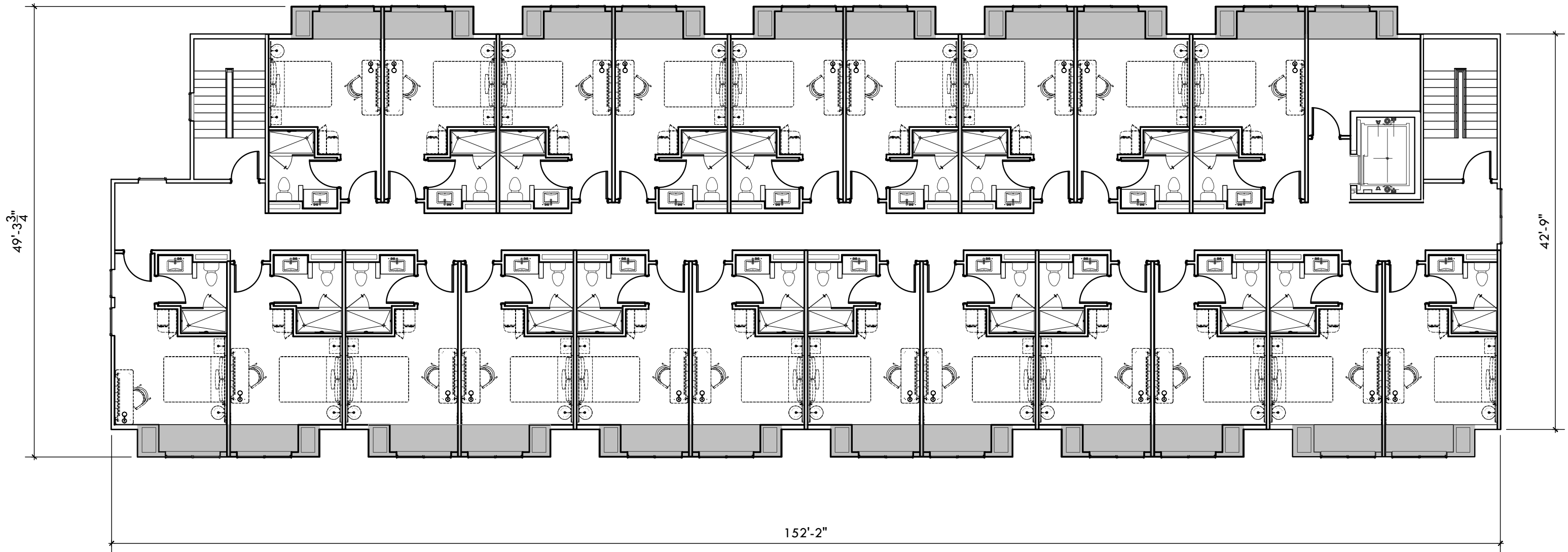
Revisions

PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

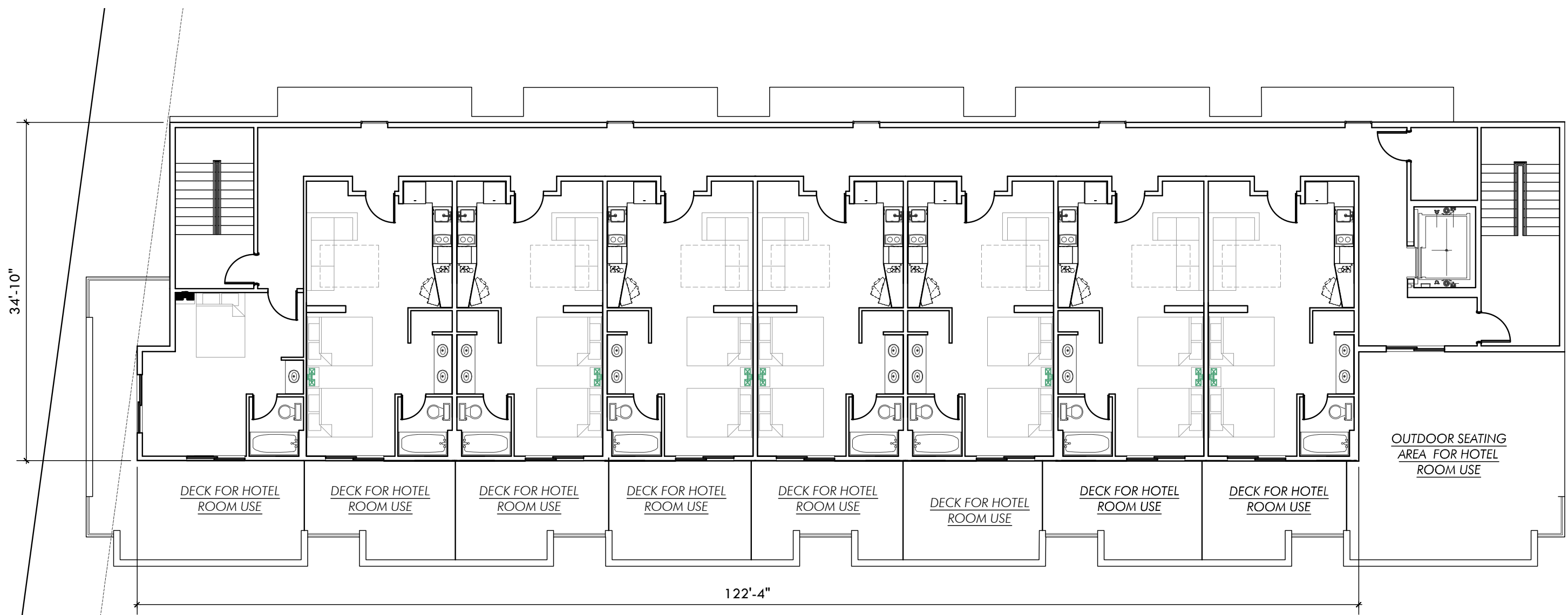
SECOND & THIRD FLOOR PLAN
FOURTH FLOOR PLAN

Project Number
2017.032
Drawing Scale
3/32"=1'-0"
Drawn By
GMc
Checked By
GMc
Date Issued
11/21/19

A1.2



1 SECOND & THIRD FLOOR PLAN
A1.2 SCALE: 3/32"=1'-0"



2 FOURTH FLOOR PLAN
A1.2 SCALE: 3/32"=1'-0"

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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

BUILDING ELEVATIONS

Project Number
2017.032

Drawing Scale
1/8"=1'-0"

Drawn By
GMc

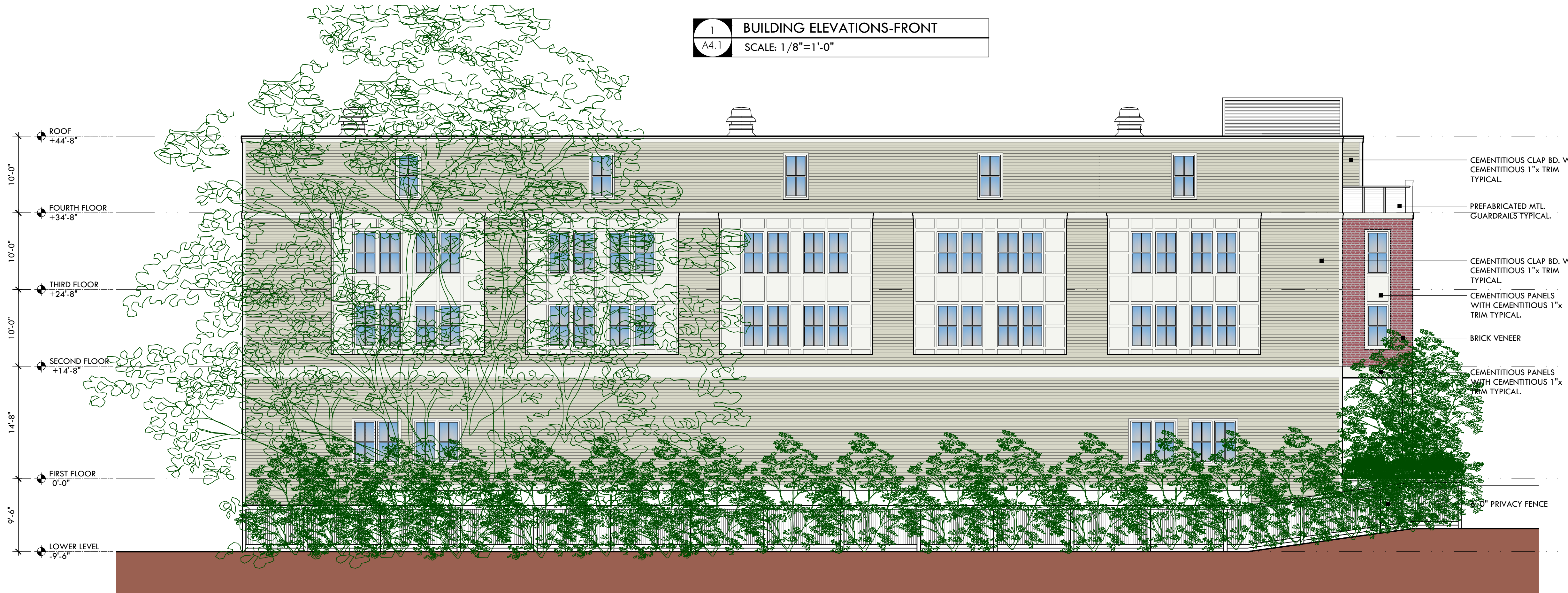
Checked By
GMc

Date Issued
12/12/19

A4.1



1 BUILDING ELEVATIONS-FRONT
A4.1 SCALE: 1/8"=1'-0"



2 BUILDING ELEVATIONS- REAR
A4.1 SCALE: 1/8"=1'-0"



1	BUILDING ELEVATIONS-SIDE
A4.2	SCALE: 1/8"=1'-0"

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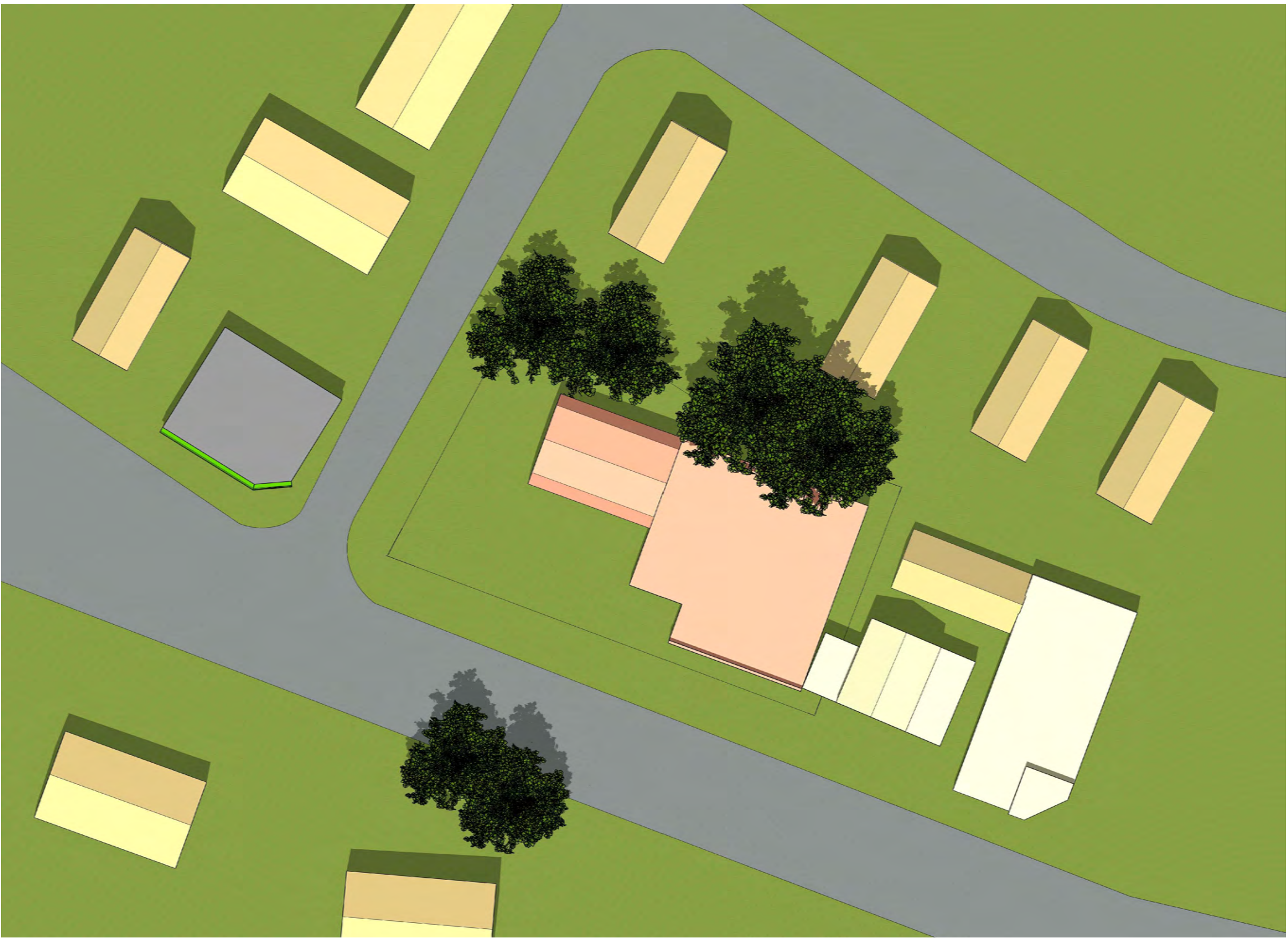
BUILDING ELEVATIONS

Project Number
2017.032
Drawing Scale
1/8"=1'-0"
Drawn By
GMc
Checked By
GMc
Date Issued
12/12/19

A4.2



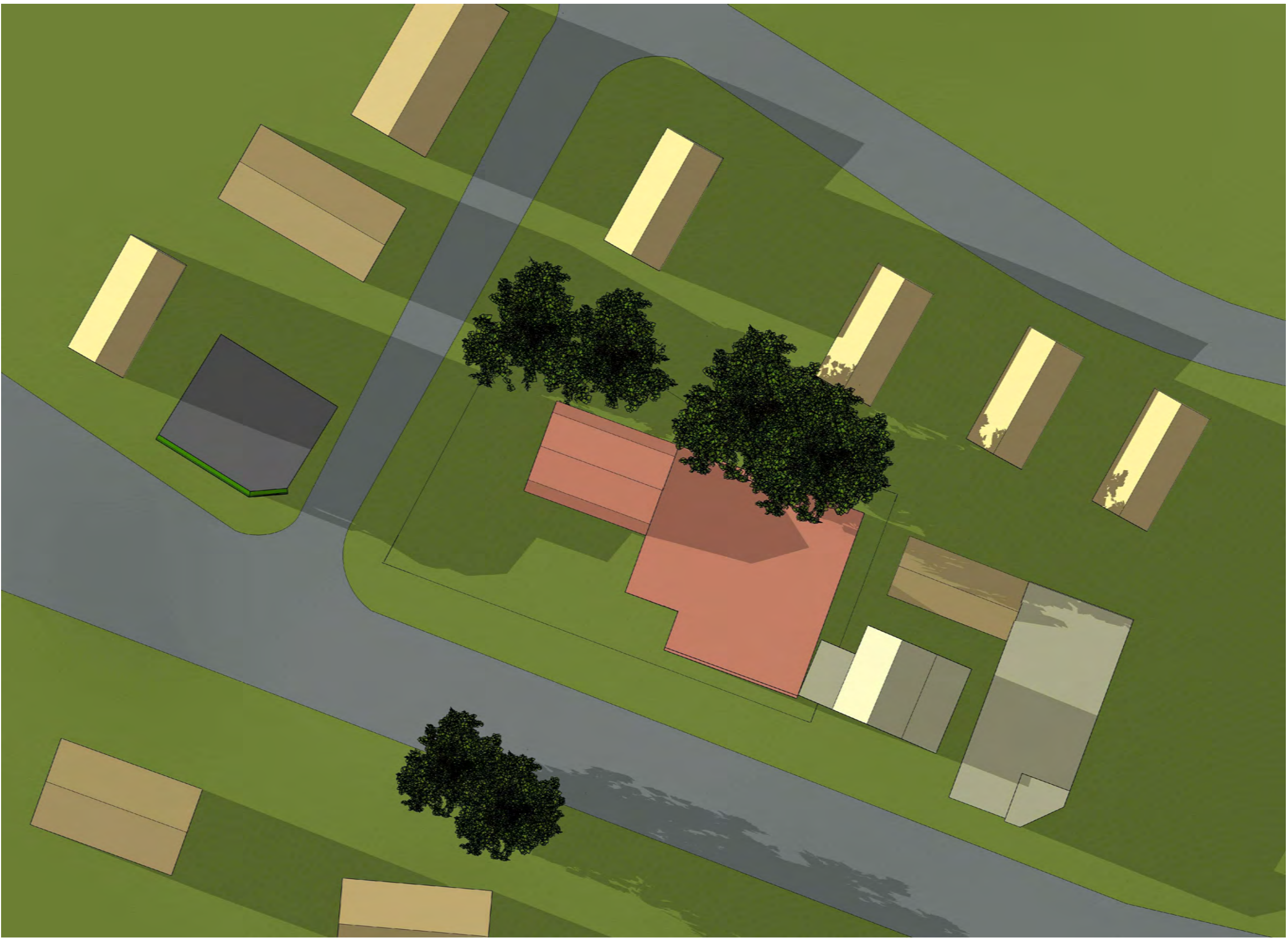
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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
EXISTING CONDITIONS
SUMMER SOLSTICE

Project Number
2017.032
Drawing Scale
N.T.S.
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Date Issued
12/12/19

A5.1



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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
EXISTING CONDITIONS
WINTER SOLSTICE

Project Number
2017.032
Drawing Scale
N.T.S.
Drawn By
GMe
Checked By
GMe
Date Issued
12/12/19

A5.2



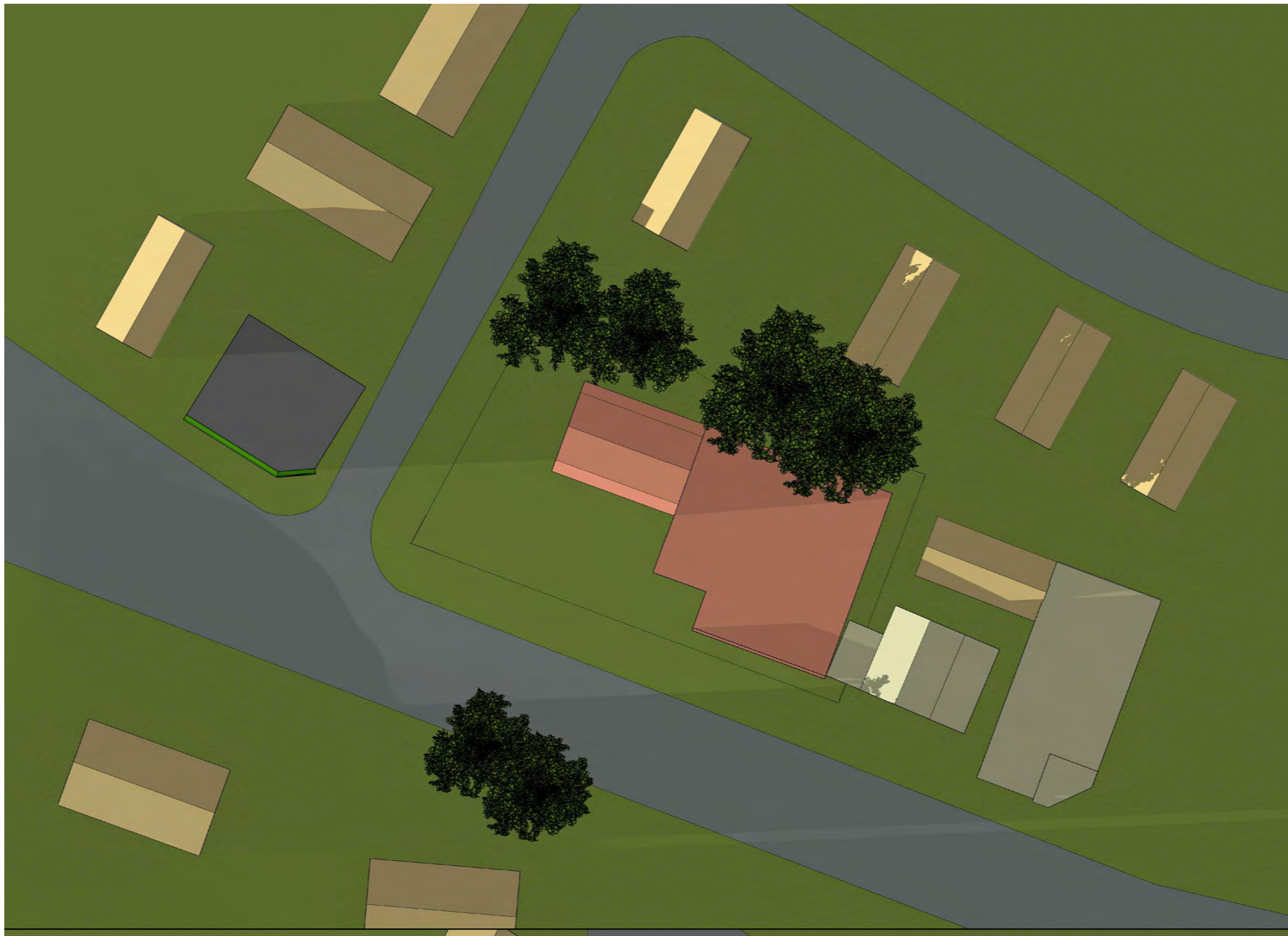
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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
EXISTING CONDITIONS
AUTUMN EQUINOX

Project Number
2017.032

Drawing Scale
N.T.S.

Drawn By
GMe

Checked By
GMe

Date Issued
12/12/19

A5.3



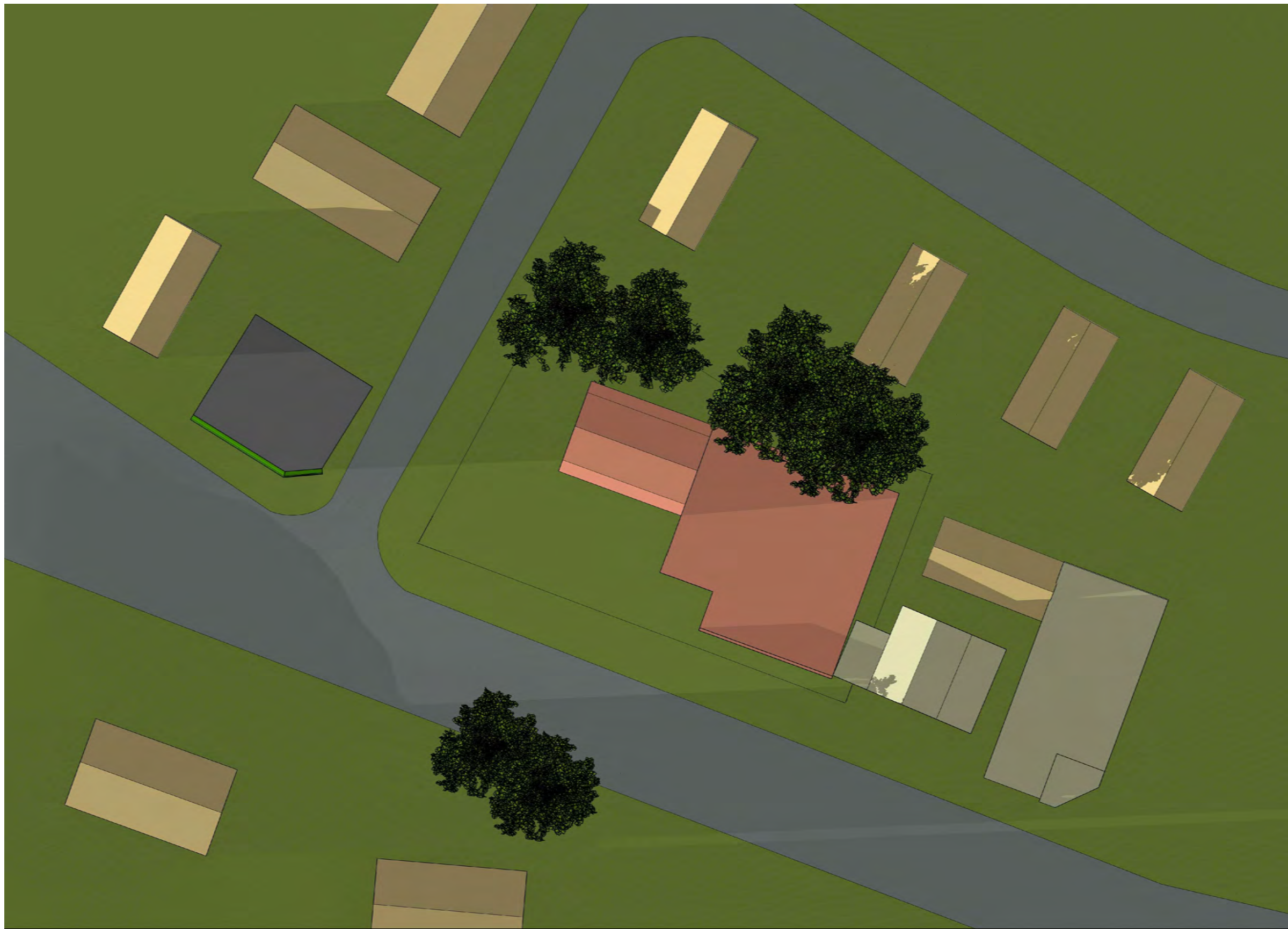
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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
EXISTING CONDITIONS
SPRING EQUINOX

Project Number
2017.032

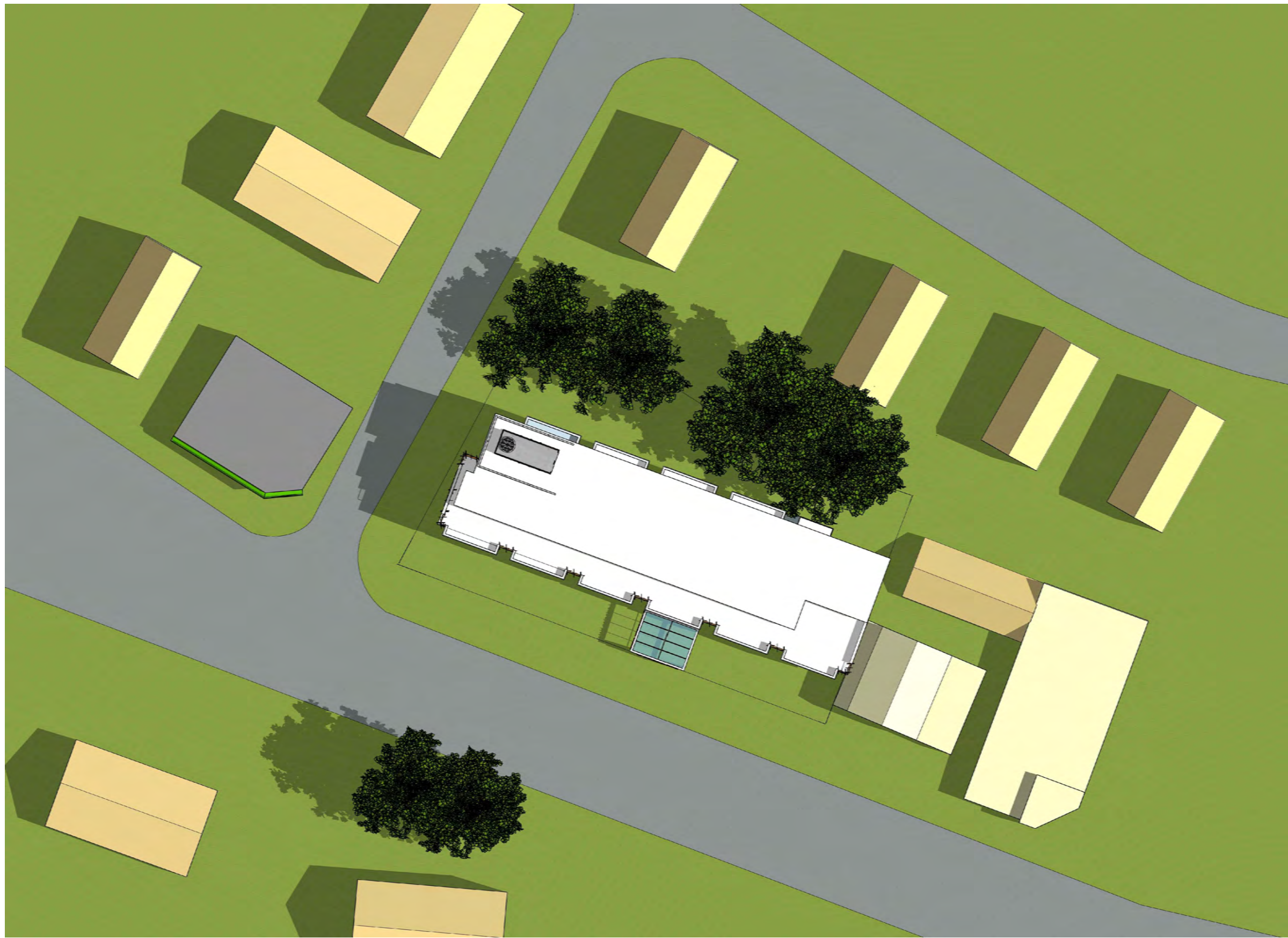
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Drawn By
GMe

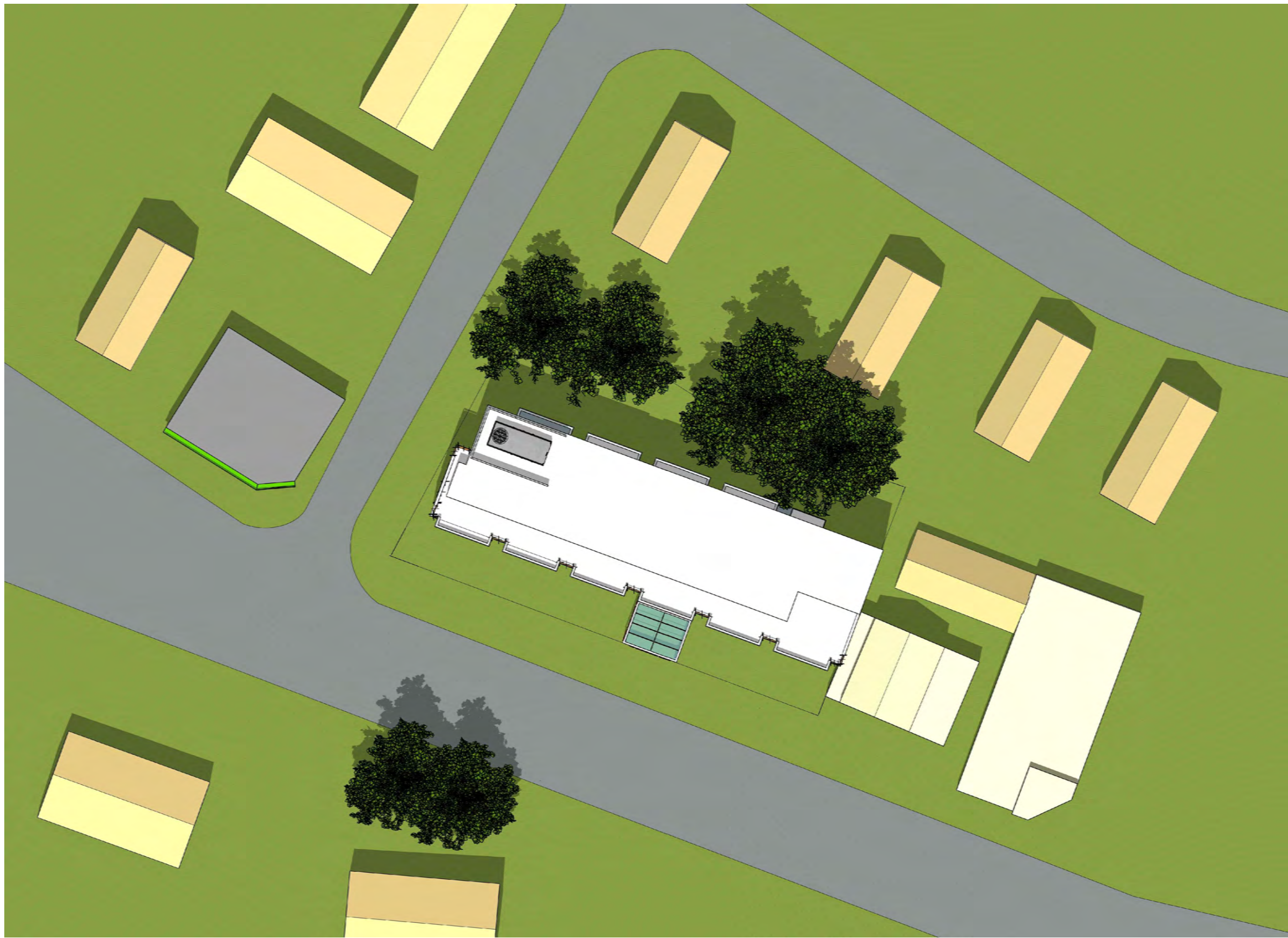
Checked By
GMe

Date Issued
12/12/19

A5.4



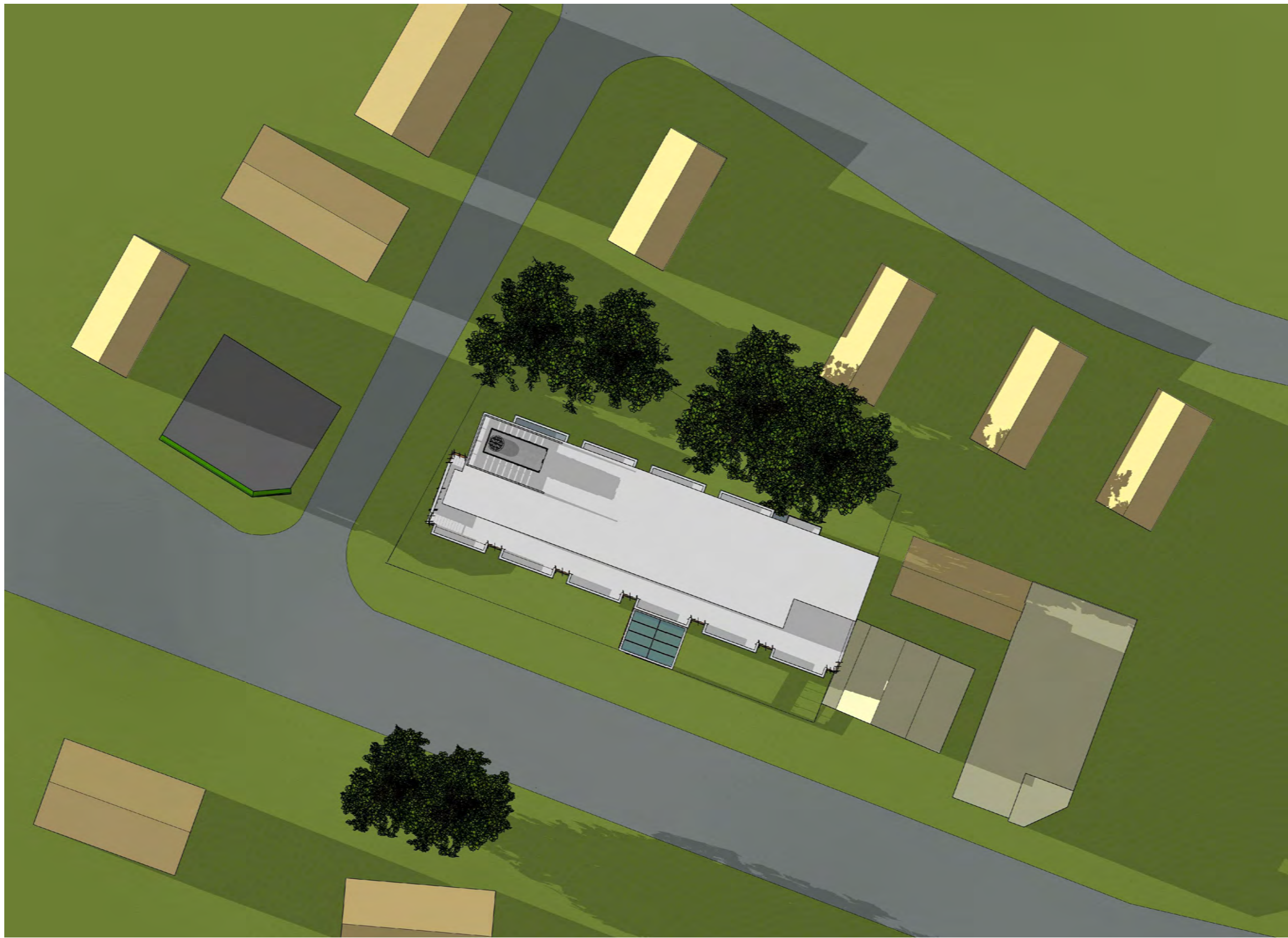
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PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
PROPOSED BUILDING
SUMMER SOLSTICE

Project Number 2017.032
Drawing Scale N.T.S.
Drawn By GMe
Checked By GMe
Date Issued 12/12/19



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12:00 PM



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Revisions

PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
PROPOSED BUILDING
WINTER SOLSTICE

Project Number
2017.032
Drawing Scale
N.T.S.
Drawn By
GMe
Checked By
GMe
Date Issued
12/12/19

A6.2



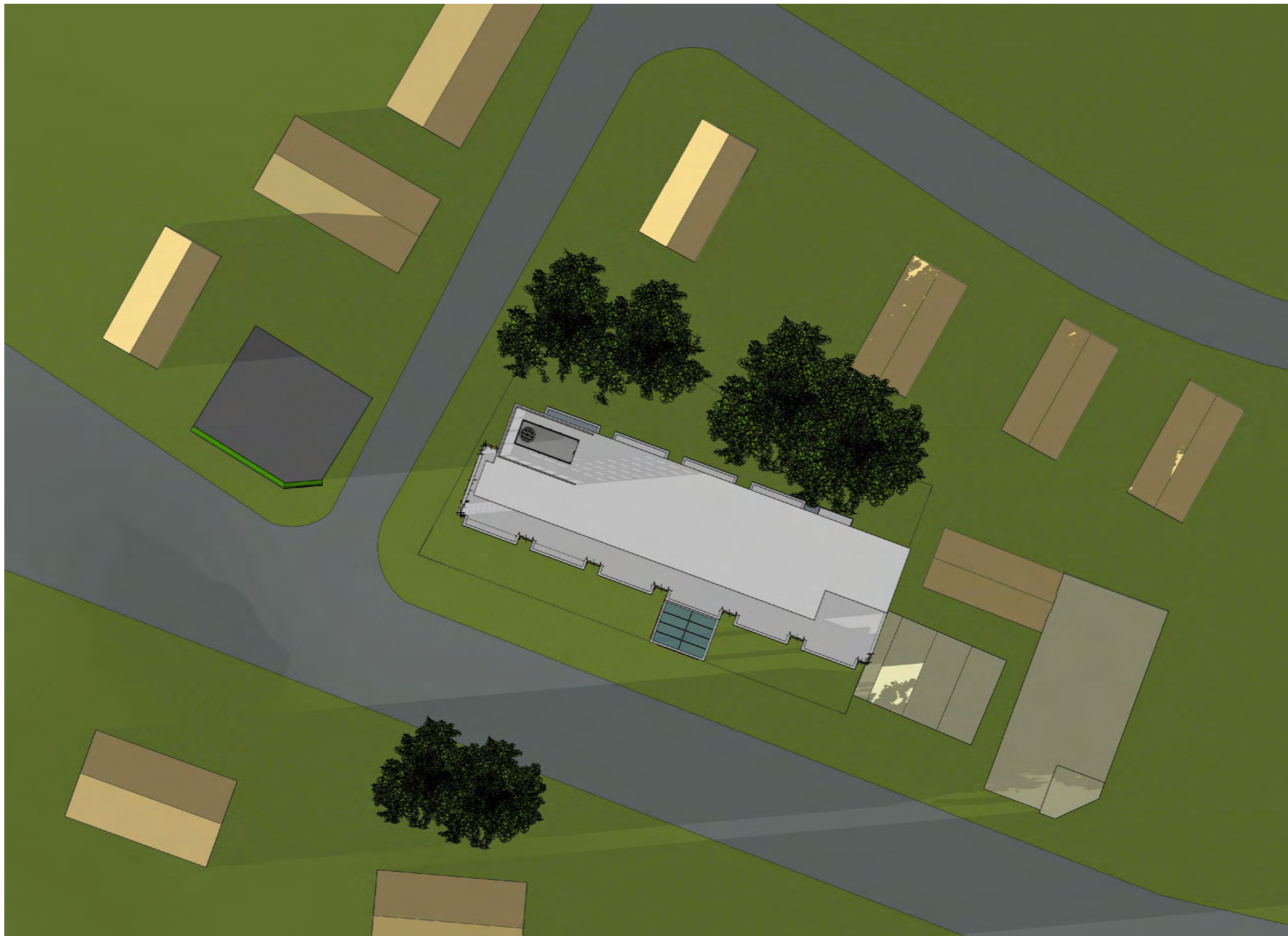
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Consultants

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Revisions

PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
PROPOSED BUILDING
AUTUMN EQUINOX

Project Number
2017.032

Drawing Scale
N.T.S.

Drawn By
GMe

Checked By
GMe

Date Issued
12/12/19

A6.3



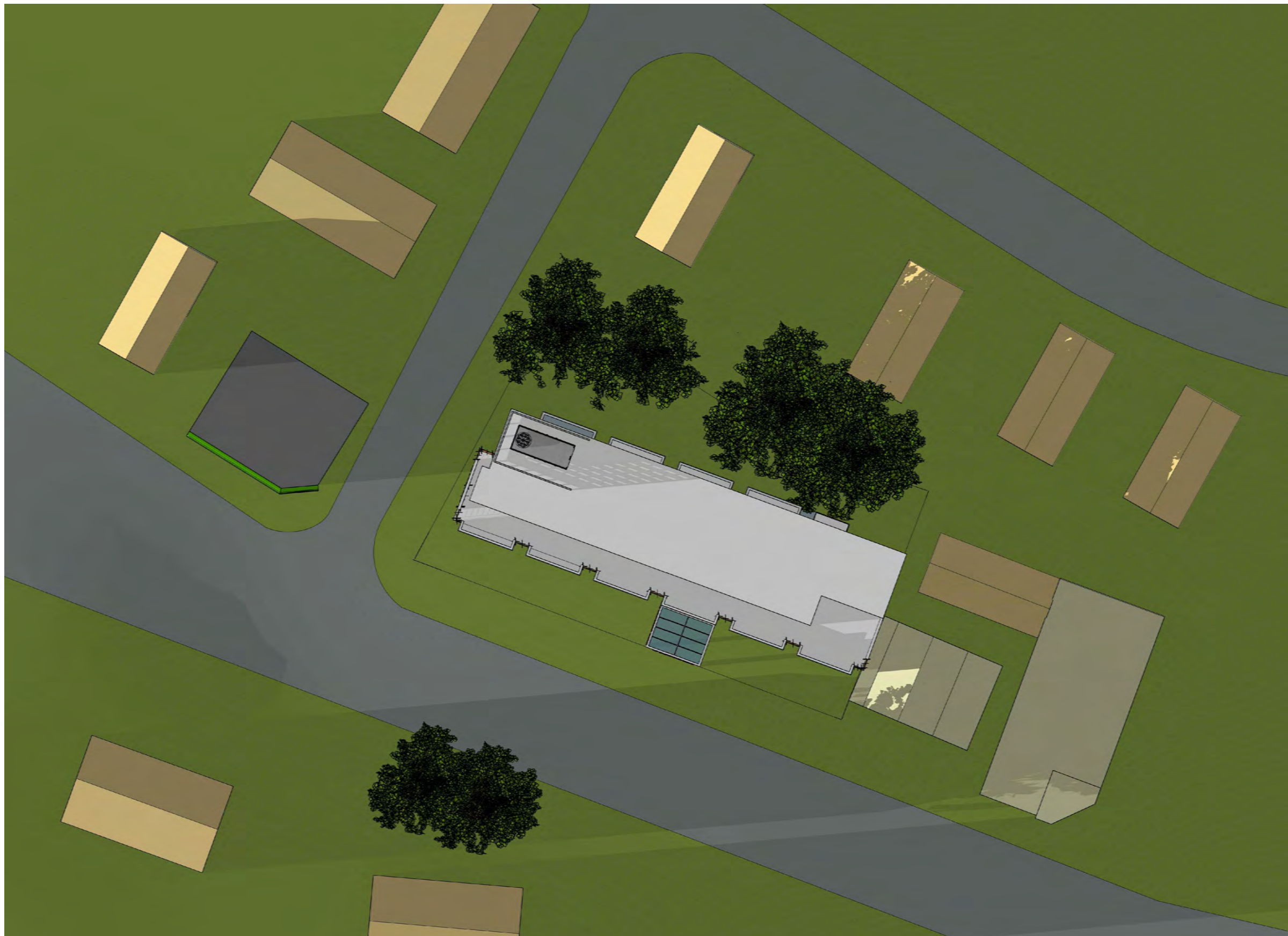
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Revisions

PROPOSED HOTEL COMPLEX
1211 Massachusetts Avenue
Arlington, MA

SHADOW STUDY
PROPOSED BUILDING
SPRING EQUINOX

Project Number 2017.032
Drawing Scale N.T.S.
Drawn By GMe
Checked By GMe
Date Issued 12/12/19

A6.4



Town of Arlington, Massachusetts

Environmental Design Review, Continued Public Hearing

Summary:

8:30 p.m. -
9:00 p.m.

Board will continue hearing for Special Permit #3610 filed by Apothca, Inc. at 1386 Massachusetts Avenue, Arlington, MA, 02476, in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review, and Section 8.3, Standards for Marijuana Uses. The applicant proposes to establish a co located marijuana retailer and medical marijuana treatment center within the B3 Village Business District.

- Applicant will be provided 10 minutes for updates from prior public hearing session.
- DPCD staff will be provided 5 minutes for updates.
- Members of the public will be provided time to comment.
- Board members will discuss docket and may vote.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_2A_-_Memo_re_Special_Permit_conditions_01-21-20.pdf	Memo re Special Permit conditions 01-21-20
Reference Material	Agenda_Item_2B_-_Memo_from_JR_regarding_additional_materials_for_Docket_3610.pdf	Memo from JR regarding additional materials for Docket 3610
Reference Material	Agenda_Item_2C_-_EDR_Public_Hearing_Memo_Docket__3610.pdf	EDR Public Hearing Memo Docket 3610
Reference Material	Agenda_Item_2D_-_Memo_to_ARB_re_Apothca_SP_Application.pdf	Memo to ARB re Apothca SP Application
Reference Material	Agenda_Item_2Da_-_P.Czech_Comments.pdf	P. Czech Comments
Reference Material	Agenda_Item_2Db_-_S.Augood_Comments.pdf	S.Augood Comments
Reference Material	Agenda_Item_2E_-_Application_Materials_Submitted_10-16-19.pdf	Application Materials Submitted 10-16-19
Reference Material	Agenda_Item_2F_-_Application_Materials_Submitted_12-27-19.pdf	Application Materials Submitted 12-27-19
Reference Material	Agenda_Item_2G_-_Application_Materials_Submitted_1-6-20.pdf	Application Materials Submitted 1-6-20
Reference Material	Agenda_Item_2H_-_Application_Materials_Submitted_1-21-20.pdf	Application Materials Submitted 1-21-20



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Environmental Design Review, 1386 Massachusetts Avenue, Arlington, MA
Docket #3610

Date: January 21, 2020

Please accept this memo as an outline of documents requested for the above-noted Docket with a continued public hearing on January 27th. The following materials were requested on January 7th, following the second public hearing:

1. Updated signage plan for the building and site, including a wall sign and various directional signage, as well as a method to improve the window façade while remaining in compliance with Cannabis Control Commission rules;
2. Updated building elevation drawing with details on any proposed repairs or improvements to the façade;
3. Designating a location for ride-share companies to pick up and drop off;
4. Updated floor plan illustrating separation between check in desk and sales floor, indoor bike storage, and gender neutral restrooms;
5. Adding exterior parking;
6. Adding breaks in the curb to allow for the flow of stormwater into landscaped areas;
7. Mockup of sandwich board signs;
8. Updated Traffic Impact Statement to include relevant comparable traffic counts; and
9. Coordinate with Arlington Police Department and Town Counsel on security and enforcement planning.

Please also consider adopting the following conditions for the above-noted Docket:

General Conditions

1. The final design, sign, façade improvements, landscaping, fencing and lighting plans shall be subject to the approval of the Arlington Redevelopment Board. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws. Marijuana waste removal shall be in accordance with Cannabis Control Commission regulations.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the business. The Applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

Special Conditions

1. The Applicant shall work with the Arlington Police Department and Town Counsel to execute a Memorandum of Understanding (MOU) to coordinate efforts with a goal of minimizing and eliminating impacts on the neighborhood surrounding the facility at 1386 Massachusetts Avenue. Consultation with the Department of Planning and Community Development shall occur to ensure that the MOU is responsive to this Decision.
2. The Applicant shall be responsible for the cost of any police details provided by the Arlington Police Department to oversee circulation of vehicles and pedestrians.
3. Queueing shall be prohibited in the public right-of-way.
4. A Transportation Demand Management Plan shall be prepared for employees and submitted to the Department of Planning and Community Development for approval.



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Memorandum

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex-Officio

Subject: Additional Materials, Docket #3610 1386 Massachusetts Avenue, Arlington

Date: December 31, 2019

Please accept this memo as an outline of documents requested for the above-noted Docket with a continued public hearing on January 6th. The following materials were requested on November 19th, following the first public hearing:

1. A sign plan that details the attachment method, the lighting, the sign materials, dimensions;
2. Updated building elevation drawing with details on any proposed storefront modifications, repairs or improvements to the façade;
3. A plan that details the trench drains across both driveway aisles and a rain garden system in the landscaped area;
4. Updated narrative on how medical versus adult-use recreational customers will be served, especially related to queuing and purchasing;
5. A Transportation Demand Management Plan, including incentives for employees to use public transit and adding options for long-term and short-term bicycle parking in compliance with the bylaw;
6. A Queuing and Parking Management Plan;
7. Further improvements to existing catch basins;
8. Updated landscaping plan;
9. Added lighting along driveway aisles; and an
10. Updated LEED checklist.

Additionally, staff corresponded with Department of Public Works staff regarding the potential rain garden and catch basins. The DPW confirmed that the on-site catch basins are privately owned. DPW will review and approve plans per the ARB's condition regarding Engineering review of site improvements. Further, DPCD staff, Town Counsel, Apothca and their legal counsel met with Police Department staff regarding a review of the Security Plan and police details on-site relative to queuing and parking management. Staff also engaged the Senior Transportation Planner and Transportation Advisory Committee regarding review of the project. The attached additional materials that follow this memo are in response to the above matters and requests.



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Environmental Design Review, 1386 Massachusetts Avenue, Arlington, MA
Docket #3610

Date: November 12, 2019

I. Docket Summary

This is an application by Joseph Lekach for Apothca to establish a co-located marijuana retailer and a medical marijuana treatment center at 1386 Massachusetts Avenue within the B3 Village Business District. The Special Permit is to allow the Board to review and approve the proposed project, under Section 3.4, Environmental Design Review, and Section 8.3, Standards for Marijuana Uses.

The Town of Arlington adopted zoning amendments to address the sale of marijuana products to adults during Special Town Meeting on December 5, 2018. The zoning amendments created new definitions, new use categories, and standards. The standards include the buffers that are required from kindergarten through grade twelve public and private schools, public libraries, and town-owned playgrounds and recreational facilities. Additionally, the standards required a 2,000-foot distance between other recreational or medical facilities. Finally, the standards limited the number of marijuana retailers within Arlington to three.

Apothca currently operates a medical marijuana treatment center on Water Street in a multi-tenant building. In order to establish a co-located dispensary, Apothca identified and secured a lease for the building at 1386 Massachusetts Avenue where both retail and

medical sales could occur and is compliant with the standards established by the amendments adopted in December 2018.

In May, the Select Board opened a process through which the Board would determine which operators would be awarded a Host Community Agreement. Apothca applied with the intent to co-locate marijuana retail and a medical marijuana treatment center at 1386 Massachusetts Avenue. The site was deemed compliant with the zoning bylaw. The Town awarded Apothca a Host Community Agreement. Since receiving the Host Community Agreement, Apothca has started the state permitting process with the Cannabis Control Commission. In addition to seeking the EDR Special Permit from the ARB, Apothca will need to apply for an Operating Permit from the Arlington Board of Health.

Materials submitted for consideration of this application:

- Application for EDR Special Permit,
- Narrative,
- Site Plan, Landscaping Plan, and Lighting Plan dated October 7, 2019;
- Proposed Floor Plan and Elevations dated September 28, 2019;
- Original Elevations dated March 18, 1974;
- Traffic Impact Analysis dated October 7, 2019;
- Apothca Security Policies and Procedures; and,
- Memo on LEED practices and checklist dated October 15, 2019.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The Applicant proposes a co-located marijuana retailer and a medical marijuana treatment center. Within the B3 Village Business District, marijuana uses require a Special Permit. The type of use specifically triggers the Environmental Design Review Special Permit from the Redevelopment Board per Section 3.4.2. The Board can find that this condition is met.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

Arlington, voted “yes” on the 2016 ballot question related to adult-use marijuana meaning the community supported adult-use marijuana. Although the ballot question passed statewide in 2016, the state had only established a process for reviewing and licensing medical marijuana treatment centers but not for how to process and administer new recreational facilities. While Massachusetts municipalities awaited regulations from the state, Arlington adopted a temporary moratorium in order to plan for future zoning amendments. Once regulations were

issued, Arlington formed a Marijuana Study Group to help draft zoning amendments for a Special Town Meeting in December 2018. Town Meeting adopted zoning regulations that would regulate retail marijuana establishments and medical marijuana treatment centers.

Following the desire of the community, the zoning amendments allowed both recreational and medical establishments along major corridors, in commercial centers, and accessible by public transportation. The zoning amendments placed appropriate buffers from sensitive land uses and schools on the use and limited the density of this type of use within the community.

The location of this co-located marijuana retailer and medical marijuana treatment center meets the requirements of the zoning amendments, acts on the majority vote of Arlington in 2016 regarding recreational use of marijuana, and maintains important access to medical products for those who require it. The Board can find this condition met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The Traffic Impact Analysis provided by the Applicant seems mismatched with the likely demand that will be generated from the co-location of a marijuana retailer and medical marijuana treatment center, particularly in an area that is devoid of adult-use retailers. Further detailed discussion is provided under the Environmental Design Review criterion 4.

The analysis provided in the application materials indicates that the reconfigured parking lot and floor plan can accommodate over 100 customers per hour. However, without a better analysis of how to best utilize the project site to handle parking and customer queueing, the proposed use may create traffic congestion and impair pedestrian safety and accessibility.

The Applicant should provide a Parking and Queue Management Plan that clearly indicates how the property will be utilized and how all traffic will be managed. This also requires consultation and regular meetings with the Arlington Police Department.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

While it appears that the existing ATM will remain on site, the proposed use is different than the current retail use on the project site. With proper security and

management as provided, the proposed use should not unduly subject the immediate area to hazards affecting health, safety, or the general welfare of the immediate area. Because no cultivation or processing will be taking place onsite, this co-located establishment will not demand more water or sewer usage than any other retail business. The Board can find this condition met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

Section 8.3, Standards for Marijuana Uses, applies to this use. The project site is outside of any required buffers from sensitive land uses and is beyond 2,000 feet from any other marijuana retailer or medical marijuana treatment center. The Board can find that this condition is met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The December 2018 Special Town Meeting adopted regulations for marijuana establishments including allowing the use to be established in the B3 Village Business District. The proposed location at 1386 Massachusetts Avenue is located outside of any buffers around sensitive land uses as adopted by the Special Town Meeting as well. The Cannabis Control Commission has stringent requirements regarding the operation of marijuana establishments including modest signage and prohibiting the visibility of product from outside of the establishment and on-site consumption of product. The Board can find that this condition is met.

7. Section 3.3.3.G.

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The use will not be in excess or detrimental to the character of the neighborhood. Additionally, should this co-located establishment be approved by the local permitting authorities and the Cannabis Control Commission, the Zoning Bylaw applies a 2,000-foot density buffer around this property. Therefore, future marijuana retailers or medical marijuana treatment centers will not be able to cluster within the Arlington Heights business districts. Beyond Arlington, the nearest operating co-located dispensaries are in Newton and Brookline. The Board can find that this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The existing site condition is primarily impervious. At the rear of the site, there is some vegetation growing on the slope between the rear of the parking lot and the abutters on Paul Revere Road. There is also a large retaining wall that is built into the slope. This retaining wall will remain, but some of the existing vegetation will be removed in order to reconfigure the parking lot to gain additional parking spaces. New vegetation will be planted behind and in front of the existing retaining wall. The landscaping plan lacks detail in what vegetation will be removed and what will be newly planted. The Applicant should improve the landscaping plan to include the requested details.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

The proposed co-located marijuana retailer and medical marijuana treatment center will be established in an existing building in the Arlington Heights business district. There are no additions proposed to the existing building, although a new entry way will be installed on the front elevation. The Board can find that this condition is met.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

The landscaped open space requirement is 10% for this permitted use. There is no usable open space requirement for a non-residential use. The proposal will marginally improve the landscaped open space on the site from 14.4 percent to 14.6 percent. The Applicant proposes to remove existing areas of concrete and replace it with landscaping and adding plantings at the rear of the property. The Board can find that this condition is met.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

There are seven existing parking spaces on the site. The application materials indicate that the rear parking lot would be reconfigured in order to provide 12 parking spaces, which is in excess of the requirement for a retail use:

Parking Requirement			
Use	<u>Square Footage</u>	<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Retail	2,184 sf	1/300 sf*	8 spaces
Total Parking			8
Total Parking Proposed			12

The application materials lack a clear description of how customer queuing and parking will be controlled at this facility for both recreational and medical customers. While a number of adult-use retailers have opened in the Greater Boston area, the location in Arlington is poised to have increased demand and attract customers from areas to the north of the community who may not want to travel south into Newton or Brookline or north to Lowell to purchase the products.

The Traffic Impact Analysis provided by the Applicant shows an increase in trips to the property in comparison to the existing use. The trip generation analysis found that there will be 23 weekday a.m. peak hour vehicles and 33 weekday p.m. peak hour vehicles. Based on reconnaissance done at other retailers in the Greater Boston area, the p.m. peak hour is described as 11 a.m. to noon and the p.m. peak hour is described as 6 p.m. to 7 p.m. Weekend daily trips are estimated as 570 trips.

While the Traffic Impact Analysis found that the daily increase of trips on Massachusetts Avenue would have a negligible impact due to the usage of this roadway, the limited off-street parking (even with the reconfiguration) appears inadequate to handle the flow of customers. The analysis also indicates that visits will be between 15 to 20 minutes allowing the parking spaces to turn over 3 to 4 times per hour and thereby able to accommodate the weekday p.m. peak hour of 33 vehicles.

The floor plan includes an interior vestibule that can be used for queuing. The Applicant estimates that 35 to 40 people can occupy the floorplate, and with an average transaction time of 15 minutes, 105 to 160 customers can be served each hour. It should be noted that only 15 people at a time can queue within the interior vestibule; the remaining 20 to 25 people would be on the sales floor. The application materials indicate that queuing would not be allowed on the public sidewalk, and would be accommodated on the private sidewalk leading toward the rear of the property. It should be noted that this also appears to be the accessible route to enter the building, and people queuing along this sidewalk may impede accessibility.

The Traffic Impact Analysis should more properly project demand. To that end, the Applicant should provide a more critical analysis of parking and queue demands:

1. The analysis indicates that most employees take public transportation; however, the Applicant should consider providing off-site parking for employees in order to fully utilize the on-site parking for customers. It should be noted that the sight lines for vehicles exiting the property are extremely limited, so frequent departures from the parking lot may cause conflicts between pedestrians and exiting vehicles.
2. Conversely, the Applicant should consider not using the on-site parking for customers and rather use the rear parking lot for employee parking and queue management.
3. The facility will be a co-located marijuana retailer and medical marijuana treatment center. The Applicant should specify if there is a separate queueing process for medical patients.
4. There may be a need to identify off-site parking for employees regardless of how the on-site parking is utilized. The Applicant should investigate options for long-term employee parking. The Applicant should develop a Transportation Demand Management that incentivizes employees to utilize public transportation to access the facility.
5. The other tenant in the building is a Bank of America ATM, and the application materials do not indicate whether Bank of America customers have use of the parking lot. The Applicant should provide this clarification.
6. Related to bicycle parking, in Section 6.1.12(A), when the difference in the number of bicycle parking spaces for a conversion is less than two spaces, the requirements do not apply. The Applicant should think critically about whether there is a viable location to install short-term bicycle parking on-site. The application materials did indicate that the employees would be allowed to bring their bicycles into the building, but there is no formal accommodation for indoor long-term bicycle parking.

The Applicant should be required to develop a Parking and Queue Management Plan that outlines how the facility will address parking and queue management once the above questions are answered. This Plan should be developed in coordination with the Arlington Police Department and the Department of Planning and Community Development. In addition to developing the Plan, there should be regular meetings to assess how parking and queueing is being handled.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. In accordance with Section 3.3.4., the Board may require from any Applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the Applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

The application materials indicate that the Applicant will clean existing on-site catch basins and install gas-traps and hoods to outlet pipes. There is an opportunity for the Applicant to incorporate low-impact development techniques such as installing a rain garden or similar feature in the landscaped area in the southwest corner of the property to improve the quality of stormwater runoff from the site. Additionally, there may be the opportunity to use permeable pavement in the area of the reconfigured parking spaces to contribute to the on-site infiltration of stormwater.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

There will be no cultivation or processing of marijuana at this proposed facility. Existing utility systems will be reused. Solid waste of non-marijuana material will be disposed of through a private contract. Any solid waste will be stored in large tote bins

and be placed outside for removal. Solid waste containing marijuana material will be disposed at Apothca's off-site cultivation facility in compliance with the Cannabis Control Commission's regulations. The Board can find that this condition is met.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The application materials include a proposed wall sign that measures approximately 24.2 square feet. A wall sign of this size is in compliance with the sign regulations. The Applicant should provide more detailed drawings including illustrating the sign material, lighting, and color, as well as how the sign would be affixed to the structure and the mounting height.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no such special features proposed for the site. Deliveries will be made from the site and non-marijuana solid waste will be stored inside until pick-up by a private waste hauler. To reduce noise from deliveries or from solid waste removal, the Board may request information on anti-idling measures and time of day restrictions to ensure that these services do not impact the surrounding residential properties.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

As noted in the application materials, security is important to Apothca, and surveillance cameras will be installed within the building and on the site. Footage from these cameras will also be made available to the Arlington Police Department. Additionally, a lighting plan is provided with the application materials. The lighting plan indicates that the rear parking lot will be well-illuminated providing additional safety for employees and customers. The Applicant may want to consider modifying the choice of fixtures to reduce illumination onto abutting properties, especially the residential properties at the rear of the project site.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The existing structure is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor is it under the jurisdiction of the Arlington Historical Commission. As such, the site contains no historic, traditional or significant uses, structures or architectural elements. The Board can find that this condition is met.

The property to the south of the project site at 1378 Massachusetts Avenue is under the jurisdiction of the Historical Commission. The redevelopment of the subject property will not disrupt historic, traditional, or significant uses, structures, or architectural elements that exist on that adjacent property.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that will impact the microclimate. The Board can find that this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

The application materials include a LEED Checklist for Existing Buildings. While the proposed project does not score highly on the LEED Checklist, the Applicant has provided a list of measures that Apothca will take to incorporate best practices related to sustainability. These include encouraging the use of public transportation by employees and customers, installing interior and exterior LED light fixtures, using Energy Star appliances, installing low-flow fixtures and replacing the water meter, as well as installing gas traps on catch basins. These are reasonable measures for an existing building. The Board can find that this condition is met.

IV. Conditions

General

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board at the time when future operators are identified. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The Applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

Special Conditions

1. The Applicant shall work with the Department of Planning and Community Development and the Police Department to prepare a Parking and Queue Management Plan. During the first three months of operation, the parties shall revisit the Parking and Queue Management Plan to determine whether any adjustments must be made.
2. The Applicant shall be responsible for the cost of any police details provided by the Arlington Police Department to oversee circulation of vehicles and pedestrians.
3. Queueing shall be prohibited in the public right-of-way.
4. A Transportation Demand Management Plan shall be prepared for employees and approved by the Department of Planning and Community Development.



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Arlington Redevelopment Board members
From: Erin Zwirko, Assistant Director of Planning and Community Development
Date: November 12, 2019
RE: Review of the Apothca Special Permit Application by Marijuana Study Group

The Marijuana Study Group was formed in the fall of 2018 to prepare and advance zoning amendment recommendations to the Arlington Redevelopment Board to address adult-use marijuana. The Marijuana Study Group includes the Town Manager, Town Counsel, the Health and Human Services Director, the Police Chief, the Building Inspector, a member of the ARB and the Select Board, five residents, and staff from the Department of Planning and Community Development.

The Marijuana Study Group was also engaged by the Select Board to review the applications for Host Community Agreements in May 2019.

When the Apothca Special Permit application was received, the Department reached out the Marijuana Study Group to inquire whether any of the members would be interested in reviewing the Special Permit Application. Attached to this memo cover letter, please find comments from Sarah Augood and Paul Czech. We appreciate the time and thoughtful comments from these two members.

From: "Paul A. Czech, Esq." <paul@paulczechlaw.com>
To: "Erin Zwirko" <EZwirko@town.arlington.ma.us>
Date: 11/04/2019 05:31 PM
Subject: Apothca Special Permit Application

Hi Erin –

I hope all is well and that you're enjoying the fall weather. I reviewed all of the materials that were placed in Dropbox and I reviewed the section of the zoning bylaws that you linked me to. Please accept this email as a summary of my review.

Since the proposed location already exists and has been operational as a printing business, a significant portion of the special permit criteria were easily met with this application since the proposal does not suggest changes to the existing building's footprint. The most significant change along those lines is related to parking. The materials indicate that Apothca would be transforming a 6 spot parking lot into a 12 spot lot. Not being a zoning expert or an engineer or an architect I have a difficult time understanding how that can be done. The plans were hard to read on my desktop screen so my review of them gave no insight into how this change will be possible. I found myself wondering why, if it is possible, it hadn't been modified in this way previously given how difficult it is to find on-the-street parking in this area of the township. Bicycle racks were also mentioned for a later date but I could not determine if they were planned for the sidewalk in front of the building or for placement in the parking lot in back. A bike rack placed in front would take up a significant amount of space that could potentially impede on the limited space of the pedestrian sidewalk causing potential tripping hazards and sidewalk congestion while creating potential liabilities on the part of the township, the tenant (Apothca) and the building owners. The township is dropped from the liability picture if bike racks are placed behind the building in the parking lot on the privately owned property. Additionally, adding 6 more parking spots will increase traffic in and out of the building's parking lot significantly making it that much less safe for pedestrians walking on the sidewalk. I do not know if there are plans to add signs or lights to warn pedestrians when cars are approaching as they leave or enter the lot but it might be something to consider.

I was also puzzled by the queue management portion of the application. The first paragraph of that section estimates that Apothca employees will be able to process approximately 105 to 160 customer transactions *per hour*. That's an awful lot of customers to anticipate patronizing this business on an hourly basis. If that many customers end up consistently shopping at this location it will cause significant problems for the neighboring businesses that share this location. Clearly, based on recreational sales roll-outs in other parts of the Commonwealth, extremely large crowds can be expected when this retailer opens their doors. At this point, however, I would think that data exists that shows how long those large crowds lasted while giving a more accurate picture of what level of on-going customer patronage could be anticipated as the novelty of opening the first recreational dispensary in our township wears off. I also saw no indication of how medical card holders will be segregated from the recreational use customers in this proposed co-located facility. The application states that parking attendants will be hired temporarily for the dispensary's initial launch but it gives no indication of how many attendants will be on the payroll nor does it say what circumstances must occur before the temporary staff will no longer be necessary. I would suggest that this decision not be left to the Apothca management alone and should be made in conjunction with the appropriate township leadership and the Arlington Police. I would like to know how many sales people Apothca expects to have working during peak sales hours to determine if the 105 to 160 customer per hour transaction rate is even close to accurate.

And, finally, as a member of the Arlington Commission on Disabilities (the ACD), I was looking for signs that some thought had gone into the accessibility of this location for potential customers who identify as disabled. Unfortunately I did not see any. As a proposed co-located dispensary where medical cannabis cardholders will be or can be shopping it is easy to anticipate that a significant number of those cardholders will identify as disabled. Wheelchair level counters should be utilized and hearing assistive technologies, such as a hearing loop or other compatible technology should be incorporated into the proposed facility plans. Lighting that is tolerable to those with autism or anxiety issues should be considered. Signs and printed materials should utilize font sizes that are appropriate for those customers with visual disabilities. Doorways and pathways should be maintained so they are easily manageable by those with mobility issues which include wheelchair users, people on crutches and those who walk with canes or walkers. Automatic door opening mechanisms should be considered. There is no indication anywhere that Apothca plans to maintain a diverse workforce by making

sure they hire employees who identify as disabled or by maintaining a balanced equitable workforce that is open to all people regardless of race, color, gender or sexual orientation. It is understood that there are no federal monies being utilized by Apothca here so they are not directly beholden to the requirements of the ADA. However the township is. I believe that in exchange for the rather lucrative privilege of selling cannabis in our community dispensary owners should be required to uphold the diversity and equity standards that the township has adopted and is working to maintain. Disability rights and accessibility are important to the township and its disabled residents as exemplified by the township's creation of and support of the ADC. Asking cannabis business owners to support the townships desire to have an accessible community that is diverse and equitable is not a lot to ask for when you consider the profit potential that these businesses have. I would, of course, suggest that the township retain responsibility for determining whether or not those who they grant licenses to are in compliance with the standards the township sets and hopes to maintain. Perhaps this should be a function of the ACD.

I hope this summary proves useful. If you have any questions or comments about what I have written here please do not hesitate to contact me about them. As I stated earlier I have no particular expertise in the area of zoning so these are really just the thoughts that ran through my head as I was reading the application materials. I do hope I managed to stay on task and not go on too much of a tangent. Please let me know if there is anything further you would like me to do regarding this application.

Best regards,
P.

Paul A. Czech, Esquire
The Law Offices of Paul A. Czech
215-668-4722

From: Sarah Augood <sja6373@gmail.com>
To: Erin Zwirko <EZwirko@town.arlington.ma.us>
Cc: Sarah Augood <sja6373@gmail.com>
Date: 11/06/2019 12:12 PM
Subject: Re: Apothca Special Permit Application

Hi Erin,

Thank you for the opportunity to evaluate the Special Permit application by Apothca, based on Zoning Bylaw and EDR criteria provided. Below is my evaluation:

EDR criteria.

- A. **Preservation of Landscape** - The landscaping plan L1 shows 3-4 deciduous trees on the rear border of the property line and 12 other plantings in rear and left side of property line. It is unclear if these are existing or whether they will be added. Size of plantings is not indicated.
- B. **Relation of Building Environment** - no changes/updates are proposed to the exterior of the 1970's concrete building.
- C. **Open space** - no change
- D. **Circulation** - states no change in anticipated vehicular or pedestrian circulation at facility based on Traffic Impact Statement in Appendix A.
Table 1 of the Impact statement provides a single data point based on the facility being a generic Copy, Print and Ship store in Texas surveyed in 2000 (Land Use 920). Using this criteria, Table 2 estimates 556 daily trip-ends, with a caution about accuracy of number based on small sample size. Data from Pharmacy/Drugstores is presented based on Land Use 882 (from Colorado/Oregon in 2010) to indicate that most vehicular traffic to the site is from existing en-route trips, and not from "new trips". Applicability of this data to Arlington is unclear. Also it does not take into consideration that the applicants recreational marijuana dispensary will be the first and only facility in Arlington, at this time, as well as the only facility in the surrounding area. Most abutting and surrounding towns did not vote to approve the sale of recreational marijuana in their community.

More local to MA, a statement is made from surveying 257 patrons exiting a Brookline marijuana dispensary on June 13th 2019. Of these 257 patrons 53.7% considered their trip to the facility to be en-route. As this is a single data point, with time of day and duration of survey not provided, the data should be interpreted with caution.

Further the Brookline facility is directly serviced by the MBTA Green Line (D-line) as well as by multiple MBTA Bus routes with regular service suggesting that multiple alternate modes of transport to the Brookline facility are available. This may not apply to the Arlington Heights location, due to frequency of bus service during peak and non-peak hours adding to possible vehicular traffic.

The #1 bus is listed as servicing the proposed facility, which is not correct.

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It is also stated that average peak hour traffic at 3 other marijuana facilities in Brookline, Salem and Gardner is between [11 AM-12 noon](#) and [6-7 PM](#). In Arlington, [6-7 PM](#) is still considered peak travel time from existing congestion on Park Ave, Mass Ave, Pleasant St, Summer St.

Applicant proposes having temporary parking lot attendants in place during initial opening phase to manage traffic queues, but they do not state how the traffic will be managed and whether any other parking arrangements are in place. The Traffic Impact Statement generated by Hayes Engineering, Inc recommends that the applicant partner with APD for traffic assistance during initial opening and as needed. Details of plan are not provided or how Town will be reimbursed for providing traffic details, if applicable. Further, no statement is provided about impact of extra vehicular traffic at the major intersection of Mass Ave and Park Ave, which is very close to [1386 Mass Ave](#), and the primary connector to Route 2 and cross-route connector to Winchester/Burlington and I-95.

Arrangements for bicycle parking are not addressed.

Details of truck delivery schedules and truck parking arrangements are not provided.

Applicant proposes increasing off-street parking in rear of facility from 7 to 12 vehicular spaces including 1 ADA-compliant space. Parking spaces are to be changed from slanted to perpendicular in existing one-way traffic flow through rear parking lot.

- E. **Surface Water Drainage** - no new construction and minimal change in parking. No extension of blacktop proposed. Applicant proposes to clean-out existing on-site catch basins and install gas-traps/hoods if not currently installed.
- F. **Utility Services** - applicant proposes no change in utility service, wastewater demands or solid waste disposal. Extended opening hours compared to previous Copy & Print facility is not addressed.
- G. **Advertising** - no additional advertising is proposed on external structure aside from name and logo.
- H. **Special features** - none proposed. Plans and frequency of truck deliveries are not addressed not parking arrangements for deliveries.
- I. **Safety** - Surveillance cameras to be installed and recorded footage made available to APD. It does not state how long recorded footage will be kept for review.
- J. **Heritage** - maintained; no changes proposed.
- K. **Microclimate** - no changes proposed. Air quality and noise from increased traffic is not addressed. LED lighting proposed.
- L. **Sustainable Building** - no infrastructure changes proposed - LEED checklist scores [4/26](#) and proposes to reduce commuting transportation of employees by 10% by encouraging use of alternative modes of transport. No details of how the applicant will encourage use of alternative modes of transport are provided or how the applicant will evaluate effectiveness of the plan or with what frequency. For example, will subsidized public transport or ride-share schemes/incentives be offered? No commitment/details of recycling schemes

for patrons are provided or whether water-fountains will be installed to encourage use of re-fillable water receptacles.

General Criteria - not specifically addressed in application packet:

- A. **Land Use** - 920 - Copy & Print facility - site data from 2000 in Texas. The existing use of the location was Swifty Copy & Print that was open [from 8:30-5 PM](#) 5 days a week. The proposed new use is a recreational marijuana dispensary with extended opening hours 7 days a week. Land Use - 882 - Marijuana Dispensary - site data from Colorado and Oregon from 2010 - applicability to Arlington unclear.
- B. **Requested Use** - Arlington voted to approve sale of marijuana in the community.
- C. **Requested Use and Traffic Congestion** - see above under - Congestion - for review and concerns.
- D. **Burden on Public Utilities** - addressed above
- E. **Special Regulations** - appears to fulfill buffer zone requirements of Section 8.3
- F. **Integrity of district** - 1st facility in Arlington for sale of medical marijuana, so impact unknown.
- G. **Excessive Use and impact on district** - 1st facility in Arlington for sale of recreational marijuana, so impact unknown.

Also included in the application was a copy of the proposed Security Plan which I believe is covered under the Host Community Agreement and not applicable here. Please let me know if I can be of any further assistance.

Best,
Sarah

On Oct 28, 2019, at 3:46 PM, Erin Zwirko <EZwirko@town.arlington.ma.us> wrote:

Hi Paul and Sarah,

Thank you again for agreeing to review the Apothca application. I prepared the attached memo so you have all of the special permit criteria in one place. If anything does not make sense, I'd be happy to met or chat about any of the criteria. If you would frame your comments as responses to the criteria that would be most helpful.

The DropBox link is below if you don't have it still in your email inbox.

Feel free to reach out with any questions or concerns. As a reminder, if I could receive your comments back by 4 PM on 11/6 that would be appreciated!

Thank you!
Erin

Erin Zwirko, AICP, LEED AP
Assistant Director
Department of Planning and Community Development
Town of Arlington
direct: 781-316-3091
ezwirko@town.arlington.ma.us

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From: "Erin Zwirko" <EZwirko@town.arlington.ma.us>
To: AChapdelaine@town.arlington.ma.us, abunnell@town.arlington.ma.us,
CBongiorno@town.arlington.ma.us, ddunn@town.arlington.ma.us, DHeim@town.arlington.ma.us,
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JFlaherty@town.arlington.ma.us, kristina.d.cairns@gmail.com, MByrne@town.arlington.ma.us,
paul@paulczechlaw.com, sja6373@gmail.com
Date: Thu, 24 Oct 2019 17:04:43 -0400
Subject: Apothca Special Permit Application

Good afternoon Marijuana Study Group,

I'm letting the group know that the ARB received an EDR Special Permit application from Apothca for their co-located facility (adult-use retail and medical) at 1386 Mass Ave. The ARB plans to open the public hearing on November 18th. That meeting will be held in the Main Room of the Central School at 27 Maple Street.

Anyone can come by the Department of Planning and Community Development to review the application materials, but I've also placed the materials at a DropBox link: <https://www.dropbox.com/sh/sruysmfzbeh78nk/AAAAJbnSNo5VfwADaMQYMy5Xa?dl=0>.

I would like to ask if a couple of the members of the Study Group would be interested in reviewing the materials and providing feedback to me on the application. We can discuss how you would feel most comfortable providing feedback (i.e., I could incorporate it into the staff memo or we could include it as a comment letter with the docket), but I would request it by 4 PM on November 6th. I also happy to review with you the criteria that the ARB uses to evaluate proposals. Let me know if you have the time and interest to do this.

Please let me know if you have any questions for me at this time.

Thank you!
Erin

Erin Zwirko, AICP, LEED AP
Assistant Director
Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476
direct: 781-316-3091
ezwirko@town.arlington.ma.us

<Memo to Marijuana Study Group Reviewers.doc>



603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. ARL-0017

Application for Special Permit In Accordance with Environmental Design Review Procedures



APOTHCA

1386 Massachusetts Avenue
Arlington, MA

Prepared for:
Apothca, Inc.
99 Development Road
Fitchburg, MA 01420

October 7, 2019



603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. ARL-0017

October 7, 2019

Town of Arlington
Redevelopment Board
730 Massachusetts Avenue Annex
Arlington, MA 02476

**RE: 1386 Massachusetts Avenue
Map 107 Block 1 Lot 1**

Dear Chairman Bunnell and Board Members:

On behalf of Apothca, Inc., the Applicant, Hayes Engineering, Inc. (HEI) is pleased to submit to the Board the accompanying supporting documentation for Special Permit in accordance with the environmental design review procedures of the Town of Arlington Zoning By-Law.

The Applicant seeks use the existing facilities at the above referenced property with the following improvements:

- Interior upgrades to convert the current facility into a retail marijuana establishment; and
- Minor reconfiguration of parking areas as depicted on the accompanying site plan to increase on-site parking from 6 to 12 spaces.

Existing and proposed site features and their compliance with the requirements for Special Permit approval are identified in the accompanying Application. Thank you for your time and attention to this filing.

Regards,

A blue ink signature of Anthony M. Capachietti, written in a cursive style.

Anthony M. Capachietti,
Project Manager

Enclosures

Cc: Joseph Lekach, Apothca, Inc.



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- 1.0 Special Permit Application
 - Property Information
 - Project Description
- 2.0 Environmental Design Review Statement
 - Preservation of Landscape
 - Relation of Building to Environment
 - Open Space
 - Circulation
 - Surface Water Drainage
 - Utility Service
 - Advertising Features
 - Special Features
 - Safety
 - Heritage
 - Microclimate
 - Sustainable Building and Site Design

Appendix A Traffic Impact Statement



TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

1. Property Address 1386 Massachusetts Avenue Docket No. _____
Name of Record Owner(s) B&G Corset Company, LLC Phone _____
Address of Owner 1386 Massachusetts Ave, Arlington, MA 02476
Street City, State, Zip
2. Name of Applicant(s) (if different than above) Apothca, Inc.
Address 99 Development Road, Fitchburg, MA 01420 Phone 305.741.6540
Status Relative to Property (occupant, purchaser, etc.) Lessee
3. Location of Property Map 170.0 Block 0001 Lot 0001.0
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Registry of deeds, Book 70009, Page 400;
-or- registered in Land Registration Office, Cert. No. _____, in Book _____, Page _____.
5. Present Use of Property (include # of dwelling units, if any) Arlington Swifty Printing, Bank of America ATM - 0 Dwelling Units
6. Proposed Use of Property (include # of dwelling units, if any) Marijuana Establishment
7. Permit applied for in accordance with 8.3.A(1) EDR for Marijuana Uses
the following Zoning Bylaw section(s) 3.4.2(4) EDR
section(s) title(s)
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.
Please see attached "Environmental Design Review Application" prepared by Hayes Engineering, Inc.

(In the statement below, strike out the words that do not apply)

The applicant states that Apothca is the ~~owner~~ ~~occupant~~ ~~purchaser~~ ~~under agreement~~ of the property in Arlington located at 1386 Massachusetts Avenue which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Signature of Applicant(s)

99 Development Rd, Fitchburg, MA 01420

Address

305.741.6540

Phone



Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions
- ☒ Drawing of proposed structure
- ☒ Proposed landscaping. May be incorporated into site plan
- ☐ Photographs
- ☒ Impact statement
- ☒ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

- ☐ Special Permit Granted Date: _____
- ☐ Received evidence of filing with Registry of Deeds Date: _____
- ☐ Notified Building Inspector of Special Permit filing Date: _____

TOWN OF ARLINGTON REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see Section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

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

In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

6. **Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
7. **Advertising Features.** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

8. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.
12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project. [LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>]

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw):

1. The use requested is listed as a special permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. Any special regulations for the use as may be provided in this Bylaw are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
7. The requested use will not, by its addition to a neighborhood, cause an excess of the particular use that could be detrimental to the character of said neighborhood.

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to

The Arlington Redevelopment Board

1386 Massachusetts Avenue

Property Location Map 107.0 Block 0001 Lot 0001.0

Docket No. _____

Zoning District B3

Owner: B&F Corset Company, LLC

Address: 1386 Mass Ave, Arlington, MA

Present Use/Occupancy: No. of Dwelling Units:

5.5.3 Retail (Print Shop) / 0 Dwelling Units

Proposed Use/Occupancy: No. of Dwelling Units:

5.5.3 Retail (Marijuana Retailer) / 0 Dwelling Units

Uses and their gross square feet:

2,184 sf.

Uses and their gross square feet:

2,184 sf.

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	10,402 sf.	10,402 sf.	min. 20,000 sf
Frontage	117.82 ft.	117.82 ft.	min. 100 ft.
Floor Area Ratio	0.21	0.21	max. 1.0
Lot Coverage (%), where applicable			max. N/A
Lot Area per Dwelling Unit (square feet)			min. 600 sf.
Front Yard Depth (feet)	0 ft.	0 ft.	min. N/A
Side Yard Width (feet) right side	23± ft.	23± ft.	min. N/A
left side	20± ft.	20± ft.	min. N/A
Rear Yard Depth (feet)	48± ft.	48± ft.	min. (H+L)/6 = 17.2 ft
Height			min.
Stories	1.5	1.5	stories 3
Feet	26.3± ft.	26.3± ft.	feet 40
Open Space (% of G.F.A.)	14.4%	14.6%	min. 20%
Landscaped (square feet)	1,496 sf	1,520 sf	(s.f.)
Usable (square feet)			(s.f.)
Parking Spaces (No.)	6	12	1/300sf = 7 spaces min.
Parking Area Setbacks (feet), where applicable	4± ft.	8± ft.	10 ft (5ft w/ fence) min.
Loading Spaces (No.)	0	0	min. 0 spaces
Type of Construction	Concrete		
Distance to Nearest Building	23± ft.	23± ft.	min. N/A

Note: No modification to existing structure is proposed. The permanent structure at 1386 Massachusetts Ave either conformed to the setback requirements at the time of construction, or is exempt from violation enforcement action under MGL, Title VII, Chapter 40A, Section 7.



Property Information

Address: 1386 Massachusetts Avenue

Owner: B&G Corset Company, LLC
1386 Massachusetts Avenue
Arlington, MA 02476

Assessor's Parcel: Map 170, Block 1, Lot 1

Deed Reference: Middlesex South Registry of Deeds Book 70009, Page 400

Applicant: Apothca, Inc.
Joseph Lekach
99 Development Road
Fitchburg, MA
(854) 347-5611

Present Use: Arlington Swifty Printing and Bank of America ATM

Proposed Use: Marijuana Establishment

Zoning Sections: 8.3.A(1) and 3.4.2(4) requiring a special permit in accordance with Environmental Design Review Procedures

Project Description

The Applicant, Apothca, Inc., seeks to convert the existing uses at 1386 Massachusetts Avenue (the Property) to a proposed marijuana establishment (ME). The proposed ME would dispense marijuana for off-site adult and medical use to customers over the age of twenty-one (21) and patients over the age of eighteen (18) possessing a valid medical registration card.

The Applicant proposed to re-use the existing building with no modification to the existing footprint. The Applicant is proposing to reconfigure the parking at the rear of the building to comply with current parking and setback requirements and to increase the number of on-site parking spaces from six (6) existing spaces to twelve (12) proposed spaces.

2.0 Environmental Design Review Statement

In accordance with the requirements of Section 3.4.4 (A) through (L) of the Town of Arlington Zoning Bylaws, the Applicant submits the following information as it relates to their proposal and the compliance of the proposal with the following:



3.4.4(A) Preservation of Landscape

The Applicant seeks to occupy an existing commercial building along Massachusetts Avenue. The minimal disturbance to the site will increase parking on the property within the limits of the current site disturbance. A landscaping plan accompanies this application.

3.4.4(B) Relation of Buildings to Environment

The Applicant seeks to occupy existing commercial space within the B3 (Business 3) zoning district. The existing building was constructed in the mid-1970s and has existed in the neighborhood over forty-years. As such, the existing building scale and finish is in harmony with the surrounding neighborhood.

3.4.4(C) Open Space

The Applicant seeks to occupy existing commercial space within the B3 zoning district. The use of existing space eliminates the need for new construction that would otherwise reduce the available open space in the City.

3.4.4(D) Circulation

There are no anticipated changes to vehicular or pedestrian circulation at the facility. The facility currently has on-site parking for seven (7) vehicles. The Applicant proposes to reconfigure these spaces to provide parking for twelve (12) vehicles as follows:

- (8) 8.5' x 18' Parking Spaces
- (2) 8.5' x 16' Compact Parking Spaces
- (1) ADA/AAB Compliant Accessible Space

There are no proposed modifications to the curb cut locations proposed and the existing one-way traffic patterns will be maintained. Impacts to traffic patterns in the vicinity are anticipated to be minimal as the projected increase in daily traffic represents less than 1% of the average annual daily traffic along Massachusetts Avenue in the Project vicinity. The Traffic Impact Statement prepared in support of this project accompanies the report as Appendix A.

The difference of bicycle parking required for the proposed use and existing use is less than two (2) spaces. As such the Applicant is not seeking to construct additional bicycling parking currently.

3.4.4(E) Surface Water Drainage

The Applicant seeks to occupy existing commercial space within the B3 (Central Business) zoning district. The use of an existing building eliminates the need for new construction that may increase the quantity and quality of surface water runoff. Minor changes to parking configuration are proposed. The Applicant will



clean existing on-site catch basins and install gas-traps/hoods to outlet pipes if not currently installed.

3.4.4(F) Utility Service

There is no change expected to the demand on utility services by the project as proposed. The existing retail space would be converted to a retail marijuana establishment.

Water and Wastewater demands can be estimated using the flows provided in 310 CMR 15.00, The State Environmental Code, Title V. The design flow listed for Retail uses is 50 gpd per 1,000sf. of floor area. The proposed use and existing use are both considered retail uses and no change in building footprint is proposed, as such there is no increase in demand.

Solid waste disposal of non-marijuana containing materials shall be disposed of with a private toter, similar to the existing facility. Marijuana waste shall be disposed of at the off-site cultivation facility in accordance with Cannabis Control Commission (CCC) guidelines.

3.4.4(G) Advertising Features

There shall be no additional advertising features on the structure beyond the facility name and logo which shall be in accordance with CCC regulations. The Apothca logo is provided on the cover of this report.

3.4.4(H) Special Features

There are no proposed special features requiring additional screening associated with this project.

3.4.4(I) Safety

The accompanying floor plan (Appendix C) demonstrates accessibility for public safety and will be designed to incorporate surveillance cameras covering the dispensary property and points of access. Recorded footage from surveillance cameras will be available for Arlington Police Department.

3.4.4(J) Heritage

The Applicant seeks to occupy existing commercial space within the B3 zoning district. The use of an existing structure will not cause removal or disruption of historic, traditional or significant uses, structures or architectural elements on-site or at adjacent properties.

3.4.4(K) Microclimate

The project as proposed seeks to use existing infrastructure and facilities and will not have adverse impact on light, air and water resources, or on noise and temperature levels of the immediate environment.



3.4.4(L) Sustainable Building and Site Design

The Applicant seeks to occupy existing commercial space within the B3 zoning district. The use of existing structures is considered "sustainable." The Applicant is not contemplating the replacement of core building infrastructure at this time.

APPENDIX A:

Traffic Impact Statement



603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Traffic Impact Statement

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. ARL-0017

TO: Town of Arlington
Board of Selectmen and Redevelopment Board

FROM: Tony Capachietti, *Project Manager*

DATE: October 7, 2019

SUBJECT: Apothca, Inc.
Proposed Marijuana Dispensary
1386 Massachusetts Avenue, Arlington, MA

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement pursuant to the request of the project proponent, Apothca, Inc. (Apothca), in support of the proposed co-located adult-use and medical marijuana dispensary at 1386 Massachusetts Avenue in Arlington, Massachusetts. The purpose of this Impact Statement is to evaluate the anticipated Average Daily and Peak Hour trip generation for the facility.

The existing 2,184[±] square foot (sf.) building at 1386 Massachusetts Avenue is occupied by *Arlington Swift Printing*, a copy, printing and shipping store. The Applicant proposes to convert the facility into a medical and adult-use marijuana dispensary within the existing footprint.



Figure 1 – 1386 Massachusetts Avenue, Arlington, MA © Google Image Capture



Trip Generation

Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition.

The prior use at the facility is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 920 – Copy, Print and Express Ship Store, defined in the ITE Trip Generation Manual, 10th Edition as being:

... a facility that offers a variety of copying, printing, binding, and shipping services. Retail sales of a limited range of office-related items including packing and shipping supplies are also commonly available. Technology services, such as computer rental and wireless Internet may also be provided.

Estimated Trip Generation rates for the 2,184[±] -sf. facility under its prior use are summarized in Table 1, below. ITE Trip Generation Graphs for the above Land Use Code accompany this report as Appendix A.

TABLE 1
Trip Generation, *Prior Use*
LUC 920 – Copy, Print
and Express Ship
Store

<u>Time Period</u>	<u>Vehicle Trip Ends^(1,2)</u>
Weekday Daily	270 ⁽³⁾
Weekday AM Peak Hour	18
Weekday PM Peak Hour	27
Saturday Daily	Not Published

⁽¹⁾ Based on 2,184[±] -sf. of floor area

⁽²⁾ ITE cautions use due to small sample size

⁽³⁾ Estimated as 10 times peak hour

The proposed RMD use is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 882, Marijuana Dispensary, defined in the ITE Trip Generation Manual, 10th Edition as being:

... a standalone facility where cannabis is sold to patients or consumers in a legal manner.

Trip Generation rates for the proposed 2,184[±] -sf. dispensary use are summarized in Table 2, below. ITE Trip Generation Graphs for this Land Use Code accompany this report as Appendix B. It should be noted that the ITE cautions the use of its Marijuana Dispensary data as it was derived from a small sample set.



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1386 Massachusetts Ave – Arlington, MA

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October 7, 2019

TABLE 2

Trip Generation, *Proposed Marijuana Establishment*

<u>Time Period/Direction</u>	<u>LUC 882 –</u>
	<u>Marijuana Dispensary</u>
	<u>Vehicle Trip Ends^(1,2)</u>
Weekday Daily	556
Weekday AM Peak Hour	46
Weekday PM Peak Hour	66
Saturday Daily	570

⁽¹⁾ Based on 2,184[±] -sf. of floor area

⁽²⁾ ITE cautions use due to small sample size

Table 3, below, compares estimated vehicle trip ends for the previous copy facility use and proposed marijuana business use:

TABLE 3

Trip Generation, *Summary – Prior Use vs. Proposed RME*

<u>Time Period/Direction</u>	<u>Prior Use</u>	<u>Proposed RME</u>	<u>Change in Trip</u>
	<u>Vehicle Trip Ends</u>	<u>Vehicle Trip Ends</u>	<u>Ends</u>
Weekday Daily	270 ⁽²⁾	556	+286
Weekday AM Peak Hour	18	46	+28
Weekday PM Peak Hour	27	66	+39
Saturday Daily	Not Published	570	+300 ⁽¹⁾

⁽¹⁾ As compared to weekday daily traffic for the prior use

⁽²⁾ Estimated as 10 times peak hour

The proposed dispensary results in an increase to projected trip ends to the facility when compared to the previous use for all scenarios. Each vehicle represents two trip ends, one arriving and one departing from the facility. The anticipated increase in weekday daily vehicle trips to the facility is 109 vehicles. It should be noted that not all trips represent “new” or “destination” vehicles on the route; destination trips have the greatest effect on traffic conditions. Pass-by trips have minimal impacts to traffic conditions. A pass-by trip is one where a vehicle is already on the route or very close to the route and stops on the way to their ultimate destination. Studies have shown that for retail uses similar to the proposed dispensary, a substantial portion of vehicle trips are from existing traffic passing by the site or diverted from another route in the vicinity of site. Data presented in the ITE Trip Generation Handbook indicates that for the average percentage of pass-by trips for Pharmacy/Drugstores without Drive-Through Windows



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1386 Massachusetts Ave – Arlington, MA

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is 49-percent during the weekday PM peak hour. HEI conducted a transportation survey of 257 patrons exiting an existing dispensary operating in Brookline, MA on June 13, 2019 identified 53.7% of patrons considered their stop to be a pass-by or diversion trip on their way to their ultimate destination. This would further reduce the number of anticipated new vehicle trips to approximately 55 vehicles on an average weekday.

HEI also evaluated customer data from three (3) dispensaries currently operating in Massachusetts in Brookline, Salem and Gardner to determine the AM peak hour occurs at 11a-noon and does not typically coincide with the AM rush hour for traffic on the adjacent roadways. Peak PM hours for these dispensaries typically occur between the hours of 6p-7p.

The Massachusetts Department of Transportation Highway Division maintains vehicle counts on Massachusetts Avenue on either side of the site (see Figure 2) at the following locations:

- Location ID: 4871 - Massachusetts Avenue North of Pleasant Street
- Location ID: 4930 - Massachusetts Avenue North of Appleton Street

Average Annual Daily Traffic (AADT), as reported by MassDOT, for these count locations indicate that approximately 20,000 vehicles per day pass the project site. The projected daily increase in vehicle trips of 143 on an average day represents less than 1% of the 17,613 vehicles reported at Location ID 4930. As such no significant changes to the prevailing traffic conditions are anticipated as a result of this project. MassDOT AADT information is included as Appendix C to this report.

The site is also located in proximity to a robust public transportation network. The project site is located within one-quarter mile of stops along the Massachusetts Bay Transit Authority (MBTA) 1, 62, 62/76, 77, 78 and 79 bus routes.

Parking Analysis

The site in its existing condition provides off-site parking for 6 vehicles. The parking lot can be reconfigured to provide parking for up to 13 vehicles. The Town of Arlington Zoning By-Law section 6.1.4 requires 1 space per 300 sf. of floor area for retail uses. The parking requirement for the 2,184-sf. dispensary would be 7-spaces. Employees will be encouraged to use public transportation to avail as many spaces as possible for customers. The average transaction time for customers is between 15 and 20 minutes. This allows for the 13 parking spaces to turn over between 3 and 4 times per hour (39-52 vehicles per hour); the parking levels are adequate to handle the project PM peak hour of 33 vehicles (66 trip ends).

Traffic Impact Statement

1386 Massachusetts Ave – Arlington, MA

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October 7, 2019

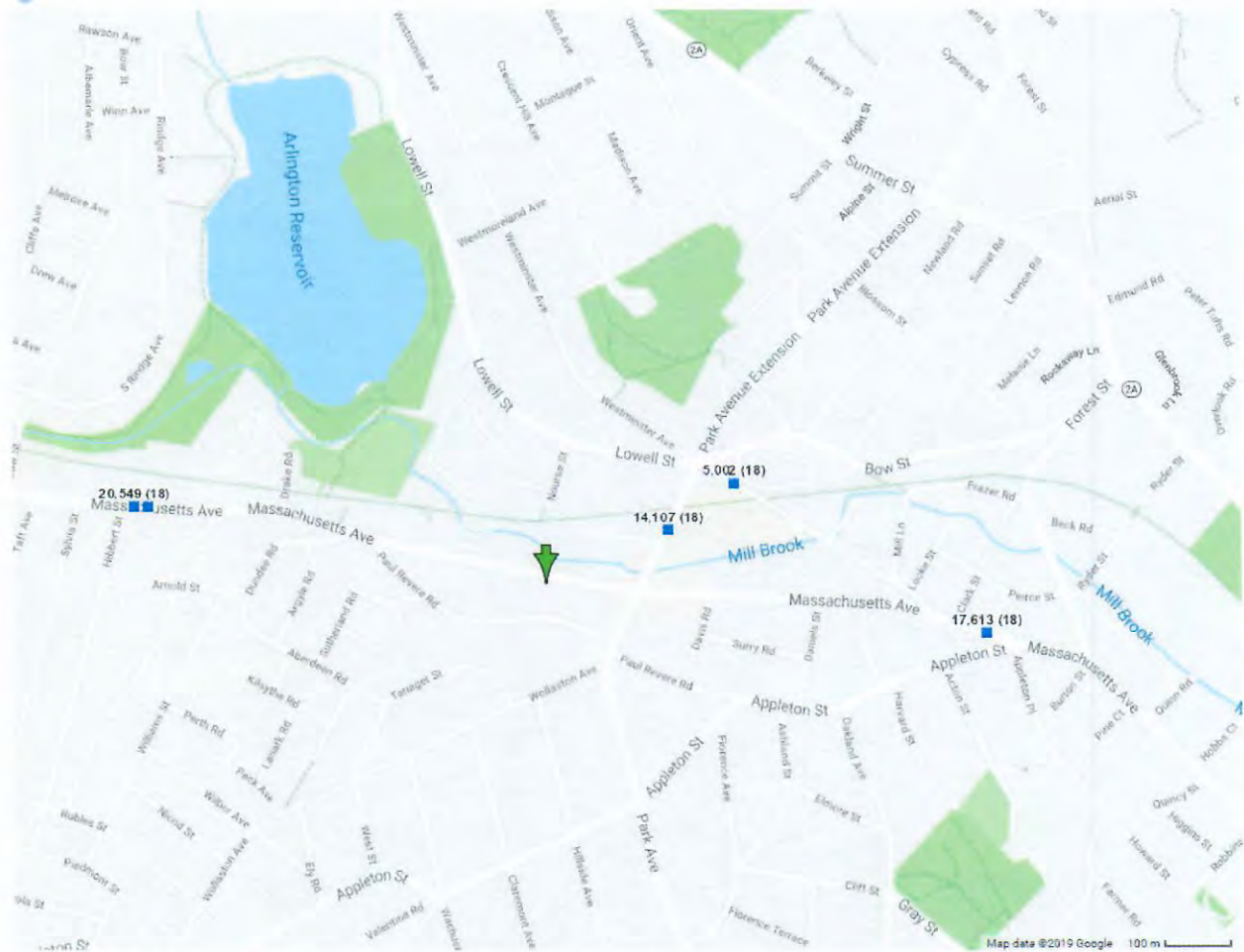


Figure 2 – 1386 Massachusetts Avenue, Alington, MA MASSDOT Traffic Count Data

Queue Management

Customers will queue in the interior vestibule providing space for 15 people prior to entering the dispensary floor which will provide ample space for an additional 20-25 customers. The floorplate capacity of 35-40 customers, at an average transaction time of 15 minutes, will allow for approximately 105-160 customers per hour to be processed using only the interior queue.

During the initial opening period, customer levels may increase from those projected in this report as it may be the first recreational facility in the Arlington area. Apothca will incentivize the use of public transportation by its employees. Many of the current Apothca employees at its medical facility in Arlington use public transit to commute to work; this staff will transition to the new facility which is also proximate an MBTA bus route. Apothca will also allow those employees using bicycles to commute the ability to store their bicycles inside the building.

Apothca will also have temporary parking lot attendants during the initial opening phase to direct traffic into and out of the lot and manage any exterior queues that may form. The exterior

**Traffic Impact Statement**

1386 Massachusetts Ave – Arlington, MA

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queue will be maintained along the sidewalk that extends to the rear of the facility. At no time will customers be allowed to queue in the traveled way.

It is recommended that the Proponent work with the Arlington public safety offices to develop an opening day strategy that provides for police details, parking attendants and way-finding assistance to minimize disruptions during the initial opening period. This strategy should be reviewed on a daily, or weekly, basis to evaluate its continuing need and implemented until customer levels normalize.



Traffic Impact Statement

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ARL-0017

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Appendix A – Prior Land Uses

Land Use: 920

Copy, Print, and Express Ship Store

Description

A copy, print, and express ship store is a facility that offers a variety of copying, printing, binding, and shipping services. Retail sales of a limited range of office-related items including packing and shipping supplies are also commonly available. Technology services, such as computer rental and wireless Internet may also be provided. Copy, print, and express ship stores typically maintain long store hours 7 days a week. Some stores may be open 24 hours a day.

Additional Data

The weekday AM peak hour occurred between 10:30 and 11:30 a.m. The weekday PM peak hour occurred between 3:30 and 4:30 p.m.

The site was surveyed in the 2000s in Texas.

Source Number

608

Copy, Print, and Express Ship Store (920)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
AM Peak Hour of Generator

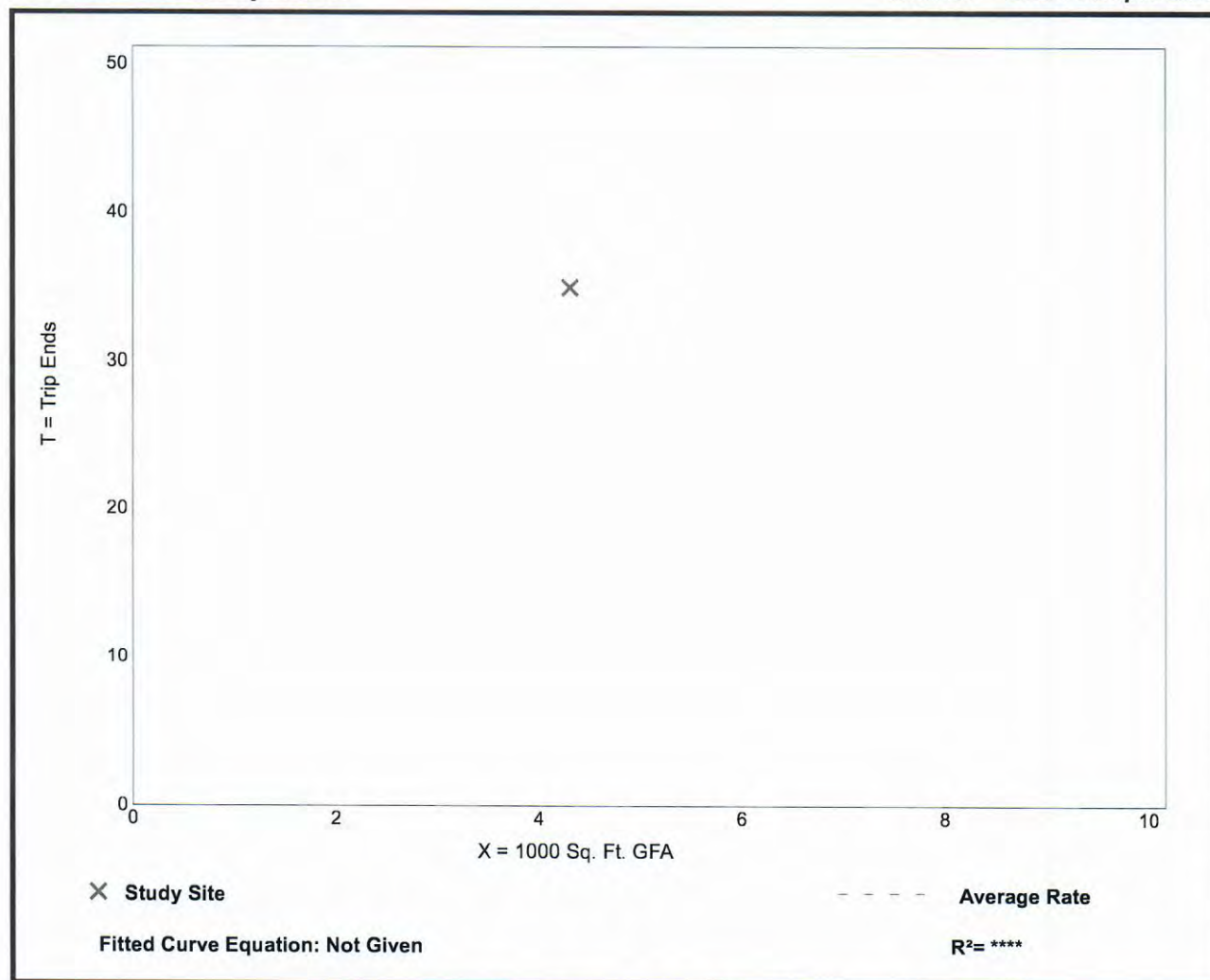
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
8.12	8.12 - 8.12	*

Data Plot and Equation

Caution – Small Sample Size



Trip Generation Manual, 10th Edition • Institute of Transportation Engineers

Copy, Print, and Express Ship Store (920)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
PM Peak Hour of Generator

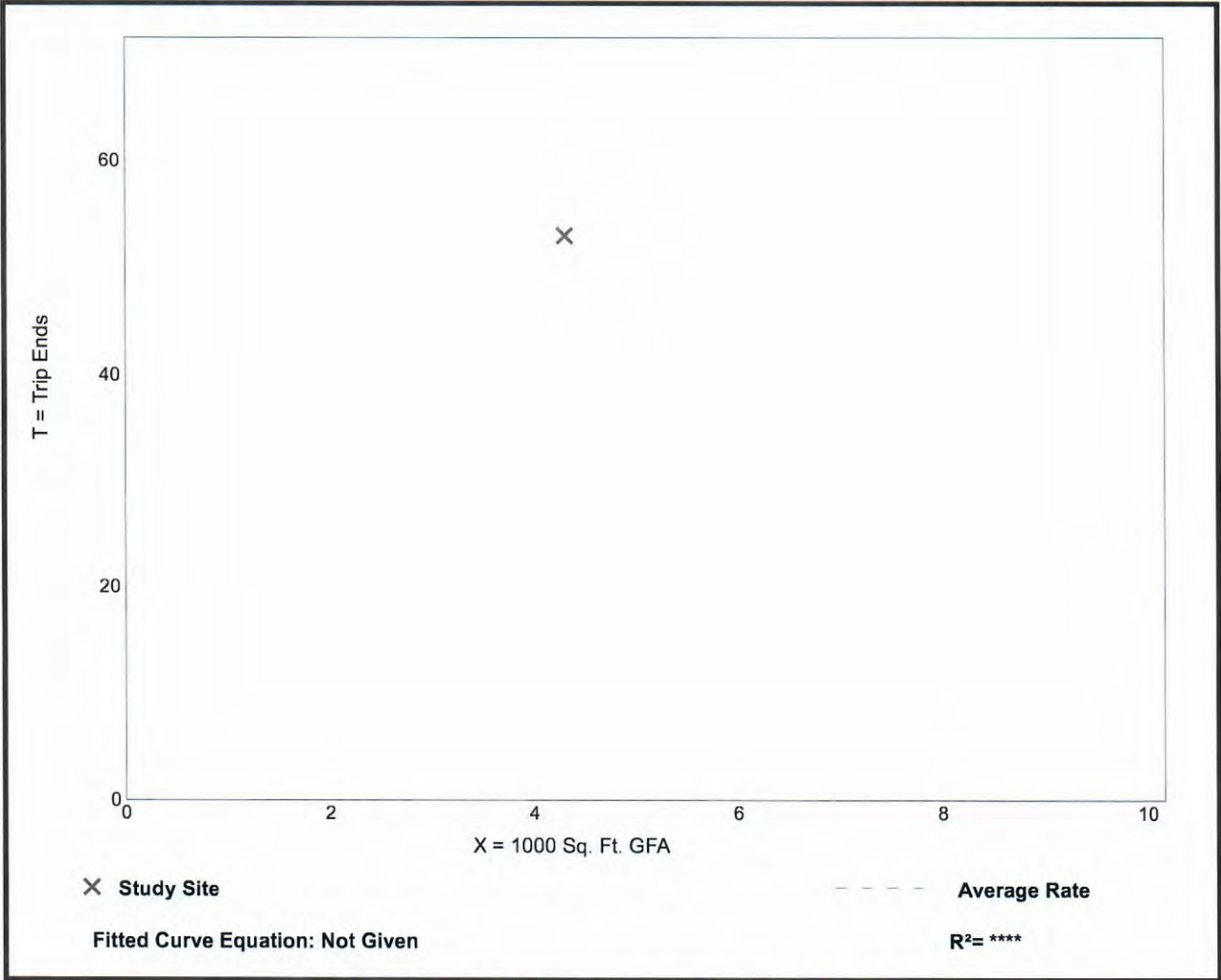
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 43% entering, 57% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
12.30	12.30 - 12.30	*

Data Plot and Equation

Caution – Small Sample Size





Traffic Impact Statement
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ARL-0017
May 2, 2019

Appendix B – Proposed Land Uses

Land Use: 882

Marijuana Dispensary

Description

A marijuana dispensary is a standalone facility where cannabis is sold to patients or consumers in a legal manner.

Additional Data

Time-of-day distribution data for this land use for a weekday and Saturday are presented in Appendix A. For the four general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 5:45 and 6:45 p.m., respectively.

The sites were surveyed in the 2010s in Colorado and Oregon.

Source Numbers

867, 893, 919

Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

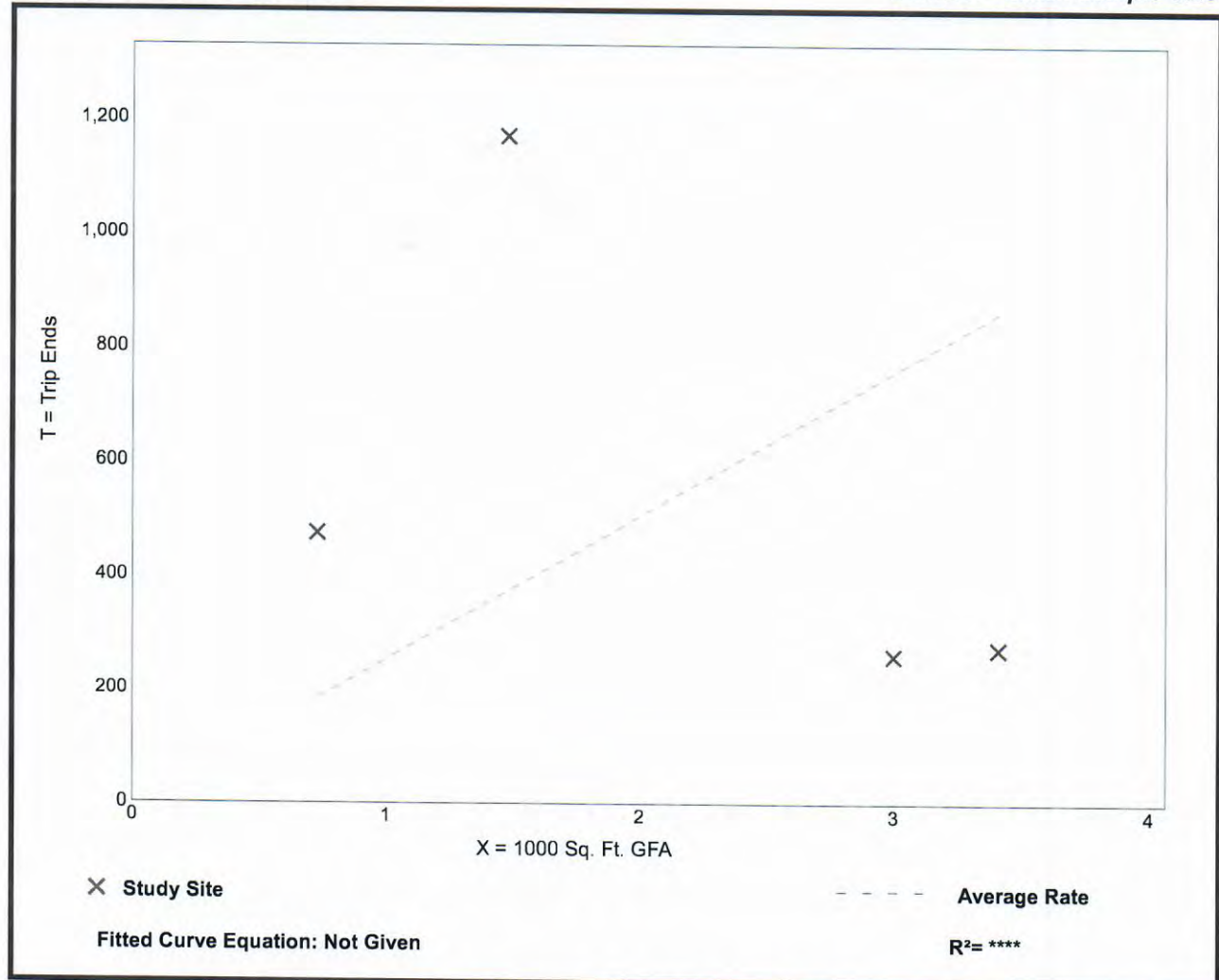
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
252.70	79.74 - 791.22	336.11

Data Plot and Equation

Caution – Small Sample Size



Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
AM Peak Hour of Generator

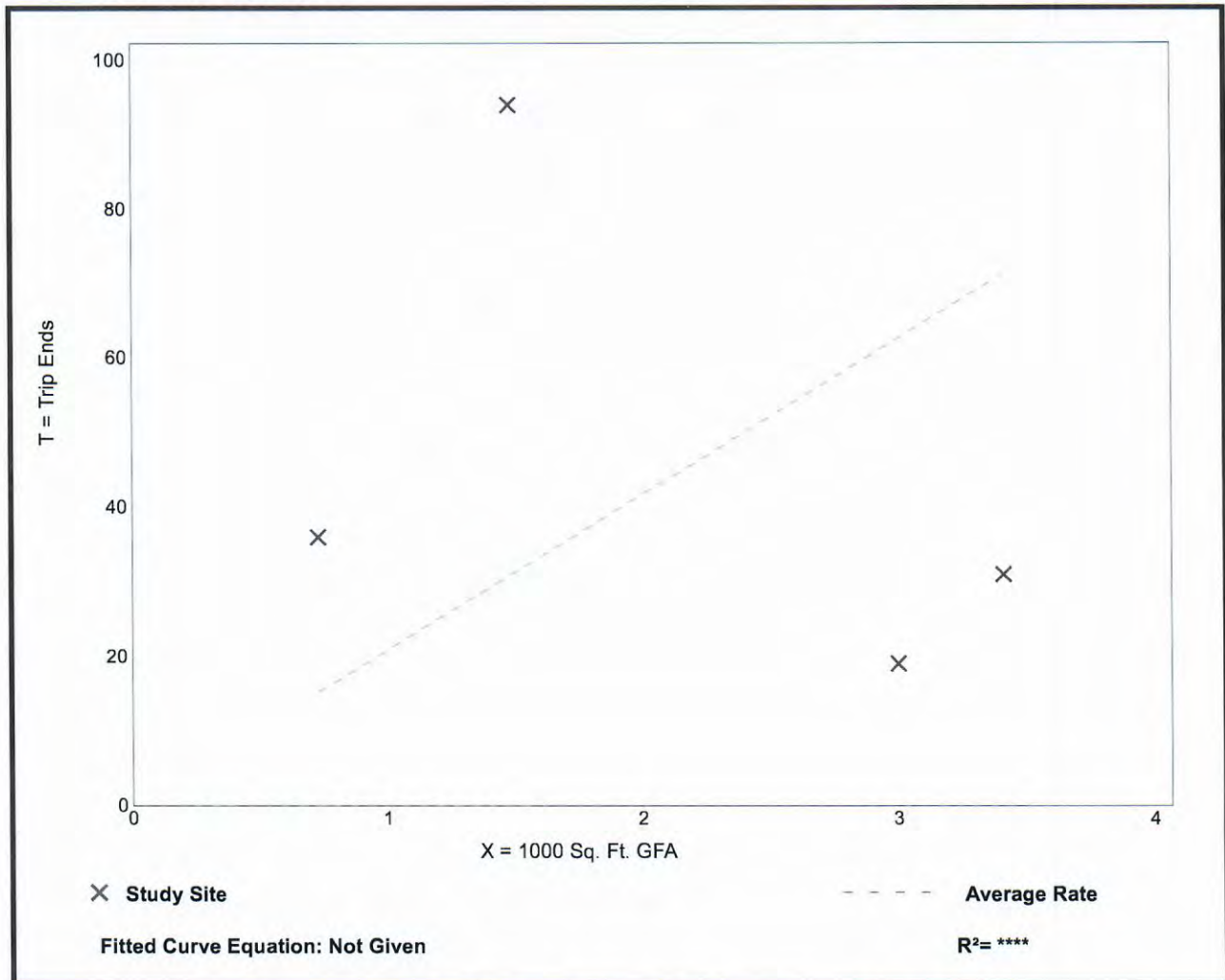
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GFA: 2
Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
20.88	6.33 - 63.51	26.07

Data Plot and Equation

Caution – Small Sample Size



Marijuana Dispensary (882)

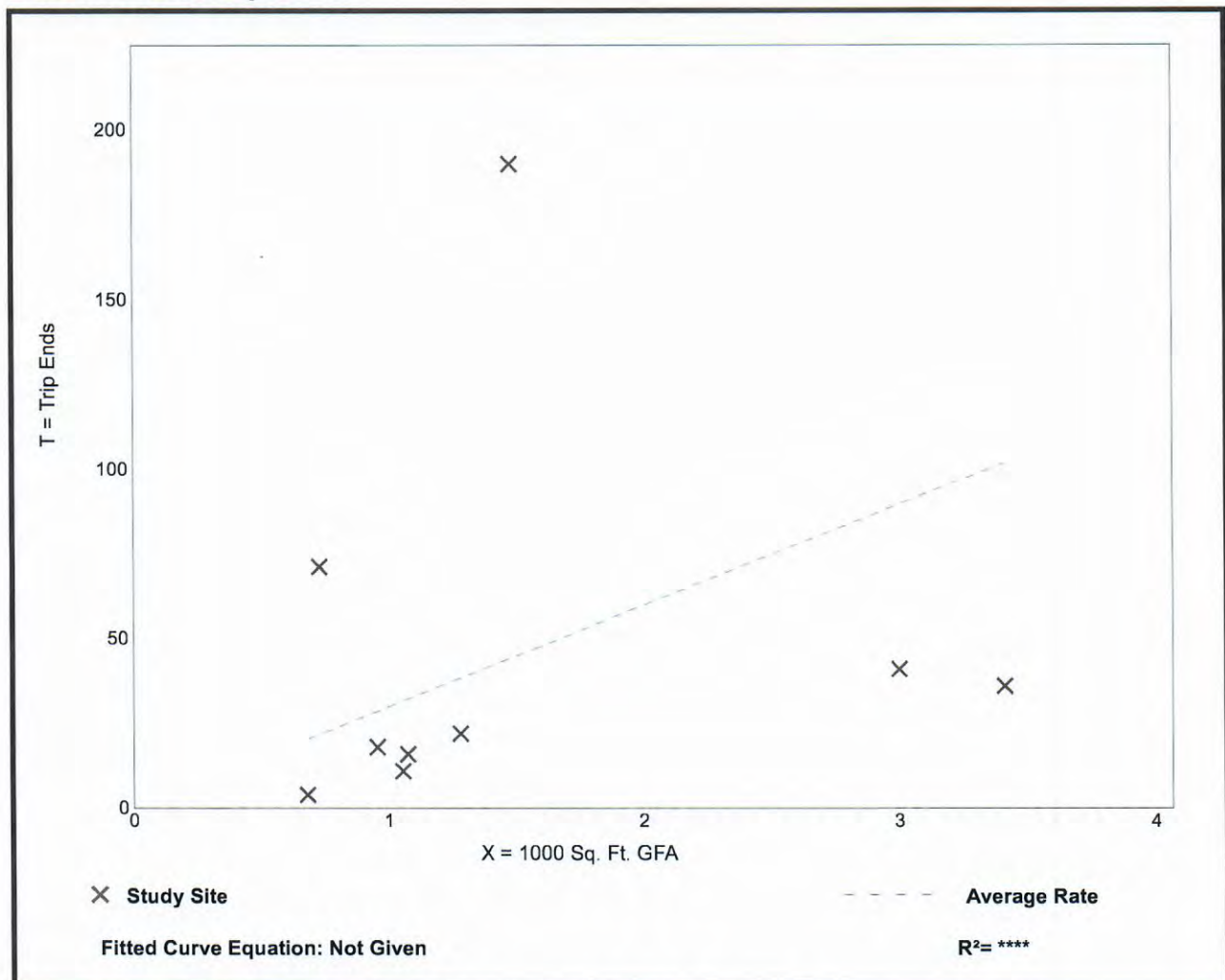
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. 1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
29.93	5.88 - 128.38	41.69

Data Plot and Equation



Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Saturday

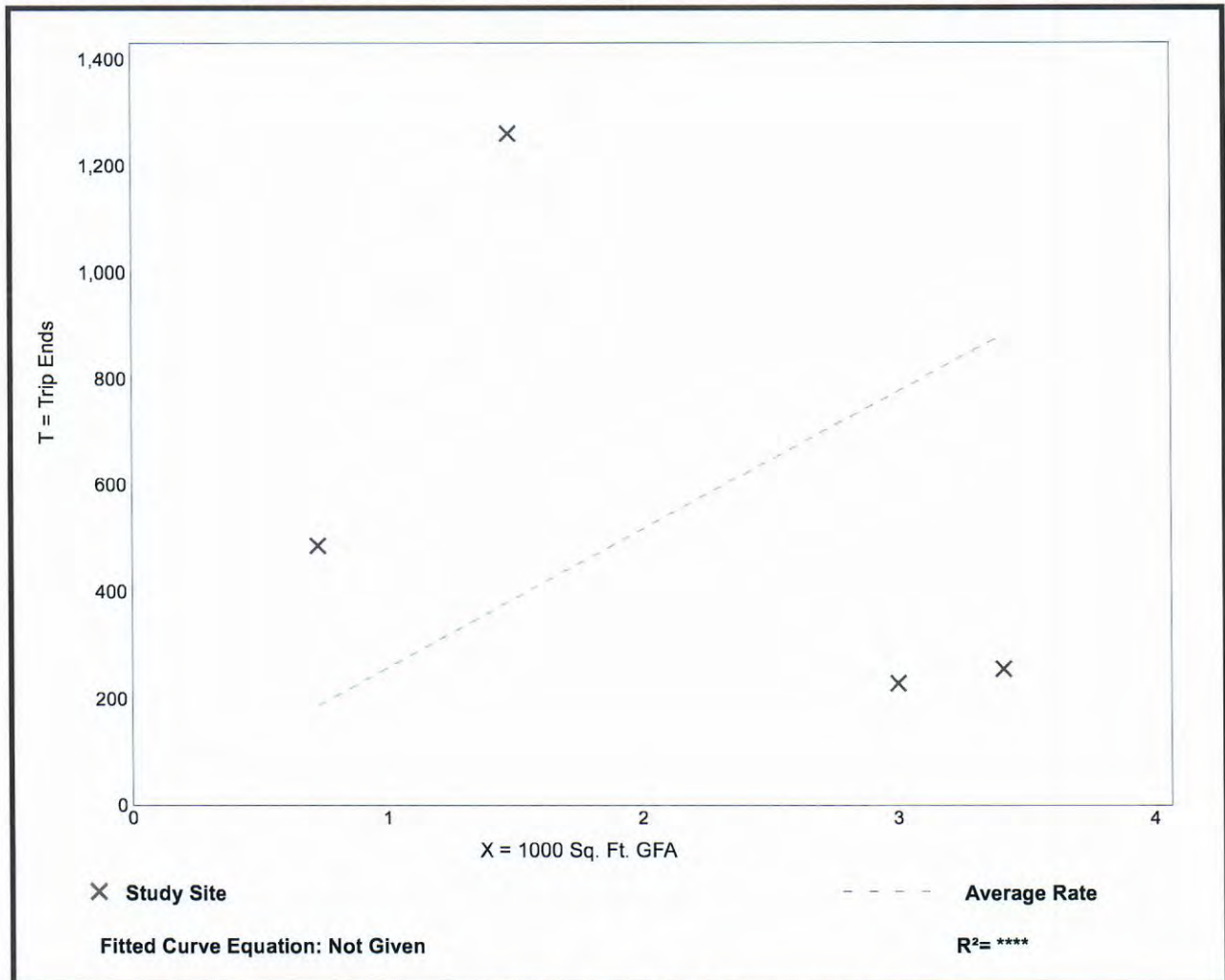
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
259.31	75.34 - 852.03	364.24

Data Plot and Equation

Caution – Small Sample Size



Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Saturday, Peak Hour of Generator

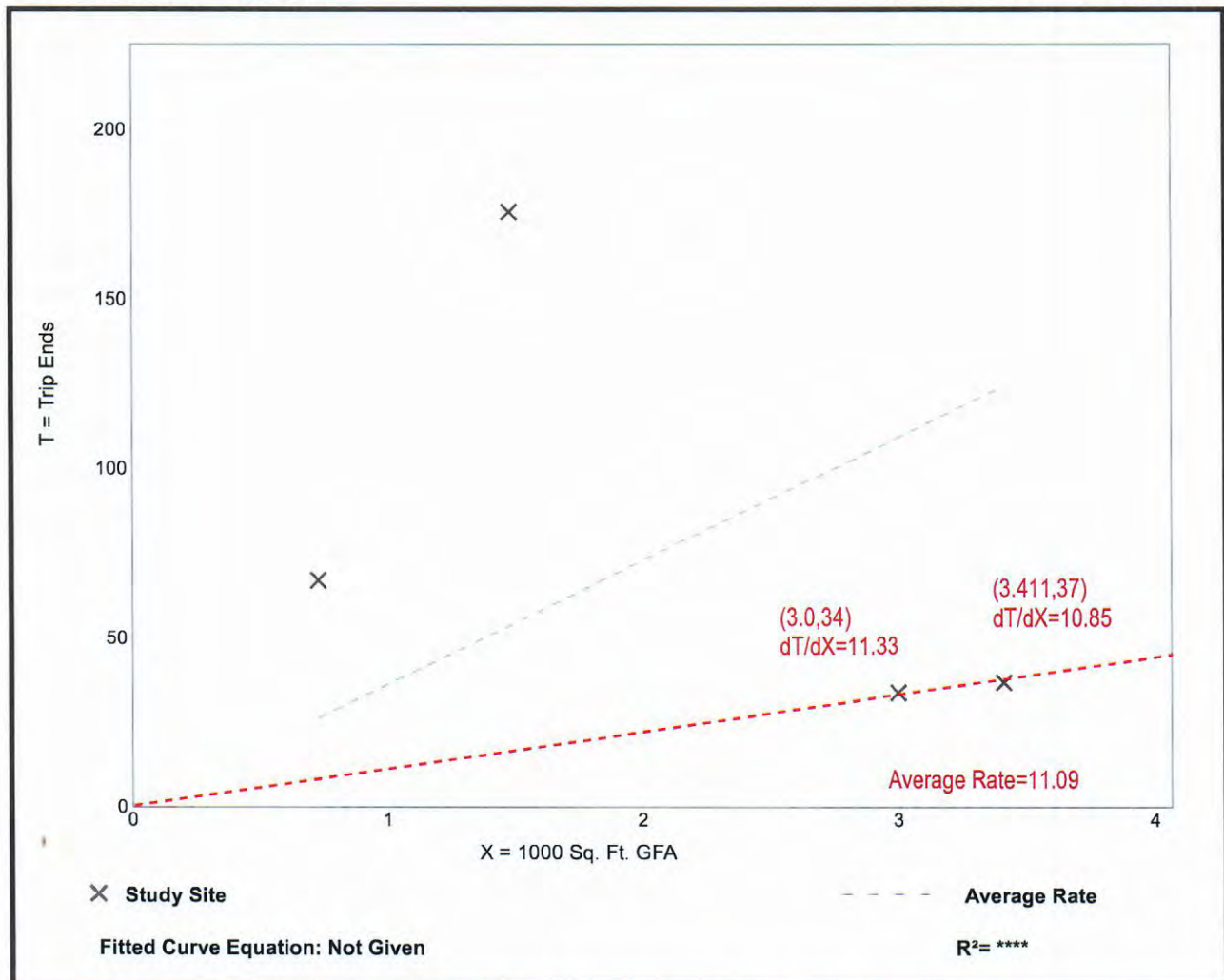
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GFA: 2
Directional Distribution: Not Available

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.43	10.85 - 118.92	50.44

Data Plot and Equation

Caution – Small Sample Size



Trip Generation Manual, 10th Edition • Institute of Transportation Engineers

5.63 x 1000sf x 11.09 Trip Ends/1000sf = 62.4 Trip Ends = 62 Trip Ends



Traffic Impact Statement

1386 Massachusetts Ave – Arlington, MA

ARL-0017

May 2, 2019

Appendix C – MassDOT AADT Tables

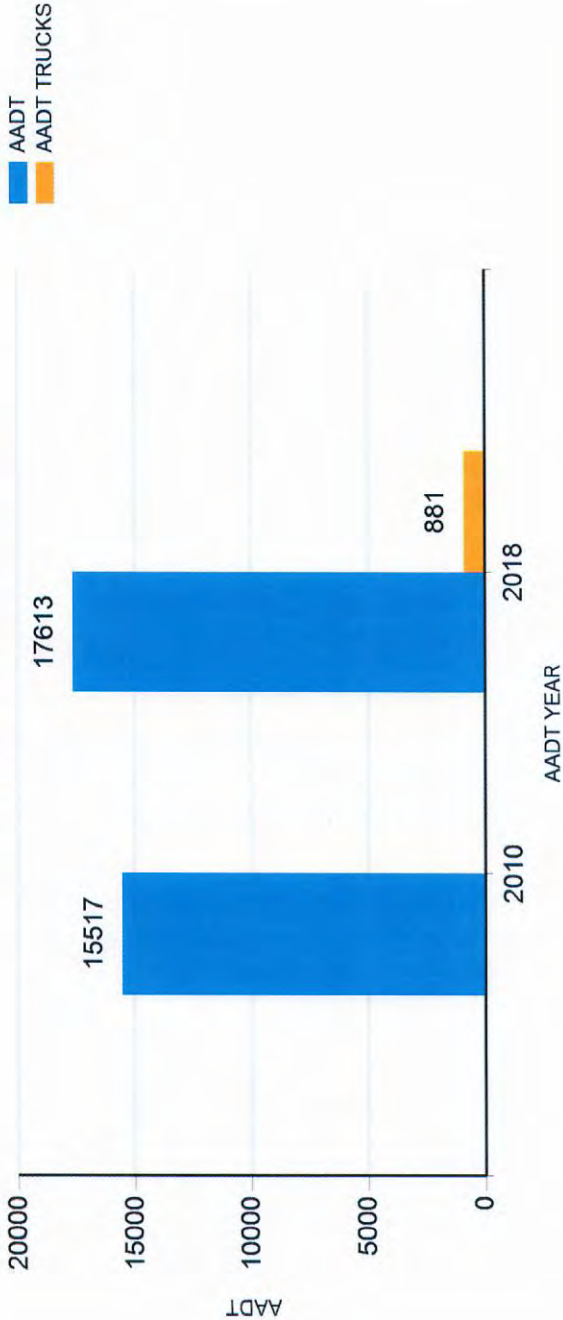
AADT and AADT Trucks by Year for 1/1/2009 - 12/31/2018

District
County Middlesex
Community Arlington

Location ID 4930
Located On MASSACHUSETTS AVENUE
LRS ID N086 EB

At APPLETON STREET
LRS Point 1.610324

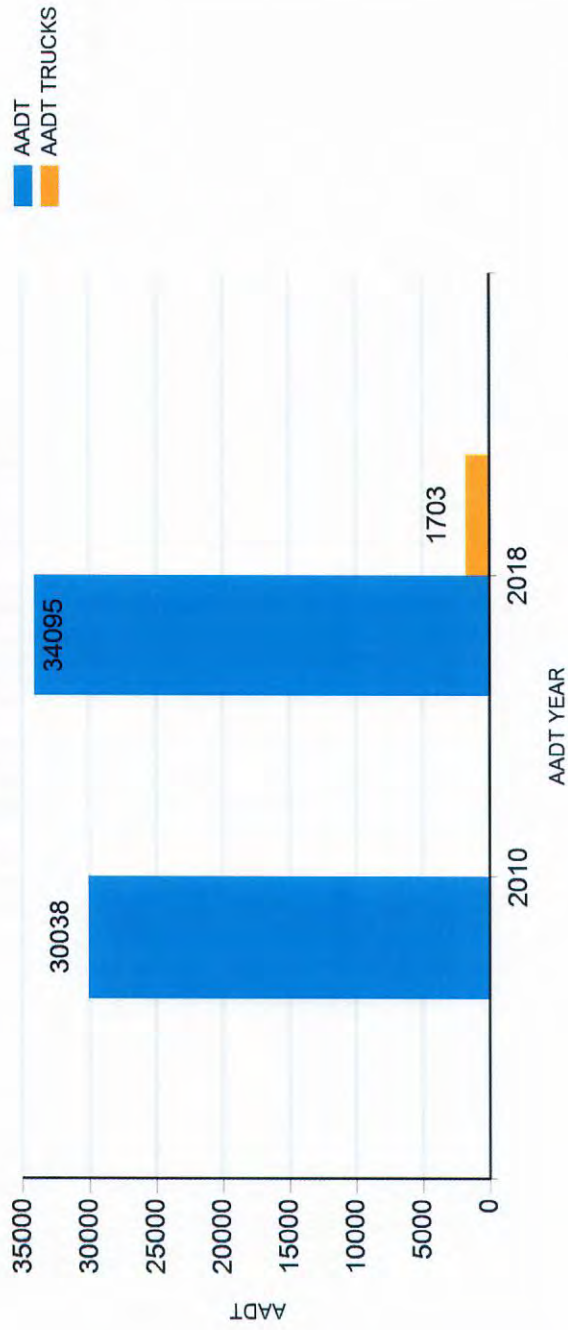
AADT AND AADT TRUCK TREND

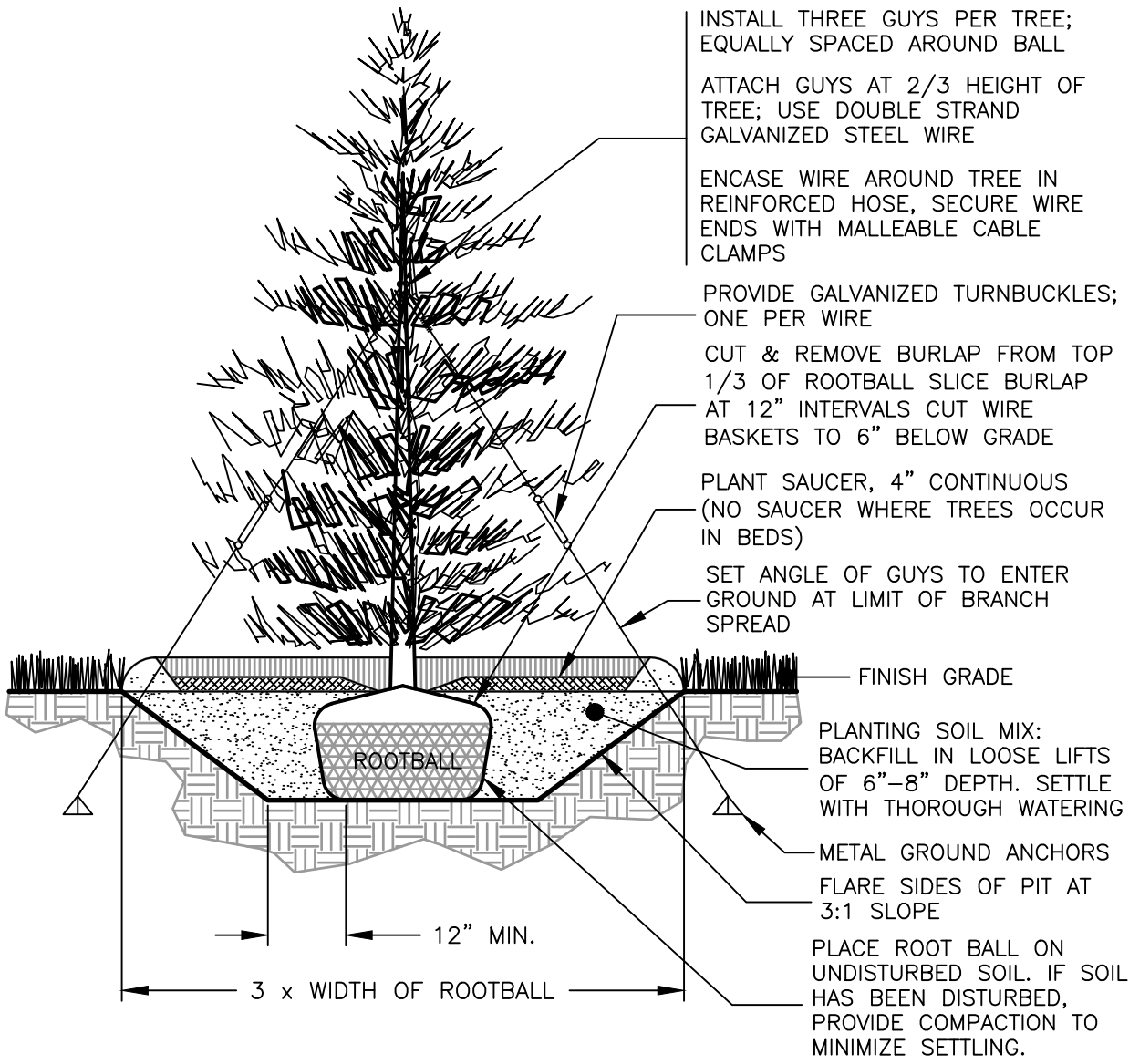


AADT and AADT Trucks by Year for 1/1/2009 - 12/31/2018

District	Location ID 4871	At PLEASANT STREET
County Middlesex	Located On MASSACHUSETTS AVENUE	
Community Arlington	LRS ID N086 EB	LRS Point 0.8033987

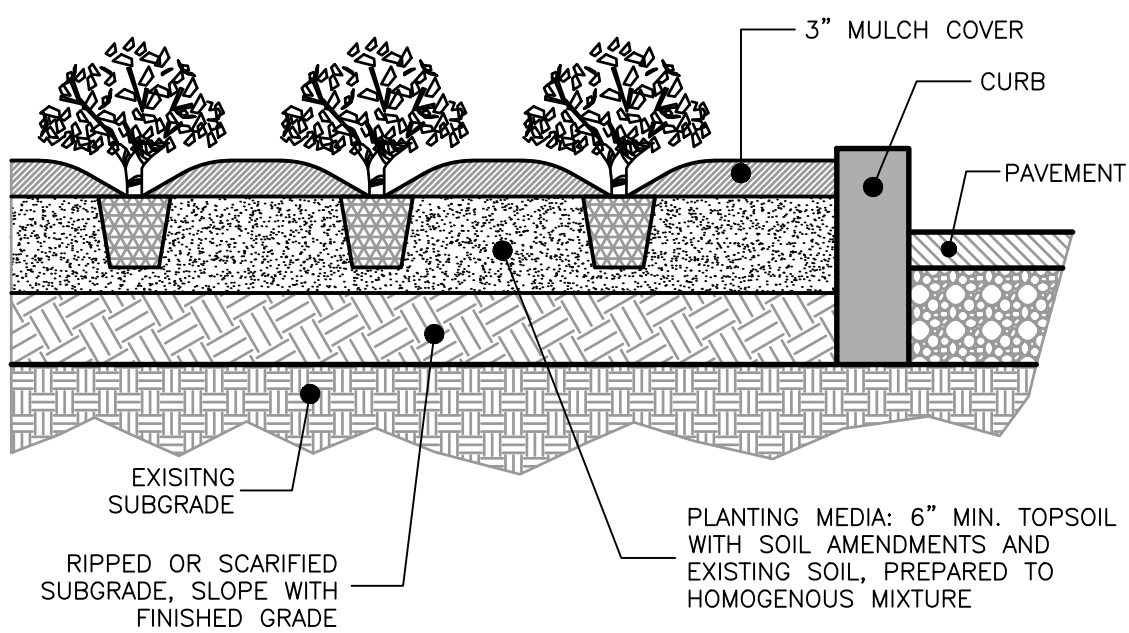
AADT AND AADT TRUCK TREND



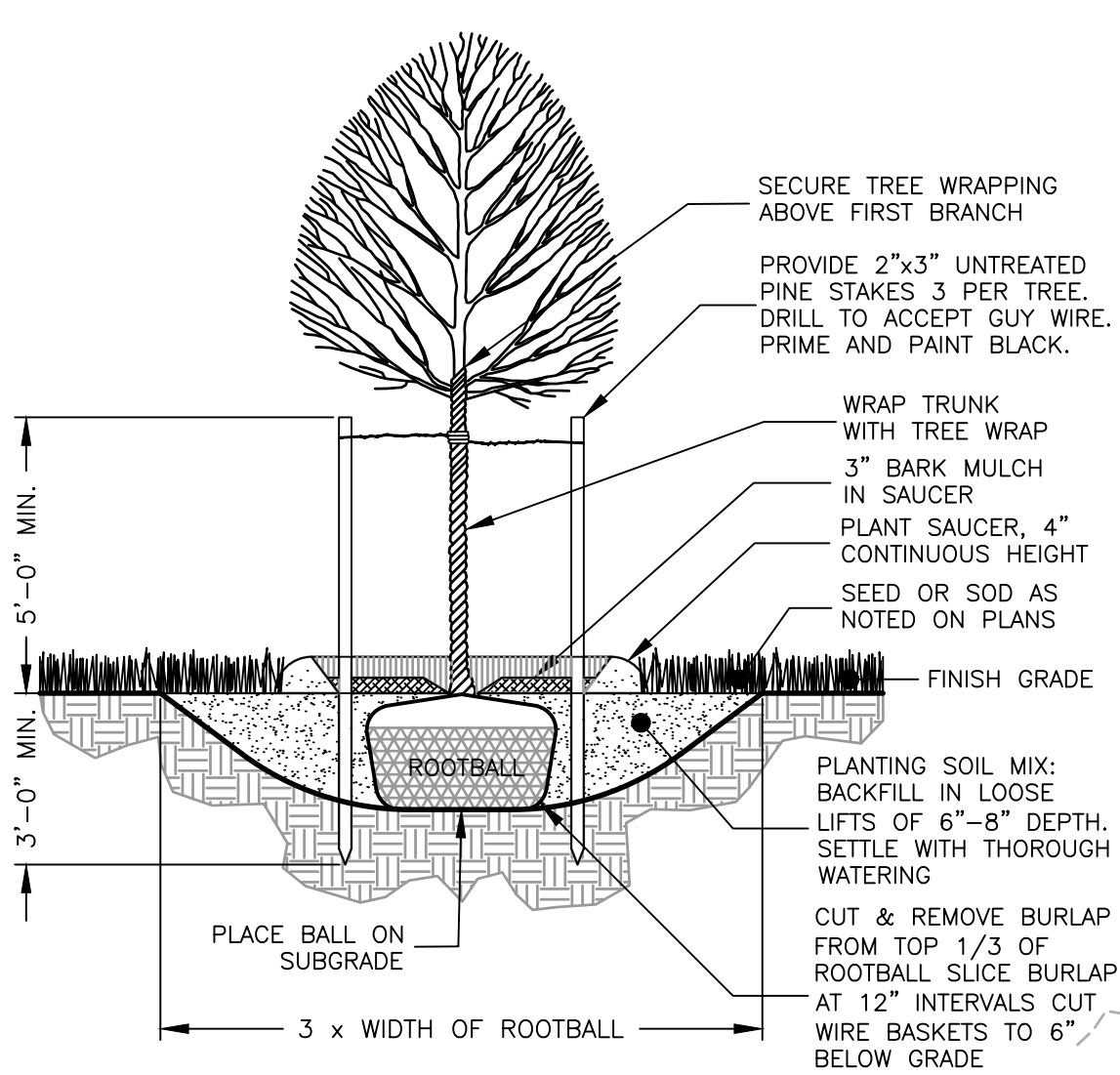


EVERGREEN TREE PLANTING

NOTE: TREE SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR FIELD GRADE.

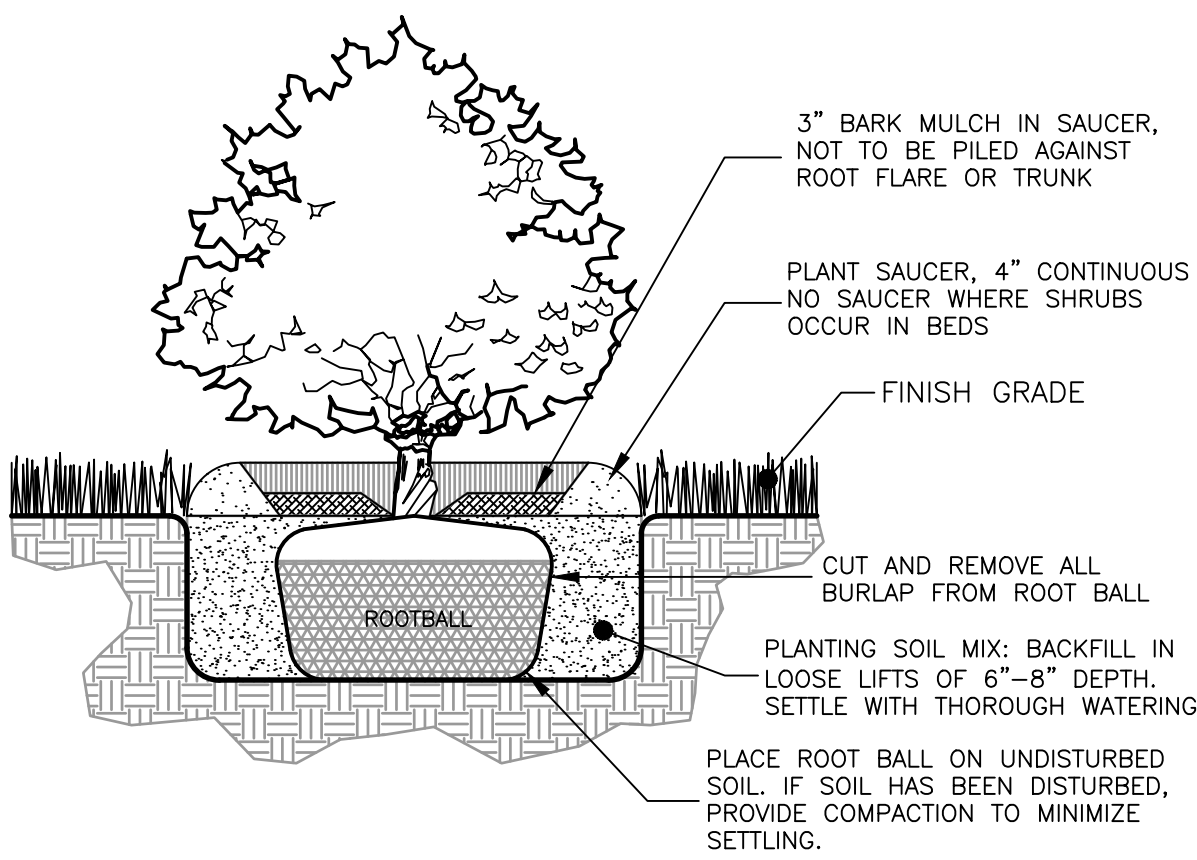


GROUND COVER PLANTING



DECIDUOUS TREE PLANTING

NOTE: TREE SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR FIELD GRADE.

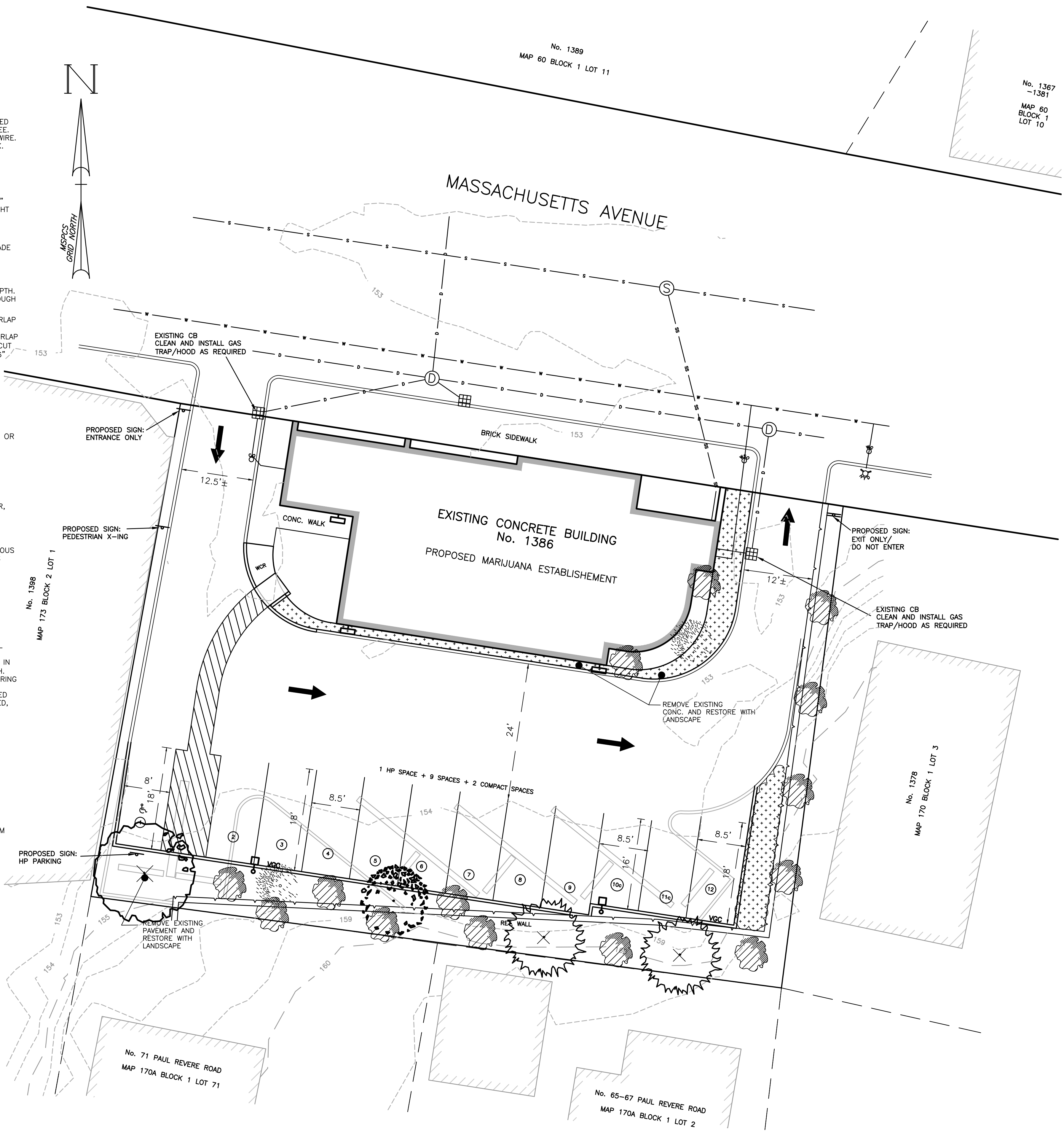


SHRUB PLANTING

NOTES:
1. SHRUB SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR FIELD GRADE.
2. WHERE SHRUBS OCCUR IN PLANT BED GROUPINGS, PROVIDE A 12" DEEP MINIMUM CONTINUOUS LOAM BED.

PLANT SCHEDULE			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
	DECIDUOUS TREE OPTIONS:		
	ACER RUBRUM	RED SUNSET MAPLE	2" CALIPER
	ACER SACCHARUM 'GREEN MOUNTAIN'	SUGAR MAPLE	2" CALIPER
	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2" CALIPER
	CARAYA OVATA	SHAGBARK HICKORY	2" CALIPER
	OSTRYA VIRGINIANA	HOPHORNBEAM	2" CALIPER
	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	2" CALIPER
	QUERCUS COCCINEA	SCARLET OAK	2" CALIPER
	QUERCUS PALUSTRIS	PIN OAK	2" CALIPER
	TILIA AMERICANA	BASSWOOD	2" CALIPER
	EVERGREEN TREE OPTIONS:		
	ABIES CONCOLOR	WHITE FIR	8-10'
	PICEA ABIES	NORWAY SPRUCE	8-10'
	PICEA GLAUCA	WHITE SPRUCE	8-10'
	PICEA OMORICA	SERBIAN SPRUCE	8-10'
	PICEA PUNGENS 'GLAUCA'	COLORADO BLUE SPRUCE	8-10'
	PINUS THUBERGII	JAPANESE BLACK PINE	8-10'
	TSUGA CANADENSIS	HEMLOCK	8-10'
	JUNIPERUS CHINENSIS 'BLUE POINT'	BLUE POINT JUNIPER	6-7'
	JUNIPERUS CHINENSIS 'MOUNTBATTEN'	MOUNTBATTEN JUNIPER	8-10'
	SHRUB OPTIONS:		
	CORNUS ALBA 'ELEGANTISSIMA'	VARIEGATED RED TWIG DOGWOOD	2-3'
	CORNUS RACEMOSA	GREY DOGWOOD	2-3'
	FORSYTHIA	FORSYTHIA	2-3'
	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	2-3'
	ILEX VERICILLATA	WINTERBERRY	2-3'
	ITEA VIRGINICA	VIRGINIA SWEETSPIRE	2-3'
	KALMIA LATIFOLIA	MOUNTAIN LAUREL	2-3'
	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	2-3'
	PHYSOCARPUS OPULIFOLIUS	DIABOLO NINEBARK	2-3'
	GRASS/PERENNIAL OPTIONS:		
	ECHINACEA	CONEFLOWER	1 gal
	HEMEROCALLIS	DAYLILY	1 gal
	PENNISETUM ALOPECUROIDES	HAIRY FOUNTAIN GRASS	1 gal
	RUCBECKIA GOLDSTRUM	BLACK EYED SUSANS	1 gal
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	1 gal
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	1 gal
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	1 gal
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	1 gal
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	1 gal

PLANT SCHEDULE		
SYMBOL	BOTANICAL NAME	COMMON NAME
	DECIDUOUS TREE OPTIONS:	
	CORNUS ALBA 'ELEGANTISSIMA'	VARIEGATED RED TWIG DOGWOOD
	CORNUS RACEMOSA	GREY DOGWOOD
	FORSYTHIA	FORSYTHIA
	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY
	ILEX VERICILLATA	WINTERBERRY
	ITEA VIRGINICA	VIRGINIA SWEETSPIRE
	KALMIA LATIFOLIA	MOUNTAIN LAUREL
	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY
	PHYSOCARPUS OPULIFOLIUS	DIABOLO NINEBARK
	EVERGREEN TREE OPTIONS:	
	ABIES CONCOLOR	WHITE FIR
	PICEA ABIES	NORWAY SPRUCE
	PICEA GLAUCA	WHITE SPRUCE
	PICEA OMORICA	SERBIAN SPRUCE
	PICEA PUNGENS 'GLAUCA'	COLORADO BLUE SPRUCE
	PINUS THUBERGII	JAPANESE BLACK PINE
	TSUGA CANADENSIS	HEMLOCK
	JUNIPERUS CHINENSIS 'BLUE POINT'	BLUE POINT JUNIPER
	JUNIPERUS CHINENSIS 'MOUNTBATTEN'	MOUNTBATTEN JUNIPER
	SHRUB OPTIONS:	
	CORNUS ALBA 'ELEGANTISSIMA'	VARIEGATED RED TWIG DOGWOOD
	CORNUS RACEMOSA	GREY DOGWOOD
	FORSYTHIA	FORSYTHIA
	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY
	ILEX VERICILLATA	WINTERBERRY
	ITEA VIRGINICA	VIRGINIA SWEETSPIRE
	KALMIA LATIFOLIA	MOUNTAIN LAUREL
	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY
	PHYSOCARPUS OPULIFOLIUS	DIABOLO NINEBARK
	GRASS/PERENNIAL OPTIONS:	
	ECHINACEA	CONEFLOWER
	HEMEROCALLIS	DAYLILY
	PENNISETUM ALOPECUROIDES	HAIRY FOUNTAIN GRASS
	RUCBECKIA GOLDSTRUM	BLACK EYED SUSANS
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM
	22 of 354 HIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM



Prepared For:

Owner / Applicant
APOTICA
JOSEPH LEKACH
1955 TYLER STREET
HOLLYWOOD, FL 33020
305.741.6540

Prepared By:

Hayes Engineering, Inc.
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Design By: xxx
Drawn By: xxx
Checked By: xxx
Project File: xxx
Comp. No: ARL12
☐ Issued For Permit
☐ Issued For Review
☐ Issued For Bid
☐ Issued For Construction
☐ Not For Construction

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Scale: 1"=10'
0' 5' 10' 20'
Date: October 7, 2019


Drawing Title:

LANDSCAPING PLAN
APOTICA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Drawing No.:

1

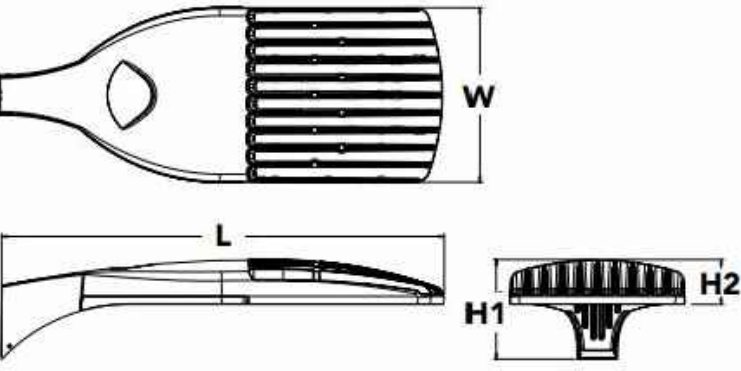
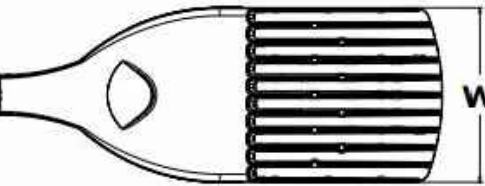
SHEET 2 OF 3



D-Series Size 1
LED Area Luminaire

d²series

Specifications
EPA: 1.01 ft² (0.09 m²)
Length: 33" (83.8 cm)
Width: 13" (33.0 cm)
Height H1: 7-1/2" (19.0 cm)
Height H2: 3-1/2" (9.0 cm)
Weight (max): 27 lbs (12.2 kg)



LITHONIA DSX1-LED LIGHT FIXTURE
NOT TO SCALE



KAXW
LED Wall Luminaire

Specifications
Length: 14" (35.6 cm)
Width: 12" (30.5 cm)
Height: 5" (12.7 cm)
Weight (max): 19.7 lbs (8.9 kg)



LITHONIA KAXW-LED WALL PACK
NOT TO SCALE

PHOTOMETRIC LEGEND:

DENOTES ISOFOOTCANDLE VALUE 1.4

DENOTES ISOFOOTCANDLE LINE 2.0

GENERAL LIGHTING NOTES:



ILLUMINANCE VALUES SHOWN ARE PROPOSED MAINTAINED HORIZONTAL FOOTCANDLES ON LEVEL GRADE.

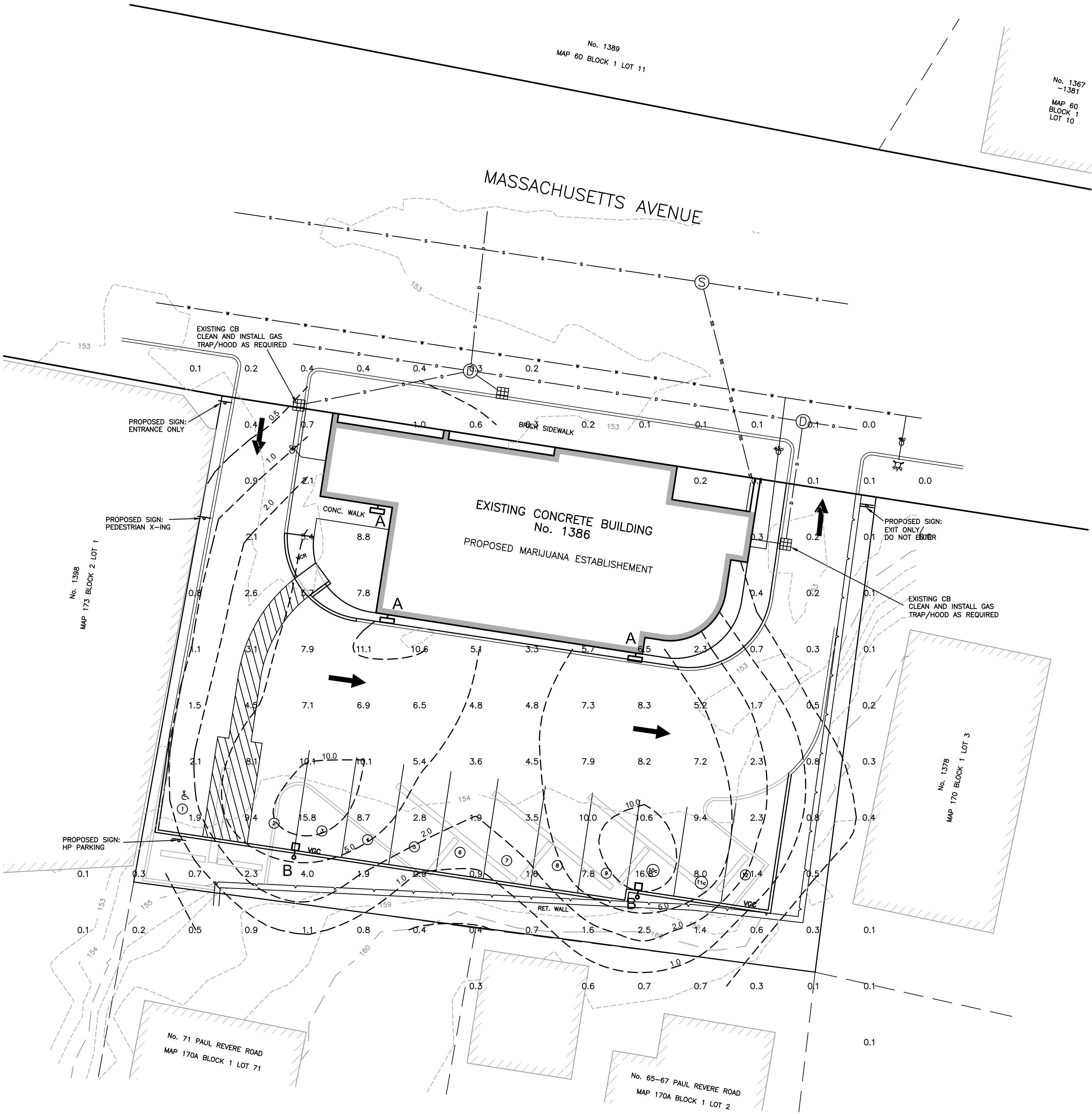
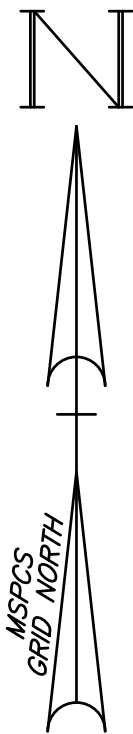
PHOTOMETRIC ANALYSIS DOES NOT CONSIDER ANY EXISTING ILLUMINANCE, SHADOW OR REFLECTED LIGHT FROM EXISTING OR PROPOSED OBJECTS AND GRADE DIFFERENCES.

HORIZONTAL ILLUMINANCE LEVELS SHOWN ARE CALCULATED FROM DATA PROVIDED FROM MANUFACTURER IN ACCORDANCE WITH THE ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS.

ACTUAL ILLUMINANCE LEVELS MAY DIFFER DUE TO SEVERAL FACTORS SUCH AS LAMP LUMEN DEPRECIATION, LUMINAIRE DIRT DEPRECIATION, LUMINAIRE SURFACE DEPRECIATION, AND EQUIPMENT OPERATING FACTOR.

CONTRACTOR TO VERIFY ALL UTILITIES BEFORE CONSTRUCTION.

LUMINAIRE SCHEDULE				
CALLOUT	SYMBOL	DESCRIPTION	VOLTS	QUANTITY
A		KAXW LED, PERFORMANCE PACKAGE 3, 5000K, TYPE 4, 120-277V	120V 1P 2W	3
B		DSX1 LED P1 30K T3M MVOLT, 12'h	120V 1P 2W	2



Prepared For:

Owner / Applicant
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Date: October 7, 2019

Drawing Title:
LIGHTING PLAN
APOTHICA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Seal:
Drawing No.:
L2
SHEET 3 OF 3

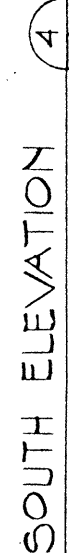
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SHEET TITLE
ELEVATIONS
#SECTIONS

DETAIL NO.  DRAWN ON SHEET  ON SHEET 

SCALE	1/4" = 1'-0"
DRAWN	M.
CHECKED	M.
APPROVED	Arthur W. Ford
DATE	18 MARCH 74

人

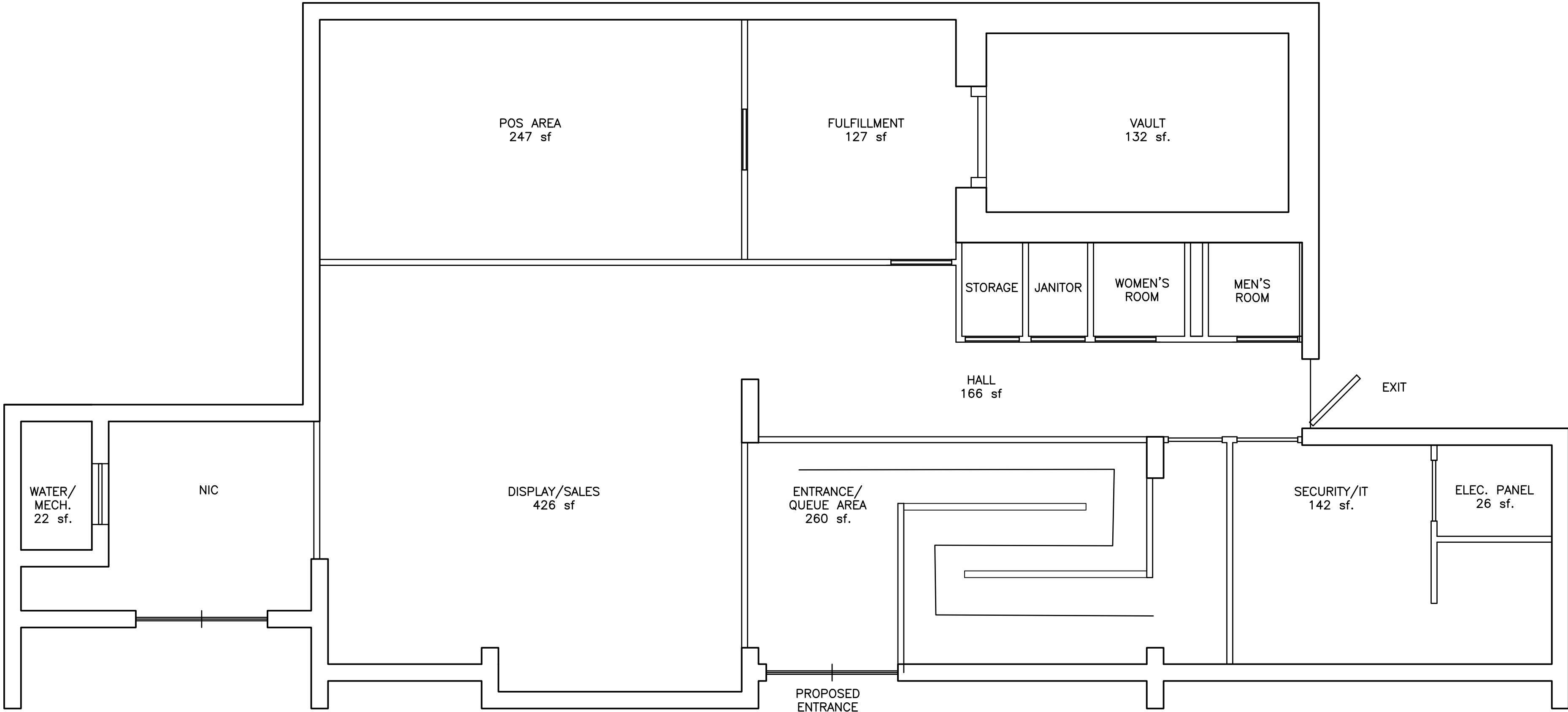


CONCEPTUAL FLOOR PLAN

1386 MASSACHUSETTS AVENUE - ARLINGTON, MA

SEPTEMBER 28, 2019

$\frac{1}{4}$ " = 1' - 0"

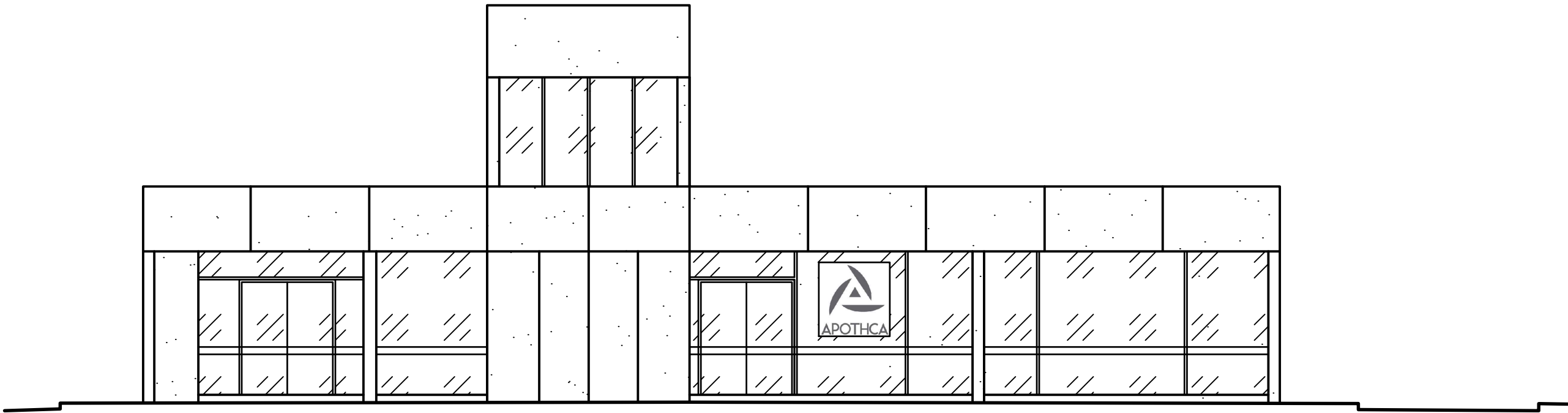


CONCEPTUAL ELEVATIONS

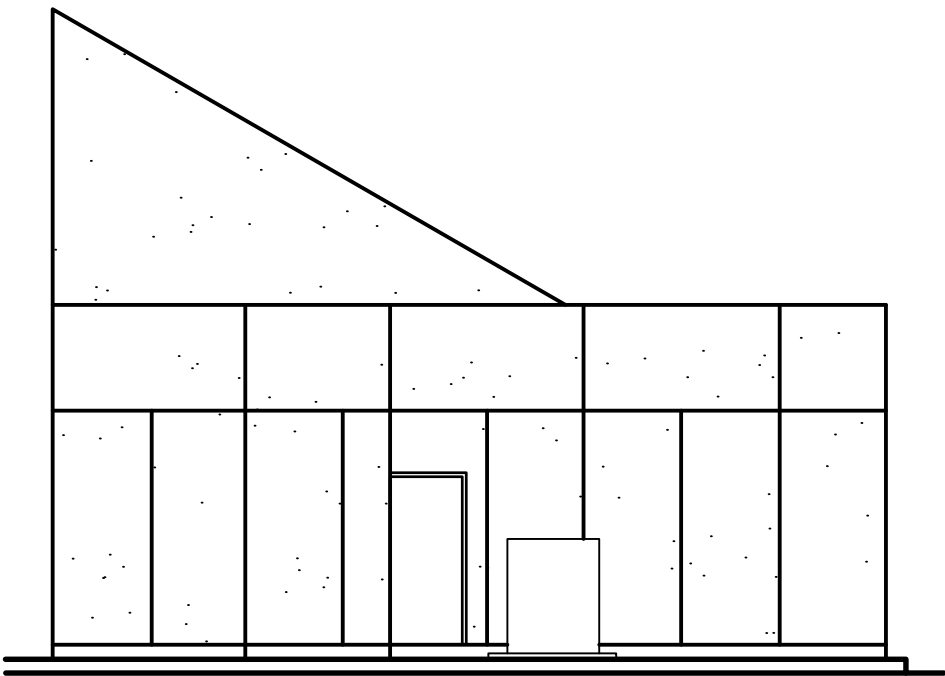
1386 MASSACHUSETTS AVENUE - ARLINGTON, MA

SEPTEMBER 28, 2019

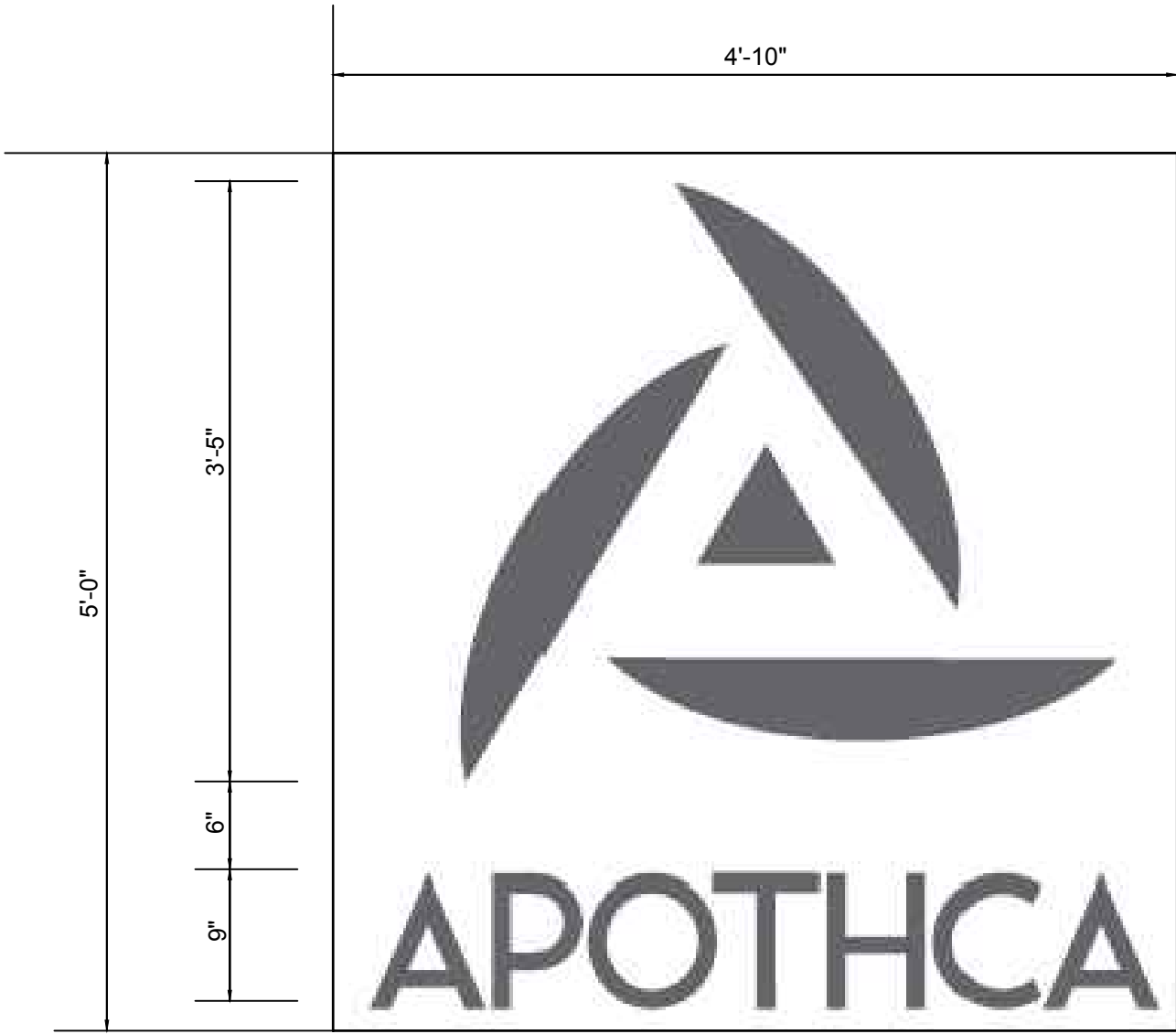
$\frac{1}{8}" = 1' - 0"$



NORTH ELEVATION



WEST ELEVATION



SIGN DETAIL
SCALE: 1" = 1'-0"

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¹ All information contained herein is subject to revision. Apothca intends to supplement and amend this document based upon input from the Cannabis Control Commission, the City of Fitchburg, City of Lynn, and as Apothca's understanding of its needs change. Apothca will assure all necessary local authorities receive a copy of this document, as well as any finalized amendments to this document. We respectfully ask that the materials provided be held in confidence.

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General Security Requirements

Introduction

Apothca, Inc. (“Apothca”), a Marijuana Establishment in the Commonwealth of Massachusetts, has prepared and developed security policies and procedures to provide for the safe, orderly, and legal production and distribution of adult-use marijuana.

Security Program Management Roles and Requirements

- Under the supervision of the Chief Executive Officer, the Director of Security is responsible for the development and overall management of the Security Policies and Procedures for Apothca.
- The Director of Security is responsible for implementing and administering the Security Policies and Procedures as prescribed as well as any approved changes.
- The Director of Security will continuously develop and update emergency policies and procedures for securing all product following any instance of diversion, theft, or loss of marijuana and will conduct an assessment to determine whether additional safeguards are necessary.
- The Director of Security will also develop sufficient additional safeguards as required by the Commission for any Apothca facility that presents special security concerns.
- Managers are responsible for ensuring security measures within each division of Apothca.
- Access to marijuana and marijuana products will be limited to Apothca agents who have a need and who are also capable of safeguarding such products. Unauthorized agents and visitors will not have access to marijuana or marijuana products.
- Apothca agents with approved access to marijuana and marijuana products are responsible for the product when in their control. Agents will also be responsible for safeguarding any marijuana and marijuana products that come into their possession while performing assigned duties.
- Apothca agents will ensure that marijuana in excess of the quantity for normal, efficient operation is disposed of appropriately pursuant to 935 CMR 500.105(12).
- Agents will promptly report any safety or security concerns regarding agents, consumers, or visitors to the Director of Security. This includes any information that reflects adversely upon the integrity or general character of an agent; information that indicates the agent’s inability to safeguard marijuana, marijuana product, or any other information that may jeopardize Apothca’s operations in any way; and any information that may adversely affect the security and safety of the premises.
- The Director of Security will provide security administration and management for Apothca.
- Apothca will establish limited access areas accessible only to specifically authorized personnel, which shall include only the minimum number of employees essential for efficient operation.
- The Director of Security will ensure Apothca agents undergo required background screening prior to being granted access to the premises and/or offered employment, including but not limited to screening of financial history, criminal history, previous employment and known affiliations, and any other information required by the Cannabis Control Commission (“Commission”).

- The Director of Security will ensure secure storage and work spaces are properly monitored and safeguarded; Apothca will store all finished marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss.
- Apothca will keep all safes, vaults, and any other equipment used for the production, cultivation, harvesting, processing, or storage of marijuana and marijuana infused products (“MIPs”) securely locked and protected from entry, except for the actual time required to remove or replace marijuana.
- The Director of Security will ensure compliance and adherence to the Commission’s regulations, including—but not limited to—935 CMR 500.110.
- The Director of Security will serve as the primary point of contact for law enforcement for all security-related matters.
- The Director of Security, in coordination with Apothca agents, will establish and maintain a secure visitor management program, including a visitor log.
- The Director of Security will provide initial security training program for new agents as well as annual training for all agents.
- The Director of Security will establish and maintain safe and secure policies and procedures for transportation.
- The Director of Security, in collaboration with the Chief Operating Officer, will update the Security Policies and Procedures as needed; at a minimum the Security Policies and Procedures will be updated/reviewed on an annual basis.

Proximity Access Cards

- In addition to the identification badges worn by all agents, proximity card readers will secure all Limited Access Areas and will only be issued to those agents who require access to Limited Access Areas to complete job functions.
- Access Cards will be issued and accounted for in Apothca’s Access Card database and be maintained in accordance with Apothca’s recordkeeping requirements.
- Each access card will grant access to specific zoned areas for authorized access; access may be limited as necessary.

Investigative Response to Alarms

- Apothca will have security agents on site as-needed according to operational needs and requirements.
- If the Intrusion Detection System (“IDS”), video surveillance, or other means indicate the presence of a potential intruder, security agents will immediately contact law enforcement by dialing 911.
- Security agents will, at a minimum, provide the following to the 911 operator:
 - Number of suspected intruders;
 - Physical description of the suspected intruders; and
 - Location within the facility of the suspected intruders.

Employee Security Policies

- Employees will ensure that Apothca facilities and limited access areas are only accessed by authorized personnel and individuals.

- Access to Apothca facilities is limited to employees and those persons allowed access by the state. All employees must be registered and licensed.
- All employees will be assigned access keys, cards, and personal security codes. These access controls are always to be protected and used only by the authorized employees.
- All employees must always wear their badge in a visible, above-the-waist location.
- Employees must determine an individual's reason for accessing the facility.
- Review federal or state photo ID and verify that the individual is over 21 years of age.
- Visitors shall sign-in and sign-out on a visitor log.
- The visitor log shall minimally include the name of the visitor and the date, time of arrival and departure, purpose of visit, the visitor identification badge number or other unique identifier, areas of the facility visited, and names of all employees visited.
- Each visitor shall receive a visitor badge for use while on site and return the badge prior to leaving the site.
- Visitors shall display their visitor badge and be escorted while on the premises.
- State or federal inspectors/employees may arrive for an inspection announced or unannounced and shall be granted access to any area of the facility, as requested.
- If an individual attempts to enter Limited Access or No Access areas, the individual shall be informed that only authorized personnel is allowed in that area. The individual shall be politely escorted to the sales floor, bathroom, waiting room, etc.
- An employee may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.
- Emergency visitors, e.g., emergency medical professionals or law enforcement, etc., will be signed-in per local procedures.
- Employees will be trained to use and understand security procedures and equipment as necessary in the event of an emergency.
- Panic buttons are placed throughout the facility. If safe to do so, these buttons must be used if intruders enter the facility, a robbery occurs, or if the safety of any employee or patron becomes threatened.
- All employees will be armed with duress codes if forced to deactivate the facility's security alarm.
- If at any time the access controls are lost or compromised, the employee must notify their supervisor immediately and assist with the recovery process as necessary.
- It is the responsibility of every employee to aid in the security of Apothca through prevention, awareness, reporting, and responsible incident management.
- Employees will properly store and secure all marijuana, marijuana products, and cash.
- Employees must never place product or cash in a location other than the designated areas within limited access areas.
- Employees are responsible for supervising all product and cash at all times throughout their shift.
- Any product being shown to a visitor or consumer must immediately be placed back in the product's designated area. No product may be left unsupervised at any time.
- Employees will be trained to identify suspicious behavior and to be observant of their surroundings.
- All employees are required to pay special attention to their surroundings upon opening and closing the facility.

- It is strict Apothca policy that all employees closing for the day leave the facility together and never alone.
- Employees are responsible for reporting any suspicious activities from visitors, consumers, or their colleagues to their supervisor immediately.

The following observations could lead to the detection of diversion:

- An individual purchases an unusually large amount of marijuana or marijuana products on a frequent basis.
- Large purchases are made in an unreasonably short time frame.
- An individual requests large purchases be packaged in smaller containers.
- In a confidential matter, employees must use their best judgment when observing consumer purchasing habits.

Handling of Marijuana

- Employees must encourage all individuals to maintain marijuana and marijuana products in their original packaging.
- Employees must encourage individuals to securely store marijuana and marijuana products in a manner that minimizes the risk of diversion.
- Employees will ensure that all marijuana, marijuana products, and cash are handled, stored, packaged, and recorded in accordance with Apothca policies and regulatory requirements.
- Employees must carefully package, restock, and weigh all product in a very precise manner to minimize loss.
- All weighing and counting of product must be performed in accordance with inventory procedures and requirements.
- Employees who discover that any product or cash has been mishandled, misplaced, or is missing must notify their supervisor immediately.
- All loss must be approved by the facility manager and recorded in the waste disposal log and ADP/POS system.
- All expired, contaminated, or unusable product must be properly recorded and stored. The facility manager must approve all marijuana waste and loss.
- The facility manager is responsible for approving all waste and inventory loss. Each occurrence will be reviewed and recorded in a data collection repository, which will be reviewed for trends and patterns.
- The facility manager will investigate and implement procedure variations to mitigate waste and inventory loss.
- Waste reporting occurs on a consistent basis during the shift of one or more employees.
- Inventory loss is detected in a consistent fashion during the shifts of one or more employees. All inventory losses, regardless of the reason, will be investigated by the dispensary manager.

In the event of a theft or robbery:

- Employees must not try to confront the assailant.
- Press the closest silent alarm, if it is safe to do so, and wait for law enforcement to arrive.
- Remain in place, do not move, and do not engage the assailant(s).

- As soon as it is safe to do so, Dispensary Management personnel will contact local law enforcement. State agencies will be notified as specified in local security procedures.

In the case of an individual who demonstrates verbal or physical aggression toward employees, visitors, or consumers:

- Try to calm the individual down by speaking to them in a respectful manner so as not to further agitate them.
- Individually listen to the individual's needs or complaints to see if the issue can be resolved at that time.
- Any employee can do this, but if the situation escalates, inform the manager on duty.
- If speaking to the individual does not deescalate the situation, Management personnel shall inform the individual that they must regain their composure, or they may be escorted from the premises.
- If this does not deter the individual, security shall be notified.
- If the individual refuses to leave on their own accord, security shall escort the individual off the premises.
- If the individual becomes physically aggressive (i.e. throwing things, touching others, or otherwise threatening to harm anybody), they must be escorted off the premises.
- If the situation escalates any further, press one of the silent alarms, if safe, and remain calm until law enforcement arrives.
- Document the encounter and inform the state.

Response to Hostile Intruder

- Agents will immediately dial 911 or activate one of the panic/duress alarms located throughout the Facility and connected to local law enforcement authorities when it is safe to do so.
- Agents will alert all occupants within the Facility to find a safe location.
- If deemed life threatening, agents must not engage or confront the intruder—await response from law enforcement.
- If safe to do so, agents must evacuate the surrounding area immediately.
- Agents must close and secure all doors if it is safe to do so.
- If unable to safely exit the building, agents will seek shelter in a room where doors can be locked or barricaded securely.
- Agents must turn off lights in room.
- Agents will remain out of sight of doors and windows.
- Agents will remain quiet and turn off the volume on cell phones.
- Once safely in a secure room, security agents or any other individual will contact law enforcement by dialing 911 and give the location and number of people in the room.
- Agents must follow all instructions provided by the 911 operator.
- If unable to speak, agent will leave phone line open to allow the 911 operator to hear what is occurring in the room.
- If responding law enforcement officials are encountered, agent must keep hands elevated and palms visible.
- If the fire alarm sounds, agents must remain in place unless fire or smoke is detected or advised to do so by the 911 operator.
- Agents must not carry items in hands that could be mistaken as a weapon.

- When possible, security agents will assist those with disabilities and those with any injuries by escorting them to the nearest safe exit or safe area.
- If able to safely exit the Facility, agents must not return until it is declared safe to do so by law enforcement and/or fire officials.
- Agents will follow all instructions issued by law enforcement and/or fire officials.

Response to Criminal Trespass/Indication of Security Compromise (Non-Hostile)

- In the event an agent detects that criminal trespass has occurred, the agent should report this information to the Director of Security or a security agent immediately.
- Security agents will remain at the location of suspected compromise when possible.
- Agents must immediately notify the Director of Security for a determination of actions to be taken.
- Agents will secure the compromised area and conduct an inventory of the contents and check for tampering or missing inventory.
- If necessary, the Director of Security will request assistance from law enforcement and notify the Commission as required.
- If immediate evacuation is necessary due to an emergency, storage containers and controlled areas will be examined upon return to determine whether marijuana, marijuana products, or cash were left unattended or if any marijuana, marijuana products, or cash are missing following an inventory check. The Director of Security will prepare an Incident Report that will be submitted to the Chief Operating Officer.
- Any emergency or event that would inhibit or prevent the proper safeguarding of inventory will be reported immediately to the Director of Security.

Emergency Evacuation Plan

- In the event of a fire or other emergency in which evacuation is necessary, an agent designated by the Director of Security will be responsible for coordinating and directing an orderly evacuation of each assigned section of the Apotheca Facility. Drills for evacuation and lock down will be coordinated with law enforcement. Evacuation priorities for agents consist of the following:
 - Moving occupants who are closest to the danger to a safe area near or at an emergency exit;
 - Directing occupants to evacuate the building through the nearest emergency exit; and
 - After safely exiting the building, proceeding directly to the predetermined assembly area to participate in “roll call” led by the Director of Security.
- In the event that Apotheca receives a bomb threat, the agent receiving the threat should immediately notify a manager and dial 911. In the event of a bomb threat and/or explosion, all occupants should be evacuated as described above.
- In the event of a fire, the agent discovering the fire should activate the internal fire alarm immediately.
- Security agents should dial 911.
- If safe to do so and at the agent’s discretion, the agent will attempt to extinguish the fire.
- If possible, agents leaving the affected area will attempt to turn off electrical equipment and close doors against the fire.
- All occupants will exit the building using the nearest safe exit.

- Occupants will assemble for a “roll call” in the designated evacuation area, ensuring that they remain clear of responding fire apparatus.
- Smoke and fire alarms will be tested on a monthly basis.
- Fire extinguishers and the fire suppression system will be tested/inspected on an annual basis.
- The Director of Security will ensure that an annual fire evacuation drill is conducted, documented, and performed in consultation with the local fire department.
- Fire evacuation maps will be clearly posted throughout the Apothca Facility.

Response to Fire

- In the event of a fire, the agent discovering the fire will immediately dial 911 and activate the internal fire alarm.
- If safe to do so and at the agent’s discretion, the agent may extinguish the fire.
- If possible, agents leaving the affected area should attempt to turn off electrical equipment and close doors to prevent the spread of smoke or fire.
- All occupants will exit the building using the nearest safe exit.
- Occupants will assemble for a “roll call” in the designated evacuation area, ensuring that they remain clear of responding fire apparatus.
- Smoke and fire alarms to be tested on a monthly basis.
- Fire extinguishers and the fire suppression system to be tested/inspected on an annual basis.
- The Director of Security will perform and document an annual fire evacuation drill in consultation with the local fire department.
- Fire evacuation maps will be clearly posted around the Apothca facility and agents will review the maps on an ongoing basis.

Hazardous Weather/Shelter-In-Place

- Evacuees will follow the public official’s instructions on the Emergency Alert System station.
- In the event that hazardous weather or other natural or manmade circumstances require a shelter-in-place order, the following procedures will be performed by security agents to implement the sheltering plan:
 - Announce to agents that a shelter-in-place has been advised and that the sheltering plan will be implemented;
 - If safe to do so, allow agents to depart prior to putting shelter procedures into place;
 - Take “roll call” and record number of agents who will be sheltering in the facility;
 - Secure and lock all doors and windows;
 - Move agents to a designated sheltering room in center of the facility; and
 - Continue monitoring Emergency Alert System, radio, TV, and other methods of communication to determine when an “All Clear” is issued and the shelter-in-place can be lifted.

Cash Management

Agents that handle and store cash are responsible for the funds while under their control. Apothca will limit the amount of cash in cash drawers by limiting the amount of cash in each

cash drawer at the beginning of an agent's shift and by conducting frequent cash sweeps throughout the day. These measures are designed to reduce the risk of discrepancies and allow for frequent counting to occur.

BioTrack THC point of sale software will track each transaction and a record of all sales transaction will be stored and readily available. Any change made to the POS system must be reviewed and approved by the Chief Operating Officer, in advance of the change being made.

All cash will be secured in a safe and stored in a vault room. The safe will have a four (4) digit combination lock with a slot in which to drop in cash. At no time will the door of the cash storage vault be left open while the room is unattended. If the room is in use, then the outer door will be kept closed. The vault will only be open during the time required to remove/replace cash. Until further agents are identified, the only agents authorized to access the safe will be the Chief Executive Officer, Chief Operating Officer, Director of Security, and Director of Cultivation.

A record of the names of persons having access to the vault room will be maintained by the Director of Security. Access to the vault room is highly restricted and is safeguarded via the use of card key access. Each agents processing transactions is assigned a dedicated POS terminal and cash till. Cash will be counted by till in the following manner:

- Prior to a shift starting by the agent collecting the till and verified by a supervisor; and
- At the end of a shift – each agent is required to reconcile his/her cash drawer at the end of his/her scheduled shift with verification by a supervisor
- The final cash from the agent's shift will be dropped into the cash-drop portion of the safe in the vault room

In the event of a discrepancy, the Director of Security, Chief Executive Officer, and Chief Operating Officer will be notified, and an immediate internal audit will be conducted to determine where and when the discrepancy occurred. If it is determined that there is an error or inaccuracy in the reporting, then the cause will be investigated, and corrective action measures will immediately be put into place to avoid such error or inaccuracy in the future.

Cash will be transported from the Apothca facility to the bank of deposit by a third-party vendor or the Director of Security. Pickups will occur frequently, or as requested by the Chief Executive Officer, Director of Security, or Chief Operating Officer. At no time will agents be transporting cash to/from the bank of deposit with the exception of the Director of Security.

Limited Access Areas

Consumer Access

- All individuals trying to access an Apothca retailer facility will be positively identified to limit access to individuals age 21 years or older.
- Apothca agents must positively identify all individuals to whom marijuana products are being transferred to confirm that each individual is 21 years or older.

Authorized Visitor Access

- Authorized visitors (i.e. outside vendors, contractors and visitors pursuant to 935 CMR 500.110(4)(e)) will be issued a Visitor Badge and be escorted by an authorized Apothca agent at all times.
- Agents will be notified when an authorized visitor is entering a Limited Access Area.
- Authorized visitors are prohibited from remaining on the premises once the purpose of their visit has been completed.

Visitor Access Procedures

- Photograph identification, such as a valid driver's license, will be required for all authorized visitors.
- Visitor Record: A visitor sign-in and sign-out record will be required. This record will include the visitor's name, address, organization or firm, date, time in and out, and the name of the authorized agent who will be escorting the visitor.

Access Control to Limited Access Areas

- Limited Access Areas will be clearly identified with a posted sign that will be a minimum of 12" x 12" and states "DO NOT ENTER – LIMITED ACCESS AREA – ACCESS LIMITED TO AUTHORIZED PERSONNEL ONLY"
- The minimum number of authorized agents essential for efficient operation will have access to inventory, cash, and management offices. Access will be restricted using zoned proximity reader key cards and by maintaining internal automatic locking doors.
- Agents will visibly display their Apothca ID badge while performing job duties on-site or off-site.
- Agents may not bring bags, camera phones, backpacks, or purses from the break room into the areas where consumers and other visitors are present. Agents will use individual lockers for storing personal belongings during scheduled work hours. Any item that could be used for diversion may be prohibited at the discretion of the Director of Security.

Security System

Perimeter Controls, Monitoring, and Controlled Access

- Individuals who are not engaged in an activity expressly permitted under 935 CMR 500.000 are prohibited from the premises of an Apothca facility.
- Proper lighting will be used and maintained at all times, including after normal business hours, in and around an Apothca facility. The lighting will include areas around the premises including entry and exit points, parking areas, and the perimeter fence lines.
- Foliage on the premises will be maintained in a manner that does not allow persons to conceal themselves from sight.
- All entry points and perimeter windows will be alarmed.
- The perimeter will be monitored twenty-four (24) hours a day by a remote monitoring center and security agent(s).

Building Access Controls

Access will be controlled by card proximity readers and monitored using cameras, a buzzer system, and intercoms. In addition, there is a one-sided window in the security office allowing security agents to view individuals as they approach the main entrance to the dispensary.

Security Checks and Inspections

The Director of Security or a designated alternate will conduct regularly scheduled security checks of the Apothca facility. As an added precaution, areas within the Apothca facility (e.g. growing, processing, and inventory) will be routinely checked throughout the day and at the beginning and close of each operational period to ensure that materials, equipment, and rooms appear to be properly maintained. If an area is not found to be in order, security agents will contact the Director of Cultivation as well as the Director of Security and document the incident in a report to be approved by the Director of Security.

Prohibited Items and Weapons

Items that constitute a threat to agents, state and local law enforcement, consumers, visitors, and the Apothca facility are expressly prohibited on the premises, regardless of whether the individual or agent holds a valid permit to carry a weapon. This includes, but is not limited to, items such as firearms, knives, pepper sprays, chemicals, explosives, clubs, box cutters, and any items deemed unlawful by law enforcement.

Intrusion Detection Systems (IDS)

The custom IDS includes intrusion detection, camera monitoring, fire alarms, motion sensors, and proximity reader components, among other features.

- Central Monitoring Station:
 - The IDS has multiple redundancies in place to ensure connectivity with the central monitoring station including, but not limited to, a secure connection using digital, wireless, and radio-controlled frequencies.
 - When the central monitoring station detects an intrusion, malfunction, or tampering, security agents, law enforcement, and management will be notified within five (5) minutes after the failure, either by text message, email, or telephone. If needed, repairs to the IDS system will be made immediately or within a 24-hour period.
- IDS Operations
 - The IDS will have all external zones activated twenty-four (24) hours a day, and internal zones will be armed on a regularly scheduled time period. A daily record will be maintained at the Apothca facility and will identify the person responsible for setting and deactivating the IDS. In most cases, the system will self-arm on a regularly scheduled basis, and all exterior points of access will be armed at all times.
 - A failure to activate or deactivate the IDS will be reported to the Director of Security and a record will be maintained for at least ninety (90) days.
 - Records will also be maintained for ninety (90) days indicating time of receipt of alarm, name of security staff responding, time of dispatch to the Apothca facility, response time until security staff arrived at the alarm location, nature of the alarm, and relevant response actions.
- Surveillance Room
 - All security system equipment and recordings will be maintained in a secure location on-site that will remain locked and will not be used for any other function.
 - Access to the designated rooms will be limited to those agents that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, authorized security system service personnel, and the Commission.

- A current list of authorized agents and service personnel that have access to designated security rooms and surveillance rooms will be made available to the Commission and law enforcement officials upon request.
- Power Outage
 - Apothca has a separate power source that will provide electricity to all security systems in the event of a power outage. This power source will remain independent from the main power source.
 - Apothca will immediately notify appropriate law enforcement authorities and the Commission within twenty-four (24) hours in the event of a failure of any security alarm system due to a loss or electrical power or mechanical malfunction that is expected to last longer than eight (8) hours.

Video Surveillance

- As required by 935 CMR 500.110(5)(a)(4)-(9), video recordings will allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video will have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video will also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings will be erased or destroyed prior to disposal.
- Video surveillance cameras are located in all areas that may contain marijuana or marijuana products including all points of entry and exit to Apothca, the perimeter of the building, and in all parking lot areas. In addition, the following requirements will be met:
 - Cameras will be present in all areas within the Apothca facility.
 - Camera placement is capable of clearly capturing any person entering/exiting the Apothca facility.
 - All video recordings contain a date/time stamp.
 - Cameras will be angled to capture a clear and certain identification any person entering/exiting Apothca or restricted area and lighting conditions will be appropriate for the area under surveillance.
- Video cameras will be capable of producing clear, color, high-resolution photo (live or recorded), and images will include date/time frame recording that does not obscure the photo. Twenty-four (24) hour recordings from all video cameras will be available for immediate viewing by the Commission upon request. These recordings will be retained for a minimum of ninety (90) days, will not be destroyed or altered, and will be retained as long as necessary if Apothca is aware of a pending criminal, civil or administrative investigation for which the recording may contain relevant information.
- All security equipment (cameras, alarms, etc.) will be kept in working order and subject to inspection and testing at intervals not to exceed thirty (30) calendar days from the previous inspection

Redundant Notification Systems

Apothca will have a failure notification system that will send an alert to designated employees of Apothca within five minutes after the failure pursuant to 935 CMR 500.110(5)(a)(1)-(3).

Internal Alarms

For the safety of all agents, consumers, state or local law enforcement, and authorized visitors, panic/duress alarms will be located throughout the Apothca facility and connected to local law enforcement authorities.

Incident Reporting

Overview

- **Reportable Incidents:** Apothca will immediately notify local law enforcement officials and the Commission within twenty-four (24) hours after discovering the following:
 - Discrepancies identified during inventory, including diversion, theft, loss, and any criminal action involving Apothca or an Apothca agent;
 - Any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person;
 - Unauthorized destruction of marijuana;
 - Any loss or unauthorized alteration of records related to marijuana;
 - An alarm activation or other event that requires response by public safety personnel;
 - The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and
 - Any other breach of security.
- **Documenting and Reporting:** Within ten (10) calendar days, Apothca will provide written notice to the Commission of any incident described above, by submitting an incident report in a form and manner determined by the Commission that details the circumstances of the event, any corrective actions taken, and confirmation that the appropriate law enforcement authorities were notified. Reports and supporting documents, including photos and surveillance video related to a reportable incident will be maintained by Apothca for a minimum of one (1) year and made available to the Commission and to law enforcement authorities acting within their lawful jurisdiction upon request.

Documenting and Reporting

Within ten (10) calendar days, Apothca will provide written notice to the Commission of any incident described above, by submitting an incident report form, detailing the incident, the investigation, the findings, resolution (if any), confirmation that local law enforcement was notified, and any other relevant information. Reports and supporting documents, including photos and surveillance video related to a reportable incident, will be maintained by Apothca for a minimum of two (2) years and made available to the Commission and to law enforcement authorities acting within their lawful jurisdiction upon request.

Using BioTrack, Apothca will document all handling of marijuana as plants move through the different rooms located within a Apothca facility. Agents who handle marijuana or marijuana products will be appropriately monitored through video surveillance. All finished marijuana and marijuana product inventory will be audited on a weekly basis, while certain inventory will be audited on a daily basis (e.g. contents of the Dry Room). Inventory audits will identify any discrepancies and/or suspected diversion. Apothca agents will be subject to random security checks, including searches of personal items brought into a facility.

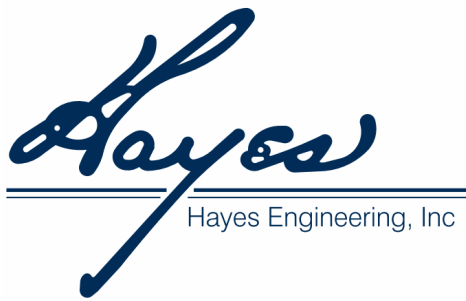
Marijuana Establishment Internal Audit

Security Audits

In addition to the monthly security system inspection, Apothca will perform a security system audit using an external vendor approved by the Commission. The audit report will be submitted to the Commission no later than thirty (30) calendar days after the audit is conducted. If the audit identifies areas for improvement related to the security system, Apothca will also submit a plan to mitigate those concerns within ten (10) business days.

Security Recordkeeping

The Director of Security is responsible for maintaining all security-related records and reports.



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Fax: (781) 246-7596

Nantucket, MA 02554
Tel: (508) 228-7909

Memorandum

Refer to File No. _____

TO: Arlington Redevelopment Board
FROM: Tony Capachietti, *Project Manager*
DATE: October 15, 2019

SUBJECT: Apothca, Inc.
LEED Practices
1386 Massachusetts Avenue

Accompanying this memorandum please find attached the Leed Existing Building Project Checklist for the above referenced project. The Applicant proposes to implement the following practices in conjunction with the project:

- Encourage alternative modes of transportation to the site for employees and customers. The Applicant will offer subsidies for public transit to employees and publish public transportation information on the company website and in-store for customers;
- Install energy efficient LED fixtures for exterior lighting. All lighting shall be dark sky compliant;
- All electric fixtures and appliances to be upgraded at the site shall have a minimum Energy Star rating of 71;
- Retrofit all plumbing fixtures at the property to be water conserving type;
- Coordinate with the Arlington Water Department to replace water meter, if necessary;
- Replace all mercury containing fluorescent bulbs at the facility with energy efficient LED bulbs;
- Add gas traps to the existing catch basins, if not currently equipped, to improve stormwater quality existing the site.



LEED 2009 for Existing Buildings: Operations & Maintenance

Project Checklist

Apothca - 1386 Mass Ave - Arlington

6-Oct-19

4	0	0	Sustainable Sites		Possible Points: 26	<div>Notes: Apothca will encourage alternative modes of transportation for all employees and is committed to a reduction of 10% or more in SOV to the facility. Proposed lighting is dark sky compliant.</div>
Y	?	N				
		0	Credit 1	LEED Certified Design and Construction	4	
		0	Credit 2	Building Exterior and Hardscape Management Plan	1	
		0	Credit 3	Integrated Pest Management, Erosion Control, and Landscape Management Plan	1	
3			Credit 4	Alternative Commuting Transportation	3 to 15	
			<input checked="" type="checkbox"/>	Reduce by 10%	3	
			<input type="checkbox"/>	Reduce by 13.75%	4	
			<input type="checkbox"/>	Reduce by 17.5%	5	
			<input type="checkbox"/>	Reduce by 21.25%	6	
			<input type="checkbox"/>	Reduce by 25%	7	
			<input type="checkbox"/>	Reduce by 31.25%	8	
			<input type="checkbox"/>	Reduce by 37.5%	9	
			<input type="checkbox"/>	Reduce by 43.75%	10	
			<input type="checkbox"/>	Reduce by 50%	11	
			<input type="checkbox"/>	Reduce by 56.25%	12	
			<input type="checkbox"/>	Reduce by 62.5%	13	
			<input type="checkbox"/>	Reduce by 68.75%	14	
			<input type="checkbox"/>	Reduce by 75%	15	
		0	Credit 5	Site Development—Protect or Restore Open Habitat	1	
		0	Credit 6	Stormwater Quantity Control	1	
		0	Credit 7.1	Heat Island Reduction—Non-Roof	1	
		0	Credit 7.2	Heat Island Reduction—Roof	1	
1			Credit 8	Light Pollution Reduction	1	

2	0	0
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Water Efficiency

Possible Points: 14

Y	?	N
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Y		
1		

Prereq 1

Minimum Indoor Plumbing Fixture and Fitting Efficiency

Credit 1

Water Performance Measurement

1

Whole building metering

0

Submetering

1		
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Credit 2

Additional Indoor Plumbing Fixture and Fitting Efficiency

1

Reduce by 10%

--

Reduce by 15%

--

Reduce by 20%

--

Reduce by 25%

--

Reduce by 30%

		0
--	--	---

Credit 3

Water Efficient Landscaping

--

Reduce by 50%

--

Reduce by 62.5%

--

Reduce by 75%

--

Reduce by 87.5%

--

Reduce by 100%

		0
--	--	---

Credit 4

Cooling Tower Water Management

--

Chemical Management

--

Non-Potable Water Source Use

1 to 2

1

2

1 to 5

1

2

3

4

5

1 to 5

1

2

3

4

5

1 to 2

1

2

Notes:

Apothca will retrofit existing plumbing fixtures to water conserving fixtures whenever possible.

1	0	0	Energy and Atmosphere	Possible Points: 35
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Y ? N

Y			Prereq 1	Energy Efficiency Best Management Practices	
Y			Prereq 2	Minimum Energy Efficiency Performance	
Y			Prereq 3	Fundamental Refrigerant Management	
1			Credit 1	Optimize Energy Efficiency Performance	1 to 18
				1 ENERGY STAR Rating of 71 or 21st Percentile Above National Median	1
				ENERGY STAR Rating of 73 or 23rd Percentile Above National Median	2
				ENERGY STAR Rating of 74 or 24th Percentile Above National Median	3
				ENERGY STAR Rating of 75 or 25th Percentile Above National Median	4
				ENERGY STAR Rating of 76 or 26th Percentile Above National Median	5
				ENERGY STAR Rating of 77 or 27th Percentile Above National Median	6
				ENERGY STAR Rating of 78 or 28th Percentile Above National Median	7
				ENERGY STAR Rating of 79 or 29th Percentile Above National Median	8
				ENERGY STAR Rating of 80 or 30th Percentile Above National Median	9
				ENERGY STAR Rating of 81 or 31st Percentile Above National Median	10
				ENERGY STAR Rating of 82 or 32nd Percentile Above National Median	11
				ENERGY STAR Rating of 83 or 33rd Percentile Above National Median	12
				ENERGY STAR Rating of 85 or 35th Percentile Above National Median	13
				ENERGY STAR Rating of 87 or 37th Percentile Above National Median	14
				ENERGY STAR Rating of 89 or 39th Percentile Above National Median	15
				ENERGY STAR Rating of 91 or 41st Percentile Above National Median	16
				ENERGY STAR Rating of 93 or 43rd Percentile Above National Median	17
				ENERGY STAR Rating of 95+ or 45th+ Percentile Above National Median	18
		0	Credit 2.1	Existing Building Commissioning—Investigation and Analysis	2
		0	Credit 2.2	Existing Building Commissioning—Implementation	2
		0	Credit 2.3	Existing Building Commissioning—Ongoing Commissioning	2
		0	Credit 3.1	Performance Measurement—Building Automation System	1
		0	Credit 3.2	Performance Measurement—System-Level Metering	1 to 2
				40% Metered	1
				80% Metered	2
		0	Credit 4	On-site and Off-site Renewable Energy	1 to 6
				3% On-site or 25% Off-site Renewable Energy	1
				4.5% On-site or 37.5% Off-site Renewable Energy	2
				6% On-site or 50% Off-site Renewable Energy	3
				7.5% On-site or 62.5% Off-site Renewable Energy	4
				9% On-site or 75% Off-site Renewable Energy	5
				12% On-site or 100% Off-site Renewable Energy	6
		0	Credit 5	Enhanced Refrigerant Management	1

Notes:

Apothca will choose EnergyStar rating of 71 or greater for all new equipment and will replace existing bulbs with LED wherever feasible.

		0
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Credit 6

Emissions Reduction Reporting

1

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1	0	0	Materials and Resources	Possible Points: 10
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Y	?	N		
Y			Prereq 1	Sustainable Purchasing Policy
Y			Prereq 2	Solid Waste Management Policy
		0	Credit 1	Sustainable Purchasing—Ongoing Consumables
		0	Credit 2	Sustainable Purchasing—Durable Goods
				40% of Electric-Powered Equipment
				40% of Furniture
		0	Credit 3	Sustainable Purchasing—Facility Alterations and Additions
1			Credit 4	Sustainable Purchasing—Reduced Mercury in Lamps
		0	Credit 5	Sustainable Purchasing—Food
		0	Credit 6	Solid Waste Management—Waste Stream Audit
		0	Credit 7	Solid Waste Management—Ongoing Consumables
		0	Credit 8	Solid Waste Management—Durable Goods
		0	Credit 9	Solid Waste Management—Facility Alterations and Additions

Notes:

2	0	0	Indoor Environmental Quality	Possible Points: 15
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Y	?	N		
Y			Prereq 1	Minimum IAQ Performance
Y			Prereq 2	Environmental Tobacco Smoke (ETS) Control
Y			Prereq 3	Green Cleaning Policy
		0	Credit 1.1	Indoor Air Quality Best Management Practices—Indoor Air Quality Management Program
		0	Credit 1.2	Indoor Air Quality Best Management Practices—Outdoor Air Delivery Monitoring
		0	Credit 1.3	Indoor Air Quality Best Management Practices—Increased Ventilation
1			Credit 1.4	Indoor Air Quality Best Management Practices—Reduce Particulates in Air Distribution
1			Credit 1.5	Indoor Air Quality Best Management Practices—Facility Alterations and Additions
		0	Credit 2.1	Occupant Comfort—Occupant Survey
		0	Credit 2.2	Controllability of Systems—Lighting
		0	Credit 2.3	Occupant Comfort—Thermal Comfort Monitoring
		0	Credit 2.4	Daylight and Views
		0	Credit 3.1	Green Cleaning—High Performance Cleaning Program
		0	Credit 3.2	Green Cleaning—Custodial Effectiveness Assessment
		0	Credit 3.3	Green Cleaning—Purchase of Sustainable Cleaning Products and Materials
		0	Credit 3.4	Green Cleaning—Sustainable Cleaning Equipment
		0	Credit 3.5	Green Cleaning—Indoor Chemical and Pollutant Source Control
		0	Credit 3.6	Green Cleaning—Indoor Integrated Pest Management

Notes:

0	0	0	Innovation in Operations	Possible Points: 6
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Y	?	N			
		0	Credit 1.1 Innovation in Operations: Specific Title	1	Notes:
		0	Credit 1.2 Innovation in Operations: Specific Title	1	
		0	Credit 1.3 Innovation in Operations: Specific Title	1	
		0	Credit 1.4 Innovation in Operations: Specific Title	1	
		0	Credit 2 LEED Accredited Professional	1	
		0	Credit 3 Documenting Sustainable Building Cost Impacts	1	

0	0	0	Regional Priority Credits	Possible Points: 4
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Y	?	N			
		0	Credit 1.1 Regional Priority: Specific Credit	1	Notes:
		0	Credit 1.2 Regional Priority: Specific Credit	1	
		0	Credit 1.3 Regional Priority: Specific Credit	1	
		0	Credit 1.4 Regional Priority: Specific Credit	1	

10	0	0	Total	Possible Points: 110
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Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110



BOSTON | DENVER | JACKSONVILLE | LOS ANGELES

2 SEAPORT LANE, 11TH FLOOR
BOSTON, MA 02210
TEL: 617.934.2121

December 26, 2019

Chairman Andrew Bunnell
Arlington Redevelopment Board
730 Mass Ave Annex
Arlington, MA 02476

Re: UPDATES TO APOTHC A INC. SPECIAL PERMIT SUBMISSION TO OPERATE A RETAIL MARIJUANA ESTABLISHMENT AT 1386 MASSACHUSETTS AVENUE

Dear Chairman Bunnell:

On behalf of Apothca Inc. (“**Apothca**”) and in response to the feedback received by the Arlington Redevelopment Board and Erin Swirko, Assistant Director of the Town of Arlington’s Department of Planning and Community Development, please find the below-listed updates and supplemental materials to Apothca’s application for an Environmental Design Review Special Permit to operate a Marijuana Retail Establishment at 1386 Massachusetts Avenue in Arlington.

Responses to Materials Requested by the Arlington Redevelopment Board

1. Prepare a sign plan that details the attachment method, the lighting, the sign materials, dimensions, etc.

Please see Exhibit A, which demonstrates the detail of the proposed signage including sign location, design, and dimensions. The sign will be affixed to the interior window utilizing adhesive vinyl. Apothca does not propose lighting to illuminate the sign. The window will not exceed more than 25 percent of the glass to which it is affixed.

2. Improve the proposed building elevation to include the details of the storefront modifications and any repair or improvements to the facade (i.e., as discussed, there is likely some fading of the facade behind the existing signage).

Please see the building elevations enclosed hereto as Exhibit A that detail storefront modifications. As noted on the elevations, the building will be pressure washed to provide a uniform experience. Pressure washing will be conducted seasonally as needed to preserve the exterior experience.

3. Prepare a plan that details the trench drains across the enter/exit drive aisles and rain garden system in the landscaped area.

Please see the site plan enclosed hereto as Exhibit B. Due to existing site constraints on the parcel, it is not feasible to install a rain garden in the small landscaped area. Apothca has revised the site plan to indicate subtle regrading of the driveway to create low points for the replacement of installation of new particle separators with catch basin grate inlets. Additionally, speed bumps have been integrated into the plan to minimize the amount of stormwater that leaves the site to the public right of way.

4. Investigate further improvements to the catch basins.

Please see the site plan enclosed hereto as Exhibit B. Apothca has revised the site plan to indicate subtle regrading of the driveway to create low points for the replacement of installation of new particle separators with catch basin grate inlets. Additionally, speed bumps have been integrated into the plan to minimize the amount of stormwater that leaves the site to the public right of way.

5. Improve the landscaping plan, including discussing screening solutions (such as improving the existing fence) with the neighbors and plant selections with the Tree Warden.

Please see the site plan enclosed hereto as Exhibit B, which demonstrates that the southerly and easterly property lines will be screened through the installation of a new wood or vinyl stockade fence. Apothca has not received any correspondence from the Tree Warden, but notes on the plans that all plantings should be approved by the Tree Warden prior to installation. Apothca will make modifications requested by the Tree Warden should he have any. Further, Apothca will address the rodent problem reported by abutters prior to project construction. Apothca will ensure that its construction team utilizes industry standard Integrated Pest Management procedures and, as applicable, pest control vendors, to reduce the likelihood of recolonization or movement to abutting sites.

6. Add additional lighting for the enter/exit drive aisles.

Please see the site plan enclosed hereto as Exhibit B, which reflects the lighting modifications requested by the Board. Apothca has also incorporated illuminated pedestrian warning signage at the exit driveway.

7. Complete the LEED checklist for interiors.

Please see a LEED checklist, attached hereto as Exhibit C.

8. Provide more detailed narrative on how medical customers will be served versus recreational customers (especially related to queuing and purchasing).

Please see a narrative on how medical customers will be served versus recreational customers, attached hereto as Exhibit D.

9. Prepare a Transportation Demand Management Plan in which you discuss incentives for employees to use public transit and how long term and short term bicycle parking will be accommodated onsite. Section 6.1.5 of the Zoning Bylaw offers some other suggestions on what could be included in a TDM Plan (although framed relative to a parking reduction allowance in the bylaw which can be ignored since you are not requesting that reduction).

Please see Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E.

10. Prepare a Queuing and Parking Management Plan. This should not just be for the high volume days or for the first 30 days, but rather think about worst case scenarios and how you plan to address them with the available space on the site (especially related to crowd control since you will have people and vehicles in the parking lot).

Please see Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E.

**Responses to December 9, 2019 Memoranda from the
Arlington Transportation Advisory Committee**

11. The TIS uses vehicle trip generation rates for the existing and proposed use from Institute of Transportation Engineers (ITE). The report correctly notes these rates should be used with caution because of small sample size. Specifically the sample size for the existing use is one site and for the proposed use is four (nine in evening peak hour) sites, all located in Colorado and Oregon. Further, the four dispensary sites varied widely in size and number of trips with little correlation between the two. No trip generation information is provided from sites in Massachusetts, which would be more appropriate and should be available from the observations made in Brookline, Salem and Gardner. Another source of trip generation data is Spack Consulting whose weekday morning and evening peak hour rates for dispensaries are 12 and 28 percent, respectively, higher than ITE rates.

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement utilizing traffic counts compiled in November 2019 for Apothca's facility in Lynn, Massachusetts.

12. The TIS (page 4) takes a 50 percent reduction in trips on Mass Ave for pass-by or diverted trips. These are trips that would already be on the adjacent roadway (pass by) or on nearby roadways (diverted). Trips diverted from other roadways in the area would still be added to Mass Ave which is the roadway of critical concern. The only reduction should be for pass-by trips and a reduction of 50 percent for pass-by trips seems very high.

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement that outlines the rationale for pass-by or diverted trip figures.

13. Based on the reduction for pass-by and diverted trips, the report concludes that the number of trips added to Mass Ave will be less than one percent of the existing volume (based on a Massachusetts Department of Transportation count station on Mass Ave at Appleton Street). The analysis is based on daily traffic, but the traffic impact should be analyzed for the morning and evening peak hours when existing traffic volumes are highest and the impact of the dispensary likely greatest. The TAC recently had peak hour traffic counts taken at the Mass Ave/Park Ave intersection and would be happy to share the peak hour volumes entering and exiting Mass Ave west of the intersection to help with the analysis.

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement that outlines the rationale for the above mentioned analysis.

14. On page 4, the TIS states that 13 parking spaces will be provided on site, however, the site plan shows 12 spaces, including one handicap space.

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement with corrected parking figures.

15. Based on customer turnover times between 15 and 20 minutes, the 12-space lot could handle 36 to 48 vehicles in an hour. The report concludes the proposed 12 parking spaces are adequate to meet the projected demand of 33 vehicles in the peak hour based on projected trip generation. However, if the higher trip generation rates cited in comment 1 above are applicable the evening trip generation would be 84 trips, or 42 vehicles. That is the demand if average customer turnover is about 17 minutes.

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement utilizing traffic counts compiled in November 2019 for Apothca's facility in Lynn, Massachusetts. This will provide further details relative to peak trip generation figures.

16. How will parking and traffic be handled if the lot becomes full? What is the status of on-street parking on Mass Ave in the vicinity of the site?

As outlined in Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E, in the unlikely instance that the parking lot becomes full, Apothca's parking lot attendant will direct customers to the nearby parking lot in Arlington Center and/or Lexington Center where shuttle busses will be available to transport them. Customers will be encouraged to utilize these shuttles via Apothca's website and social media channels. The shuttles will be operative for at least the first 30 days and continued as needed through continued collaboration with the Arlington Police Department.

There are numerous on-street parking spaces available on Massachusetts Avenue in the vicinity of the site.

17. Based on the experience of other dispensary openings in Massachusetts, traffic and parking demand should be estimated for an initial period after opening to handle demand

beyond that analyzed in the report. This information should be shared with the Arlington Police Department and a plan for handling larger opening crowds developed in cooperation with the APD.

Please see Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E. As outlined in the Plan, in the unlikely instance that the parking lot becomes full, Apothca's parking lot attendant will direct customers to the nearby parking lot in Arlington Center and/or Lexington Center where shuttle busses will be available to transport them. Customers will be encouraged to utilize these shuttles via Apothca's website and social media channels. The shuttles will be operative for at least the first 30 days and continued as needed through continued collaboration with the Arlington Police Department.

18. Will bicycle parking be provided for customers? Is there adequate storage space in the building for inside parking of staff bicycles?

Please see the site plan enclosed hereto as Exhibit B. Bicycle parking is available on site for customers. Apothca does not seek to offer storage space inside of the building for inside parking of staff bicycles.

19. On page 4, please note that MBTA bus route 1 does not serve Arlington and the nearest 78 bus stop is not convenient to the site.

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement with corrected public transit information.

20. How does Apothca intend to encourage MBTA use? Will it provide subsidized MBTA passes to its employees?

Apothca is willing to undertake any of the following traffic mitigation efforts to protect against adverse effects:

- Provide 65% MBTA T-Pass subsidies, up to the federal fringe benefit, to all employees, with a pro-rated incentive for any part-time employees;
- Provide lockers in the break room for employees that walk or bike to work;
- Compile and provide to all employees, including during employee orientation, up to date transportation information explaining all commuter options;
- Participate in transportation-related training offered by the Town of Arlington or a local Transportation Management Association; or
- Designate a Transportation Coordinator to develop and manage the implementation of a Transportation Demand Management plan.

21. The site plan shows no location for a dumpster. How will trash be handled?

Business waste will be stored indoors in commercial trash bins and wheeled outside for trash collection on designated pick up days.

22. How will deliveries to the site be handled?

Apothca will ensure that all routes used for the transportation of marijuana or marijuana products are randomized and remain within the Commonwealth. Delivery vehicles will be strictly prohibited from unlawful parking activity, including double parking on Massachusetts Avenue. Apothca will have advance notice when a delivery occurs. Due to security concerns, Apothca respectfully requests that logistic information surrounding deliveries, including vehicle locations, security protocol, and frequency, be limited to conversations with the Arlington Police Chief.

23. There were a few mathematical errors that should be corrected:

- a. The number 109 in the text following Table 3 should be 143.**
- b. The number 143 in the fourth paragraph on page 4 should be 286.**
- c. Any calculations based on these numbers should be revised**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement that has been corrected for any typographical errors.

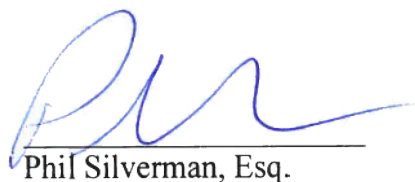
Additional Project Updates

Please note that Apothca has also updated its proposed floorplan to enhance operational efficiency and safety. The updated floorplan is enclosed hereto as Exhibit F.

Apothca met with the Arlington Police Department (the "APD") and has incorporated their feedback into the enclosed Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E. Apothca will enter into a Memorandum of Understanding with the APD relative to traffic, parking, and crowd control.

Thank you for your attention. Please do not hesitate to contact me directly with further questions or concerns.

Sincerely,



Phil Silverman, Esq.

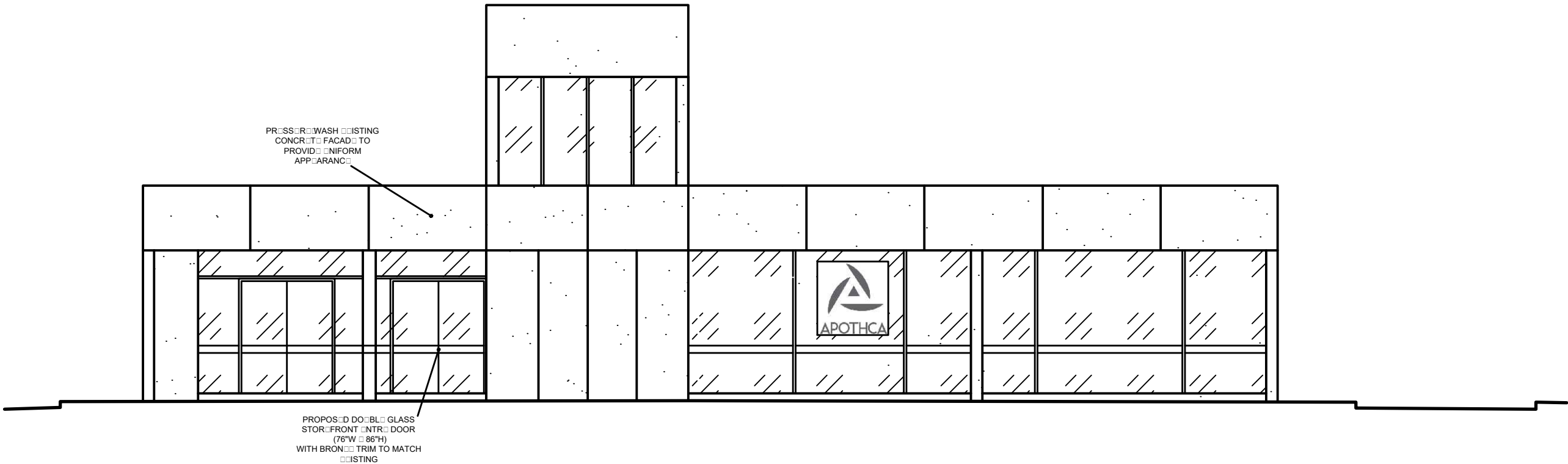
Exhibit A

CONCEPTUAL ELEVATIONS

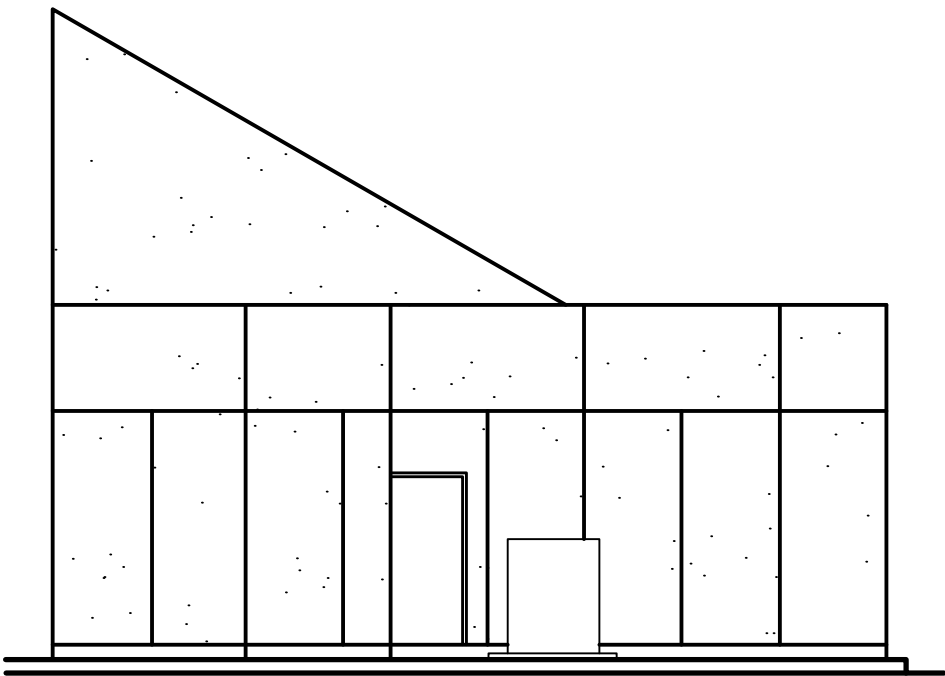
186 MASSACHUSETTS AVENUE ARLINGTON MA

SEPTEMBER 28 2019

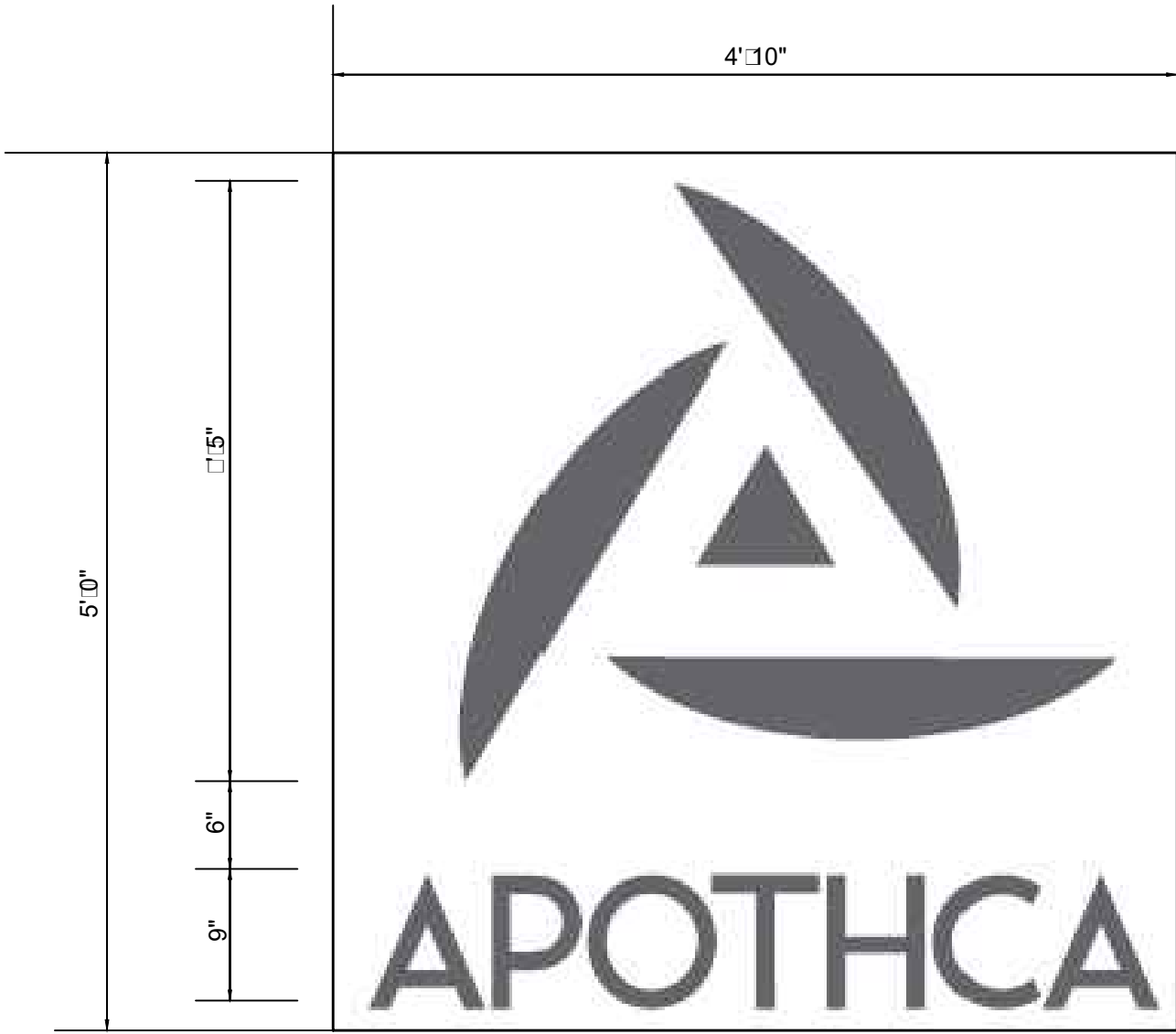
1/8" = 1'-0"



NORTH ELEVATION



WEST ELEVATION



WINDOW SIGN DETAIL
SCALE 1" = 1'-0"

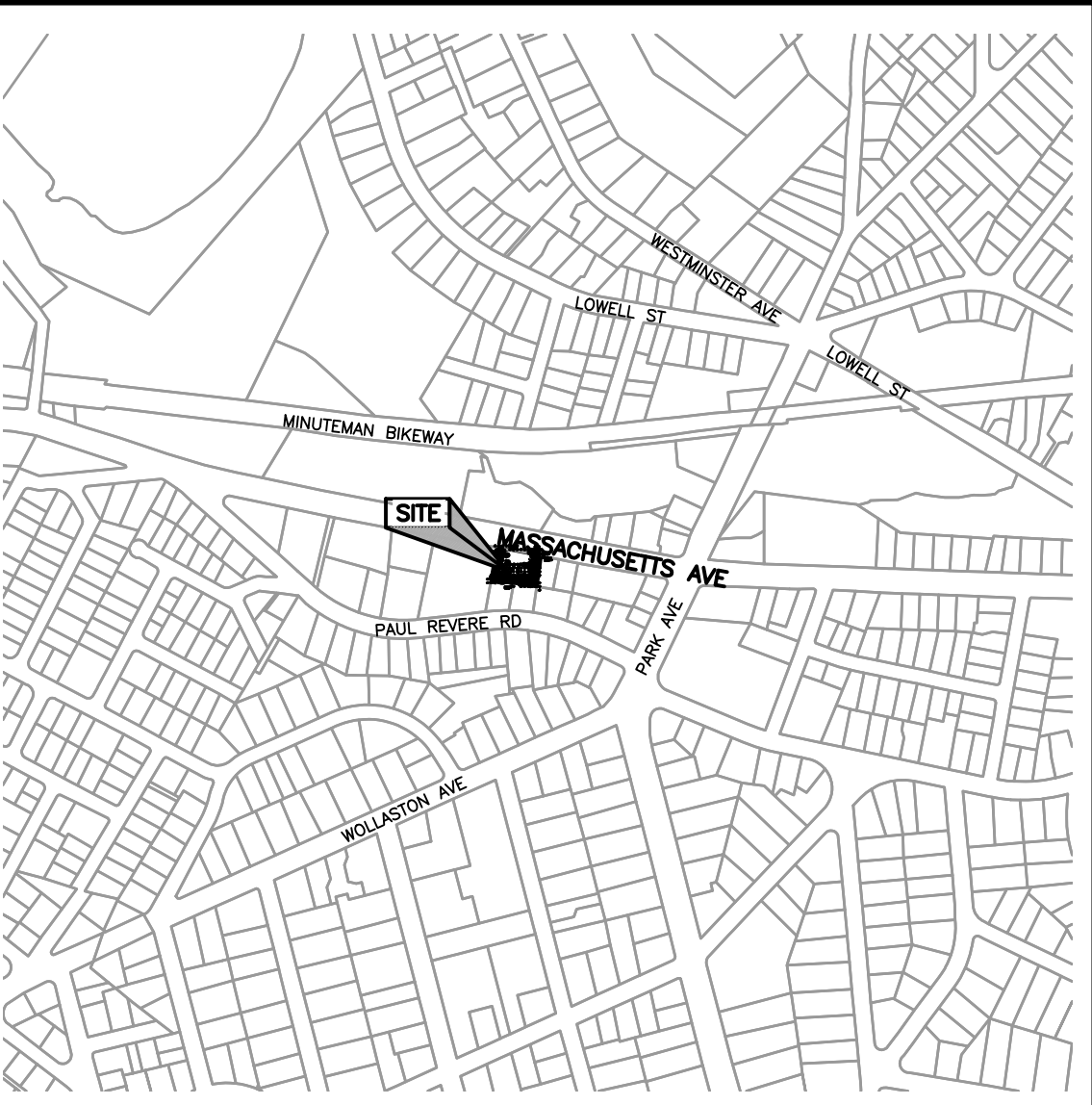
VINYL SIGN AFFIXED TO WINDOW

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1	RELOCATE DOOR/NOTES	12/5/2019
No.	Revision	Date

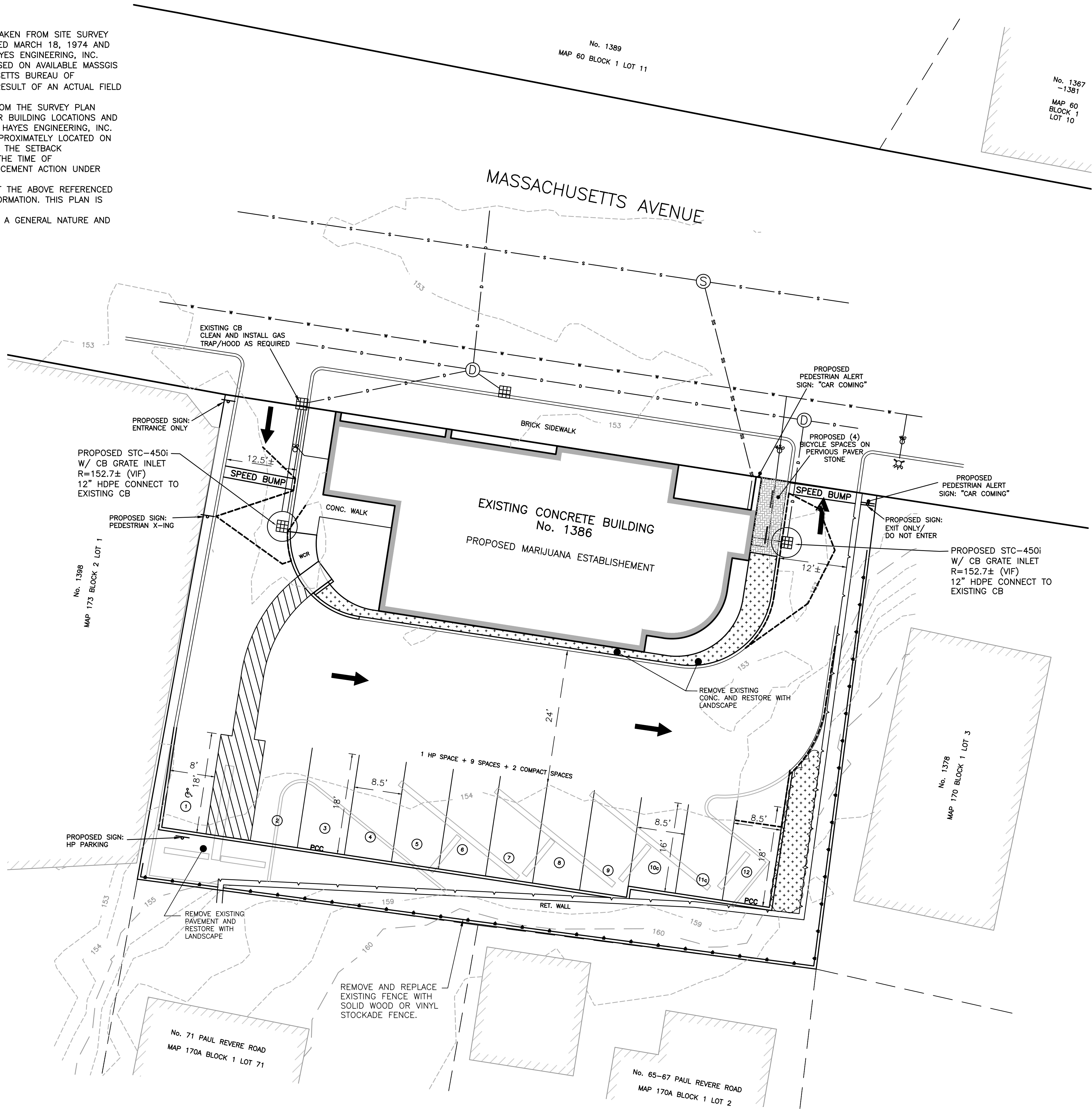
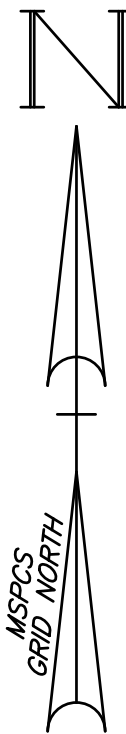
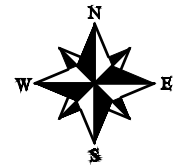
Exhibit B

GENERAL NOTES:

1. VERTICAL DATUM IS NAVD88
2. PROPERTY LINE INFORMATION DEPICTED ON THIS PLAN TAKEN FROM SITE SURVEY PLAN PREPARED BY SOMERVILLE ENGINEERING, INC. DATED MARCH 18, 1974 AND IS NOT TH RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC.
3. TOPOGRAPHIC INFORMATION DEPICTED ON THIS PLAN BASED ON AVAILABLE MASSGIS LIDAR POINT CLOUD DATA PROVIDED BY THE MASSACHUSETTS BUREAU OF GEOGRAPHIC INFORMATION (MASSGIS) AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC.
4. BUILDING LOCATIONS DEPICTED ON THIS PLAN TAKEN FROM THE SURVEY PLAN REFERENCED IN ITEM 2, ABOVE AND MASSGIS 2-D LIDAR BUILDING LOCATIONS AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC. THE PERMANENT STRUCTURES DEPICTED HEREIN ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN. THEY EITHER CONFORMED TO THE SETBACK REQUIREMENTS OF THE LOCAL ZONING ORDINANCES AT THE TIME OF CONSTRUCTION, OR ARE EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER M.G.L., TITLE VII, CHAPTER 40A, SECTION 7.
6. PLAN CONTENTS ARE THE RESULT OF A COMPILATION OF THE ABOVE REFERENCED SOURCES AND VARIOUS RECORD AND NON-RECORD INFORMATION. THIS PLAN IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
7. THE PURPOSE OF THIS PLAN IS TO DEPICT THE SITE IN A GENERAL NATURE AND INDICATE THE PROPOSED CHANGE IN USE ONLY.



VICINITY MAP
SCALE: 1"=500'±



SHEET INDEX	
PLAN TITLE	SHEET DESIGNATION
SITE PLAN	C1
LANDSCAPING PLAN	L1
LIGHTING PLAN	L2
DETAILS	C2

Seal:

Prepared For:

Owner / Applicant
APOTHICA
JOSEPH LEKACH
1955 TYLER STREET
HOLLYWOOD, FL 33020
305.741.6540

Prepared By:

Hayes Engineering, Inc.
1955 Tyler Street
Hollywood, FL 33020
Ph: 781.246.7596
Fax: 781.246.7596
www.hayeseng.com

Design By: AMC
Drawn By: AMC
Checked By: PJO
Project File: ARL-0017
Comp. No: ARL12
☒ Issued For Permit
☐ Issued For Review
☐ Issued For Bid
☐ Issued For Construction
☒ Not For Construction

No.	Revision	Date
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1	ARB COMMENTS	12/16/19

Scale: 1"=10'
0' 5' 10' 20'
Date: October 7, 2019

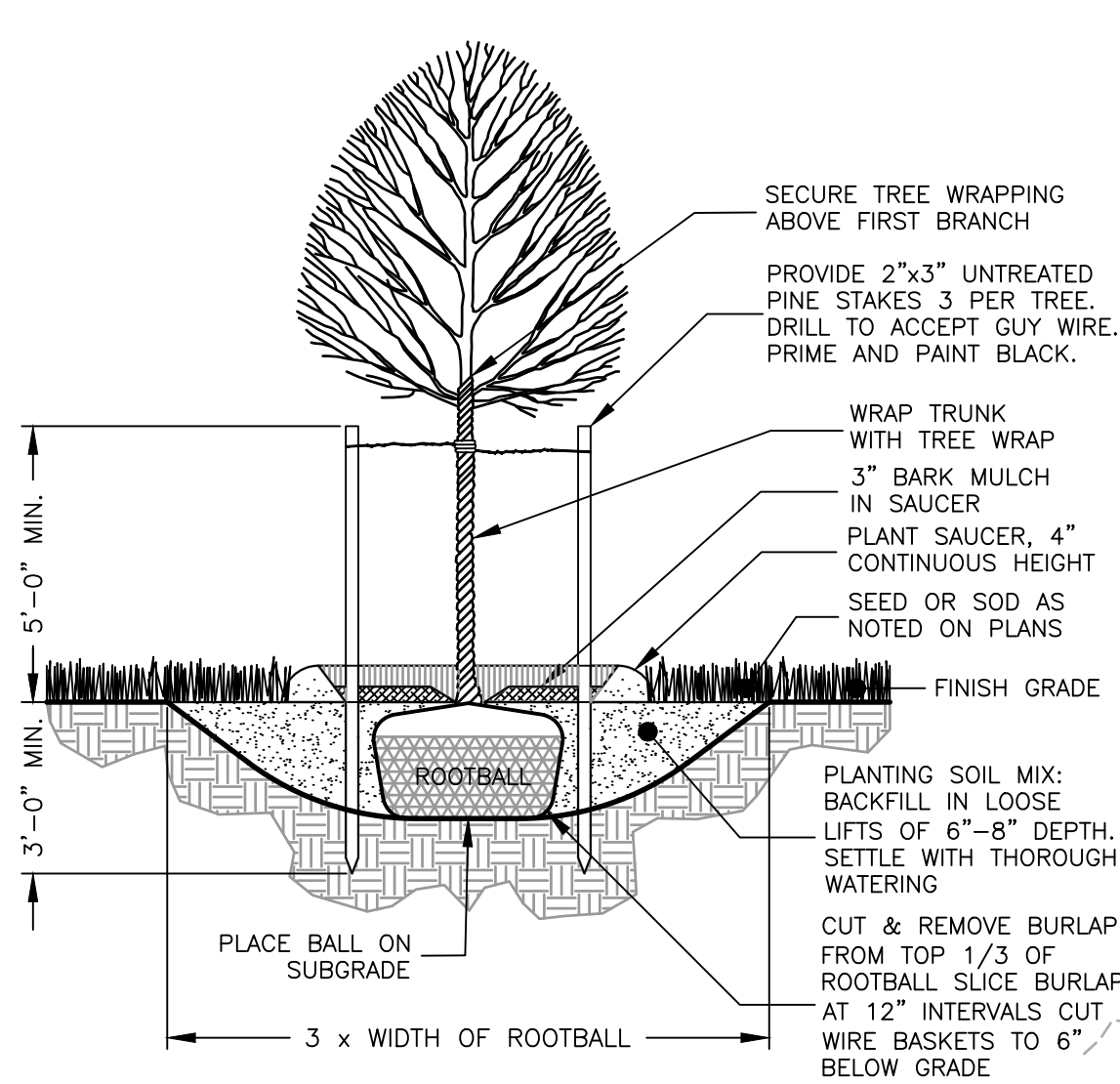
Drawing Title:

SITE PLAN
APOTHICA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Drawing No.:

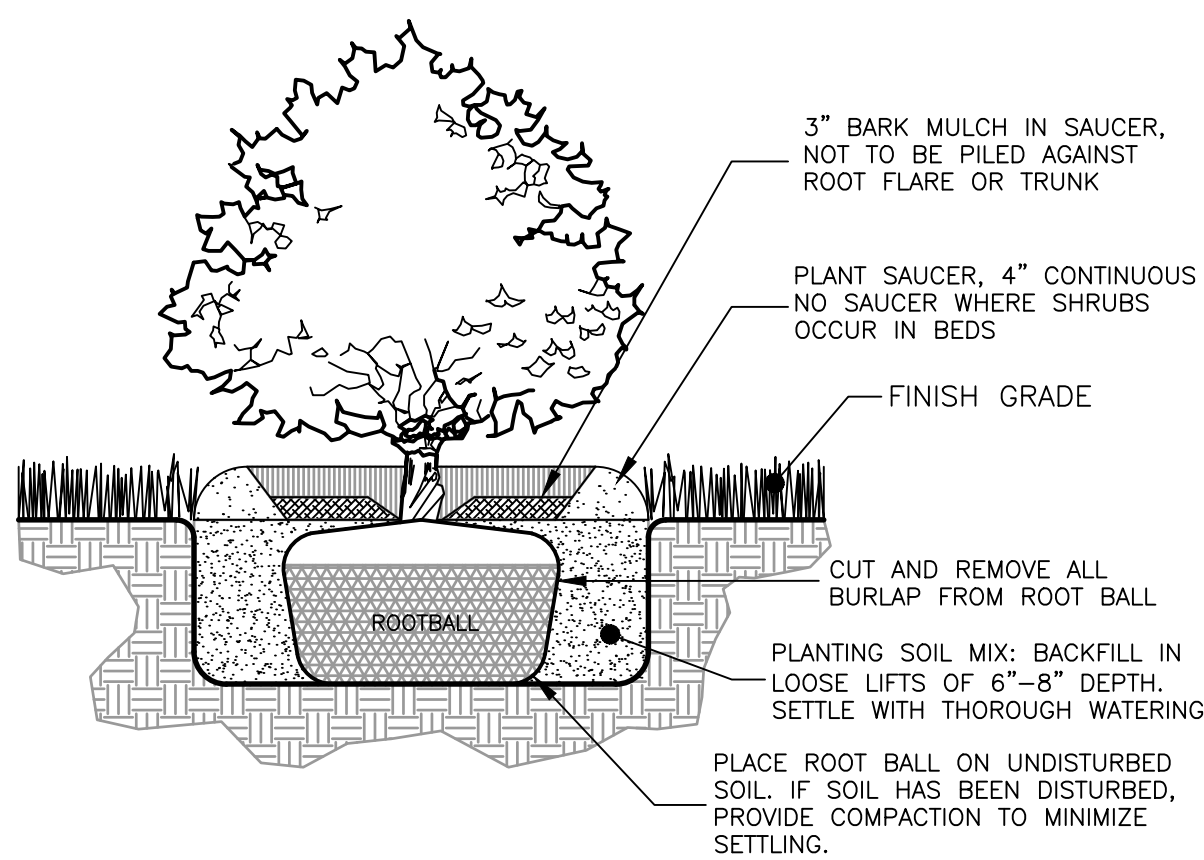
C1

SHEET 1 OF 4



DECIDUOUS TREE PLANTING

NOTE:
TREE SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR
FIELD GRADE.

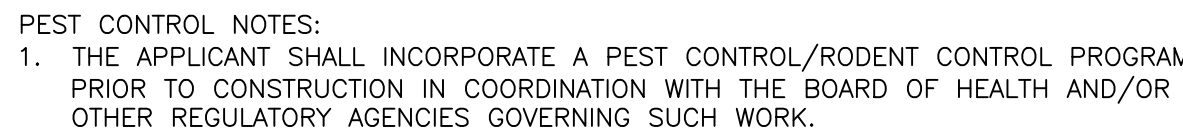


SHRUB PLANTING
NOT TO SCALE

NOTES:


1. SHRUB SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR FIELD GRADE.
2. WHERE SHRUBS OCCUR IN PLANT BED GROUPINGS, PROVIDE A 12" DEEP MINIMUM CONTINUOUS LOAM BED.

PLANT SCHEDULE NOTES:
1. PLANT SELECTIONS AND MATERIALS ARE TO BE APPROVED BY THE TOWN OF ARLINGTON TREE WARDEN.



SHEET 2 OF 4

Sec



D-Series Size 1
LED Area Luminaire

d-series

DLG
DLG
DLG
DLG

Specifications

EPA: 1.01 ft² (0.09 m²)

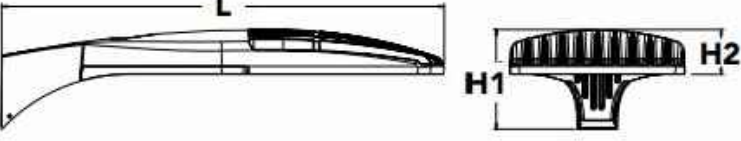
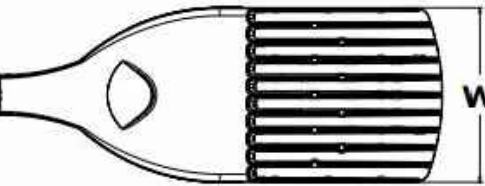
Length: 33" (83.8 cm)

Width: 13" (33.0 cm)

Height H1: 7-1/2" (19.0 cm)

Height H2: 3-1/2" (9.0 cm)

Weight (max): 27 lbs (12.2 kg)



LITHONIA DSX1-LED LIGHT FIXTURE
NOT TO SCALE



KAXW
LED Wall Luminaire

NIGHTTIME
DLG
DLG

Specifications

Length: 14" (35.6 cm)

Width: 12" (30.5 cm)

Height: 5" (12.7 cm)

Weight (max): 19.7 lbs (8.9 kg)



LITHONIA KAXW-LED WALL PACK
NOT TO SCALE

PHOTOMETRIC LEGEND:

DENOTES ISOFOOTCANDLE VALUE 1.4

DENOTES ISOFOOTCANDLE LINE 2.0

GENERAL LIGHTING NOTES:

ILLUMINANCE VALUES SHOWN ARE PROPOSED MAINTAINED HORIZONTAL FOOTCANDLES ON LEVEL GRADE.



PHOTOMETRIC ANALYSIS DOES NOT CONSIDER ANY EXISTING ILLUMINANCE, SHADOW OR REFLECTED LIGHT FROM EXISTING OR PROPOSED OBJECTS AND GRADE DIFFERENCES.

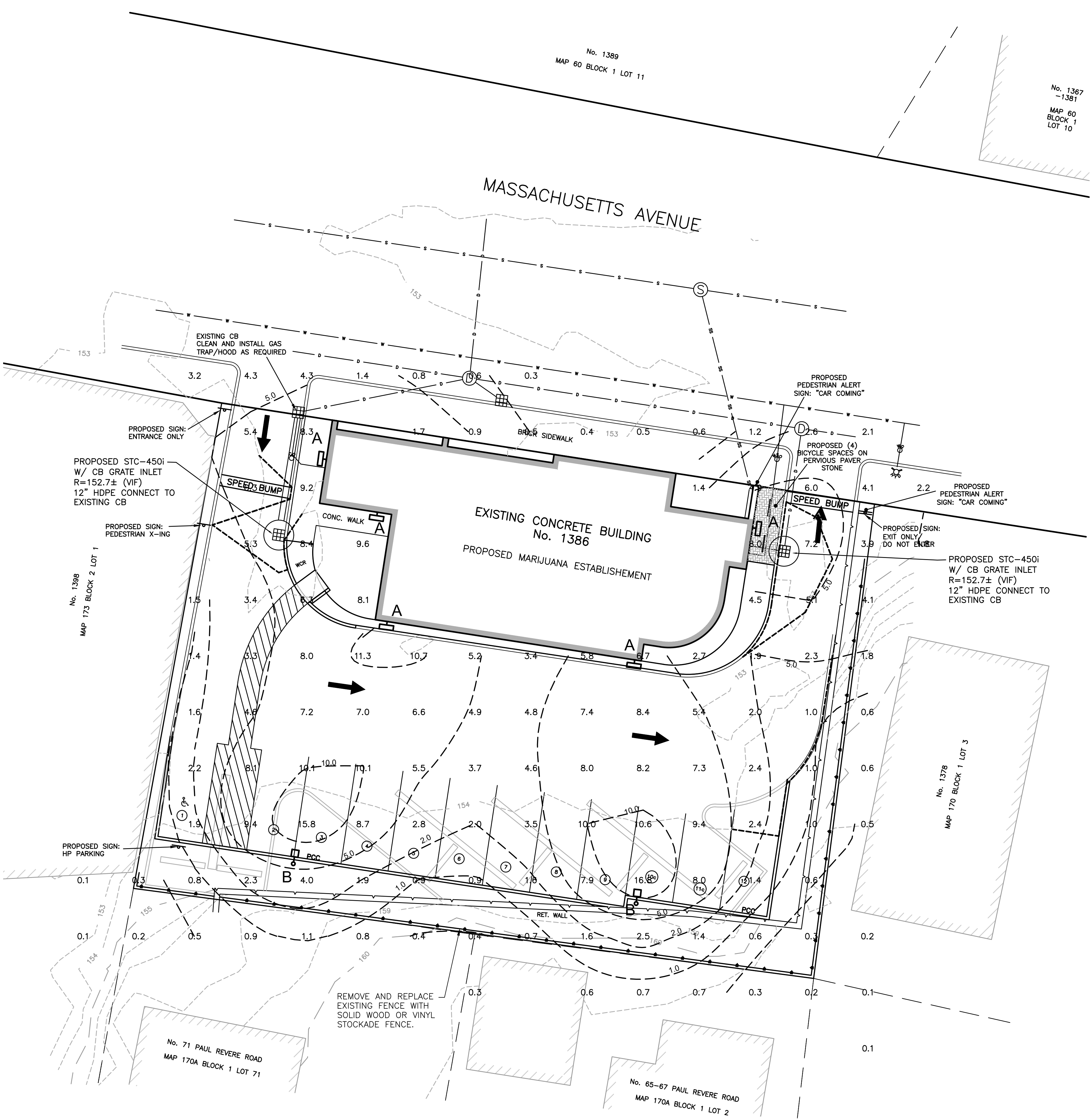
HORIZONTAL ILLUMINANCE LEVELS SHOWN ARE CALCULATED FROM DATA PROVIDED FROM MANUFACTURER IN ACCORDANCE WITH THE ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS.

ACTUAL ILLUMINANCE LEVELS MAY DIFFER DUE TO SEVERAL FACTORS SUCH AS LAMP LUMEN DEPRECIATION, LUMINAIRE DIRT DEPRECIATION, LUMINAIRE SURFACE DEPRECIATION, AND EQUIPMENT OPERATING FACTOR.

CONTRACTOR TO VERIFY ALL UTILITIES BEFORE CONSTRUCTION.

LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	DESCRIPTION	VOLTS	QUANTITY
A		KAXW LED, PERFORMANCE PACKAGE 3, 5000K, TYPE 4, 120-277V	120V 1P 2W	5
B		DSX1 LED P1 30K T3M MVOLT, 12'h	120V 1P 2W	2



Prepared For:

Owner / Applicant
APOTHICA
JOSEPH LEKACH
1955 TYLER STREET
HOLLYWOOD, FL 33020
305.741.6540

Prepared By:

Hayes Engineering, Inc.
1955 Tyler Street
Hollywood, FL 33020
Ph: 781.246.7596
Fax: 781.246.7596
www.hayeseng.com

Design By: AMC
Drawn By: AMC
Checked By: PJO
Project File: ARL-0017
Comp. No: ARL12
☒ Issued For Permit
☐ Issued For Review
☐ Issued For Bid
☐ Issued For Construction
☒ Not For Construction

No.	Revision	Date
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1	ARB COMMENTS	12/16/19

Scale: 1"=10'
0' 5' 10' 20'
Date: October 7, 2019

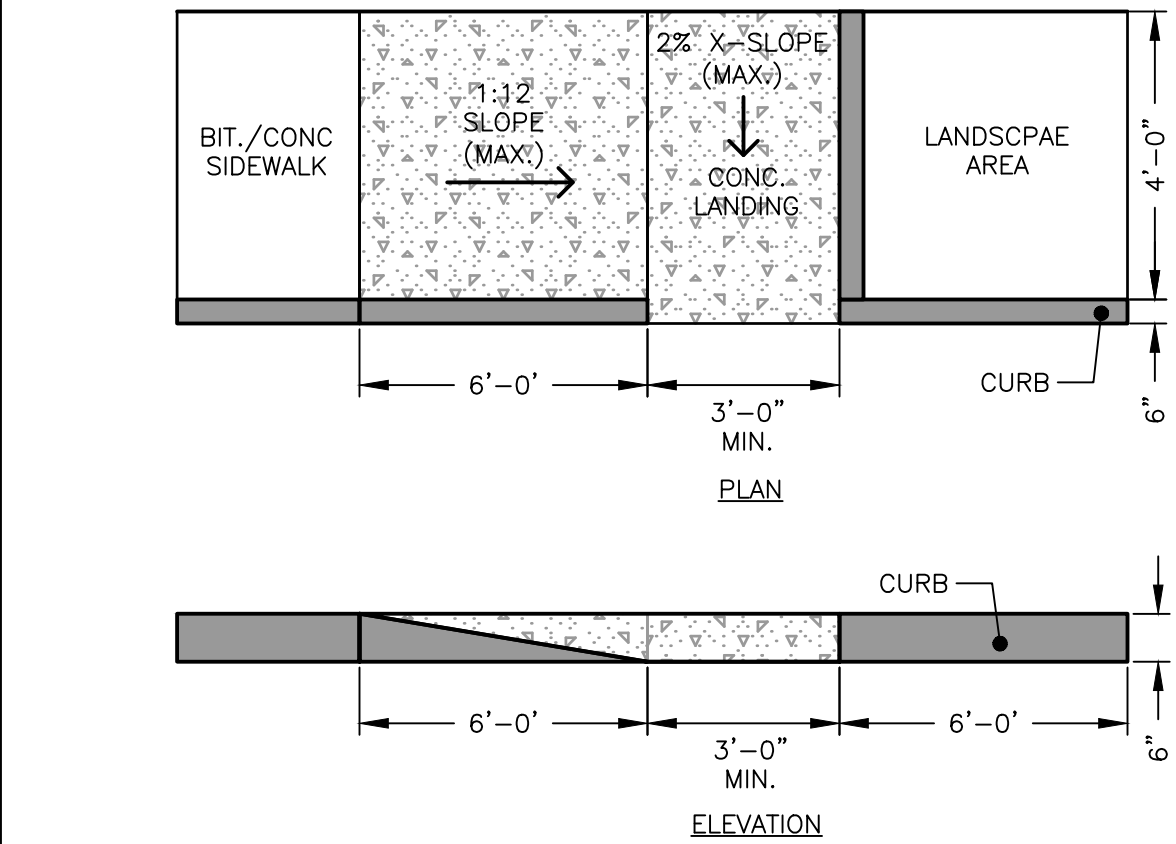
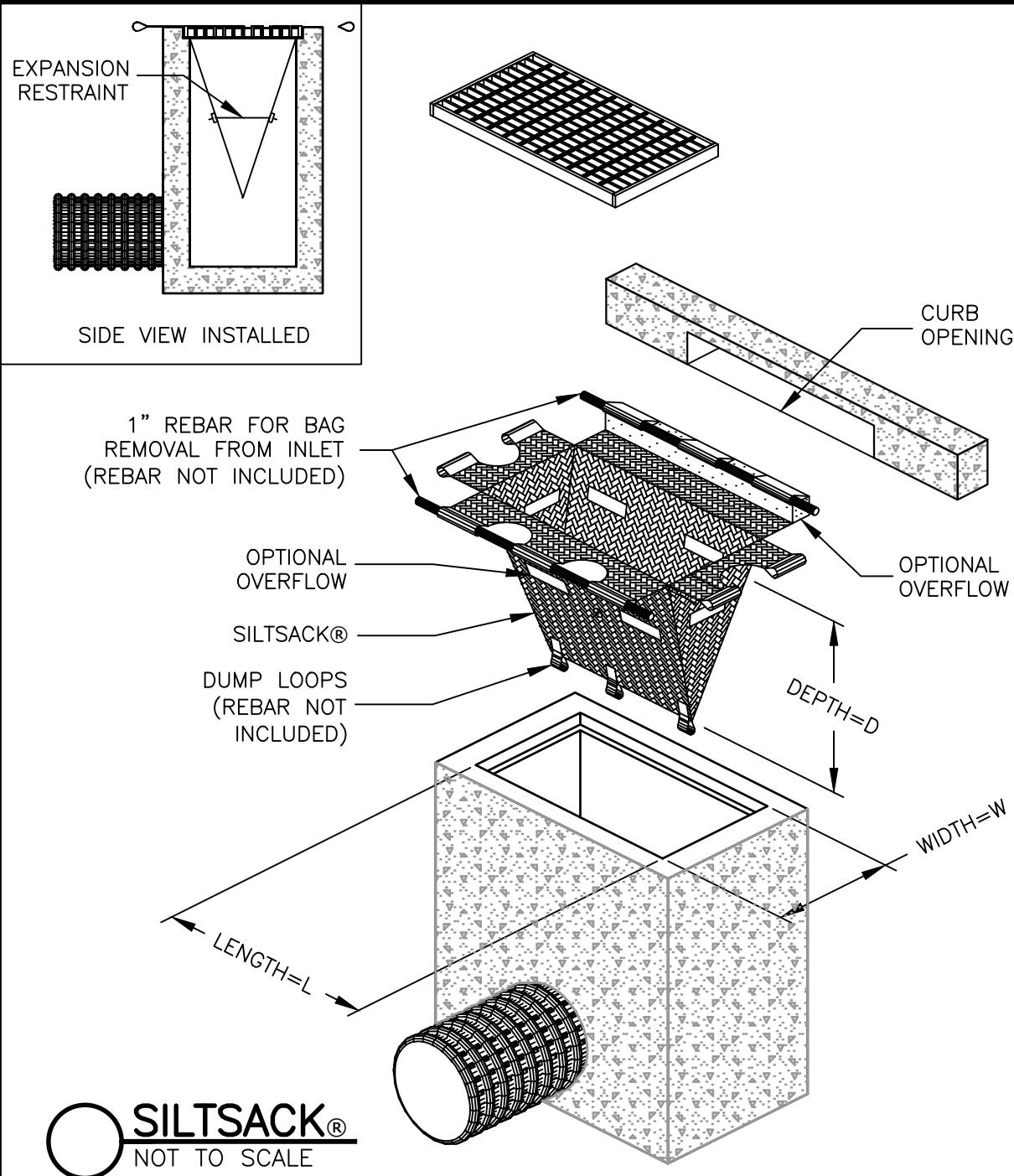
Drawing Title:

LIGHTING PLAN
APOTHICA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Seal:

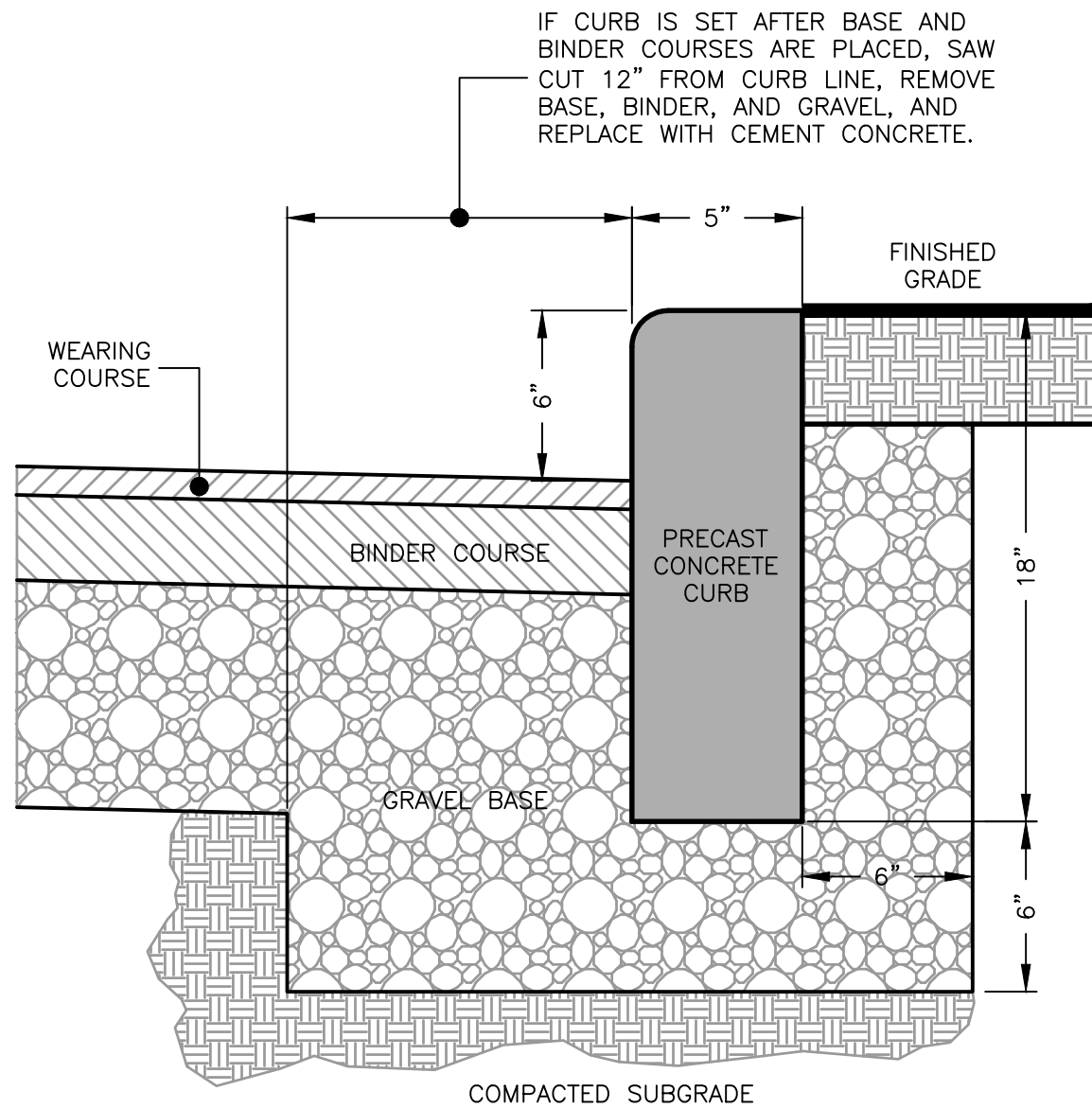
Drawing No.:

L2
SHEET 3 OF 4



NOTE:
WHEELCHAIR RAMP SHALL COMPLY WITH ALL STATE AND FEDERAL RULES AND REGULATIONS.

WHEELCHAIR RAMP



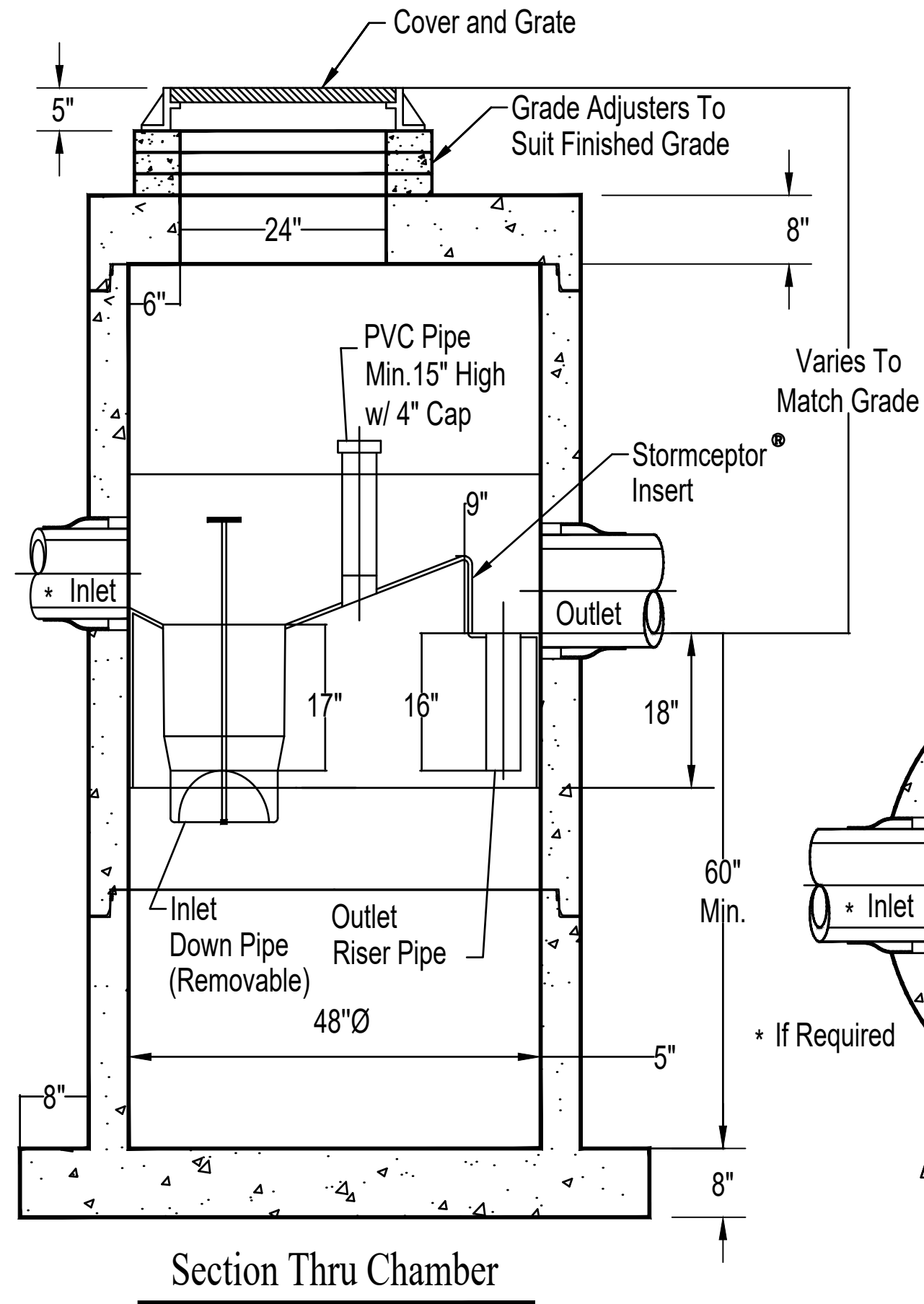
PRECAST CONCRETE CURB

NOT TO SCALE

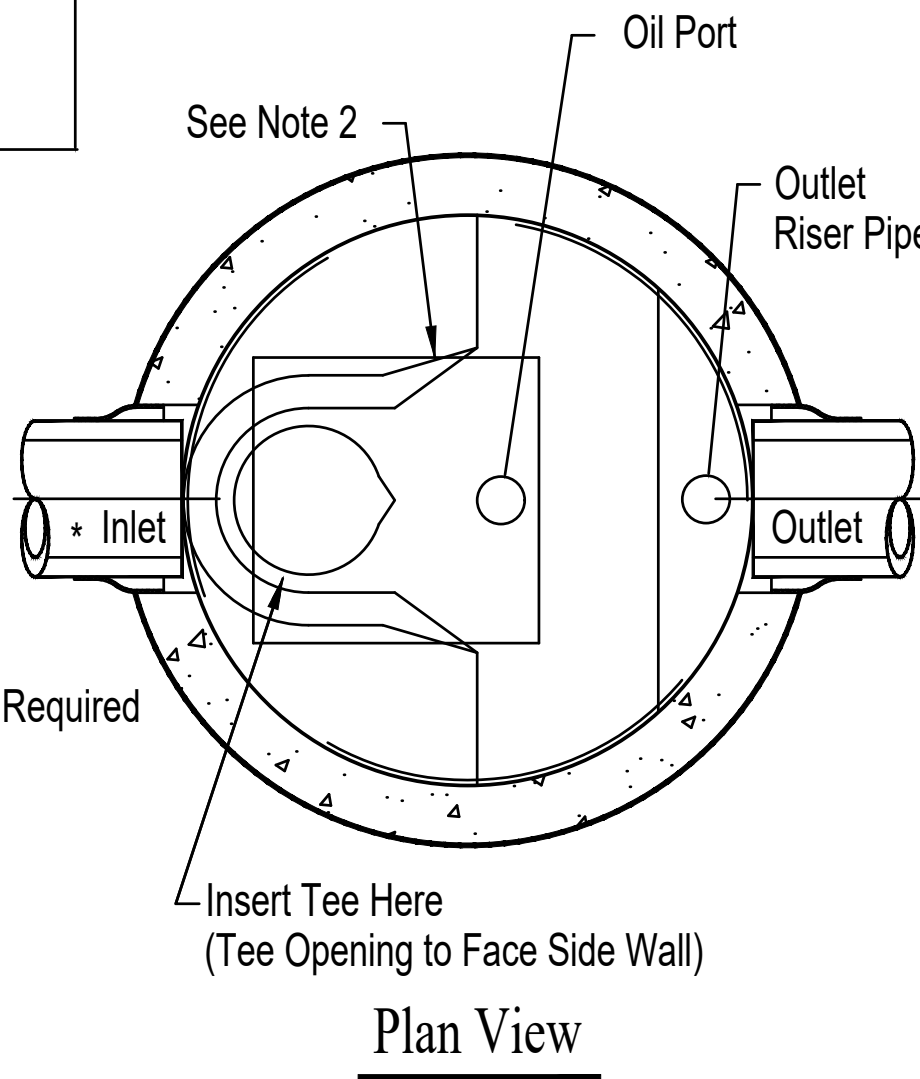
Rinker
MATERIALS™

Concrete Pipe Division

STC 450i Precast Concrete Stormceptor® (450 U.S. Gallon Capacity)



Section Thru Chamber

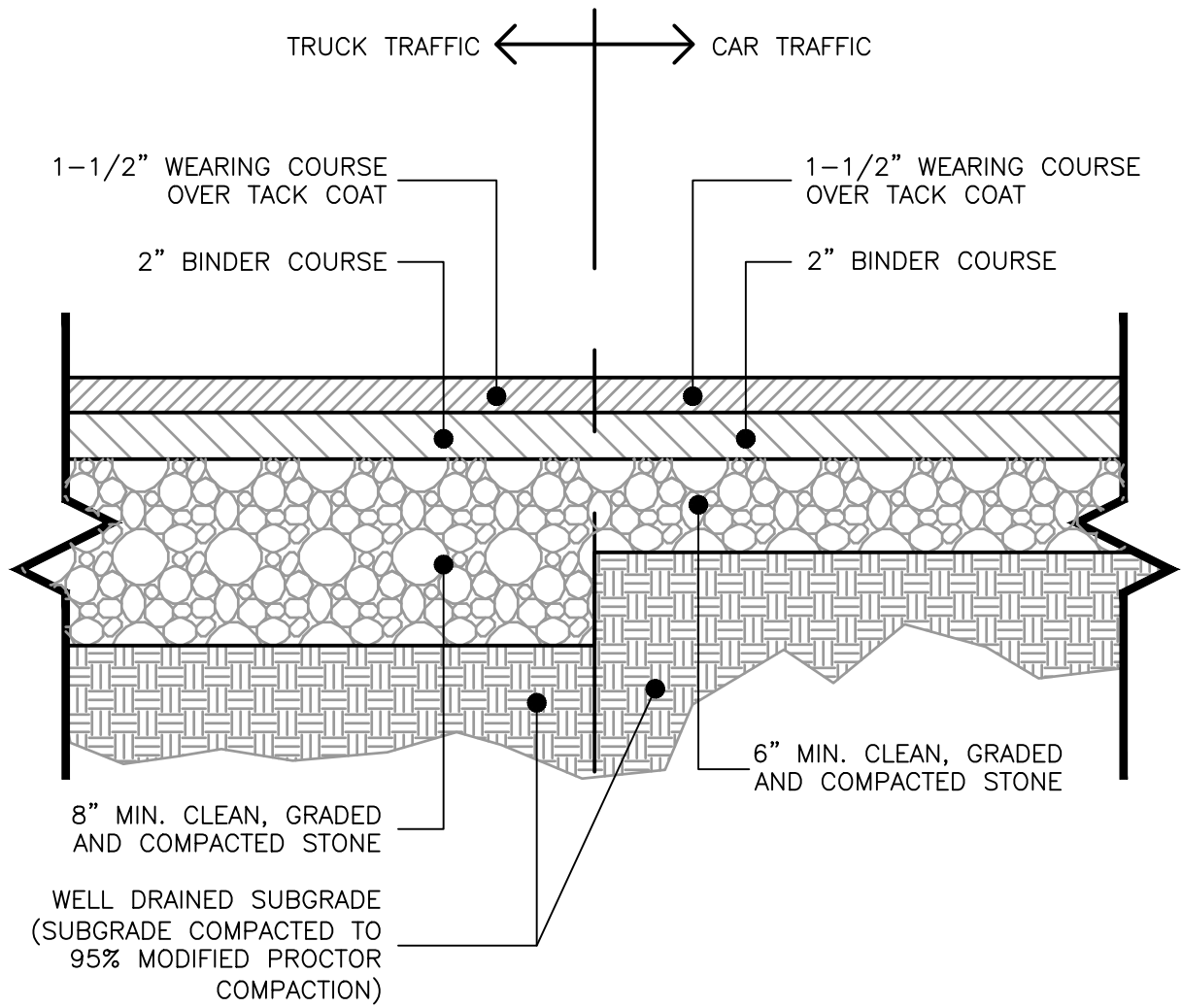


Plan View

Notes:

1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
2. The Cover Should be Positioned Over The Inlet Drop Pipe and The Oil Port.
3. The Stormceptor System is protected by one or more of the following U.S. Patents:
#5753115, #5849181, #6068765, #6371690, #7582216, #7666303.
4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

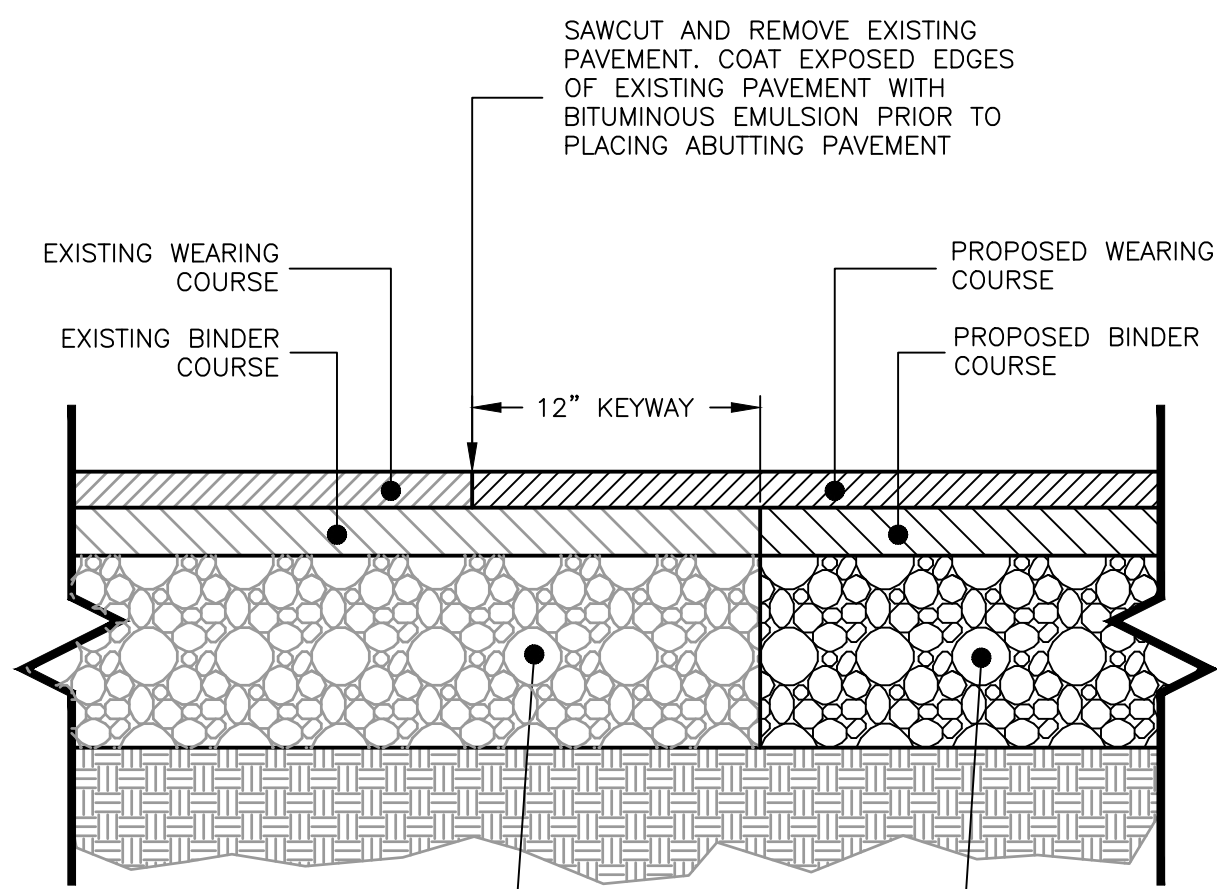
Rinker 027



PAVEMENT SECTION

NOT TO SCALE

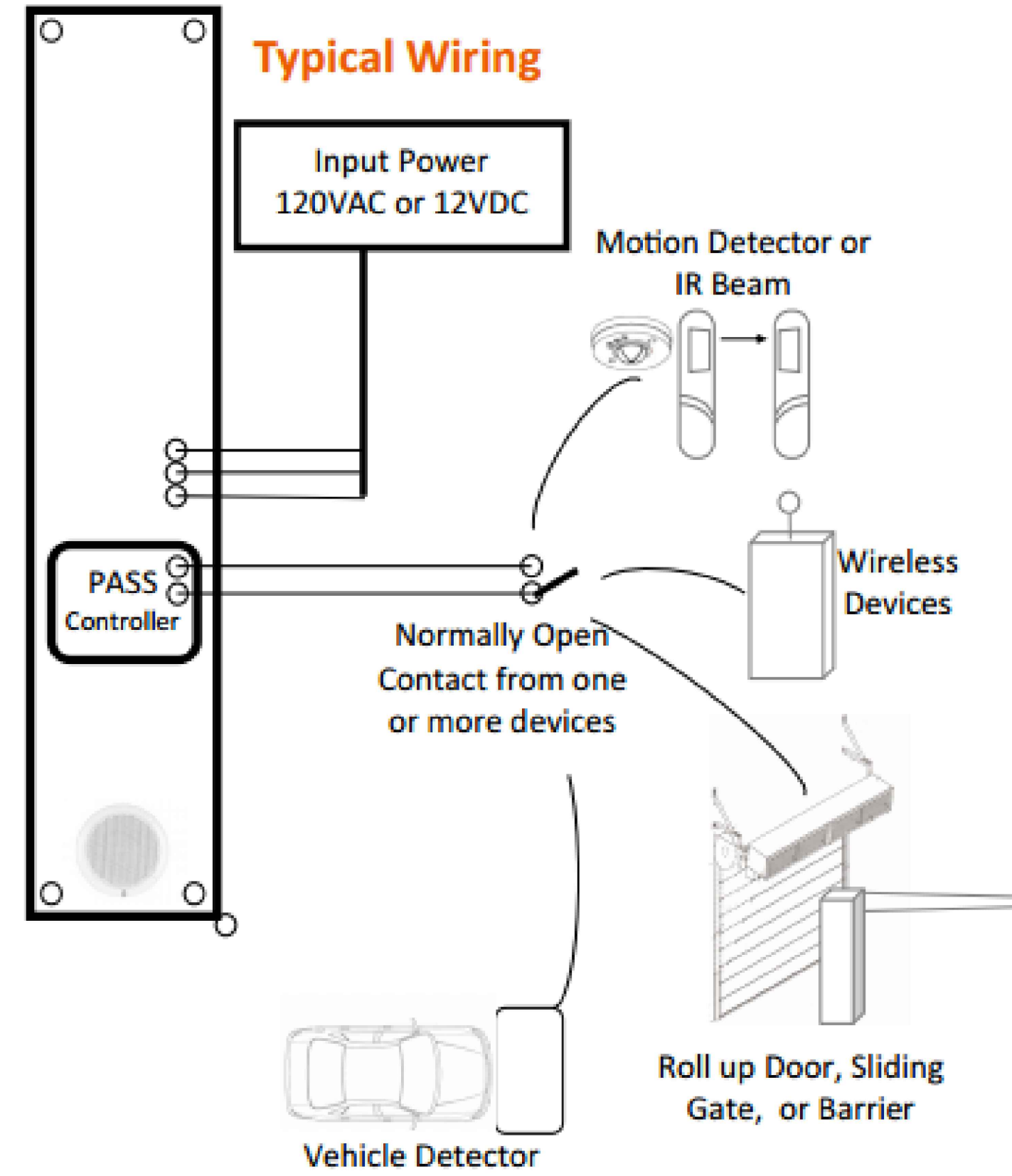
NOTE:
THIS PAVEMENT SECTION DETAIL REFLECTS MINIMUM REQUIREMENTS. ENGINEER TO DETERMINE DESIGN BASED ON GEOTECHNICAL DATA.



PAVEMENT KEYWAY

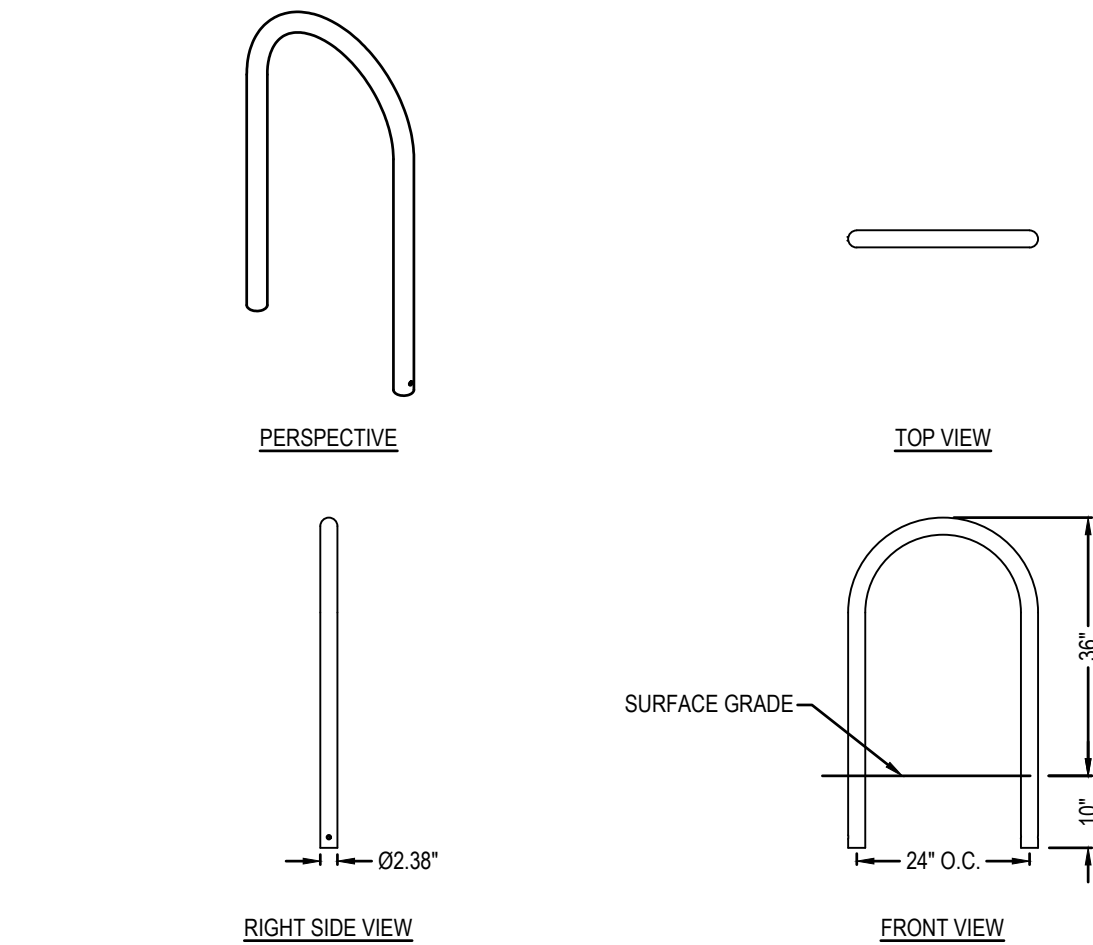
NOT TO SCALE

NOTE:
THIS PAVEMENT SECTION DETAIL REFLECTS MINIMUM REQUIREMENTS. ENGINEER TO DETERMINE DESIGN BASED ON GEOTECHNICAL DATA.



PEDESTRIAN ALERT SAFETY SIGN DETAIL

NOT TO SCALE



- NOTES:
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
 2. DO NOT SCALE DRAWING.
 3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
 4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
 5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info AND ENTER REFERENCE NUMBER 4290-136 - SiteScapes Inc. - Model AP2-02-EM, Apex, Inverted U Bike Rack - Two Space Rack.

APEX BIKE RACK

MODEL AP2-02-EM; APEX, INVERTED U BIKE RACK - TWO SPACE RACK, EMBEDDED MOUNT

Prepared For:

Owner / Applicant
APOTHICA
JOSEPH LEKACH
1955 TYLER STREET
HOLLYWOOD, FL 33020
305.741.6540

Prepared By:

Hayes Engineering, Inc.
1000 Main Street
Woburn, MA 01880
Ph: 781.246.2900
Fax: 781.246.7996
www.hayeseng.com

Design By: AMC
Drawn By: AMC
Checked By: PJO
Project File: ARL-0017
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1	ARB COMMENTS	12/16/19

Scale: 1"=10'
0' 5' 10' 20'
Date: October 7, 2019

Drawing Title:

DETAILS
APOTHICA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Seal:

Drawing No.:

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SHEET 4 OF 4

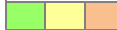
Exhibit C



LEED v4 for ID+C: Commercial Interiors

Project Checklist

Y ? N



Credit Integrative Process

2

8 0 0 Location and Transportation 18

3			Credit	LEED for Neighborhood Development Location	18
2			Credit	Surrounding Density and Diverse Uses	8
2			Credit	Access to Quality Transit	7
1			Credit	Bicycle Facilities	1
		0	Credit	Reduced Parking Footprint	2

2 0 0 Water Efficiency 12

Y			Prereq	Indoor Water Use Reduction	Required
2			Credit	Indoor Water Use Reduction	12

4 0 0 Energy and Atmosphere 38

Y			Prereq	Fundamental Commissioning and Verification	Required
Y			Prereq	Minimum Energy Performance	Required
Y			Prereq	Fundamental Refrigerant Management	Required
4			Credit	Enhanced Commissioning	5
		0	Credit	Optimize Energy Performance	25
		0	Credit	Advanced Energy Metering	2
		0	Credit	Renewable Energy Production	3
		0	Credit	Enhanced Refrigerant Management	1
		0	Credit	Green Power and Carbon Offsets	2

0 0 0 Materials and Resources 13

Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
		0	Credit	Long-Term Commitment	1
		0	Credit	Interiors Life-Cycle Impact Reduction	4
		0	Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
		0	Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
		0	Credit	Building Product Disclosure and Optimization - Material Ingredients	2
		0	Credit	Construction and Demolition Waste Management	2

Project Name:

Date:

0 0 0 Indoor Environmental Quality 17

Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
		0	Credit	Enhanced Indoor Air Quality Strategies	2
		0	Credit	Low-Emitting Materials	3
		0	Credit	Construction Indoor Air Quality Management Plan	1
		0	Credit	Indoor Air Quality Assessment	2
		0	Credit	Thermal Comfort	1
		0	Credit	Interior Lighting	2
		0	Credit	Daylight	3
		0	Credit	Quality Views	1
		0	Credit	Acoustic Performance	2

0 0 0 Innovation 6

		0	Credit	Innovation	5
		0	Credit	LEED Accredited Professional	1

0 0 0 Regional Priority 4

		0	Credit	Regional Priority: Specific Credit	1
		0	Credit	Regional Priority: Specific Credit	1
		0	Credit	Regional Priority: Specific Credit	1
		0	Credit	Regional Priority: Specific Credit	1

14 0 0 TOTALS Possible Points: 110

Certified: 40 to 49 points, **Silver:** 50 to 59 points, **Gold:** 60 to 79 points, **Platinum:** 80+

Exhibit D

Apothca, Inc.
Plan for Separating Recreational from Medical Operations

Apothca, Inc. (“APOTHCA”) has developed plans to ensure virtual and physical separation between medical and adult use marijuana operations in accordance with regulations promulgated by the Cannabis Control Commission (“CCC”).

Using, Biotrack, a sophisticated and customized seed-to-sale and Point of Sale (POS) software system approved by the CCC, APOTHCA will virtually separate medical and adult-use operations by designating at the point of sale whether a particular marijuana product is intended for sale to a registered patient/caregiver or a verified consumer 21 years of age or older. All inventory and sales transactions will be carefully tracked and documented in these software systems.

In compliance with CCC regulations, APOTHCA will ensure that registered patients have access to a sufficient quantity and variety of marijuana and marijuana products to meet their medical needs. APOTHCA will transfer inventory from its adult-use license to its medical license, based on medical demands, on an as-needed basis to ensure that products offered for adult-use customers are made available to patients. All labeling of marijuana products will comply with the CCC’s medical and adult-use regulations.

Marijuana products reserved for registered patients will be either: (1) maintained on site in an area separate from marijuana products intended for adult use, or (2) easily accessible at another APOTHCA location and transferable to APOTHCA’s retailer location within 48 hours. APOTHCA may transfer a marijuana product reserved for medical use to adult use within a reasonable period of time prior to the product’s date of expiration.

In addition to virtual separation, APOTHCA will provide for physical separation between the area designated for sales of medical marijuana products to patients/caregivers, and the area designated for sales of adult-use marijuana products to individuals 21 years of age or older. Within the sales area, a temporary or semi-permanent barrier, such as a stanchion or other divider, will be installed to create separate, clearly marked lines for patients/caregivers and adult-use consumers. Trained marijuana establishment agents will verify the age of all individuals, as well the validity of any Medical Use of Marijuana Program ID Cards, upon entry to the facility and direct them to the appropriate queue.

Access to the adult-use marijuana queue will be limited to individuals 21 years of age or older, regardless if the individual is registered as a patient/caregiver. Registered patients under the age of 21 will only have access to the medical marijuana queue. Registered patients/caregivers 21 years of age or older will be permitted to access either queue and will not be limited only to the medical marijuana queue.

APOTHCA will have a private area separate from the sales floor to allow a registered patient/caregiver to meet with a trained marijuana establishment agent for confidential consultations about the medical use of marijuana.

Exhibit E

Apothca, Inc.
Transportation Demand and Queuing Management Plan

Apothca, Inc. (“Apothca”) shares the Town of Arlington’s goals of ensuring that all operations at its Marijuana Retailer Establishment are designed to optimize local safety, minimize impact to the surrounding neighborhood, and allow Apothca to operate harmoniously within the larger Arlington community.

I. Plan Goals

1. Ensure the safety of customers, employees, and surrounding abutters.
2. Minimize the impact of traffic flow on adjacent businesses and nearby streets.
3. Facilitate efficient parking lot operations to minimize back up on adjacent streets.
4. Implement efficient appointment systems to reduce initial traffic burdens.
5. Provide information to allow customers to get to/from the facility efficiently and safely.
6. Promote efficient coordination between Apothca, the Arlington Police Department, and the Town of Arlington.
7. Establish open lines of communication with abutters, residents and local businesses.

II. Site Plan and Parking

1. Use of Parking Spaces

As outlined on the enclosed site plan, the Property has 12 parking spaces available for customer use.

2. Suitability of Parking Spaces

As outlined in the enclosed **Traffic Impact Statement**, Apothca anticipates that at its peak hour of weekly operations, 66 trip ends will occur on site, which means that 33 vehicles will seek to utilize the dispensary parking lot. 12 parking spots are available for use at its site. Apothca anticipates that the average customer will be on site for 15 minutes and assumes that, as a result, parking spaces should only be assumed as occupied during that duration of time. **As such, Apothca respectfully submits that it has appropriate on-site parking to meet the demand of peak hourly traffic.**

Average Transaction Time	Peak Hour Customer Parking Requirements	Hourly Parking Availability (Assuming 15 min visit)
15 minutes (0.25 hr) – 4 turns	33 spaces will be required at Apothca’s parking lot at its peak hour of operations	12 spaces * 4 turns = 48 spots are available at Apothca’s parking lot each hour

Based on the Traffic Impact Statement provided by Hayes Engineering, Apothca estimates that only eight customer vehicles will be on site at any given time with 12

parking spaces available for use in the lot, leaving a surplus of parking available that can accommodate any fluctuations at the site.

Apothca will provide shuttle services from Arlington Center and Lexington Center to accommodate any overflow that should arise. In the unlikely instance that the parking lot becomes full, Apothca's parking lot attendant will direct customers to the nearby parking lot in Arlington Center and/or Lexington Center where shuttle busses will be available to transport them. Customers will be encouraged to utilize these shuttles via Apothca's website and social media channels.

3. Parking Lot Management

For the first one (1) month of operation or as long is deemed necessary by Apothca, the Arlington Police Department, and Town officials, Apothca will seek to employ police details in areas designated by the Arlington Police Department to control and direct traffic in front of the proposed facility and ensure the safe traverse of customers across the parking lot.

For the first one (1) month of operation or as long as is deemed necessary by Apothca and Town officials, Apothca will employ parking lot attendants to allow for the safe and efficient flow of customers in and out of the parking lot. The parking lot attendants will direct customers to available parking spaces to eliminate backups occurring in and out of the lot and assist in ensuring that customers safely traverse the parking lot when walking in and out of the facility. Apothca will also seek to utilize attendants during the beginning of Arlington's tourism seasons. If the Police Chief determines that high demand requires the assistance of parking attendants, the Police Chief will confer with the company and obtain the company's response as to an appropriate plan

Apothca will designate a marked area of the parking lot for ride share operations such as Uber or Lyft to reduce inefficiencies within the parking lot.

On its website and in any external communications, Apothca will clearly note that parking in adjacent residential properties is prohibited, including but not limited to Paul Revere Road, and will be subject to law enforcement action.

4. Product Delivery

Apothca will ensure that all routes used for the transportation of marijuana or marijuana products are randomized and remain within the Commonwealth. Delivery vehicles will be strictly prohibited from unlawful parking activity, including double parking on Massachusetts Avenue. Apothca will have advance notice when a delivery occurs. Due to security concerns, Apothca respectfully requests that logistic information surrounding deliveries, including vehicle locations, security protocol, and frequency, be limited to conversations with the Arlington Police Chief.

III. Interior Facility Capacity and Management

1. Indoor Capacity

Apothca's floor plan has been designed to accommodate high volume customer counts while protecting consumer privacy, optimizing customer experience, and preserving the flow throughout the retail facility.

Oversight over the number of customers in the facility will be the responsibility of security staff stationed at the entry and exit points of the facility. Staff will utilize a digital tally system for an accurate count of who is in the facility at any given time.

2. Queuing

Apothca will not allow physical queuing via lines on the outside of the facility. Instead, Apothca will employ a customer waiting system similar to what is used in restaurants. This system will be activated whenever Apothca is within five (5) customers of hitting capacity. Apothca anticipates utilizing an online queuing system such as Qminder to monitor the number of customers in the facility and customers awaiting service, which works utilizing the following protocols:

- a. Entry and exit attendees maintain constant facility counts utilizing cloud- based tally systems to have an accurate accounting of capacity limits at all times;
- b. When the facility is within five (5) customers of hitting capacity, Apothca will begin utilizing the online queuing system. Five spaces will be maintained to allow customers who walked into the facility to the waiting area. Medical customers will not be required to wait.
- c. When seeking entry, the attendant will notify the customer that they are on the wait list and asked to wait in their vehicle. Customers will be offered an anticipated wait time and notified via cell phone or buzzer when they may enter the facility. Customers who indicate that they walked or biked will be asked to wait inside the facility.

3. Customer Flow

Entry Vestibule:

In accordance with 935 CMR 500.140(3), access to Apothca's facility is limited to individuals 21 years of age and older or patients with an active Medical Use of Marijuana Program card.

Upon a customer's entry into the entry vestibule, an agent will immediately register their entry into the digital tally system and visually inspect the customer's proof of identification and determine the individual's age. An individual will not be admitted to

the premises unless the staff member has verified that the individual is an appropriate age to enter the facility.

Retail Floor:

Once inside the retail area, adult use customers will enter a queue to obtain individualized service where they may select any of the products available to them with the help of a Apothca agent. An Apothca agent will remain permanently stationed at the queue to assist in directing them, as desired, directly to a point of sale terminal or to the dispensary floor for a personalized discussion with an agent. Customers and patients can request a discrete patient consultation in a separate area of the facility.

Upon checkout, customers will be required to confirm their identities and age a second time. Checkout also activates the seed-to-sale tracking system that is compliant with 935 CMR 500.105(8). In the event an agent determines an individual would place themselves or the public at risk, the agent will refuse to sell any marijuana products to the consumer. Customers will then leave the facility and return to their place of origin. On-site consumption is strictly prohibited on site, including in personal vehicles.

IV. Traffic Information

Apothca will be sure to include clearly marked information about appointment-only periods, traffic and parking for its Arlington facility on its website and social media channels. Although Apothca does not anticipate conducting any outbound media activities, it will include information about appointment requirements, traffic, and parking in its responses to inbound media requests should it receive any. On its website and in any external communications, Apothca will clearly note that parking in adjacent residential properties is prohibited, including but not limited to Paul Revere Road, and will be subject to law enforcement action.

Apothca will also provide this information to the Town of Arlington and the Arlington Police Department to post or share at its discretion.

Prior to opening, Apothca will communicate with other tenants of the property and send a mailing to the neighborhoods closest to the establishment to inform them about opening procedures and provide contact information that they may utilize to receive additional information or alert Apothca's management team about system inefficiencies.

Although Apothca does not anticipate that the proposed use will result in any adverse traffic impacts, Apothca is willing to undertake any of the following traffic mitigation efforts to protect against adverse effects:

- Provide 65% MBTA T-Pass subsidies, up to the federal fringe benefit, to all employees, with a pro-rated incentive for any part-time employees;

- Provide lockers in the break room for employees that walk or bike to work;
- Compile and provide to all employees, including during employee orientation, up to date transportation information explaining all commuter options;
- Provide customers with information regarding transportation options to access the facility;
- Provide and maintain information on its website and other distributed material on how to access the facility by all modes of transportation, with an emphasis on non-automobile modes;
- Participate in transportation-related training offered by the Town of Arlington or a local Transportation Management Association; or
- Designate a Transportation Coordinator to develop and manage the implementation of a Transportation Demand Management plan.

V. Plan Evaluation

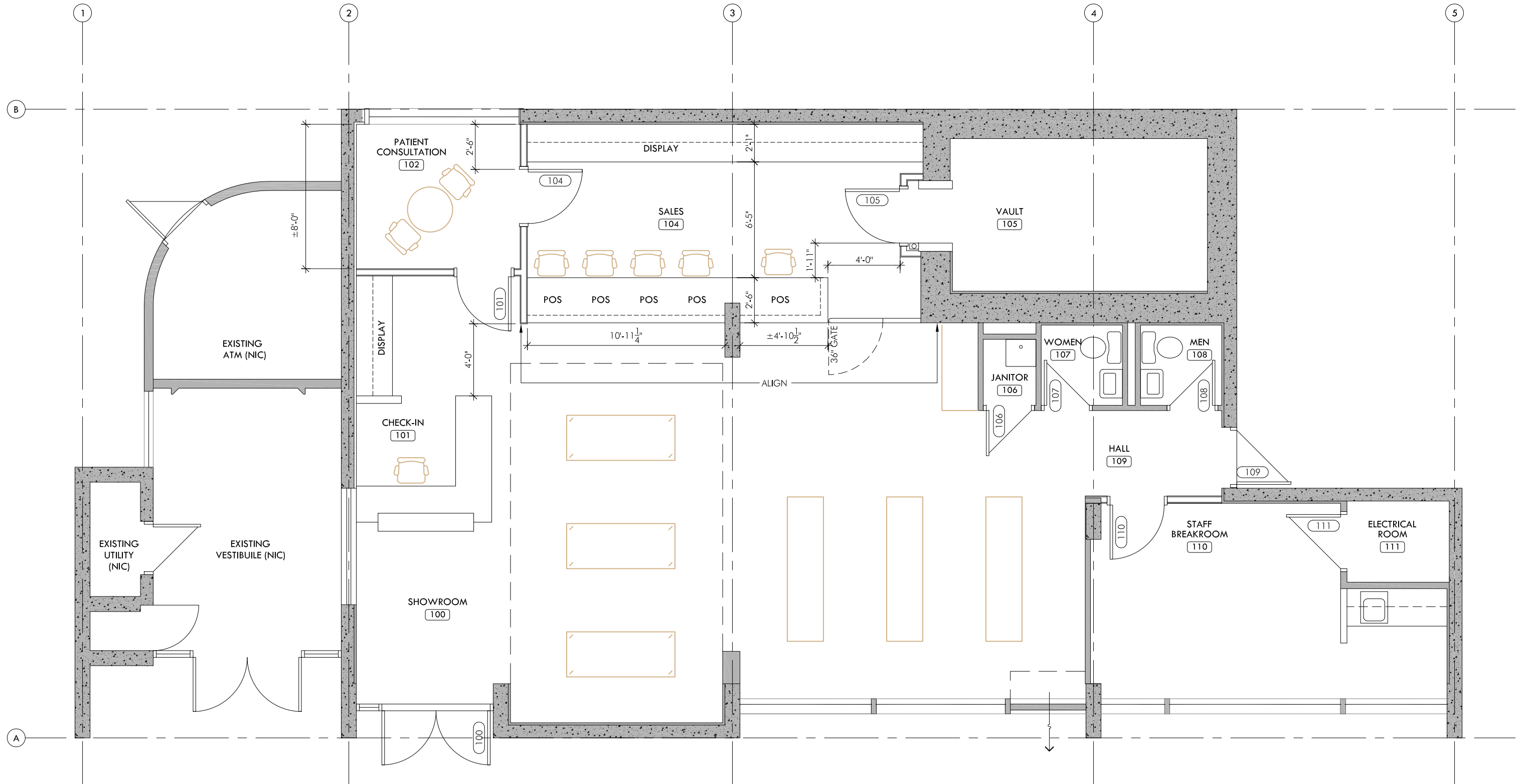
Apothca respectfully requests the opportunity to meet with representatives from the Town of Arlington and the Arlington Police Department to discuss traffic and queue management at the following times:

- 30 days prior to opening the facility;
- One week prior to opening the facility;
- One week after opening;
- Two weeks after opening or as needed in the month following opening;
- Two months following opening;
- Six months following opening; and
- Additionally at the discretion of Apothca, the Town of Arlington, and the Arlington Police Department.

Apothca will enter into a Memorandum of Understanding with the Arlington Police Department relative to traffic, parking, and crowd control.

Apothca anticipates making thoughtful, continued modifications to this plan to ensure the facility is operating efficiently, safely, and in harmony with the surrounding community.

Exhibit F



1386 Massachusetts Avenue

Arlington MA

11/6/2019

0 2'-8" 5'-4" 10'-8"



SCALE: 3/16" = 1'-0"



Traffic Impact Statement

1386 Massachusetts Ave – Arlington, MA

ARL-0017

May 2, 2019

Revised January 5, 2020

TO: Town of Arlington
Board of Selectmen and Redevelopment Board

FROM: Tony Capachietti, *Project Manager*

DATE: October 7, 2019
Revised January 6, 2020

SUBJECT: Apothca, Inc.
Proposed Marijuana Dispensary
1386 Massachusetts Avenue, Arlington, MA

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement pursuant to the request of the project proponent, Apothca, Inc. (Apothca), in support of the proposed co-located adult-use and medical marijuana dispensary at 1386 Massachusetts Avenue in Arlington, Massachusetts. The purpose of this Impact Statement is to evaluate the anticipated Average Daily and Peak Hour trip generation for the facility.

The existing 2,184[±] square foot (sf.) building at 1386 Massachusetts Avenue is occupied by *Arlington Swift Printing*, a copy, printing and shipping store. The Applicant proposes to convert the facility into a medical and adult-use marijuana dispensary within the existing footprint.



Figure 1 – 1386 Massachusetts Avenue, Arlington, MA © Google Image Capture

Trip Generation



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ARL-0017

May 2, 2019

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Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition.

The prior use at the facility is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 920 – Copy, Print and Express Ship Store, defined in the ITE Trip Generation Manual, 10th Edition as being:

... a facility that offers a variety of copying, printing, binding, and shipping services. Retail sales of a limited range of office-related items including packing and shipping supplies are also commonly available. Technology services, such as computer rental and wireless Internet may also be provided.

Estimated Trip Generation rates for the 2,184[±] -sf. facility under its prior use are summarized in Table 1, below.

Table 1: Trip Generation LUC 920 – Copy, Print and Express Ship Store

<u>Time Period</u>	<u>LUC 920 Average Trip Ends per 1,000sf GFA</u>	<u>LUC 920 Estimated Vehicle Trip Ends^(1,2)</u>
Weekday Daily	123.00 ⁽³⁾	269 ⁽³⁾
Weekday AM Peak Hour	8.12	18
Weekday PM Peak Hour	12.30	27
Saturday Daily	Not Published	Not Published
Saturday Peak Hour	Not Published	Not Published

⁽¹⁾ Based on 2,184[±] -sf. of floor area

⁽²⁾ ITE cautions use due to small sample size

⁽³⁾ Estimated as 10 times peak hour

The proposed RMD use is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 882, Marijuana Dispensary, defined in the ITE Trip Generation Manual, 10th Edition as being:

... a standalone facility where cannabis is sold to patients or consumers in a legal manner.

Trip Generation rates for the proposed 2,184[±] -sf. dispensary use are summarized in Table 2, below. It should be noted that the ITE cautions the use of its Marijuana Dispensary data as it was derived from a small sample set.

Table 2 has been updated to reflect average rates published by Spack Consulting as well as observed rates from dispensaries in Massachusetts from surveys conducted in June and October/November 2019. The decrease in trip generation rates from the June observations to the October/November observations should be noted as they correspond



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to an approximate 400% increase in the number of operating recreational dispensaries in the Commonwealth.

TABLE 2

Trip Generation, Proposed Marijuana Establishment

Time Period	ITE Average Trip Ends per 1,000sf GFA	ITE Estimated Trip Ends ^(1,2)	Spack Consulting Weighted Average per 1,000sf GFA	Spack Consulting Estimated Trip Ends ⁽¹⁾	Salem and Brookline Average Observed Rate per 1,000sf. ⁽³⁾	June 2019 Rate – Estimated Trip Ends ^(1,3)	Observed Rate per 1,000sf. Apothca Lynn, MA ⁽⁴⁾	Apothca Lynn Rate Estimated Trip Ends ^(1,4)
Weekday Daily	252.70	552	252.58	552	523.2	1,143	144.16	315
Weekday AM Peak Hour	20.88	46	23.61	52	40.6	89	Not Observed	-
Weekday PM Peak Hour	29.93	65	39.85	87	62.0	135	Not Observed	-
Saturday Daily	259.31	566	259.31	566	793.8	1,734	176.74	386
Saturday Peak Hour	36.43	80	36.43	80	74.2	162	Not Observed	-

⁽¹⁾ Based on 2,184± -sf. of floor area

⁽²⁾ ITE cautions use due to small sample size

⁽³⁾ Based on customer counts by HEI in Brookline and Salem, MA during June 2019

⁽⁴⁾ Based on transactions logged between October 26 and November 18, 2019 at the Apothca Lynnway facility in Lynn, MA

Trip generation rates for dispensary uses vary greatly which is expected for a new and limited land use. This sort of disparity was observed during the expansion of Krispy Kreme donut shops into new areas, however, as the uniqueness of the use dissipated so did the traffic. Hayes Engineering, Inc.'s experience and observations through our permitting assistance for over 110 cannabis related businesses in the Commonwealth of Massachusetts also indicates a downward trend in trip generation for dispensary uses. **For the purposes of this (revised) analysis the Spack Consulting Rates were selected as they are slightly higher than the ITE rates for peak hour and lie between the two observed Massachusetts rates.**

Table 3, below, compares estimated vehicle trip ends for the previous copy facility use and proposed marijuana business use:

TABLE 3

Trip Generation, *Summary – Prior Use vs. Proposed RME*



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Revised January 5, 2020

<u>Time Period/Direction</u>	<u>Prior Use Vehicle Trip Ends</u>	<u>Proposed RME Vehicle Trip Ends</u>	<u>Change in Trip Ends</u>
Weekday Daily	269 ⁽²⁾	552	+283
Weekday AM Peak Hour	18	52	+34
Weekday PM Peak Hour	27	87	+60
Saturday Daily	269 ⁽³⁾	566	+297
Saturday Peak	27 ⁽³⁾	80	+53

⁽¹⁾ As compared to weekday daily traffic for the prior use

⁽²⁾ Estimated as 10 times peak hour

⁽³⁾ Estimated as being equivalent to weekday daily

The proposed dispensary results in an increase to projected trip ends to the facility when compared to the previous use for all scenarios. Each vehicle represents two trip ends, one arriving and one departing from the facility. The anticipated increase in weekday daily vehicle trips to the facility is 142 vehicles (283 trip ends). It should be noted that not all trips represent “new” or “destination” vehicles on the route; destination trips have the greatest effect on traffic conditions. Pass-by trips have minimal impacts to traffic conditions. A pass-by trip is one where a vehicle is already on the route or very close to the route and stops on the way to their ultimate destination. Studies have shown that for retail uses similar to the proposed dispensary, a substantial portion of vehicle trips are from existing traffic passing by the site or diverted from another route in the vicinity of site. Data presented in the ITE Trip Generation Handbook indicates that for the average percentage of pass-by trips for Pharmacy/Drugstores without Drive-Through Windows is 49-percent during the weekday PM peak hour. HEI conducted a transportation survey of 257 patrons exiting an existing dispensary operating in Brookline, MA on June 13, 2019 identified 53.7% of patrons considered their stop to be a pass-by or diversion trip on their way to their ultimate destination. **While it is our opinion that dispensary uses, as they become more prevalent, will be similar to convenience type uses in their pass-by rates no reduction in trip generation is credited in this analysis.**

HEI also evaluated customer data from three (3) dispensaries currently operating in Massachusetts in Brookline, Salem and Gardner to determine the AM peak hour occurs at 11a-noon and does not typically coincide with the AM rush hour for traffic on the adjacent roadways. Peak PM hours for these dispensaries typically occur between the hours of 6p-7p.

The Massachusetts Department of Transportation Highway Division maintains vehicle counts on Massachusetts Avenue on either side of the site (see Figure 2) at the following locations:

- Location ID: 4871 - Massachusetts Avenue North of Pleasant Street
- Location ID: 4930 - Massachusetts Avenue North of Appleton Street

Average Annual Daily Traffic (AADT), as reported by MassDOT, for these count locations indicate that approximately 20,000 vehicles per day pass the project site. The projected daily increase in vehicle trips of 142 on an average day represents less than 1% of the 17,613



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vehicles reported at Location ID 4930. As such no significant changes to the prevailing traffic conditions are anticipated as a result of this project.

The Arlington Transportation Advisory Committee conducted AM and PM Peak turning movement counts at the intersection of Massachusetts Avenue and Park Avenue on November 19, 2019. The counts were conducted during the AM peak hour between 8:00a-9:00a and the PM peak hour between 5:00p and 6:00p. The movement counts were translated to eastbound and westbound traffic passing the project site and are summarized below:

	<u>Eastbound</u>	<u>Westbound</u>	<u>Total</u>
AM Peak Hour (8:00a-9:00a)	357 vehicles	259 vehicles	616 vehicles
PM Peak Hour (5:00p-6:00p)	429 vehicles	237 vehicles	666 vehicles

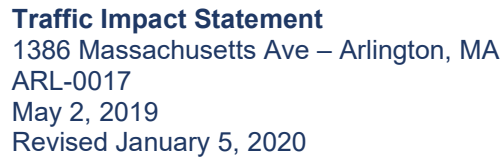
The total capacity of a two-way, two-lane highway is 3,200 passenger cars per hour, as identified in the Transportation Research Board's Highway Capacity Manual. The Apothca facility will not be open during the AM peak hour, however during the PM peak hour the 30 additional vehicles (60 trip ends) will increase the vehicle/capacity (v/c) ratio from 20.8% to 21.7%. Generally, a v/c ratio greater than 16% and less than 32% corresponds to level of service (LOS) C for a two-lane highway segment on level terrain without a passing zone. The projected increase in peak hour vehicle trips is not anticipated to adversely effect the prevailing traffic conditions.

The site is also located in proximity to a robust public transportation network. The project site is located within one-quarter mile of stops along the Massachusetts Bay Transit Authority (MBTA) 62, 62/76, 77, and 79 bus routes.

Parking Analysis

The site in its existing condition provides off-site parking for 6 vehicles. The parking lot can be reconfigured to provide parking for up to 12 vehicles (including one accessible space). The Town of Arlington Zoning By-Law section 6.1.4 requires 1 space per 300 sf. of floor area for retail uses. The parking requirement for the 2,184-sf. dispensary would be 7-spaces. Employees will be encouraged to use public transportation to avail as many spaces as possible for customers. The average transaction time for customers is between 15 and 20 minutes. This allows for the 12 parking spaces to turn over between 3 and 4 times per hour (36-48 vehicles per hour); the parking levels are adequate to handle the project PM peak hour of 44 vehicles (87 trip ends).

In addition to the on-site parking spaces there is additional on-street parking (2-hour limit) along both sides of Massachusetts Avenue in the project vicinity with taxi stands located immediately across Massachusetts Avenue from the site at the Arlington Heights Busway servicing the 62, 77, and 79 routes.



Customers will queue in the interior vestibule providing space for 15 people prior to entering the dispensary floor which will provide ample space for an additional 20-25 customers. The floorplate capacity of 35-40 customers, at an average transaction time of 15 minutes, will allow for approximately 105-160 customers per hour to be processed using only the interior queue.

300 of 354



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May 2, 2019

Revised January 5, 2020

although no structured interior bicycle parking will be provided. Apothca will provide bicycle racks on the easterly side of the building for up to four (4) bicycles.

Apothca will also have temporary parking lot attendants during the initial opening phase to direct traffic into and out of the lot and manage any exterior queues that may form. The exterior queue will be maintained along the sidewalk that extends to the rear of the facility. At no time will customers be allowed to queue in the traveled way.

It is recommended that the Proponent work with the Arlington public safety offices to develop an opening day strategy that provides for police details, parking attendants and way-finding assistance to minimize disruptions during the initial opening period. This strategy should be reviewed on a daily, or weekly, basis to evaluate its continuing need and implemented until customer levels normalize.



BOSTON | DENVER | JACKSONVILLE | LOS ANGELES

2 SEAPORT LANE, 11TH FLOOR
BOSTON, MA 02210
TEL: 617.934.2121

January 21, 2020

Chairman Andrew Bunnell
Arlington Redevelopment Board
730 Mass Ave Annex
Arlington, MA 02476

Re: UPDATES TO APOTHC A INC. SPECIAL PERMIT SUBMISSION TO OPERATE A RETAIL MARIJUANA ESTABLISHMENT AT 1386 MASSACHUSETTS AVENUE

Dear Chairman Bunnell:

On behalf of Apothca Inc. (“**Apothca**”) and in response to the feedback received by the Arlington Redevelopment Board and Erin Zwirko, Assistant Director of the Town of Arlington’s Department of Planning and Community Development, please find the below-listed updates and supplemental materials to Apothca’s application for an Environmental Design Review Special Permit to operate a Marijuana Retail Establishment at 1386 Massachusetts Avenue in Arlington.

- 1. Signage on the building and on the site: Consider installing a wall sign on the sign band above the entrance to the building. A laser cut metal sign that is back lit was discussed at the hearing. We will need the specifications, dimensions, and attachment information. The plan set should include all directional signage on the site, including signage in the parking lot that specifies parking for Apothca only.**

Please see Apothca’s updated elevations enclosed hereto as Exhibit A, which are inclusive of a back lit laser cut metal sign.

- 2. We suggest that the ride share companies should drop off and pick up on the side of the building nearest the exit drive aisle to the exit door and the accessible pathway being on the side of the building near the enter drive aisle. Please note this on the site plan, and include the proposed signage.**

Please see Apothca’s updated site plan enclosed hereto as Exhibit B, which includes a designated area for ride share drop off and pick up. A ride-share drop off spot is proposed at the southeasterly corner of the building so as not to obstruct the exit aisle. A proposed sign is noted on the site plan that will note: “Temporary Standing ONLY; Ride-Share Pick Up/Drop Off.”

- 3. Regarding the application that will obscure view into the building, at 635 Mass Ave in the center, the law firm installed a translucent film that simulates frosted glass. We would suggest a similar choice, but identify what that choice is for the next hearing and indicate on the elevation.**

Please see Apothca's updated elevations enclosed hereto as Exhibit A, which demonstrate a translucent film simulating frosted glass at the entry door and on all external glass.

- 4. Provide additional details on the elevation including the trim that will be stained, and the color selected.**

Please see Apothca's updated elevations enclosed hereto as Exhibit A, which provide information relative to the trim selected for the building exterior.

- 5. Update the floor plan to show the separation between the check in desk and the sales floor, indicate where indoor bike storage would happen, and identify the bathrooms as gender neutral.**

Please see Apothca's updated floor plans enclosed hereto within Exhibit A, which demonstrate the separation between the check in desk and the sales floor, indicate where indoor bike storage would happen, and identify the bathrooms as gender neutral.

- 6. Look at adding additional exterior bike parking and identify the rack.**

Please see Apothca's updated site plan enclosed hereto on Sheet Four of Exhibit B, which includes an update to exterior bicycle parking and identifies the specifications of the proposed rack. The previously provided four (4) bicycle parking area at the northeasterly building corner has been expanded to provide parking for six (6) bicycles. Each bicycle space provides for a 6' x 2' area adjacent to an inverted U-style rack, in accordance with the Town's "Bicycle Parking Guidelines". To promote stormwater infiltration, the bicycle parking area will be placed on permeable paver stones.

- 7. Add curb breaks to allow stormwater to infiltration the planted area at the rear of the building.**

Please see Apothca's updated site plan enclosed hereto as Exhibit B, Apothca has committed to reconstructing the existing parking area in place of the contemplated pavement overlay. As such, Apothca will regrade the parking area to divert a majority of the parking lot runoff to a proposed rain garden at the southeasterly building corner. Apothca will re-set existing catch basin grates and re-grade the parking area so all paved surfaces are directed to the two (2) existing catch basins and minimize sheet flow entering Mass Avenue.

- 8. Mock up the any sandwich board signs that could be put out on the sidewalk in strategic locations that indicate no parking/no public consumption.**

Please see Apothca's updated site plan enclosed hereto on Sheet Four of Exhibit B, which includes demonstrations of proposed sandwich board signs. Sign surface area shall not exceed 12 square feet in accordance with the Town's Zoning By-Law for Temporary A-Frame signs.

- 9. Call out the Brookline worst case traffic counts in the traffic impact statement, but also look at how the worst case at NETA would be addressed. Understanding how Apothca would work through the worst case scenario is more important than the actual number of cars.**

Please see Apothca's updated Traffic Impact Statement enclosed hereto as Exhibit C, which addresses proposed operational responses to high volume traffic scenarios. Worst-case trip generation numbers from a June 2019 study of NETA in Brookline, Massachusetts have been incorporated into the revised Traffic Statement. While we do not anticipate a similar demand at the proposed Arlington facility, Apothca will provide staffing and technology to minimize transaction times and would be able to service this demand if it maintained an average transaction time of approximately six minutes per customer. During Apothca's initial opening period at its Lynn facility, the high volume transaction time was approximately four minutes. A Memorandum of Understanding between the company and the Arlington Police Department, a proposed summary of which is attached as Exhibit D, will also provide for escalating measures to address any high-demand dates and times.

- 10. Continue to coordinate with APD. I understand that the tour of the Lynn dispensary had not yet been scheduled, so please be in touch with the officers to schedule that tour.**

A tour of Apothca's Lynn dispensary occurred on January 9, 2020.

- 11. Similarly, be in touch with Doug regarding the MOU. Rather than a draft of the MOU, it would be beneficial to receive a memo from Phil and Doug indicating what the MOU might cover.**

A draft Memorandum of Understanding has been transmitted to the Town for review and approval. A summary of the memorandum is enclosed as Exhibit D.

Thank you for your attention. Please do not hesitate to contact me directly with further questions or concerns.

Sincerely,

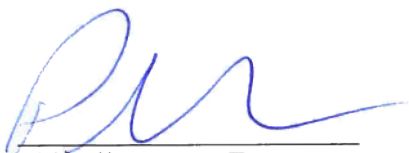
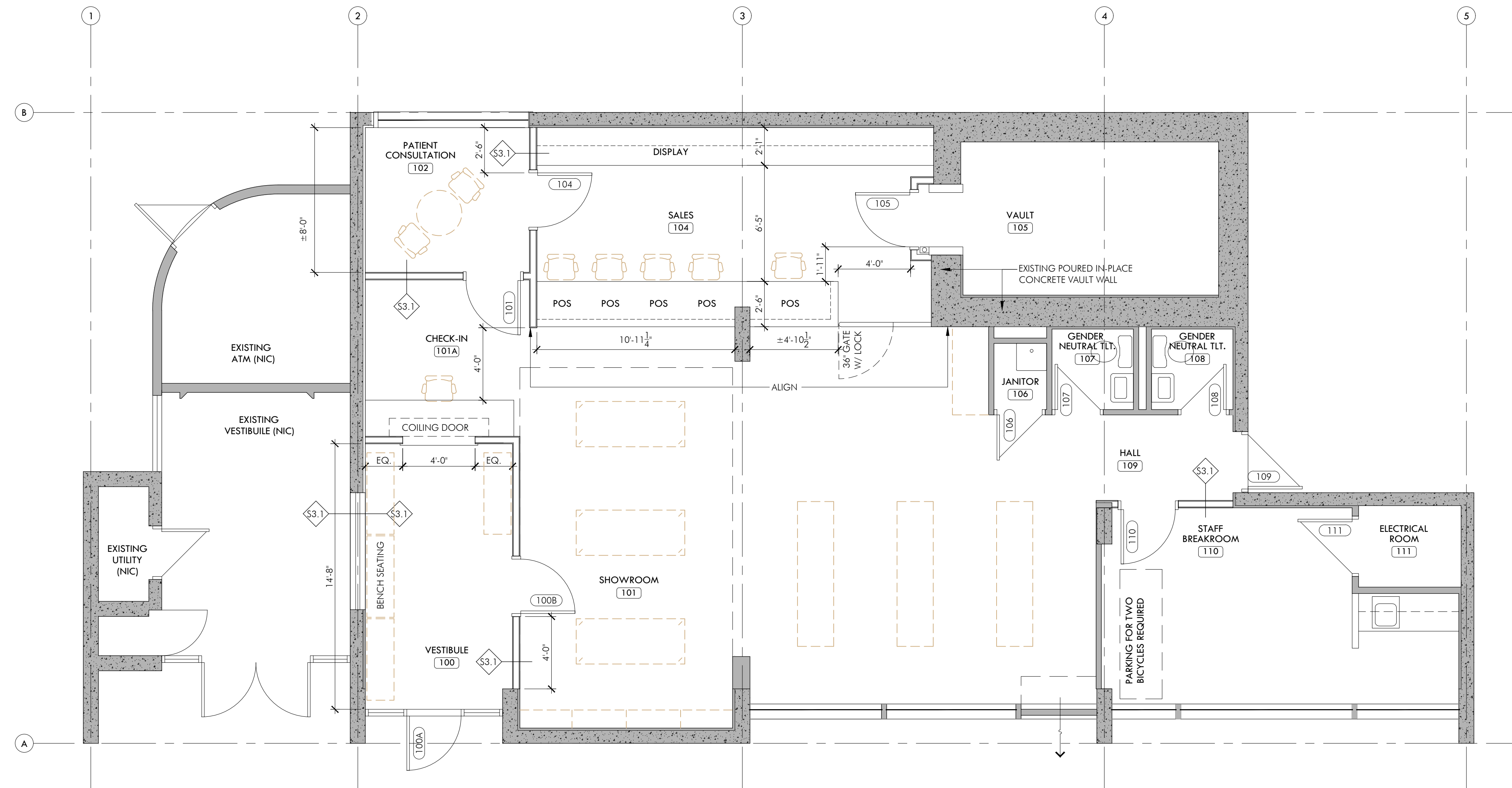
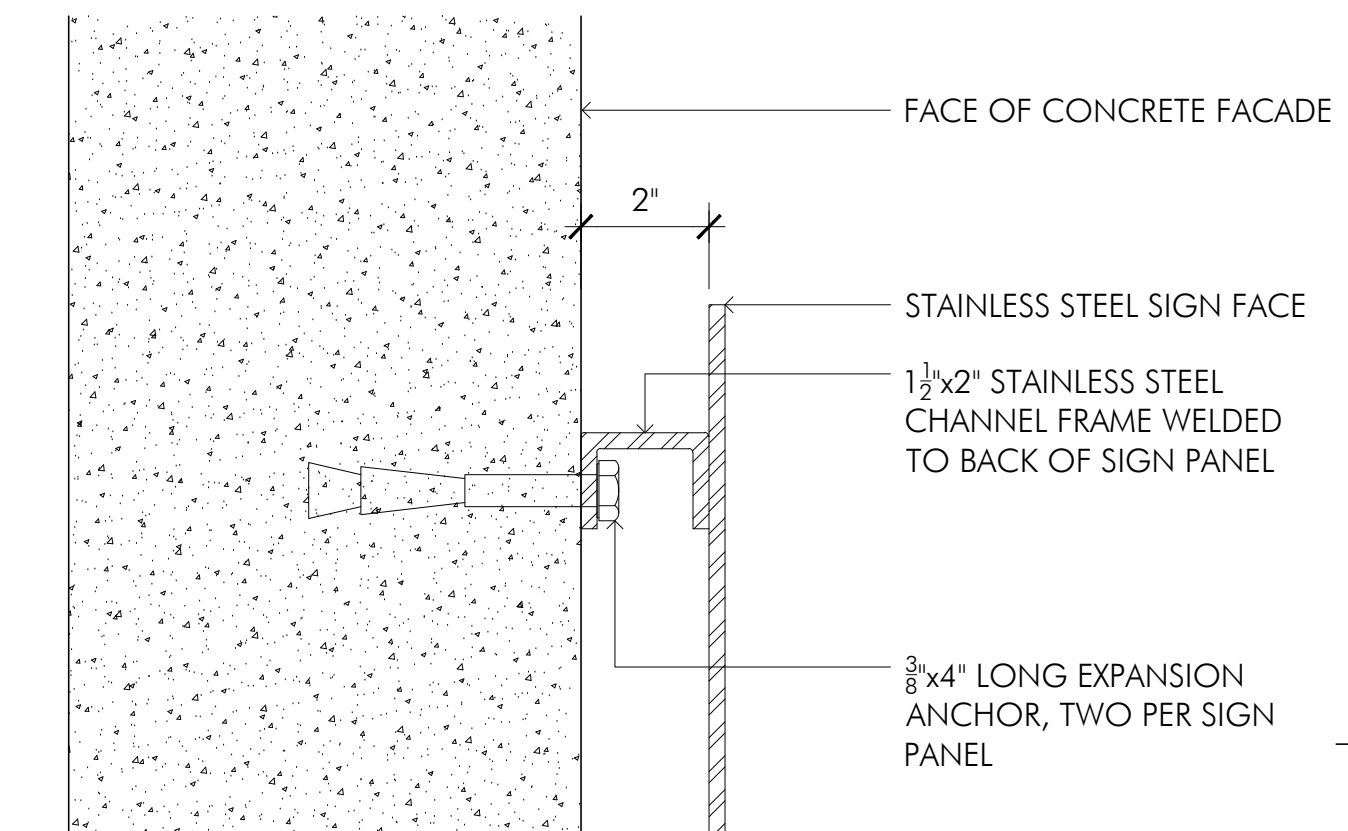
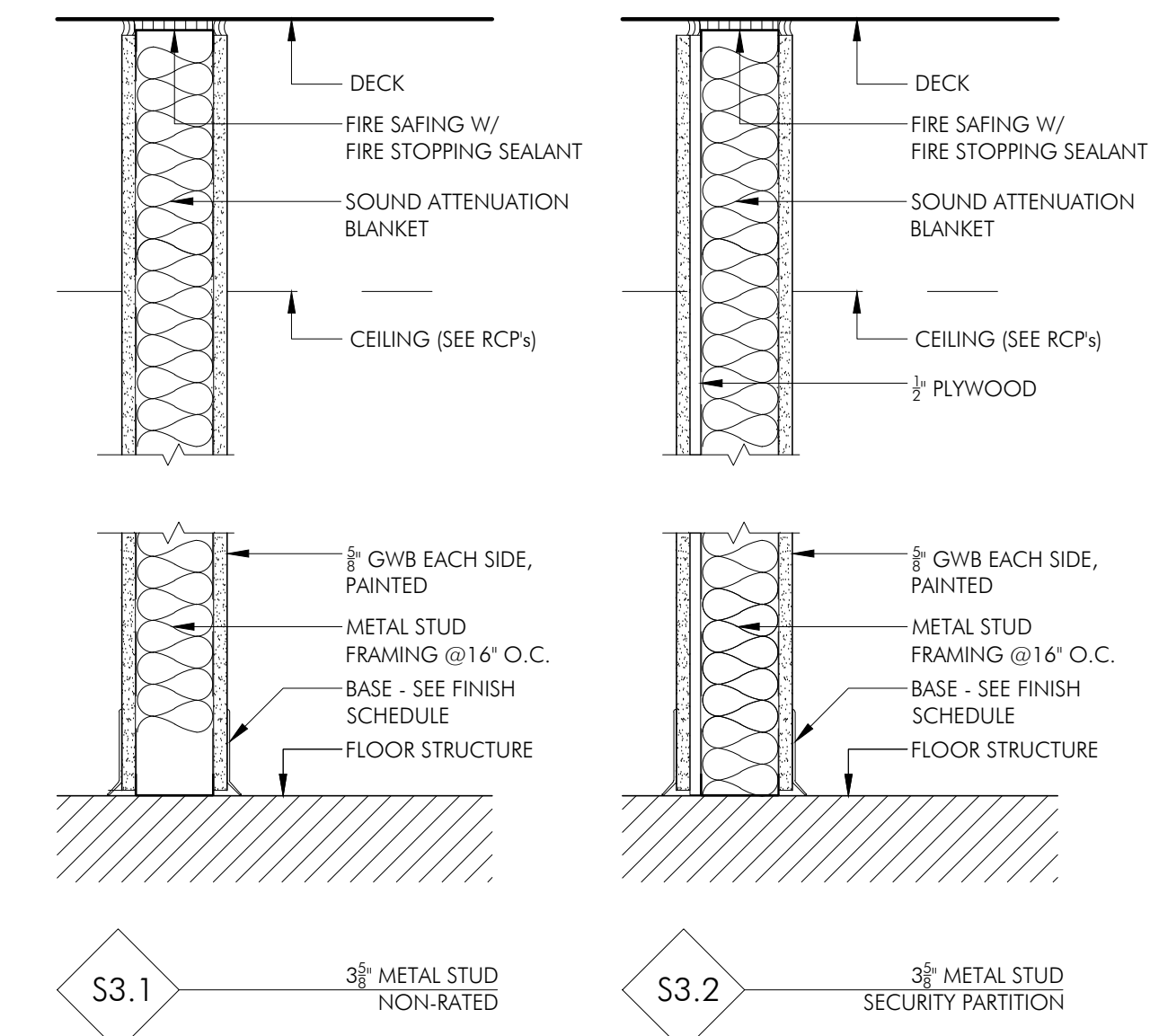

Phil Silverman, Esq.

Exhibit A



1 FLOOR PLAN
SCALE: 1/4"=1'-0"

PARTITION TYPES



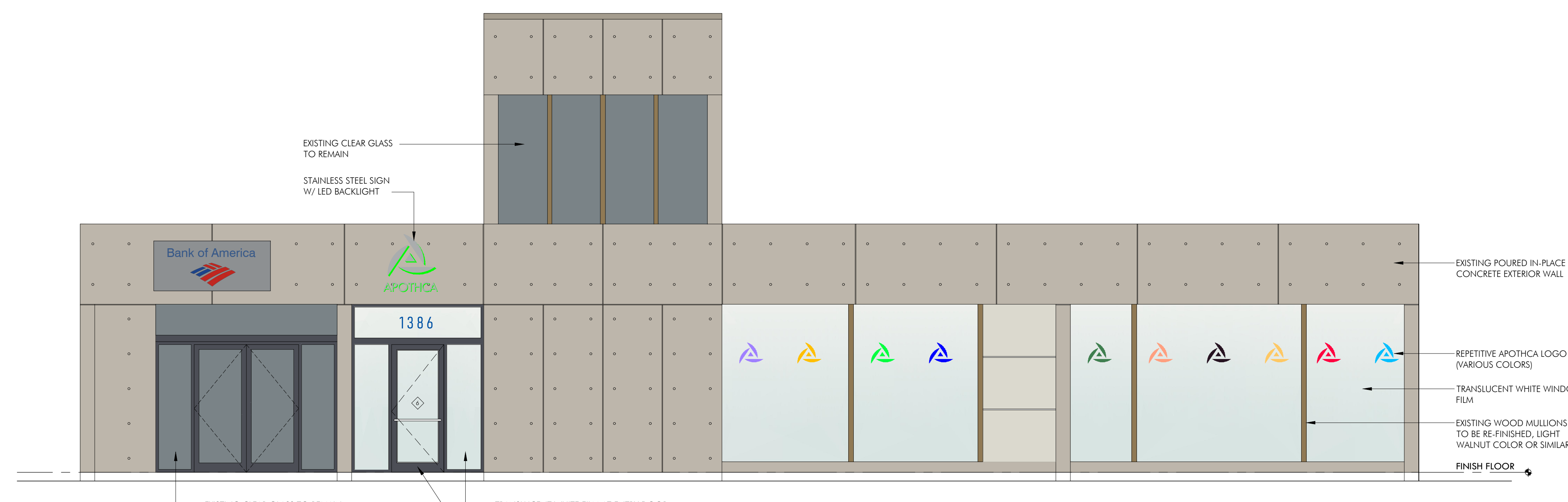
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Consultants

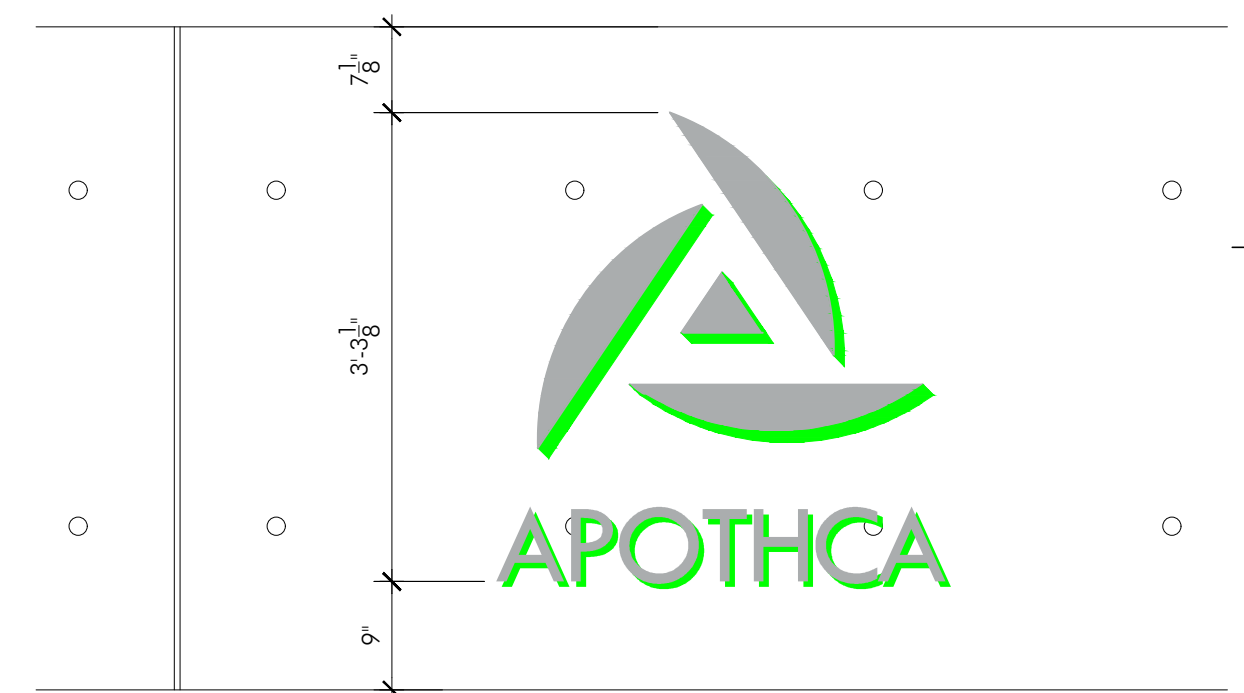
These drawings are property of Lincoln Architects LLC © 2019. These drawings are protected by Federal Copyright Laws. Any use of the information contained herein is prohibited without prior written consent of Lincoln Architects LLC and represents a violation of Federal laws subject to the prescribed penalties.

Revisions

MPF DISPENSARY
1386 Massachusetts Avenue
Arlington MA 02476-4102



2 EXTERIOR ELEVATION
SCALE: 1/4"=1'-0"



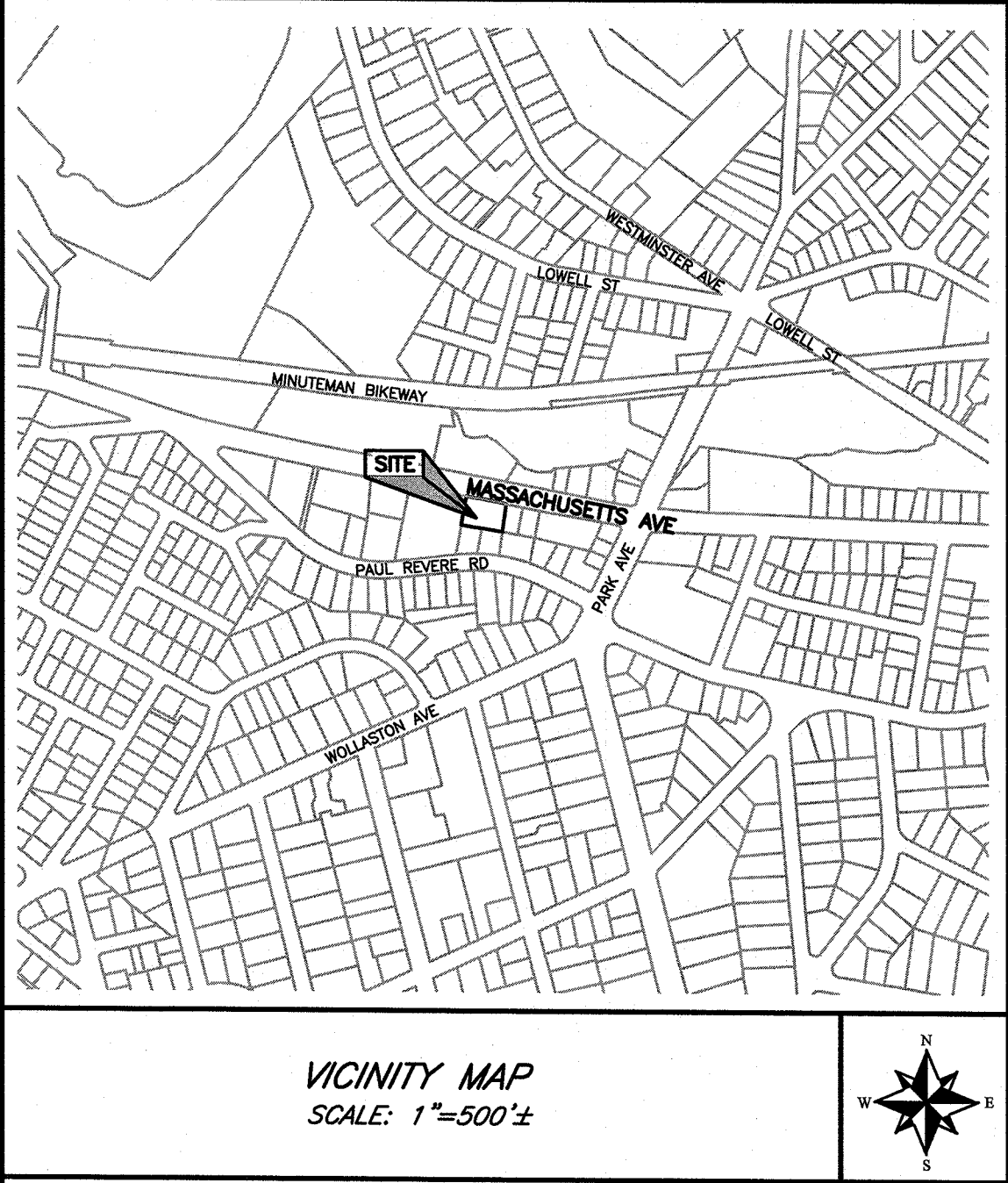
3 SIGN ELEVATION
SCALE: 3/4"=1'-0"

FIRST FLOOR PLAN

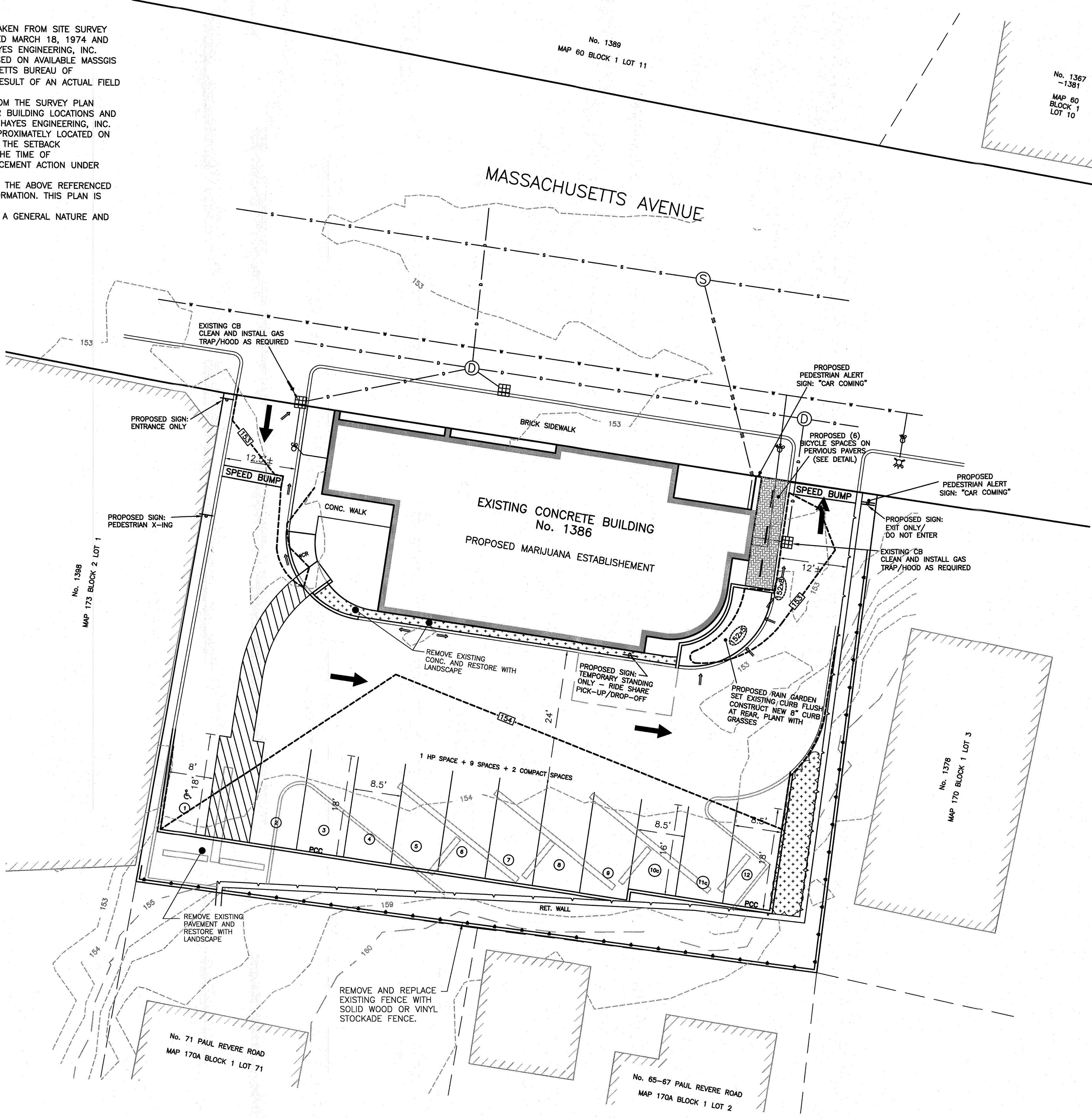
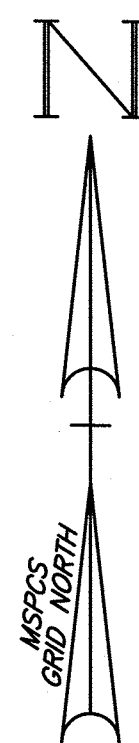
Project Number
2019.092
Drawing Scale
1/4"=1'-0"
Drawn By
DRQ
Checked By
GMC
Date Issued
1/21/2020

A1

Exhibit B



- GENERAL NOTES:**
1. VERTICAL DATUM IS NAVD88
 2. PROPERTY LINE INFORMATION DEPICTED ON THIS PLAN TAKEN FROM SITE SURVEY PLAN PREPARED BY SOMERVILLE ENGINEERING, INC. DATED MARCH 18, 1974 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC.
 3. TOPOGRAPHIC INFORMATION DEPICTED ON THIS PLAN BASED ON AVAILABLE MASSGIS LIDAR POINT CLOUD DATA PROVIDED BY THE MASSACHUSETTS BUREAU OF GEOGRAPHIC INFORMATION (MASSGIS) AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC.
 4. BUILDING LOCATIONS DEPICTED ON THIS PLAN TAKEN FROM THE SURVEY PLAN REFERENCED IN ITEM 2, ABOVE AND MASSGIS 2-D LIDAR BUILDING LOCATIONS AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC. THE PERMANENT STRUCTURES DEPICTED HEREIN ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN. THEY EITHER CONFORMED TO THE SETBACK REQUIREMENTS OF THE LOCAL ZONING ORDINANCES AT THE TIME OF CONSTRUCTION, OR ARE EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER M.G.L., TITLE VII, CHAPTER 40A, SECTION 7.
 5. PLAN CONTENTS ARE THE RESULT OF A COMPILATION OF THE ABOVE REFERENCED SOURCES AND VARIOUS RECORD AND NON-RECORD INFORMATION. THIS PLAN IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
 6. THE PURPOSE OF THIS PLAN IS TO DEPICT THE SITE IN A GENERAL NATURE AND INDICATE THE PROPOSED CHANGE IN USE ONLY.



SHEET INDEX	
PLAN TITLE	SHEET DESIGNATION
SITE PLAN	C1
LANDSCAPING PLAN	L1
LIGHTING PLAN	L2
DETAILS	C2



Prepared For:

Owner / Applicant
APOTHA
JOSEPH LEKACH
1955 TYLER STREET
HOLLYWOOD, FL 33020
305.741.8540

Prepared By:

Hayes Engineering, Inc.
100 South Street
Waverfield, MA 01880
Ph: 781.246.2800
Fax: 781.246.7596
www.hayeseng.com

Design By: AMC
Drawn By: AMC
Checked By: PJO
Project File: ARL-0017
Comp. No: ARL12
☒ Issued For Permit
☐ Issued For Review
☐ Issued For Bid
☐ Issued For Construction
☒ Not For Construction

No.	1	2	3	4	5	6	7	8	9	10
Revision	1	2	3	4	5	6	7	8	9	10
Date	12/16/19	1/20/20								

Scale: 1"=10'


Date: October 7, 2019

Drawing Title:
SITE PLAN
APOTHA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Drawing No.:
C1

SHEET 1 OF 4

SHEET 2 OF 4



D-Series Size 1
LED Area Luminaire

d^{series}

DLG
DALI
ENERGY STAR

Specifications

EPA: 1.01 ft²
(0.09 m²)

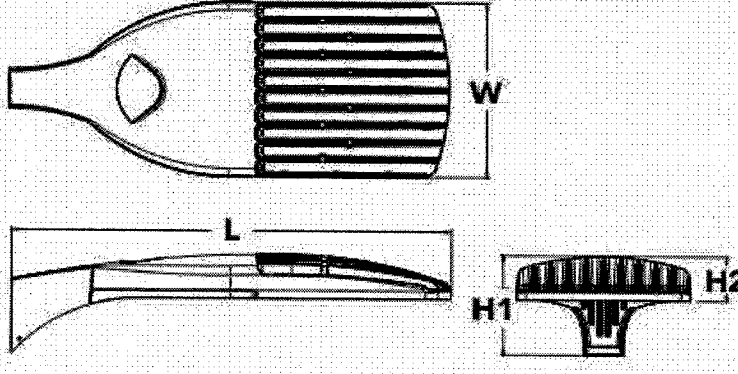
Length: 33"
(84.1 cm)

Width: 13"
(33.0 cm)

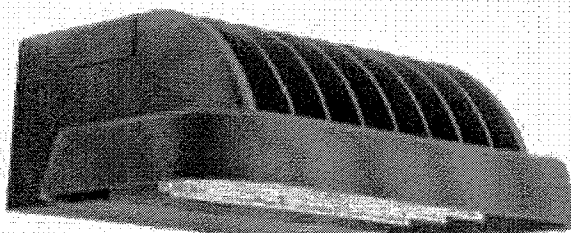
Height H1: 7-1/2"
(19.0 cm)

Height H2: 3-1/2"
(9.1 cm)

Weight (max): 27 lbs
(12.3 kg)



LITHONIA DSX1-LED LIGHT FIXTURE
NOT TO SCALE



KAXW
LED Wall Luminaire

ENERGY STAR
DLG
ENERGY STAR

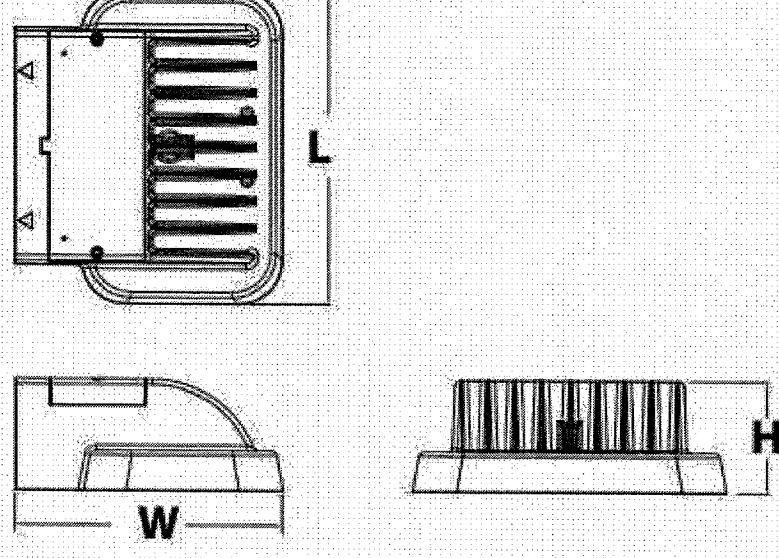
Specifications

Length: 14"
(35.4 cm)

Width: 12"
(30.5 cm)

Height: 5"
(12.7 cm)

Weight (max): 19.7 lbs
(8.9 kg)



LITHONIA KAXW-LED WALL PACK
NOT TO SCALE

PHOTOMETRIC LEGEND:

Denotes Isofootcandle Value 1.4

Denotes Isofootcandle Line 2.0

GENERAL LIGHTING NOTES:

Illuminance values shown are proposed maintained horizontal footcandles on level grade.



Photometric analysis does not consider any existing illuminance, shadow or reflected light from existing or proposed objects and grade differences.

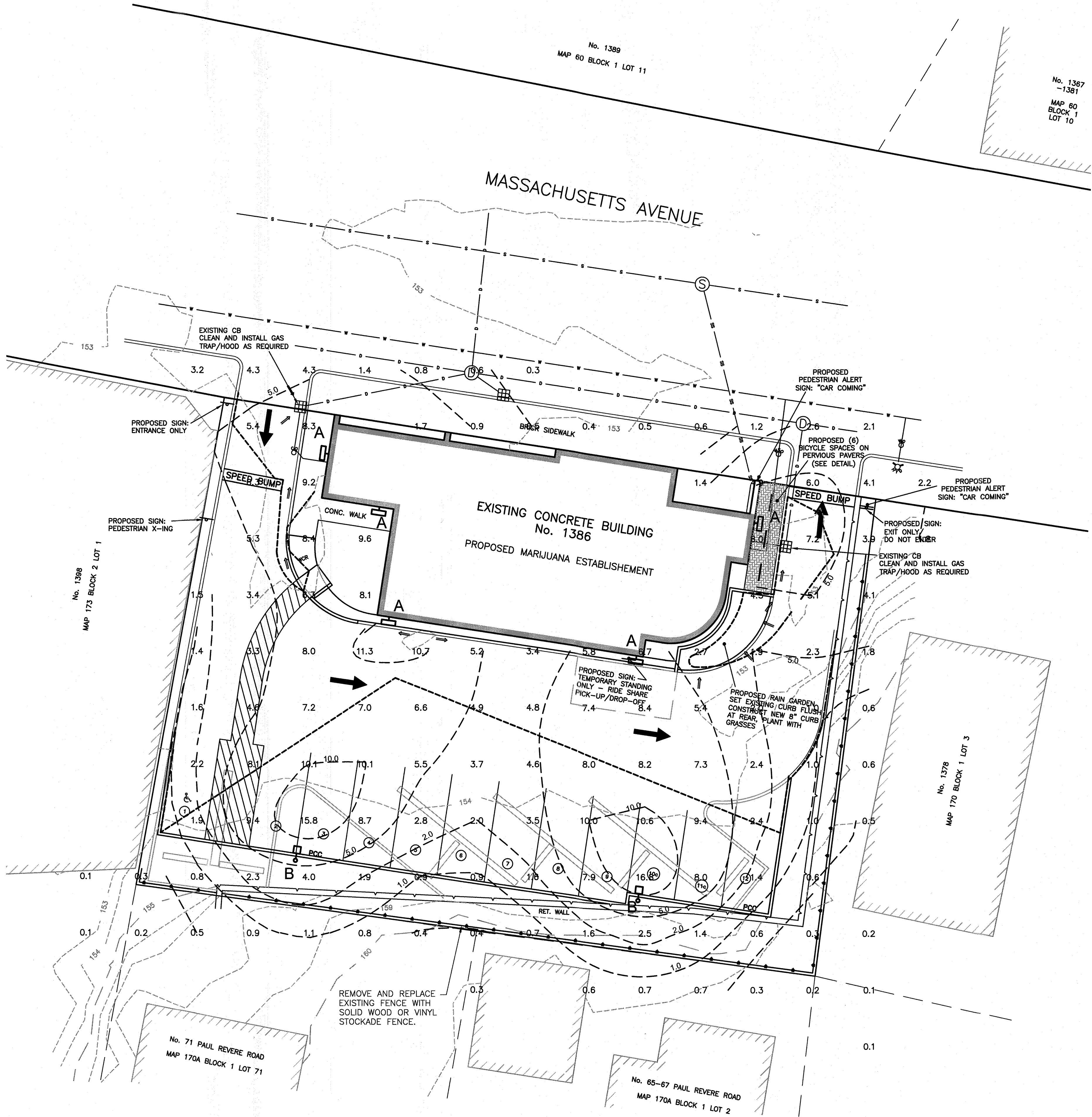
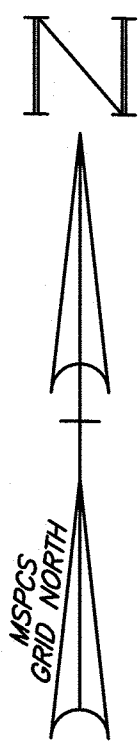
Horizontal illuminance levels shown are calculated from data provided from manufacturer in accordance with the Illuminating Engineering Society approved methods.

Actual illuminance levels may differ due to several factors such as lamp lumen depreciation, luminaire dirt depreciation, luminaire surface depreciation, and equipment operating factor.

Contractor to verify all utilities before construction.

LUMINAIRE SCHEDULE

Callout	Symbol	Description	Volts	Quantity
A		KAXW LED, Performance Package 3, 5000K, Type 4, 120-277V	120V 1P 2W	5
B		DSX1 LED P1 30K T3M MVOLT, 12'h	120V 1P 2W	2



Prepared For:

Owner / Applicant
APOTHA
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305.741.8540

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No.	1	2	3	4	5	6	7	8	9	10
Date	1/20/20	12/16/19								
Revision	ARE COMMENTS	ARE COMMENTS								

Scale: 1"=10'
0' 5' 10' 20'

Date: October 7, 2019

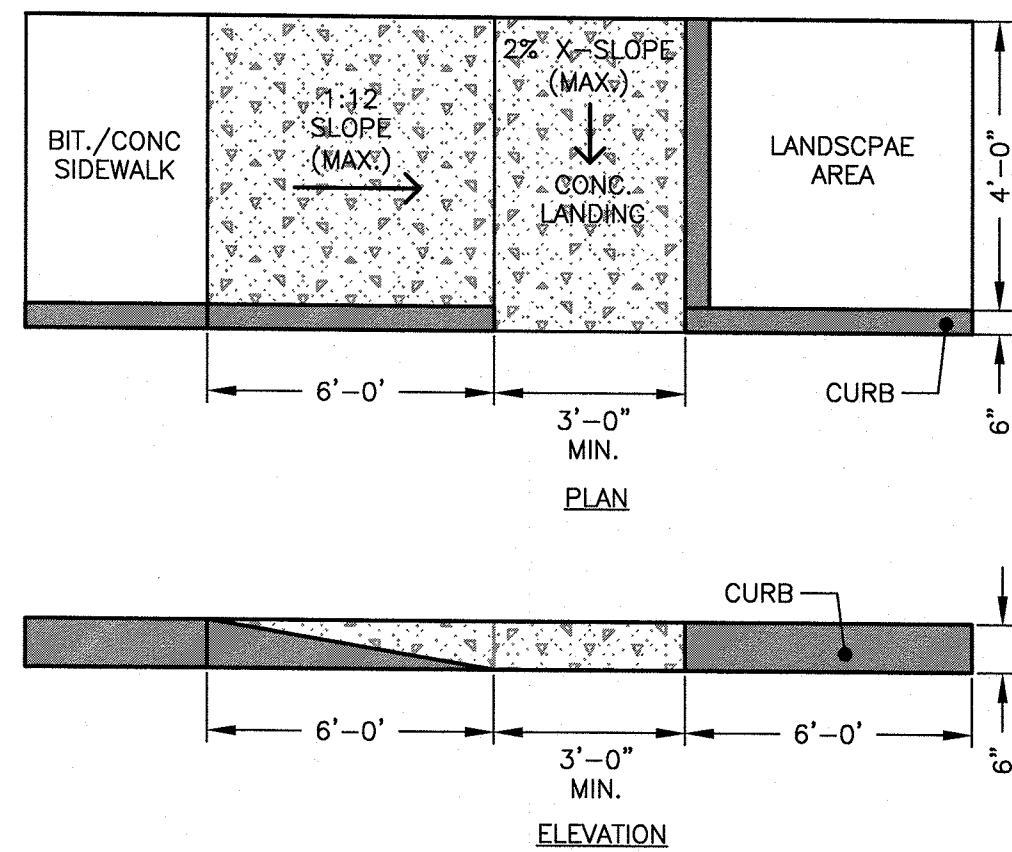
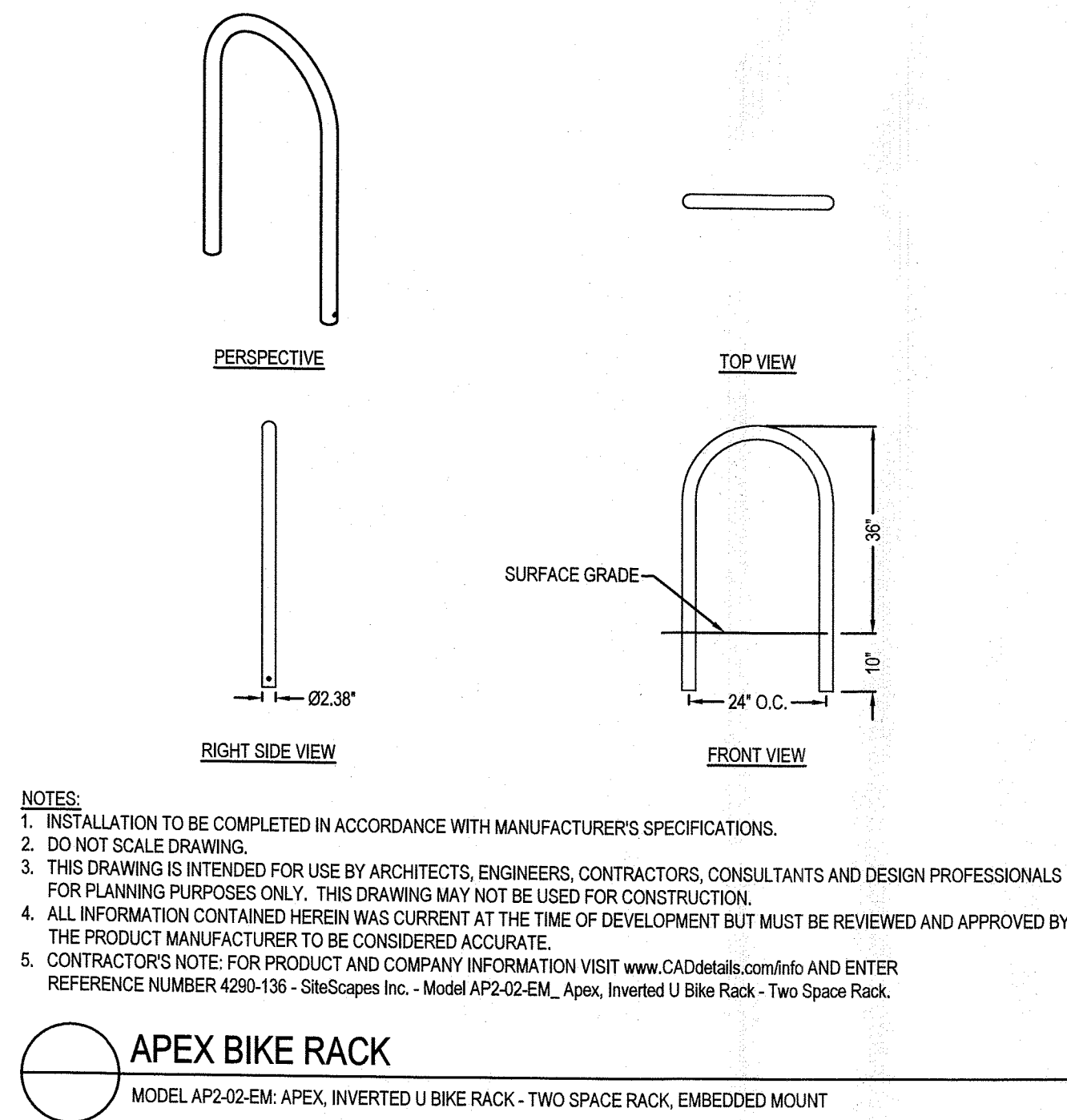
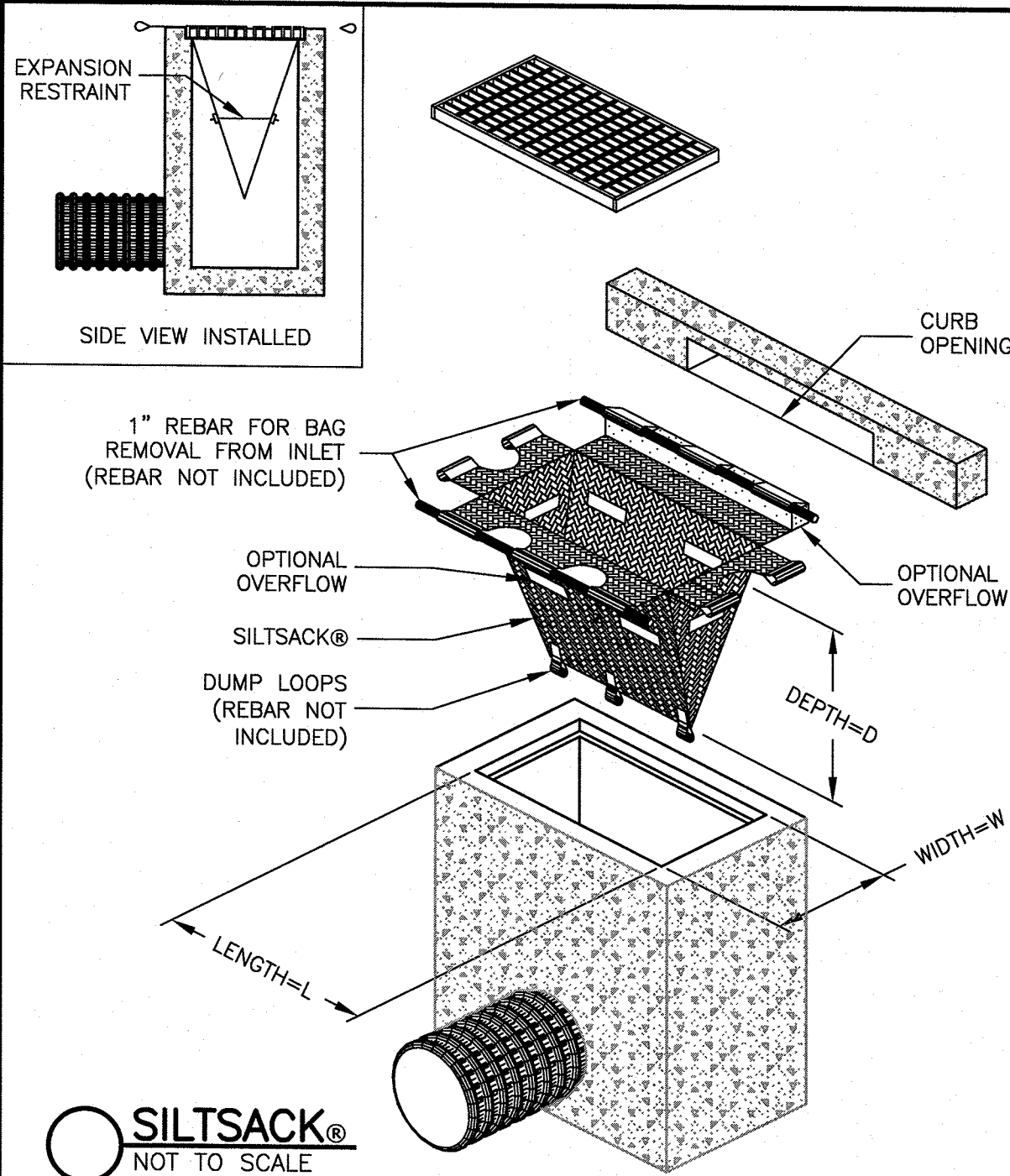
Drawing Title:

LIGHTING PLAN
APOTHA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

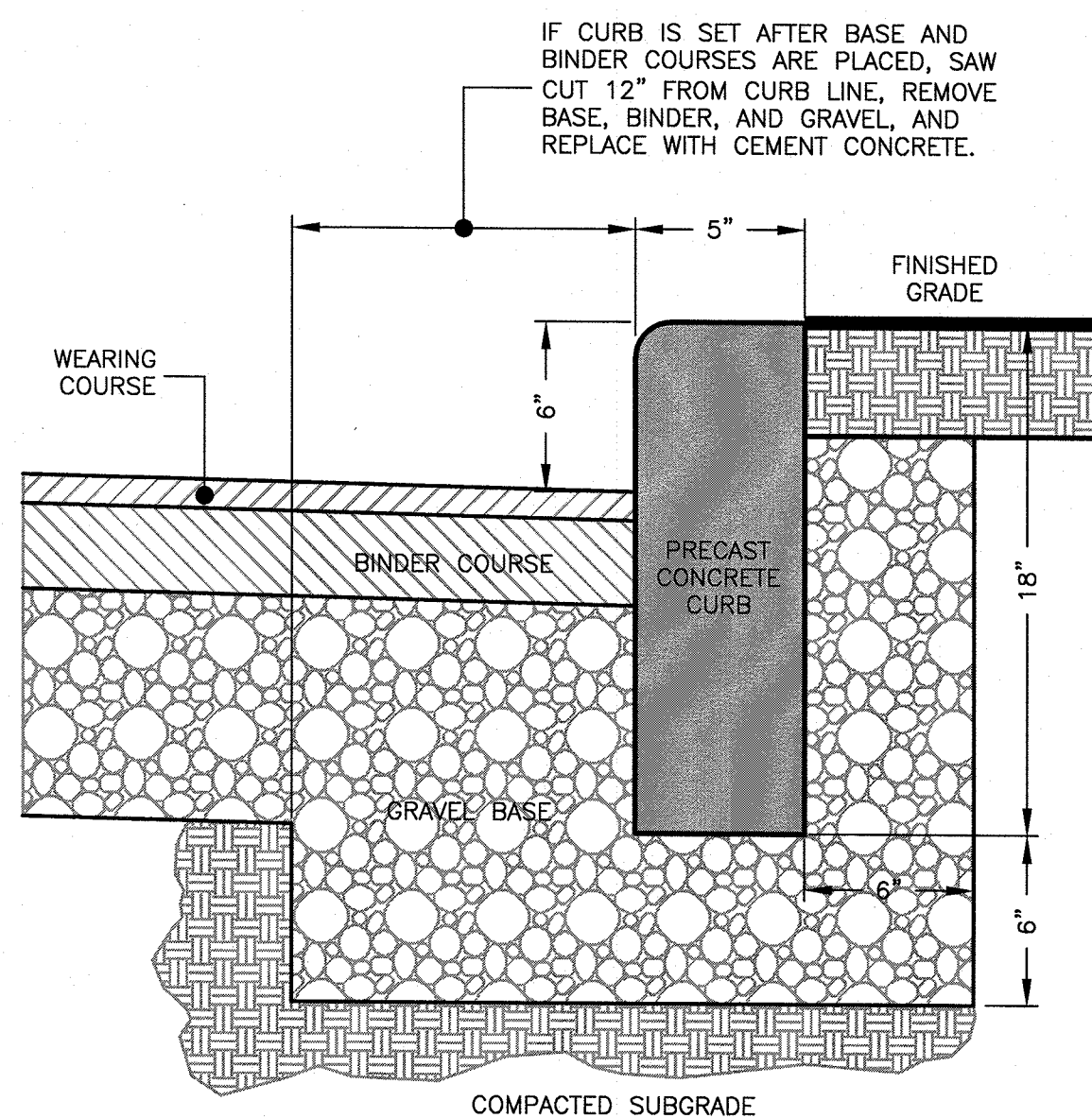
Seal:

Drawing No.:

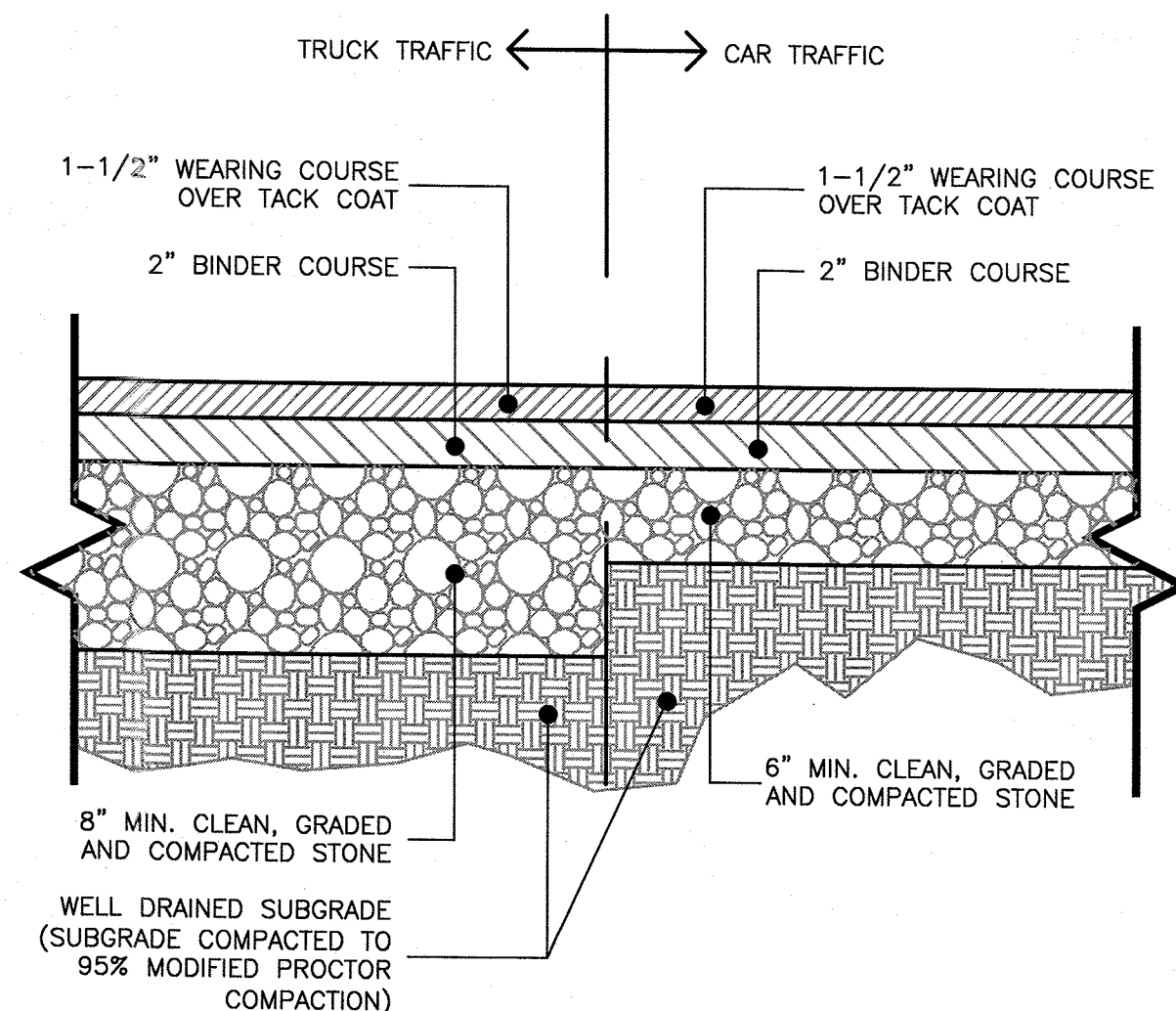
L2



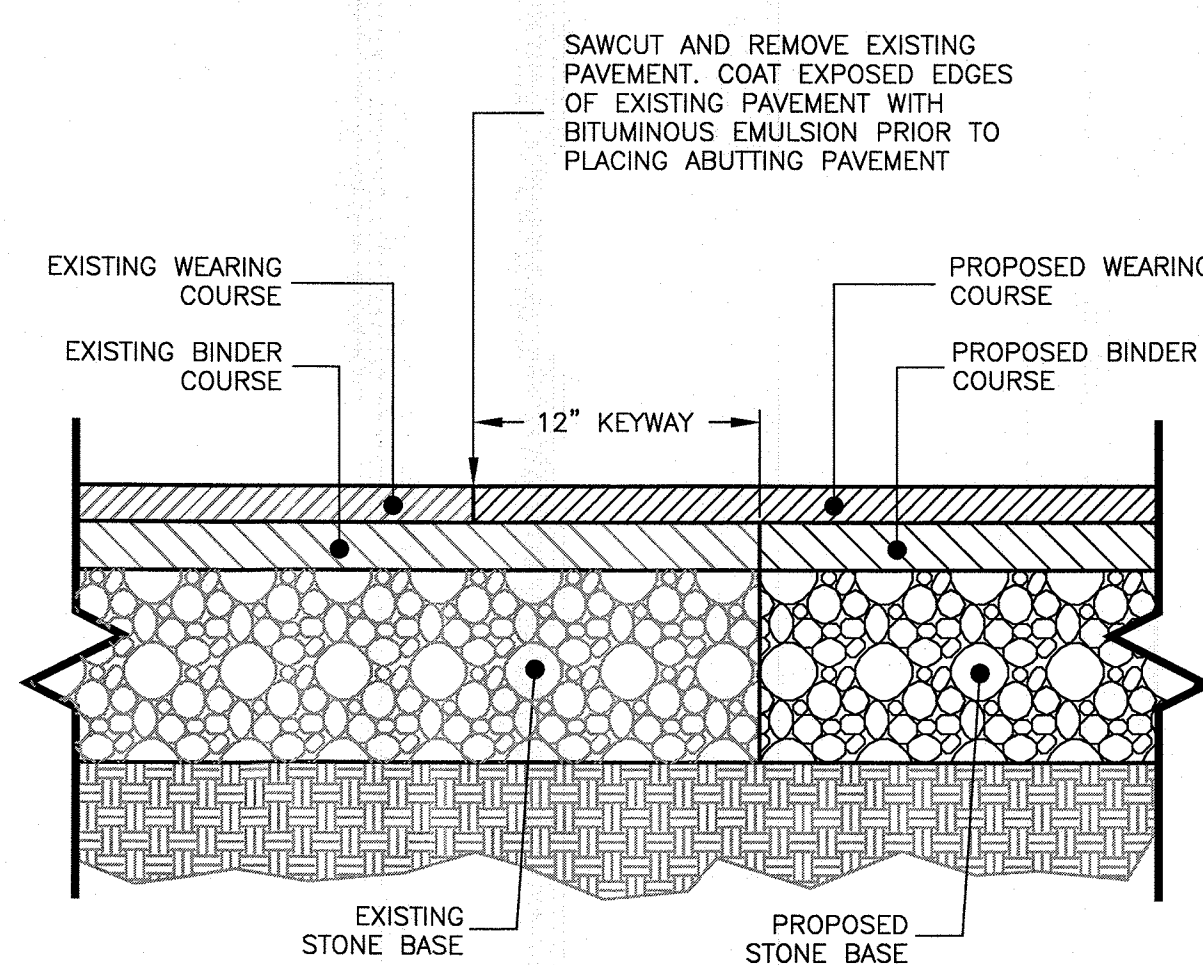
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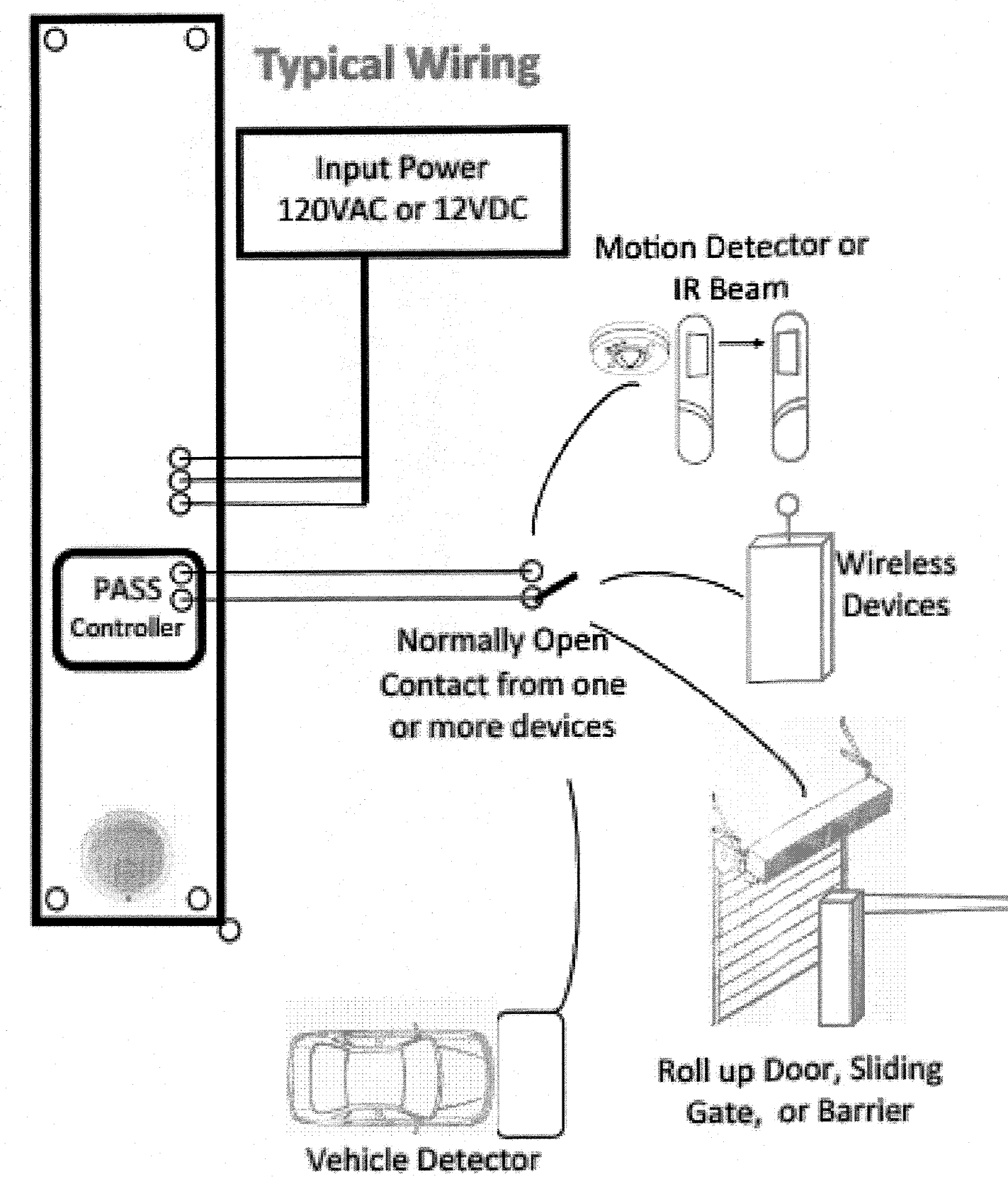
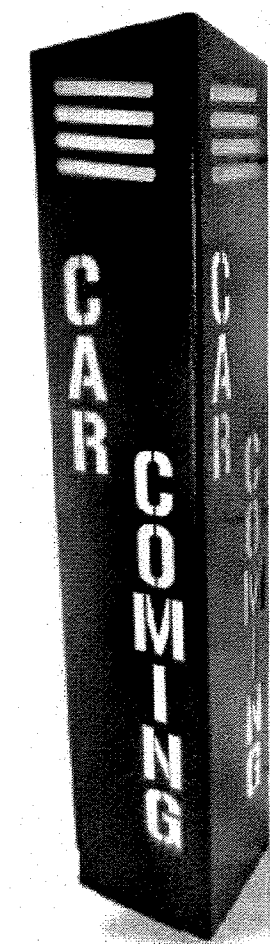
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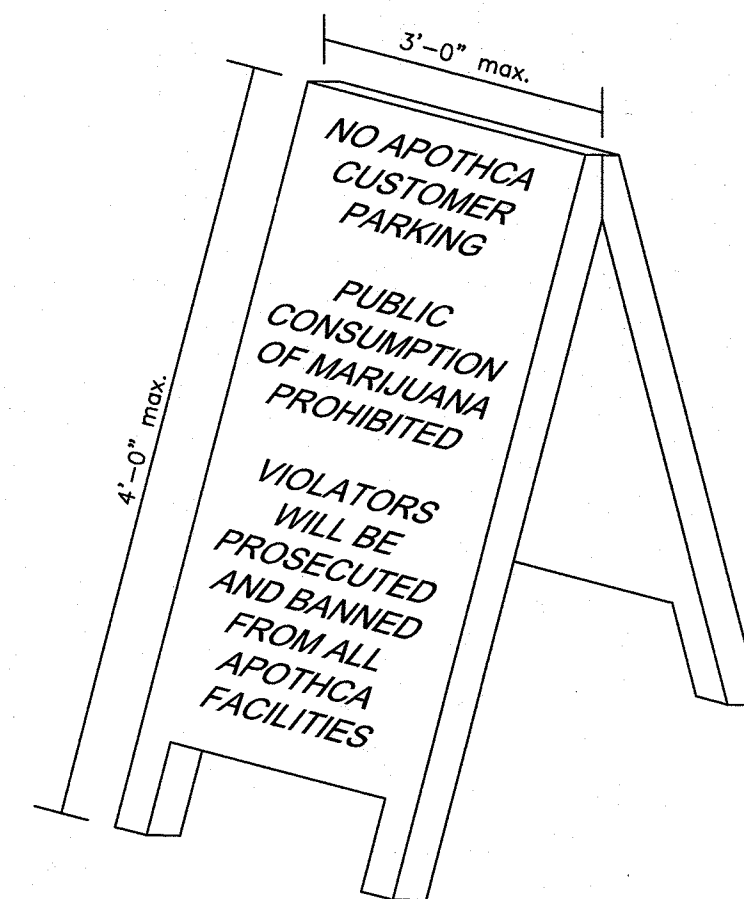
PAVEMENT SECTION
NOT TO SCALE



PAVEMENT KEYWAY
NOT TO SCALE



PEDESTRIAN ALERT SAFETY SIGN DETAIL
NOT TO SCALE



TEMPORARY A-FRAME SIGN DETAIL
NOT TO SCALE

Prepared For:
Owner / Applicant
APOTHA
JOSEPH LEXACH
1965 TYLER STREET
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305.741.6540

Prepared By:
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No.	Revision	Date
10		
9		
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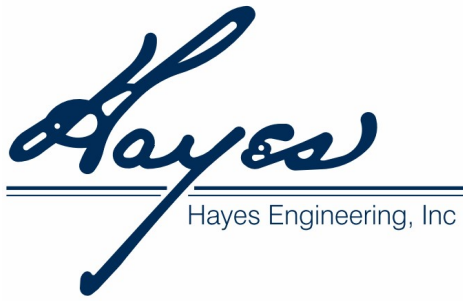
Scale: 1"=10'
0' 5' 10' 20'
Date: October 7, 2019

Details
APOTHA
1385 MASSACHUSETTS AVENUE
ARLINGTON, MASS.

Seal:
COMMONWEALTH OF MASSACHUSETTS
ERIC B. LANE
CIVIL
No. 46489
REGISTERED
Professional Engineer

Drawing No.:
C2
SHEET 4 OF 4

Exhibit C



603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Traffic Impact Statement

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. ARL-0017

TO: Town of Arlington
Board of Selectmen and Redevelopment Board

FROM: Tony Capachietti, *Project Manager*

DATE: October 7, 2019
Revised January 6, 2020
Revised January 20, 2020

SUBJECT: Apothca, Inc.
Proposed Marijuana Dispensary
1386 Massachusetts Avenue, Arlington, MA

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement pursuant to the request of the project proponent, Apothca, Inc. (Apothca), in support of the proposed co-located adult-use and medical marijuana dispensary at 1386 Massachusetts Avenue in Arlington, Massachusetts. The purpose of this Impact Statement is to evaluate the anticipated Average Daily and Peak Hour trip generation for the facility.

The existing 2,184[±] square foot (sf.) building at 1386 Massachusetts Avenue is occupied by *Arlington Swift Printing*, a copy, printing and shipping store. The Applicant proposes to convert the facility into a medical and adult-use marijuana dispensary within the existing footprint.



Figure 1 – 1386 Massachusetts Avenue, Arlington, MA © Google Image Capture



Traffic Impact Statement

1386 Massachusetts Ave – Arlington, MA

ARL-0017

May 2, 2019

Revised January 5, 2020

January 20, 2020

Trip Generation

Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition.

The prior use at the facility is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 920 – Copy, Print and Express Ship Store, defined in the ITE Trip Generation Manual, 10th Edition as being:

... a facility that offers a variety of copying, printing, binding, and shipping services. Retail sales of a limited range of office-related items including packing and shipping supplies are also commonly available. Technology services, such as computer rental and wireless Internet may also be provided.

Estimated Trip Generation rates for the 2,184[±] -sf. facility under its prior use are summarized in Table 1, below.

Table 1: Trip Generation LUC 920 – Copy, Print and Express Ship Store

<u>Time Period</u>	<u>LUC 920 Average Trip Ends per 1,000sf GFA</u>	<u>LUC 920 Estimated Vehicle Trip Ends^(1,2)</u>
Weekday Daily	123.00 ⁽³⁾	269 ⁽³⁾
Weekday AM Peak Hour	8.12	18
Weekday PM Peak Hour	12.30	27
Saturday Daily	Not Published	Not Published
Saturday Peak Hour	Not Published	Not Published

⁽¹⁾ Based on 2,184[±] -sf. of floor area

⁽²⁾ ITE cautions use due to small sample size

⁽³⁾ Estimated as 10 times peak hour

The proposed RMD use is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 882, Marijuana Dispensary, defined in the ITE Trip Generation Manual, 10th Edition as being:

... a standalone facility where cannabis is sold to patients or consumers in a legal manner.

Trip Generation rates for the proposed 2,184[±] -sf. dispensary use are summarized in Table 2, below. It should be noted that the ITE cautions the use of its Marijuana Dispensary data as it was derived from a small sample set.



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Table 2 has been updated to reflect average rates published by Spack Consulting as well as observed rates from dispensaries in Massachusetts from surveys conducted in June and October/November 2019. The decrease in trip generation rates from the June observations to the October/November observations should be noted as they correspond to an approximate 400% increase in the number of operating recreational dispensaries in the Commonwealth.

Table 2: *Trip Generation, Proposed Marijuana Establishment*

Time Period	ITE Average Trip Ends per 1,000sf GFA	ITE Estimated Trip Ends ^(1,2)	Spack Consulting Weighted Average per 1,000sf GFA	Spack Consulting Estimated Trip Ends ⁽¹⁾	Salem and Brookline Average Observed Rate per 1,000sf. ⁽³⁾	June 2019 Rate – Estimated Trip Ends ^(1,3)	Observed Rate per 1,000sf. Apothca Lynn, MA ⁽⁴⁾	Apothca Lynn Rate Estimated Trip Ends ^(1,4)
Weekday Daily	252.70	552	252.58	552	523.2	1,143	144.16	315
Weekday AM Peak Hour	20.88	46	23.61	52	40.6	89	Not Observed	-
Weekday PM Peak Hour	29.93	65	39.85	87	62.0	135	Not Observed	-
Saturday Daily	259.31	566	259.31	566	793.8	1,734	176.74	386
Saturday Peak Hour	36.43	80	36.43	80	74.2	162	Not Observed	-

⁽¹⁾ Based on 2,184± -sf. of floor area

⁽²⁾ ITE cautions use due to small sample size

⁽³⁾ Based on customer counts by HEI in Brookline and Salem, MA during June 2019

⁽⁴⁾ Based on transactions logged between October 26 and November 18, 2019 at the Apothca Lynnway facility in Lynn, MA

At the request of the Arlington Redevelopment Board (ARB) vehicle trip generation based solely on June 2019 observed rates for the NETA dispensary in Brookline, MA. This represents a “worst-case” scenario as the observed counts were obtained when the NETA dispensary was the only operating adult-use dispensary in the Greater Boston area.

Table 2a: *Trip Generation based on Observed NETA rates – June 2019*

Time Period	Observed NETA Trip Ends per 1,000sf GFA	Estimated Vehicle Trip Ends ⁽¹⁾
Weekday Daily	473	1,033
Weekday AM Peak Hour	31	68
Weekday PM Peak Hour	50	23
Saturday Daily	611	1,334
Saturday Peak Hour	57	124

⁽¹⁾ Based on 2,184± -sf. of floor area



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Apothca does not anticipate that it will experience the high volumes of customers that were observed at the NETA dispensary. The greatest peak hour demand of 62 vehicles (124 trip ends), based on the NETA rates, occurs on Saturdays. Apothca will provide additional staff during this peak to reduce transaction times. Apothca's Lynn dispensary was able to provide 4-minute transaction times through staffing and customer use of web applications such as Leafly. An average transaction time of approximately 6 minutes would be required to meet the volumes projected using the NETA rates. Beyond additional point of sale staff Apothca will employ tablets or iPads to assist those customers in the queue to organize their order prior to entrance into the facility.

Trip generation rates for dispensary uses vary greatly which is expected for a new and limited land use. This sort of disparity was observed during the expansion of Krispy Kreme donut shops into new areas, however, as the uniqueness of the use dissipated so did the traffic. Hayes Engineering, Inc.'s experience and observations through our permitting assistance for over 110 cannabis related businesses in the Commonwealth of Massachusetts also indicates a downward trend in trip generation for dispensary uses. **For the purposes of this (revised) analysis the Spack Consulting Rates were selected as they are slightly higher than the ITE rates for peak hour and lie between the two observed Massachusetts rates.**

Table 3, below, compares estimated vehicle trip ends for the previous copy facility use and proposed marijuana business use:

TABLE 3

Trip Generation, *Summary – Prior Use vs. Proposed RME*

<u>Time Period/Direction</u>	<u>Prior Use Vehicle Trip Ends</u>	<u>Proposed RME Vehicle Trip Ends</u>	<u>Change in Trip Ends</u>
Weekday Daily	269 ⁽²⁾	552	+283
Weekday AM Peak Hour	18	52	+34
Weekday PM Peak Hour	27	87	+60
Saturday Daily	269 ⁽³⁾	566	+297
Saturday Peak	27 ⁽³⁾	80	+53

⁽¹⁾ As compared to weekday daily traffic for the prior use

⁽²⁾ Estimated as 10 times peak hour

⁽³⁾ Estimated as being equivalent to weekday daily

The proposed dispensary results in an increase to projected trip ends to the facility when compared to the previous use for all scenarios. Each vehicle represents two trip ends, one arriving and one departing from the facility. The anticipated increase in weekday daily vehicle trips to the facility is 142 vehicles (283 trip ends). It should be noted that not all trips represent "new" or "destination" vehicles on the route; destination trips have the greatest effect on traffic conditions. Pass-by trips have minimal impacts to traffic conditions. A pass-by trip is one where a vehicle is already on the route or very close to the route and stops on the way to their ultimate



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destination. Studies have shown that for retail uses similar to the proposed dispensary, a substantial portion of vehicle trips are from existing traffic passing by the site or diverted from another route in the vicinity of site. Data presented in the ITE Trip Generation Handbook indicates that for the average percentage of pass-by trips for Pharmacy/Drugstores without Drive-Through Windows is 49-percent during the weekday PM peak hour. HEI conducted a transportation survey of 257 patrons exiting an existing dispensary operating in Brookline, MA on June 13, 2019 identified 53.7% of patrons considered their stop to be a pass-by or diversion trip on their way to their ultimate destination. **While it is our opinion that dispensary uses, as they become more prevalent, will be similar to convenience type uses in their pass-by rates no reduction in trip generation is credited in this analysis.**

HEI also evaluated customer data from three (3) dispensaries currently operating in Massachusetts in Brookline, Salem and Gardner to determine the AM peak hour occurs at 11a-noon and does not typically coincide with the AM rush hour for traffic on the adjacent roadways. Peak PM hours for these dispensaries typically occur between the hours of 6p-7p.

The Massachusetts Department of Transportation Highway Division maintains vehicle counts on Massachusetts Avenue on either side of the site (see Figure 2) at the following locations:

- Location ID: 4871 - Massachusetts Avenue North of Pleasant Street
- Location ID: 4930 - Massachusetts Avenue North of Appleton Street

Average Annual Daily Traffic (AADT), as reported by MassDOT, for these count locations indicate that approximately 20,000 vehicles per day pass the project site. The projected daily increase in vehicle trips of 142 on an average day represents less than 1% of the 17,613 vehicles reported at Location ID 4930. As such no significant changes to the prevailing traffic conditions are anticipated as a result of this project.

The Arlington Transportation Advisory Committee conducted AM and PM Peak turning movement counts at the intersection of Massachusetts Avenue and Park Avenue on November 19, 2019. The counts were conducted during the AM peak hour between 8:00a-9:00a and the PM peak hour between 5:00p and 6:00p. The movement counts were translated to eastbound and westbound traffic passing the project site and are summarized below:

	<u>Eastbound</u>	<u>Westbound</u>	<u>Total</u>
AM Peak Hour (8:00a-9:00a)	357 vehicles	259 vehicles	616 vehicles
PM Peak Hour (5:00p-6:00p)	429 vehicles	237 vehicles	666 vehicles

The total capacity of a two-way, two-lane highway is 3,200 passenger cars per hour, as identified in the Transportation Research Board's Highway Capacity Manual. The Apothca facility will not be open during the AM peak hour, however during the PM peak hour the 30 additional vehicles (60 trip ends) will increase the vehicle/capacity (v/c) ratio



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ARL-0017

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from 20.8% to 21.7%. Generally, a v/c ratio greater than 16% and less than 32% corresponds to level of service (LOS) C for a two-lane highway segment on level terrain without a passing zone. The projected increase in peak hour vehicle trips is not anticipated to adversely affect the prevailing traffic conditions.

The site is also located in proximity to a robust public transportation network. The project site is located within one-quarter mile of stops along the Massachusetts Bay Transit Authority (MBTA) 62, 62/76, 77, and 79 bus routes.

Parking Analysis

The site in its existing condition provides off-site parking for 6 vehicles. The parking lot can be reconfigured to provide parking for up to 12 vehicles (including one accessible space). The Town of Arlington Zoning By-Law section 6.1.4 requires 1 space per 300 sf. of floor area for retail uses. The parking requirement for the 2,184-sf. dispensary would be 7-spaces. Employees will be encouraged to use public transportation to avail as many spaces as possible for customers. The average transaction time for customers is between 15 and 20 minutes. This allows for the 12 parking spaces to turn over between 3 and 4 times per hour (36-48 vehicles per hour); the parking levels are adequate to handle the project PM peak hour of 44 vehicles (87 trip ends).

In addition to the on-site parking spaces there is additional on-street parking (2-hour limit) along both sides of Massachusetts Avenue in the project vicinity with taxi stands located immediately across Massachusetts Avenue from the site at the Arlington Heights Busway servicing the 62, 77, and 79 routes.



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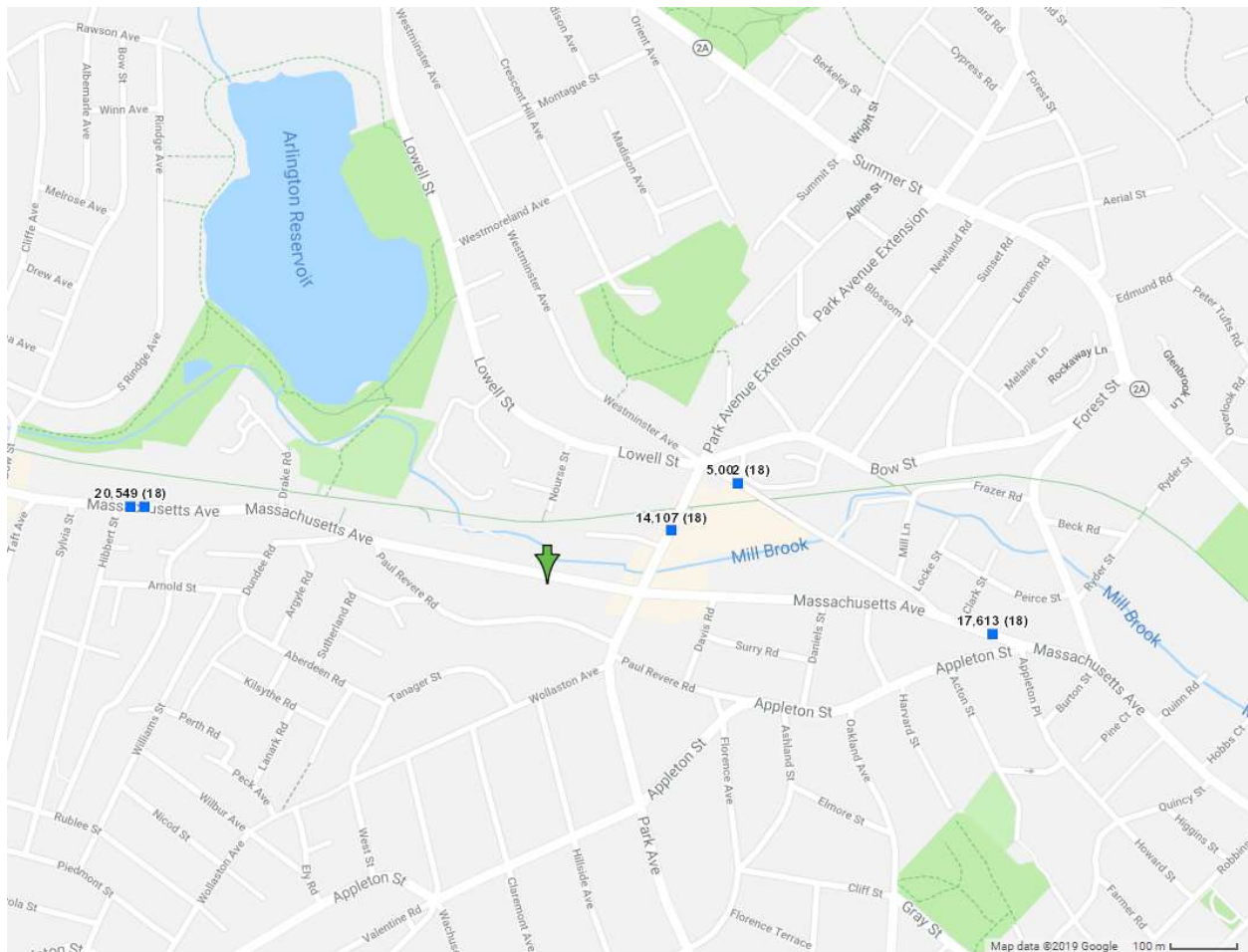


Figure 2 – 1386 Massachusetts Avenue, Arlington, MA MASSDOT Traffic Count Data

Queue Management

Customers will queue in the interior vestibule providing space for 15 people prior to entering the dispensary floor which will provide ample space for an additional 20-25 customers. The floorplate capacity of 35-40 customers, at an average transaction time of 15 minutes, will allow for approximately 105-160 customers per hour to be processed using only the interior queue.

During the initial opening period, customer levels may increase from those projected in this report as it may be the first recreational facility in the Arlington area. Apothca will incentivize the use of public transportation by its employees. Many of the current Apothca employees at its medical facility in Arlington use public transit to commute to work; this staff will transition to the new facility which is also proximate an MBTA bus route. Apothca will also allow those employees using bicycles to commute the ability to store their bicycles inside the building although no structured interior bicycle parking will be provided. Apothca will provide bicycle racks on the easterly side of the building for up to four (4) bicycles.

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Apothca will also have temporary parking lot attendants during the initial opening phase to direct traffic into and out of the lot and manage any exterior queues that may form. The exterior queue will be maintained along the sidewalk that extends to the rear of the facility. At no time will customers be allowed to queue in the traveled way.

It is recommended that the Proponent work with the Arlington public safety offices to develop an opening day strategy that provides for police details, parking attendants and way-finding assistance to minimize disruptions during the initial opening period. This strategy should be reviewed on a daily, or weekly, basis to evaluate its continuing need and implemented until customer levels normalize.

Exhibit D

Summary of Proposed Memorandum of Understanding

Apothca, Inc. has provided a draft Memorandum of Understanding (“MOU”) to the Arlington Police Department (“APD”) which details agreement between the parties as to coordination of efforts with a goal of minimizing and eliminating negative impacts on the neighborhood surrounding the facility at 1386 Massachusetts Avenue.

The draft MOU proposes schedules for meetings during the pre-opening, opening and post-opening periods to provide a venue for information sharing and community outreach regarding operational issues, parking, traffic, security and related matters. It allows for input and oversight from APD during the development and implementation of operational and security procedures and after the parties have observed real-time operations and their impact on the neighborhood.

The draft MOU also provides for the implementation of a series of escalating measures designed to reduce traffic and parking problems which may arise during high-demand dates and times of operation, including possible use of the company’s website and other online venues to provide assistance in diverting customer arrivals to lower-demand dates and times.

Apothca awaits further revision of the MOU by APD which will presumably include other matters of importance to APD.



Town of Arlington, Massachusetts

Potential Warrant Articles for submission to 2020 Annual Town Meeting continued discussion from January 6, 2020

Summary:

9:00 p.m. - • Board members will continue discussion and may move to support submission of
9:45 p.m. articles

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_3 - _Draft_Warrant_Articles_for_ARB_Submission_01-22-20.pdf	Draft Warrant Articles for ARB Submissions 01-22-20

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____ ZONING BYLAW AMENDMENT/ AFFORDABLE HOUSING REQUIREMENTS

To see if the Town will vote to amend the Zoning Bylaw to increase the time during which the affordable housing requirements apply from a two-year period to a three-year period in alignment with G.L. c.40A § 9 by amending SECTION 8.2.2. APPLICABILITY; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 8.2.2. as follows:

8.2.2. Applicability

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a ~~two-year~~ three-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ APARTMENT CONVERSION

To see if the Town will vote to amend the Zoning Bylaw to include a definition of apartment conversion by amending SECTION 2 DEFINITIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 2 as follows:

Apartment Conversion: The conversion of an existing structure originally designed for one-family or two-family use to an apartment building with no alteration to the exterior of the structure.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

**ZONING BYLAW AMENDMENT/
PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement to zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 6.1.5. as follows:

6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

- A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
 - (1) Charge for parking on-site;
 - (2) Pay a stipend to workers or residents without cars;
 - (3) Provide preferential parking for carpooling vehicles;
 - (4) Provide a guaranteed emergency ride home;
 - (5) Provide transit pass subsidies;
 - (6) Provide covered bicycle parking and storage;
 - (7) Provide bicycle or car sharing on site;

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

D. B3 and B5 Districts: In special circumstances where a business in the B3 or B5 District has no ability to create new parking and there is the ability for customers to utilize street parking and/or municipal parking, applicants may propose a reduction lower than 25 percent of that required in the Table of Off-Street Parking Regulations to zero. For these cases, applicants may incorporate methods outlined in subparagraphs A., B., and C.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ ADMINISTRATIVE CORRECTIONS

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections;

1. Correcting references to Board of Selectmen in subparagraph B of SECTION 3.1.4. PENALTY and in Section 3.2.1. ESTABLISHMENT;
2. Correcting reference to August, 1975 in subparagraphs C and D in SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS;
3. Correcting reference to 105 CMR 725.100 in the definition of a medical marijuana treatment center in SECTION 2 DEFINITIONS; and
4. Correcting reference to seven feet three inches in subsection A(2) in SECTION 5.3.22. APPLICABILITY;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 3.1.4. as follows:

3.1.4. Penalty

- A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, § 21D, institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.
- B. The Building Inspector may, with the approval of the ~~Board of Selectmen~~ Select Board, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three-hundred dollars (\$300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

Amend Section 3.2.1. as follows:

3.2.1. Establishment

There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the ~~Board of Selectmen~~ Select Board. All members of the Board of Appeals shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend Section 5.4.2. as follows:

- A. One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing in August 28, 1975, on these streets are permitted as a right.
- B. In the R0, R1 and R2 districts no new licensed nursing home, rest home, convalescent home facilities shall be constructed except at sites whereon these facilities existed as of August 28, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under 3.3 and 3.4.

Amend Section 2 as follows:

Medical Marijuana Treatment Center: An establishment registered with the Commonwealth pursuant to ~~105-CMR-725.100~~ 935 CMR 501.00, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes in accordance with applicable state laws and regulations. Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Amend Section 5.3.22.A(2) as follows:

5.3.22. Gross Floor Area

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
 - (1) Elevator shafts and stairwells on each floor;
 - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches~~ or more, except as excluded in (4) below;
 - (3) Interior mezzanines;
 - (4) Penthouses;
 - (5) Basement areas except as excluded in (2) below;
 - (6) Cellars in residential uses;
 - (7) All-weather habitable porches and balconies; and
 - (8) Parking garages except as excluded in (1) below.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ GROSS FLOOR AREA

To see if the Town will vote to amend the Zoning Bylaw to clarify how landscaped and usable open space is calculated relative to gross floor area by amending SECTION 5.3.22. GROSS FLOOR AREA to add subsection C and add appropriate references in the associated definitions in SECTION 2; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 5.3.22. as follows:

5.3.22. Gross Floor Area

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
 - (1) Elevator shafts and stairwells on each floor;
 - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches~~ or more, except as excluded in (4) below;
 - (3) Interior mezzanines;
 - (4) Penthouses;
 - (5) Basement areas except as excluded in (2) below;
 - (6) Cellars in residential uses;
 - (7) All-weather habitable porches and balconies; and
 - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the follow areas of buildings are to be excluded from the calculation of Gross Floor Area:
 - (1) Areas used for accessory parking, or off-street loading purposes;
 - (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
 - (3) Open or lattice enclosed exterior fire escapes;
 - (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
 - (5) Unenclosed porches, balconies, and decks.
- C. For the purposes of this bylaw, the following dimensional requirements are calculated based on Gross Floor Area:
 - (1) Useable Open Space; and
 - (2) Landscaped Open Space.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend Section 2 as follows:

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Refer to Section 5.3.22.C. for on how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for on how to calculate usable open space.

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/

OTHER DISTRICTS DIMENSIONAL AND DENSITY REGULATIONS

To see if the Town will vote to amend the Zoning Bylaw to include the legend for tables by amending SECTION 5.6.2. DIMENSIONAL AND DENSITY REGULATIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 5.6.2. as follows:

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

Sq.ft. Square feet

ft Feet

L Length

H Height

W Width

ROW Right-of-Way

SP Special Permit

Y Yes (use allowed)

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE ____

ZONING BYLAW AMENDMENT/ PROHIBITED USES

To see if the Town will vote to amend the Zoning Bylaw to indicate that uses without a “Y” or “SP” in the Tables of Uses are prohibited by amending SECTION 5.2.2. PROHIBITED USES to add subsection C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 5.2.2. as follows:

5.2.2. Prohibited Uses

- A. Any use not listed in the Tables of Uses for various districts in Section 5 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.
- C. Any use not designated with a “Y” or “SP” in the Tables of Uses is prohibited.



Town of Arlington, Massachusetts

Debrief and follow-up from joint meeting with Select Board on January 13, 2020

Summary:

9:45 p.m. -
10:00 p.m.

- Board will debrief meeting and discuss next steps.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_4_a- _Updated_Memo_regarding_proposed_warrant_article_review_process_for_SB_ARB_DRAFT.doc	Updated Memo regarding proposed warrant article review process for SB ARB DRAFT
Reference Material	Agenda_Item_4_b_-_STM_2021_Engagement_Schedule_Revised_01-22-20.pdf	STM 2021 Engagement Schedule Revised 01- 22-20



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

Date: January 21, 2020

To: Adam Chapdelaine, Town Manager

From: Jennifer Raitt, Director, Planning and Community Development

RE: Proposed Warrant Article – Redevelopment and Select Board Town Meeting review process updated per joint Board discussion on January 13, 2020

As part of our discussion on Monday, January 13, 2020, the Boards agreed to jointly review and discuss Town Meeting warrant articles of mutual interest to establish a framework for those reviews. The following process was discussed:

Timeframe	Actions
January	Warrant Articles filed.
February	Chair of the Redevelopment Board, Chair of the Select Board, Town Manager, Director of Planning and Community Development and Town Counsel discuss all Warrant Articles as filed and recommend which articles their respective Boards will review.
February through April	Board review of articles.
April	Board issues written comments on any Articles reviewed and votes on recommended actions.
April	Joint meeting to further discuss articles prior to filing their respective reports to Town Meeting, as needed.
April – May	Annual Town Meeting
July	Joint Board goal setting meeting and timetable for moving forward with goals.
Fall	Warrant Article consideration.
Fall	Joint Board meeting to provide update on goals, status, and plan for Town Meeting.

STM 2021 Engagment Schedule

Intent/notes	2020												2021	
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB
1 Engagement Awareness (Inform)														
1.1 Joint Select Board/ARB meeting in order to define the need and consider options as solutions	X													
1.2 Publicize summary document outlining all opportunities for input	X													
1.3 Design materials for phase 1	X													
2 Broad open engagement														
2.1 Open ended campaign to solicit residents opinions and ideas about housing in Arlington		X	X	X	X									
2.2 Community workshops / open houses			X	X	X									
2.3 Interdepartmental/Board and Committee engagement		X	X	X	X									
2.4 Town Survey	X	X	X	X										
2.5 Prep materials for phase 2				X										
Needs: facilitation guides, data, FAQ, engagement plan with meeting dates, presentations for community workshops														
3 Feedback / Comment Period														
3.1 Present what was heard in Phase 1 and the information we gathered back to the community / public meetings					X									
3.2 Survey / online comment box					X	X								
3.3 Postcard Campaign for soliciting input / feedback					X	X								
3.4 Finalize and promote engagement summary / what we heard in phase 2						X								
3.5 Interdepartmental/Board and Committee engagement					X	X								
3.6 Select Board and Redevelopment Board joint meeting to discuss goal setting							X							
Needs: presentation for public meetings, survey, comment cards, FAQ														
4 Policy Development														
4.1 Develop recommendations for policy changes based on engagement and data							X	X	X	X	X			
4.2 Focused ARB / Select Board meetings depending on policy proposals							X	X	X	X	X			
4.3 Community workshops / open houses, including a form with developers									X	X	X			
4.4 Interdepartmental/Board and Committee engagement							X	X	X	X	X			
4.5 Select Board and Redevelopment Board joint meeting to provide update on goals, status, and plan for Town Meeting										X	X			
5 Town Meeting Preparation														
5.1 Warrant Submission												X		
5.2 Select Board / ARB Hearings depending on the warrant article submissions												X	X	
5.3 Proposed Town Meeting (February 2021)														X

*Please note that all meetings listed above will be open to the public.



Town of Arlington, Massachusetts

Correspondence received:

Summary:

Correspondence received from:
Barbara Thornton (1/8/20)
Patricia Worden (1/8/20)
Patrick Hanlon (1/13/20)
Steve Revilak (1/13/20)

ATTACHMENTS:

Type	File Name	Description
Reference Material	Correspondence_from_B._Thornton_re__Broadway_Corridor_Design_Competition_received_1-5-20.pdf	Correspondence received from B. Thornton re Broadway Corridor Design Competition received 1-5-20
Reference Material	Correspondence_from_B._Thornton_re_Accessory_Dwelling_Units_received_1-5-20.pdf	Correspondence from B. Thornton re Accessory Dwelling Units received 1-5-20
Reference Material	Correspondence_from_B._Thornton_re_Moderator_-_Speaking_Order_received_1-5-20.pdf	Correspondence from B. Thornton re Moderator - Speaking Order received 1-5-20
Reference Material	Correspondence_from_B._Thornton_re_Non-Conforming_Parcels_received_1-5-20.pdf	Correspondence from B. Thornton re Non-Conforming Parcels received 1-5-20
Reference Material	Correspondence_from_P._Hanlon_re_Addressing_Regional_Housing_Shortage.pdf	Correspondence from P. Hanlon re Addressing Regional Housing Shortage
Reference Material	Correspondence_from_P._Worden_re__Affordable_Housing_Trust_Fund.pdf	Correspondence from P. Worden Affordable Housing Trust Fund
Reference Material	Correspondence_from_P._Worden_attachment.pdf	Correspondence from P. Worden attachment
Reference Material	Correspondence_from_S._Revilak_re_Arlington_Real_Estate_Market.pdf	Correspondence from S. Revilak re Arlington Real Estate Market

Article to Propose a Design Competition to Encourage the Development of New Housing Styles Appropriate for Arlington

The purpose of this article is to see if the town will vote to allow the Town to sponsor a design competition to encourage new housing and mixed use construction in the Broadway Corridor area of Arlington. This warrant article builds on findings from the Fall 2019 [Broadway Corridor Study](#), and creates a "demonstration area project".

~~Warrant to create a demo project or series of projects in the Broadway corridor area.~~

Purpose: Build on the need to provide a broader range of mid-priced housing types for single and two person households, and to maximize the transit corridor benefits provided by the location near major bus routes and the subway at Alewife and the planned green line subway stop.

Situation: 71% of the current residential units in the Broadway Corridor study area are inhabited by only one or two people. That housing, mostly over 60 years old, was designed to house more people in larger families. We need to build new units appropriate for the peoples' needs who are now using those family size units. There is clearly an unmet market for housing for individuals and couples in that area. There is also a market in Arlington for older residents who want to stay in town but want a smaller unit that may be handicapped accessible, near public transit and near shopping and cafes.

Design Competition Standards:

- 1) Identify site(s) in the Broadway Corridor area where the Town can encourage the following use characteristics:
 - a) 50 to 200 residential units per project
 - b) 25% of units affordable according to regional standards
 - c) Building to LEED or Net Zero requirements
 - d) 75%-100% one bedroom units
 - e) mixed use space including cafe, etc.
 - f) Average FAR 3.2
 - g) Access to daylight for buildings (see: <https://youtu.be/YAeCvUZmUrl>)
 - h) No height restrictions, waive other residential zoning restrictions
 - i) Inclusion of microgrid (see: <http://integratedgrid.com/wp-content/uploads/2017/01/8a-Maitra-Microgrid-Design-Consideration.pdf>) for power
 - j) Public space with permeable materials to facilitate storm water retention

The winning project could build with a long term loan from a local bank and financing assistance from the Town. Additional points would be given for more middle income and certified affordable units. Town would waive height, density and set back requirements and offer a speedy approvals process to attract owner/developer teams who will suggest creative new approaches to housing in Arlington.

*Requested by
Barbara Thornton
Precinct 16 TMM
223 Park Ave.
bthornton@assetstewardship.com
617-699-2213
1/5/20*

Article to Propose the Adoption of Accessory Dwelling Units

The purpose of this article is to see if the town will vote to allow Accessory Dwelling Units (ADUs) in single and two-family dwellings in residential districts, or take any action related thereto.

This article is intended to recognize and build on the majority support for ADU's from both the 2019 town meeting and from town residents who recognize a clear need to:

1. make available more reasonably priced housing opportunities for people need housing of a type or for a price not currently available to them and
2. offer homeowners with larger homes and available space, but who have limited incomes, an opportunity to monetize that space in order to continue to live in their homes and be able to pay their rising property taxes
3. create a space in their home to care for elderly or disabled family members or to be cared for themselves as they age

The attached draft article draws on ADU legislation from several municipalities near and comparable to Arlington. It is intended to emphasize the purpose of ADUs in helping to resolve the above problems currently facing town citizens.

Submitted by
Barbara Thornton
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223 Park Ave.
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617-699-2213
1/5/20

Article to Propose the Creation of a Process Requiring Speakers Who Are Proponents or Opponents of Certain Legislation To Register In Advance, As Such, With The Clerk And The Moderator

The purpose of this article is to see if the town will vote to allow the development of a formal process for proponents and opponents of articles to take turns presenting their perspectives. Such a process will clarify and make more transparent the presentation of Town Meeting articles that may be contentious, giving equal time to each side. It will also formalize the process for signing up to speak. Such a process should make the management of speakers easier for the Moderator, the range of perspectives more coherent for the TM members and the preparation process more transparent for the proponents and opponents of a given article.

Following is a sample procedure drawn from a comparable community in the greater Boston region.

Procedure:

Any Town Meeting Member wishing to speak on any Article should contact the Moderator and the Town Clerk by email with the following information (to the extent applicable): a. Name and telephone number of the caller; b. Article number or subject matter; c. Whether in support or opposition; d. Whether representing any specific group or organization; and e. A description of any proposed visual presentations.

If (and only if) this information cannot be so communicated to the Moderator, a request to speak may be made through the Town Clerk. Subject to applicable time limitations, preferences to Town Meeting Members and the exercise of the Moderator's discretion in these matters, speakers will be recognized in substantially the order in which their requests are received.

The need or desire to speak cannot always be anticipated, and may grow out of specific action or discussion at the meeting. Town Meeting Members who have not arranged in advance to speak may proceed at any time during the debate to one of the microphones in the auditorium and will be recognized by the Moderator from time to time

The Debate:

After a motion has been made and seconded, the debate begins. The Moderator usually calls first on the Advisory Committee and the Select Board. If neither is championing the motion, the Moderator may call first on the principal proponent. In case of a citizen petition Article, the first speaker will usually be the principal petitioner or his or her representative, whether or not the Advisory Committee or Select Board is in favor of the petitioner's position. Thereafter, to the extent feasible, the Moderator will usually alternate between proponents and opponents of the motion. Because debate may be curtailed, the process described above may result in limiting participation in the debate principally to Town Meeting Members.

Submitted by
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223 Park Ave.
bthornton@assetstewardship.com
617-699-2213
1/5/20

Article to Propose the Creation of a Process Allowing Affordable Housing to be Built on Privately Owned Parcels of “Non-Conforming” Size

The purpose of this article is to see if the town will vote to allow the development of new sources of permanently affordable housing by modifying the requirements for constructing housing units to enable construction on smaller lots as long as those units are permanently committed to be available for rental or ownership according to official regional guidelines of affordability.

Such construction would be permissible in all zoning districts allowing residential use. Ownership, repurchase and rentals would be overseen by the Arlington Housing Trust Fund or a comparable entity that would have the authority to enforce the affordability guidelines in perpetuity.

Submitted by
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617-699-2213
1/5/20

Submission to the Town of Arlington Redevelopment Board and Select Board

From: Pat Hanlon, Town Meeting Member, Precinct 5

Date: January 13, 2020

Re: Meeting the Regional Housing Shortage: Moving Forward in Arlington

I applaud the decision of your two boards to work jointly on addressing Arlington's policy regarding housing. Housing is an Arlington problem. While Arlington is unfortunately not especially diverse in some dimensions, it is economically diverse. Many households in Arlington (and many of those headed by elderly people) spend an excessive portion of their income on housing. At the same time, the Arlington housing market provides much too little choice for residents who would like to age in the community, but not necessarily in the houses in which they raised their families. It ought to be a town goal to provide a diversity of housing opportunities to support a thriving and balanced community. I believe that that is Arlington's goal. I hope that the result of the process on which you are embarked will lead to a resounding and unambiguous restatement of that goal.

This is not exclusively an Arlington issue: The shortage of housing in the Boston metropolitan area is a regional concern. Still, Arlington is not, in the words of John Donne, "an island, entire of itself." We are privileged to live in an economically vibrant area. The regional shortage of housing is a threat to the regional economy and to the wellbeing of all Arlingtonians. We have a responsibility to do our part, in cooperation with others, to address the housing shortage in our region.

Our role, of course, must take into consideration the built environment in our community as well as generally accepted principles of urban planning. Although Arlington is largely built-out, there are still opportunities to build up and fill in. Our town is close to the Boston-Somerville-Cambridge urban core. We have the opportunity to add housing where it can be served by transit. Communities further out do not have that opportunity to the same extent, and few residents of Arlington would welcome more traffic from the outer suburbs clogging the roads here.

While addressing the housing problem is important, it doesn't take precedence over everything else. It needs to be balanced against other objectives, particularly environmental ones. It is important for the process going forward to be clear on how to achieve the necessary balance, and, even better, how to take advantage of possible synergies. Too often our planning documents identify goals in a way that allows all sides of a proposal to cite them to their own purpose – thus leaving the town without guidance on controversial questions.

This is not the occasion for addressing substantive policy. I would, however, like to make a few points about the process going forward and the issues that ought to be on the agenda.

1. The issues before you have to do with housing, not just zoning. Of course zoning is an important aspect of housing policy. Land use regulations hold back housing development, and unreasonable regulations hold it back unreasonably. A part of the problem, therefore, is to examine the town's zoning regulations to identify and reform

rules that are unreasonably restrictive. This is the task on which your two boards are now focused. However, your collaboration cannot be a simple matter of the Select Board providing appropriate encouragement, advice, and support for zoning decisions taken by the Redevelopment Board. There is plenty of work for the Select Board to do on matters within its own jurisdiction.

- a. For example, if the housing policy that emerges from the engagement process under way involves redevelopment of existing housing, the Select Board will need to think about whether and how to protect the people being displaced. What compensation might they receive? How might we deal with displacement issues? Could we work out ways of giving those people priority in newly constructed houses? What to do about zoning is for the Redevelopment Board; how to deal with the unintended side effects of zoning changes may be for the Select Board.
 - b. Similarly, the Select Board needs to address housing issues that have nothing to do with zoning. At the simplest level, increasing housing boils down to reducing costs (which is where deregulation come in) or increasing funding. The expected ATM 2020 warrant article seeking home rule authority for a transfer tax on certain housing sales is an example of attending to funding issues. So is the establishment of an Affordable Housing Trust Fund. While the Redevelopment Board has some role (e.g., in inclusionary zoning), the Select Board has the lead on the funding side. Arlington's housing issues cannot be reduced to zoning alone. Attention must be paid to funding also. I want to be clear that I'm not recommending any particular funding solutions now. This is a complex matter that should be addressed in the sort of engagement process you are discussing. I do want to stress that some people who cannot find common ground on zoning issues might well see eye-to-eye on funding..
2. Engagement with the community means listening. It is also important to consult the people of Arlington intensively (and comprehensively) before broaching solutions to housing issues. The Engagement Schedule is intended to make sure that the consultation process works better in 2020-2021 than it did in 2018-2019. This means listening as well as explaining. I heard several people who attended the precinct and outreach meetings last spring complain that they felt lectured to. These were not people already committed to one side of the debate. Perhaps they missed chances earlier on to influence the shape of the proposals. Certainly the perception at Town Meeting, however, was that the consultation process was primarily about soliciting support for decisions already made rather than soliciting advice on what decisions should be made. Our housing policy needs to be, and be seen to be, community driven rather than expert driven.
3. Credible and Complete Factual Analysis. The engagement process needs to be based on careful and credible factual analysis that addresses every important area of concern. For example, housing skeptics argue that new housing will disproportionately increase the cost of public services, particularly schools, and thus lead to higher taxes. This argument needs to be addressed in a rigorous analysis of the financial impact of new housing. The engagement process needs to identify factual issues of this kind early on and commit to their analysis in a timely way.
4. The Issue is Housing, Not Just Affordable Housing. The Metro Mayors Coalition has identified a mismatch between housing production in the Boston area and demand

brought about by our thriving economy. It is not as though the housing market is working well for everyone but the poor (even though, as usual, it works least well for the poor). The market is badly serving people in the middle of the income distribution, young people starting out, people with disabilities, people who would like to age in the community without necessarily aging in their houses, and people experiencing financial hardship because they cannot afford rent or other housing costs and others. While Arlington needs to increase its supply of (regulatory) affordable housing – “Affordable Housing” in caps - that is only one part of a larger problem: a housing market that is increasingly dysfunctional for much of our community.

5. Housing issues need to be considered in the context of other issues. Housing strategies need to promote other important goals, where that is possible, and to minimize the adverse impact on other goals, where it isn't. New housing might, for example, provide opportunities for moving more quickly to zero net greenhouse gas emissions. It might provide ways of increasing climate change resiliency. Done sensitively, new housing could improve the streetscape, provide better designed and more useful open space, promote the use of public transit, provide customers for local businesses, and more. While sometimes housing must yield to other goals, our new housing strategies must be sensitive to the desirability of promoting values other than housing.
6. Engagement should include a broad range of stakeholders, including town boards and committees and civil society organizations whose missions are touched by strategies to address the housing puzzle. Some of these stakeholders are obvious – for example the Housing Plan Implementation Committee, HCA, the Community Preservation Committee and so on. Many others, however, might provide useful advice and information, even though they might not think of themselves as deeply involved in housing policy. These might include the Council on Aging, the Disability Commission, Sustainable Arlington, the Clean Energy Futures Committee, the Tree Committee, TAC, the Sustainable Transportation Advisory Committee, the Economic Development Committee, the School Committee and others. On the civil society side, the town should be sure to involve organizations representing potentially affected businesses (builders and brokers, property owners, commercial tenants) as well as public interest groups interested in housing and issues touching on housing. This list of organizations is illustrative. Some organizations will not want to participate in the discussion, and I've no doubt left out some organizations that are important and do want to participate. Many of these organization will be interested in parts of the housing question and not all of it. The important things are to identify the key organizations in town with an interest in this issue and to encourage those organizations to be actively involved throughout the engagement process. We need their involvement not just to avoid surprise interventions at town meeting time, but also because these organizations will have information and ideas that we will need.

It is exciting to see the Redevelopment Board and Select Board collaborating on strategies to address failing local and regional housing markets. What a remarkable potential there is! But, make no mistake, time is short. Winter 2021 is only a year away, and there is a lot to do. The Town Manager first proposed this joint meeting in a presentation last July, almost 5 months ago. You will not get where you want to go at that pace. So, my last recommendation to you is this: Recognize that success next February requires a new sense of urgency starting now. There is not a moment to waste.

From: Patricia Worden <pbworden@gmail.com>
To: Erin Zwirko <EZwirko@town.arlington.ma.us>, Jenny Raitt <jrait@town.arlington.ma.us>
 JCurro@town.arlington.ma.us, DDunn@town.arlington.ma.us, DMahon@town.arlington.ma.us,
Cc: JHurd@town.arlington.ma.us, SDeDourcey@town.arlington.ma.us, ABunnell@town.arlington.ma.us,
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 rzsembly@town.arlington.ma.us
Date: 01/08/2020 09:35 PM
Subject: Re: HPIC Meeting

Affordable Housing Trust Fund

Hi Erin,

Thank you for your offered options for meeting times for our next HPIC meeting. I am available at all three. Please let me know which one is chosen.

Regarding the attachment of your draft Affordable Housing Trust Fund (attached) I request that it be edited to include:

1. In the case of sale, lease or other transfer of properties or assets that they require approval of the Select Board and Town Meeting
2. No trust moneys are to be used for any 40B construction or related activities
3. The last sentence of the first paragraph of Section 3 should be changed so that the sentence will read as follows:

The voting members shall be Arlington residents who may include those with relevant experience in the fields of real estate, housing, banking, law, architecture, social services or other applicable areas of professional expertise

I did mention these items at our previous meeting and included them in a letter I wrote to Doug Heim in December. Please see below in italics a quotation from that letter.

I am copying this communication to the Select Board and Arlington Redevelopment Board since I notice that the AHTF is on their agenda for an upcoming combined meeting. I do think that surely Town Meeting and Select Board oversight of sale and leasing of valuable property would be a safeguard from potential appearance of corruption and "insider dealing."

Thank you for your attention to this matter.

Sincerely,

Patricia

Quotation from my December letter to Doug Heim:

“More importantly since you plan to have suggestions for us (HPIC) as to a warrant article for an Arlington Affordable Housing Trust Fund could you suggest for us one such article which essentially is very much the same as Chapter 55C in its specifications except that:

1. In the case of sale or transfer of properties or assets that they require approval of the Select Board and Town Meeting.

*This is to avoid the kind of scenario that and seems to have happened with the so-called “Hotel Lexington” and is all too common. Notably I do not think that the **purchase** of property for the Trust should be subject to such requirements since in real estate markets speed can be of the essence. As it happens I was part of the short Affordable Housing Trust Fund discussion at the last ARB meeting (which should now be available on ACMI) and I did make reference to my hope for such restrictions.*

2. No trust moneys are to be used for any 40B construction or related activities.

This is because my hopes for the activity vision for the Trust Fund Committee are the same as my reasons last decade when I was Chair of the Housing Authority for encouraging and supporting the re-establishment of the Housing Corporation of Arlington. By that time it had become clear that the best way of increasing supply of subsidized affordable housing was to be able to leverage funds to purchase available properties for renovation and use as affordable rental or home-ownership units. That depends on having the ability to move quickly as suitable properties become available – an attribute which the Housing Authority lacks due to regulatory structure.

Since the Town would benefit from establishment of an Arlington Affordable Housing Trust Fund which could accept funds from authorized sources it becomes important to ensure that these funds are not subject to preferences of those who promote 40B measures involving overriding of Arlington’s zoning. Unfortunately some housing officials do have that preference which clearly is antithetical to the needs of the Town. Hence the need for this restriction.

Since an Affordable Housing Trust Funds can have considerable powers these things are necessary to make the affordable Housing Trust Fund viable.”

On Mon, Jan 6, 2020 at 6:18 PM Erin Zwirko
<EZwirko@town.arlington.ma.us> wrote:

Good evening and happy new year,

We would like to schedule a meeting of the HPIC to discuss the attached drafts of a municipal affordable housing trust fund bylaw. I would like to schedule a meeting during the morning of 1/14 at 8:30 AM, 1/16 at 9:30 AM, or 1/21 at 8:30 AM. Please let me know your availability.

Attached are three drafts of the same text: what I've called Long, Concise, and Short. The titles are pretty self explanatory, but in general, the long version includes quite a bit of text and restates what is in the Mass General Law, the concise version reformats the text a bit and shortens the bylaw, and the short version is the bare bones.

Please let me know your availability for a meeting, thank you,
Erin

Erin Zwirko, AICP, LEED AP
Assistant Director
Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476
direct: 781-316-3091
ezwirko@town.arlington.ma.us

Attachments:

File: [Long
Option -
Municipal
Affordable
Housing Trust
Bylaw 01-03-
20.docx](#)

Size: 19k Content Type: application/vnd.openxmlformats-officedocument.wordprocessingml.document

Section 1. Name of the Trust

The Trust shall be called the “Arlington Affordable Housing Trust Fund.”

Section 2. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Arlington as defined by the Arlington Zoning Bylaw for the benefit of low and moderate-income households.

Section 3. Composition and Tenure

There shall be a Board of Trustees of the Arlington Affordable Housing Trust Fund, composed of one ex officio non-voting member and seven voting members. The Town Manager or the Town Manager’s designee shall serve as the ex officio member. The voting members shall include: a member of the Select Board (chosen by the Select Board) and six members appointed by the Select Board. The voting members shall be residents who would bring to the Trust relevant experience in the fields of real estate, housing, banking, finance, law, architecture, social services, or other applicable areas of professional expertise.

Trustees shall serve for a term of two years, except that two of the initial Trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Select Board. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing.

Section 4. Declaration of Trust

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Arlington Affordable Housing Trust Fund, to be recorded with the Middlesex South Registry of Deeds and filed with the Middlesex South Registry District of the Land Court, following approval of the Select Board.

Section 5. Powers of Trustees

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, and inclusive of any future amendments, and pursuant to the provisions of a Declaration of Trust to be approved by the Select Board, shall include the following:

- A. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall

ensure that all expenditures of funds received from said chapter 44B are reported to the Arlington Community Preservation Act Committee for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

- B. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- C. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the trust;
- E. To employ advisors and agents, such as accountants, appraisers and lawyers as the Board of Trustees deems necessary;
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;
- G. To apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board of Trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board of Trustees may deem necessary and appropriate;
- J. To carry property for accounting purposes other than acquisition date values;
- K. With Town Meeting approval, to borrow money on such terms and conditions and from such sources as the Board of Trustees deems advisable, to mortgage and pledge trust assets as collateral;
- L. To make distributions or divisions of principal in kind;
- M. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate;
- N. To manage or improve real property and to abandon any property which the Board of Trustees determine not to be worth retaining;

- O. To hold all or part of the trust property uninvested for such purposes and for such time as the Board of Trustees may deem appropriate; and
- P. To extend the time for payment of any obligation to the Trust.

The powers and duties enumerated above are intended to encompass all powers and duties of the Trustees. Any action, power or duty not enumerated above shall require prior approval of the Select Board.

Section 6. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, with the exception that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by at least 60 percent of the appointed Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any borrowing by the Trust shall require the prior approval of the Arlington Town Meeting, and may not exceed 80 percent of the Trust's total assets. Any debt incurred by the trust shall not constitute a pledge of the full faith and credit of the Town of Arlington, and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Arlington, with an acknowledgement of said statement by the holder.

Section 7. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 8. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 9. Custodian of Funds

The Treasurer/Collector shall be the custodian of the Trust Fund's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with MGL c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with

accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

Section 10. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is public employer and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

Section 11. Taxes

The Trust is exempt from G.L. Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

Section 12. Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of G.L. Chapter 39.

Section 13. Board of the Town

The Trust is a board of the Town for purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40 but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 13. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

From: Stephen Revilak, 111 Sunnyside Ave

Date: Jan 13, 2020

Re: Comments for Joint Select Board/Redevelopment Board meeting

Steve Revilak, 111 Sunnyside Ave. In the interest of disclosure, I live in market rate housing that was built by a developer.

At the end of December, a friend sent me an article that appeared on Redfin's blog, which ranked the most competitive real estate markets in 2019 [1]. Out of 20 listings, three were neighborhoods in Arlington: East Arlington at #3, the Brattle Street Area at #5, and Arlington Center at #12. This is only one data point, but Redfin is a national realtor and works in markets all across the country. Arlington is a desirable place to live.

Housing costs have steadily increased over the last 20 years, modulo a brief reset during the economic recession of 2008. For example, the prior owner of my house purchased it for \$151,000 in 1999. I purchased it for \$359,000 in 2007 (when it was assessed at \$287k). Today, it's assessed at \$501k, which is consistent with similar home sales from 2018.

The net effect: each year a new family moves to town, they have to have a more money (or be willing to spend more on housing) than a

family who moved in the year before. With that in mind, I'd like to cite a few figures from the 2019 Town Survey:

- Question 37: Indicate the number of years lived in Arlington. 59% of respondents indicated 15 years or less. Nearly 30% indicated five years or less. Despite the prices, people still move here.
- Question 40: What was your annual household income in 2018. The most common response was "more than \$200,000", with over 28% answering that way. Nearly 71% of respondents indicated earning \$100,000/year or more. Arlington's median income is likely higher than HUD's AMI for the Metro Boston area.
- Question 41: What is the highest level of education completed by a member of your household. Over 73% indicated having a masters degree or higher.

I don't mean to knock people who've lived here 15 or fewer years, have advanced degrees, or have household earnings of \$200,000 or more per year. I check every single one of those boxes myself. But I do want to point out that we are a highly educated and affluent community. Put another way, we have a population that matches the cost of our housing.

Twenty years of gentrification haven't killed us: we've expanded town

staff and services, we're renovating public buildings, and we're getting a new high school. Those are all good things, made possible because residents have the money to pay for them, and have been willing to do so.

We can absolutely keep the status quo we've had, but I want to recognize that the combination of the housing market and Arlington's policies have created an economic barrier to living here. I see two issues: one is affordability, and the other is an imbalance between supply and demand.

There are a variety of things we could do, and I think we should consider all of them. I don't see a viable way to relieve housing pressure that doesn't involve more housing. And that's what I hope we can do over the coming years: find ways to build more housing.

s/Stephen A. Revilak/

[1] <https://www.redfin.com/blog/most-competitive-neighborhoods-2019/>