



Select Board Meeting Minutes

Date: June 21, 2021

Time: 7:15 PM

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

Present: Mr. DeCoursey, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Mr. Diggins, Mr. Helmuth

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

1. Update: Open Meeting Law Requirements & Remote Participation Post State of Emergency

The Commonwealth passed last Thursday an act relative to extending certain COVID-19 measures adopted during the state of emergency, which among other things, allows public meetings to be conducted remotely until April of 2022. However, tonight's meeting of the Board is being conducted in person in the Select Board Chambers for the first time since March 9, 2020. The meeting is also being broadcasted online. In the interest of providing additional access and piloting hybrid meeting technologies Mr. DeCoursey stated three additional notes before beginning the meeting. First, we have reduced the seating capacity for the Select Board Chambers to provide greater social distancing for persons who are required to be physically present or wish to observe the proceedings in person. Mr. DeCoursey stated that we respectfully request that those in person attendees, waiting for the business item on the agenda, wait in the larger higher capacity Lyons Hearing Room, when it's your turn, or if you'd like to comment on an agenda item. Please enter the Chamber's for your business and exit when you've finished. Furthermore, we respectfully ask that all non-vaccinated persons wear mask while they are in Town Hall. Second, Board member Len Diggins is participating remotely this evening, consistent with remote participation guidelines for Board members. As such, all business will be conducted by roll call vote. Third, while this meeting is being conducted in person, it is also available via zoom it is also being simultaneously broadcasted on ACMI. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. During open forum Mr. DeCoursey will first call upon persons physically present in Town Hall and then of course public comment or open forum to persons

joining the meeting via Zoom. We will promote some participants one at a time and we'll be able to see and hear them on screens set up in the Select Board Chambers as Mr. Diggins and other members of the public observe online. Finally, both zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

2. Letter of Appreciation for Howard Muise, Chair of Transportation Advisory Committee

Mr. DeCoursey read the letter of appreciation for Mr. Muise. The Board thanked Mr. Muise for his dedicated years of volunteer service to the Town of Arlington. The Board stated that he will be missed on TAC and all the knowledge he brought to the committee. Mr. Muise thanked the Board for all their wonderful comments and stated it has been a pleasure to serve on the committee.

3. Recognition of Mugar Homeless Outreach Team
Stephen W. DeCoursey, Chair

Mr. DeCoursey stated that here tonight are Arlington Patrol Officer, Joseph Caniff along with Hannah O'Halloran a social worker from the Somerville Homeless Coalition. Mr. DeCoursey stated that they would like to recognize and thank each of them for their work on the multi-disciplinary Arlington homeless outreach team. Mr. DeCoursey also stated that they would like to recognize Officer Caniff for the actions he took on June 2nd in the Mugar Woods and would like to commend Ms. O'Halloran who was with him during this encounter. The Board thanked both of them for their bravery and stated how proud they were to have them representing the Town of Arlington.

4. Prince Hall Day Resolution

Mr. DeCoursey stated that this had come before the Board earlier in the year for an approval of a recommendation to come to Town Meeting. When the Board first took their vote, the proclamation was not complete. Mr. DeCoursey stated that now that the final version has been turned in and Prince Hall Day is next week, he wanted to take a formal vote of approval. Mr. DeCoursey read the Prince Hall Day Proclamation. The Board would like to thank the applicant of this warrant article for bringing this extremely important cause to the forefront in Arlington.

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:	yes
Mr. DeCoursey:	yes
Mr. Diggins:	yes
Mr. Hurd:	yes
Mr. Helmuth	yes

SO VOTED (5-0)

CONSENT AGENDA

5. Minutes of Meeting: May 26, 2021

6. Reappointments (all terms to expire 6/30/2024)
 - Commission for Arts and Culture
 - Cristin Bagnall
 - Thomas Formicola
 - Beth Locke
 - Council on Aging
 - Nancy Cox
 - Mary Hung
 - Michael Quinn
 - Park and Recreation Commission
 - Jennifer Rothenberg
 - Scott Walker
 - Veterans Council
 - William Hayner
 - Anmarie Russo

7. For Approval: Arlington International Film Festival Banners
 - April L. Ranck, Executive Director
 - Alberto Guzman, AIFF

8. Request: Contractor/Drainlayer License
 - Keash Excavating Inc.
 - Peter Lavin
 - 129 Grand View Ave
 - Quincy, MA 02170

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:	yes
Mr. DeCoursey:	yes
Mr. Diggins:	yes
Mr. Hurd:	yes
Mr. Helmuth	yes

SO VOTED (5-0)

PUBLIC HEARINGS

9. 7:15 p.m. Ortona Street
 - a) Request: Repair to Private Way
 - b) Betterment Order
 Serdar Dogulu, Resident

Mr. Dogulu appeared before the Board and stated that he was the neighborhood representative for the betterment application on Ortona Street. Mr. Dogulu has been an Arlington resident since 2008. Mr. Dogulu spoke regarding the deteriorating condition of the private way. Mr. Heim gave information regarding private ways and stated that the Town is prohibited from spending money to improve private property and private ways. Mr. Heim stated that the petition must be approved by two thirds of the total abutters,

one third of the cost must be put down and the abutters sign a contract. The Board had some question regarding the history of private ways in the Town of Arlington. The following members of the public spoke regarding Ortona Street:

John Gersh, Kipling Street

Victoria Marsh, Piedmont Street

Mr. Diggins moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Hurd: yes

Mr. Helmuth yes

SO VOTED (5-0)

LICENSES & PERMITS

10. For Approval: All Alcohol License

The Heights Pub, 1314 Massachusetts Avenue, James O'Rourke

Mr. O'Rourke appeared before the Board accompanied by his attorney Mike Bettencourt and stated that they are applying for an all-alcohol license. Mr. O'Rourke stated that Bruce Canario will be their bar Manager and will have approximately 70 seats. The Board thanked Mr. O'Rourke for choosing Arlington and look forward to another great restaurant!

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Hurd: yes

Mr. Helmuth yes

SO VOTED (5-0)

11. For Approval: Common Victualler License

Prep Neighborhood Kitchen, Daniel Loperfido, 1367 Massachusetts Avenue

Mr. Loperfido appeared before the Board and stated that he has been working and managing restaurants his whole life and recently became the general manager at the Fairmont Copley Plazas. Mr. Loperfido explained that over the last few years he has looked for a place of his own. Mr. Loperfido stated that this will be primarily takeout but will have approximately 16 seats inside. The Board thanked Mr. Loperfido for choosing Arlington and look forward to trying his restaurant!

Mr. Diggins moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Hurd: yes
Mr. Helmuth yes

SO VOTED (5-0)

OPEN FORUM

Beth Melofchik, 20 Russell Street appeared before the Board and thanked the Select Board as well as the supporters and colleagues who assisted with the Prince Hall Warrant Article.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

12. For Approval: Festival of Love, Saturday, June 26, 2021 @ Uncle Sam Plaza,
3:00 p.m. to 5:30p.m.
Laura Shakun
Shira Lion

The applicant was not present for the discussion. Mr. Helmuth stated that in light of the date if it would be appropriate to move approval. The Board had some question regarding this event including the logistics. Mr. Hurd reminded future applicants that they should be present going forward as the Board could have some question for them.

Mr. Helmuth moved approval subject to the applicant complying with any guidance they receive from other departments.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: no
Mr. DeCoursey: yes
Mr. Diggins: yes
Mr. Hurd: yes
Mr. Helmuth yes

SO VOTED (4-1)

13. Request: Handicap Parking Space on Allen Street
John V. Hurd, Select Board

Mr. Hurd stated that this request has come in through one of the businesses on Mass Avenue at the corner of Mass Ave and Allen Street. This business has several elderly patients that they service. Mr. Hurd stated that he has been working with a number of departments but do not have all the materials gathered.

Mr. Hurd moved to table.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes
Mr. DeCoursey: yes
Mr. Diggins: yes
Mr. Hurd: yes
Mr. Helmuth yes

SO VOTED (5-0)

14. For Approval: TAC Recommendations for Traffic Calming on Chestnut Street
Howard Muise, Transportation Advisory Committee

Mr. Muise appeared before the Board and gave the slide show presentation regarding the TAC recommendations for traffic calming on Chestnut Street. Mr. Muise gave a little background on why they are doing this project and the recommendations they have brought before the Board.

1. Repair sidewalk across the Russell Common Lot driveway and install detectable panels on both sides of driveway.
2. Install advance crosswalk warning signs on both approaches to the crosswalks at Chestnut Terrace and Medford Street.
3. Install "No Turn on Red" (NTOR) sign on the right turn lane from Chestnut Street westbound to Mystic Street northbound.
4. Install curb extensions on both ends of the Chestnut Street crosswalks at Chestnut Terrace and Medford Street (temporary to permanent).
5. Install a five-foot center island in the middle of the Chestnut Terrace and Medford Street crosswalks to provide pedestrian refuges in the middle of the roadway (temporary to permanent).
6. Install a pedestrian-activated warning signal (such as a rectangular rapidly flashing beacon) or an automatic flashing warning signal at the Chestnut Terrace crosswalk.
7. Restripe Chestnut Street to include the following:
 - a) 11-foot travel lanes in each direction.
 - b) 7-foot parking lanes on the both sides of Chestnut Street with 4-hour parking permitted.
 - c) 5-foot bicycle lanes on each side of Chestnut Street.
 - d) 2-foot buffer lanes between the parking travel lane and bicycle lane on both sides of Chestnut Street.

Mr. Muise stated that the first three recommendations could be done quickly while the others could follow after the work on Chestnut Street is completed. Mr. Muise stated that they would like to look at a possible redesign of the intersection at Chestnut and Mystic Street. Mr. Muise explained that they are looking to eliminate the slip lanes and the three crossing sites that have been implemented at separate times in the cycle and hopefully have one single crossing. They are also requesting to look at Chestnut Street and Medford Street where there is no crosswalk. The Board thanked Mr. Muise and the Transportation Advisory Committee for their hard work and diligence on this project. The Board had some questions and concerns regarding the configuration, safety, and funding of the project. Mr. Heim noted that there is federal aid to perform a project back in 1987. Mr. Heim explained that they listed a number of conditions and stated that it is not 100% clear that the proposal is inconsistent with this nor a problem. Mr. Heim stated that there may be a process in which they have to notify Federal Highway Administration and the State Department of Transportation that the Town intended to make certain modifications.

The following people spoke in regard to the recommendations on Chestnut Street:

Linda Varone, 54 Medford Street

Marcy Beck, 221 Wachusett Avenue

Paul Schlichtman, 47 Mystic Street

Jo Anne Preston, 42 Mystic Lake Drive

Mr. Helmuth moved approval subject to appropriate reconciliation with the Federal Aid Project of 1987.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Hurd: yes

Mr. Helmuth yes

SO VOTED (5-0)

15. For Approval: Expansion of Outdoor Seating

Ali Carter, Economic Development Coordinator

Ms. Carter appeared before the Board and stated that the Planning Department is requesting three public parklets in parts of the Town that don't have any public parklet seating. The parklets are being proposed at the following locations:

Brattle Square

Mass Ave and Highland Avenue

East Arlington and one private parklet to a non-restaurant business that Ms. Carter felt needed additional consideration because it did not fit into the dining category that the pandemic responsive program created.

Ms. Carter explained that they are doing this now because they wanted to make sure that all of the restaurants who wanted the equipment were able to utilize it before making to public. Ms. Carter explained that this would put the full complement of our equipment that we received from MassDot share street grant last year. The Board thanked Ms. Carter for her hard work and agree this is a great way the Town is supporting its local businesses.

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Hurd: yes

Mr. Helmuth yes

SO VOTED (5-0)

16. Preliminary Board Discussion on Overnight Parking Inquires

Stephen W. DeCoursey, Chair

Mr. DeCoursey stated that this is a preliminary discussion for overnight parking. As the Board will recall there have been a few parking warrant articles that have come before the Board specifically for precinct four. Mr. DeCoursey stated that at the time of Town Meeting they had voted no action but at the time they agreed that at some point following Town Meeting they would have a discussion on various parking issues. Mr. DeCoursey explained that his purpose tonight for putting this on the agenda was not to make a decision but to talk about the process. The Board had some discussion on creating a sub-committee that would be in charge of studying this issue. The Board agrees that maybe it is time to bring forth the parking ban ballot question again and that is something that this committee could look into.

17. Discussion: Package Store and Marijuana Licenses

Douglas W. Heim, Town Counsel

Mr. DeCoursey stated that the Town has received inquiries regarding the last package store license in Town as well as the remaining marijuana licenses. Mr. DeCoursey stated that Mr. Heim will brief the Board to see if they are inclined to open that process to the public. Mr. Heim stated that the Board's practice has been to geographically distribute the licenses and have a competitive process in choosing which applicant receives the license. Mr. Heim explained that the second issue is the retail host community agreements, the Town currently has two licensees who are either open or in the process of going through the special permit with the ARB. Mr. Heim explained that the Board does not have an obligation to specifically use all three licenses by a certain point in time, but we do have some obligation to revisit the issue and solicit proposals for anybody who might be interested in the final host community agreement. Finally, something that's a relatively recent development is the Cannabis Control Commission is now authorized delivery. These licenses are limited right now to economic empowerment candidates at this point in time. The Board had some discussion regarding the timeline that they would like to set for opening this process and receiving applications. Mrs. Mahon had noted that a timeframe of October and the first two weeks of November would be good to give enough time during the summer months for people to get their applications in order. Mr. DeCoursey stated that they will have this discussion again at an upcoming Select Board Meeting to speak further.

18. Discussion: Mugar Property

Stephen W. DeCoursey, Chair

Mr. Heim stated that he along with a group of core individuals had a conference site visit last week at the Mugar Property. Mr. Heim stated that there are two parallel things happening at the same time. One is the comprehensive permit which the Board has no jurisdiction over. The Zoning Board of Appeals has been working on a set of conditions that would talk about what would need to be done prior to a transfer of the land. The second is what the Select Board has been trying to do for some time with respect to the acute conditions on the property. Mr. Heim stated that it is his understanding that most of the homeless community that had been currently camped on that side have been transitioned to a better housing situation. Mr. Heim explained that if that is the case there is an opportunity to do a lot of solid waste removal, and really improve the site for the safety and health of the neighborhood. Mr. Heim explained the following three options. The first and probably strongest option is for the Health and Human Services Department and the Board of Health to determine whether that there are violations of the state sanitary code. If there are violations of the state sanitary code, they've essentially noticed those violations to the property owner, the property owner has a very specific window to remediate those conditions. If they don't, not only will they potentially face fines, but the health department would be in a position to perform what's called a clean and lien. The second option is the Conservation Commission have found some potential violations of our wetland's bylaw and state environmental regulations and would be able to enforce similar to the Board of Health. Mr. Heim did note that this option is unlikely to result in a clean and lien situation but still has a very specific enforcement mechanism with a financial penalty for non-compliance. The final option

consists of action by the Legal Department's Office to recoup costs that have already been incurred. This option is a terminal endpoint that would be taking the property owners to small claims court to essentially recover the costs the Town has incurred in trying to remediate the site to date.

Mr. Heim placed an idea for a motion before the Board for discussion, approval, and modification as follows:

One encourage and support the Health and Human Services and Board of Health to identify and prosecute any state sanitary code violations they find to the full extent of the law, including as necessary, conducting cleanup, and setting liens on the property as appropriate. Two encouraging and supporting the Conservation Commission to simply identify and prosecute any violation of wetlands bylaws or state regulation, environmental regulations, to the fullest extent of the law. Finally, to authorize the Legal Department to take necessary actions to recoup the funds expended by the Town to remediate dangerous conditions on the encampment site, including instituting court actions if necessary.

Mr. Chapdelaine wanted to highlight that this recommendation is not about being anti-homeless person. This position is about keeping the site safe for the entire community. Chief Flaherty stated that she is in support of these recommendations and explained that the Town has done an outstanding job of housing many of the homeless population that have been living there. As of today, the site is vacant. Chief Flaherty stated that their goal is to make sure that the area is safe for not only our first responders, but for everybody in the community.

Mr. Hurd moved approval of Mr. Heim's motion as stated above.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:	yes
Mr. DeCoursey:	yes
Mr. Diggins:	yes
Mr. Hurd:	yes
Mr. Helmuth	yes

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

19. Nuisance Dog Hearing Requested

Brian Dawson, 58 Adams Street

Mr. Diggins moved to receive.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:	yes
Mr. DeCoursey:	yes
Mr. Diggins:	yes
Mr. Hurd:	yes
Mr. Helmuth	yes

SO VOTED (5-0)

NEW BUSINESS

Mr. Heim noted that the State passed legislation extending the ability to conduct remote hearings until April of next year. This means that Boards and committees have the option to have hybrid meetings.

Mr. Helmuth would like to thank the hard-working team that helped with the hybrid meeting tonight.

Mrs. Mahon asked through the chair, either at our July meeting, or the next long range planning meeting, that you in conjunction with the Town Manager come up with where it seems like the ARP monies have been further defined.

Mr. Diggins would like to thank Jillian Harvey and whoever else was involved with the planning of the Juneteenth observation. Mr. Diggins also stated that he is considering doing a public forum regarding the warrant article process.

Mr. Hurd thanked Jillian Harvey and the Human Rights Commission for the great Juneteenth celebration. Mr. Hurd congratulated the Arlington High School Seniors who graduated a few weeks ago. Mr. Hurd stated that he went to the Scoopermania event that was great this past weekend and thanked everyone that was there volunteering!

Mr. DeCoursey would also like to thank Jillian Harvey for the job she did on Juneteenth ceremony. Mr. DeCoursey would like to thank the staff that helped get the hybrid meeting together and all the hard work to make it happen.

Mr. Hurd moved to adjourn at 11:04p.m.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Hurd: yes

Mr. Helmuth yes

SO VOTED (5-0)

Next Scheduled Meeting of Select Board Monday, July 19, 2021

A true record attest

Ashley Maher
Office Manager

6/21/2021

Agenda Item	Document Used
1	Executive Order on Remote Participation
2	H. Muise Letter of Appreciation
3	
4	Prince Hall Day Proclamation
5	Draft 5.26.2021 Minutes

6	Reappointment Reference
7	AIFF Banner Request AIFF Banner Design Banner Schedule
8	Keash Excavating Reference
9	Ortona Street Abutter Hearing Notice Betterment Order
10	The Heights Pub Inspection Reports AA Restaurant Application
11	Prep Neighborhood Kitchen Inspection Reports Common Victualler Application
12	Festival of Love Request
13	
14	TAC Recommendations Presentation Memo from Engineering Department Community Safety Survey Listening Session Public Comment Notification and Survey Combined P. Schlichtman Reference
15	Memo from Planning Department
16	
17	Memo from Town Counsel HCA Process HCA Application
18	
19	B. Dawson Dog Complaint Police Reports