

**Town of Arlington
Legal Department**

Section 1. The dispensing of motor fuel by means of self-service automated dispensing systems shall be permitted at any authorized filling station, so long as there is at least one full-service attendant employee dispensing system available at said station. All installations shall comply with the regulations promulgated by the Board of Fire Prevention Regulations in the Commonwealth.

Section 2. Each self-service automated dispensing system shall display a clear warning label explaining that burning gasoline, diesel and ethanol has major consequences on human health and on the environment, including contributing to climate change.;

or take any action related thereto.

(Inserted at the request of Susan Stamps and ten registered voters)

This article follows up on Article 17 of the 2022 Annual Town Meeting which attempted to remove Title V (“Regulations Upon the Use of Private Property”) Article 5 (“Self-Service Petroleum Filling Station Regulations”) in its entirety with the recommendation of the Select Board. The 2022 Article was subsequently amended to allow for self-service gas stations with modest regulations in the bylaw, but ultimately failed by a vote of 105 – 119.

While I expect the petitioner to outline the rationale for returning this matter to the Board with further details, the proposal as this Office understands it seeks compromise between the current bylaw (prohibiting self-service) and previous proposals (eliminating the requirement of any attendants on site absent ADA compliance requirements) in which self-service gas would be permitted, but at least one station attendant would still be required by default at all times. Further, additional local notifications about the environmental impacts of gasoline, diesel and ethanol combustion would also be added as a requirement.

By way of background, the bylaw at issue was passed in 1975 and is the only source of the prohibition on self-serve gas in Arlington.¹ Several Town Meetings in the last decade considered varying proposals to allow for self-serve gasoline stations. Arguments in favor or opposition have shifted over time, but past arguments favoring self-service stressed the importance of competing with self-service stations in neighboring communities, staffing difficulties, and technological advances which reduced safety and environmental concerns previously associated with self-

¹ The Zoning Bylaw discourages an intensification of automotive uses on Massachusetts Avenue and the Americans with Disabilities Act (“ADA”) likely requires hours of attendant service, but neither are outright prohibitions on self-service.

Lastly, it should be noted that safety and environmental impact signage requirements within the Town Bylaws may carry some risk of being pre-empted by state law.

To see if the Town will vote to amend the Town Bylaws to establish a new bylaw in Title V Regulations Upon the Use of Private Property to require property owners to disclose information about public parking availability on adjacent streets to potential renters or buyers prior to entering into any lease or sale agreement, including setting forth penalties; or take any action related thereto.

This article proposes to add a local parking disclosure requirement for residential leases and real estate conveyances in the interests of informing future residents of the on and off-street parking available to them. I expect the petitioner will present further information regarding this proposal, but the Board is familiar with frequent complaints of both tenants and owners, particularly in East Arlington related to parking; typically that they were unaware of the current prohibition on on-street, overnight parking on public ways.

To see if the Town will vote to authorize and request the Select Board to petition the Massachusetts General Court to allow the Town to satisfy requirements for legal notices set forth in the general laws by allowing the publication of notices on the Town's website and/or in a local digital newspaper, along with the option of continuing the current practice of publication in a newspaper of general circulation, or take any other action relative thereto.

(Inserted at the request of Larry Slotnick and ten registered voters)

The purpose of this article is to relieve the Town of various requirements under state law to advertise hearings with a notice in a newspaper of local circulation in compliance with G.L. c. 4 sec. 13. For example, hearing notice requirements for special permit hearings under c. 40A require not only a notice on the Town's bulletin board and website in satisfaction of the Open Meeting Law, but also a "legal notice" run for two successive weeks "in a newspaper of general circulation" fourteen (14) days before the noticed date of the hearing.

As the Board knows, these advertising requirements are rooted in a pre-digital world when newspapers were one of the few common places residents and parties of interest might learn of important matters pending before a Town board or commission. A 2016 update to G.L. c. 4 sec 13 *added* the requirement that newspapers print legal notices in their digital format as well as transmit them to a statewide online repository for legal notices, but it remains incumbent on the Town to take out legal advertisements with a newspaper of local circulation in print for any and all matters that require such notices. While I expect the proponent will explain the rationale for this proposal, as this Office understands it, the Town would still be required to provide legal notices, but would not be required to have them run in *print* in a newspaper.

It should be noted that such an action is only feasible through Home Rule or "Special Legislation" as the requirements for legal notices are set in state law.

ARTICLE

RESOLUTION/ FILE AND ACCEPT GRANTS WITH AND FROM EOEEA FOR LAND AND WATER CONSERVATION FUND GRANT PROGRAM

To see if the Town will vote, consistent with the Town Manager Act, to affirm the Town Manager's authorization to file and accept grants from the Executive Office of Energy and Environmental Affairs, and carry out the terms, purposes and conditions of such grants, specifically for the purposes of improving Veteran Memorial Park; or take any action related thereto.

(Inserted at the request of the Director of Health and Human Services and the Town Manager)

This article, inserted at the request of the Manager and Director of Health and Human Services seeks a resolution affirming the Town Manager's authorization to accept grants as a condition of participation in the Executive Office of Energy and Environmental

Affairs'("EOEEA") land and water conservation fund program. The resolution is frankly redundant with powers already granted to the Manager under the Town Manager Act and the Select Board's general authority to accept grants, but is nonetheless requested by the EOEEA as part of its application process. Assuming the Board's positive action, this Office will develop a resolution satisfactory to EOEEA for the purposes of their program.

ARTICLE

RESOLUTION/AFFORDABLE HOUSING OVERLAY

To see if the Town will vote to adopt a resolution affirming affordable housing overlay districts; or take any action related thereto.

(Inserted at the request of Guillermo Hamlin and ten registered voters)

Mr. Hamlin seeks a non-binding resolution of Town Meeting to support the creation and use of affordable housing overlay zoning districts in Arlington, which would presumably provide for affordable housing by special permit or right subject to qualifications and regulations in designated areas crossing through previously established zoning districts. While zoning bylaws are generally heard by the Arlington Redevelopment Board, resolutions of general policy are non-binding and typically heard by the Select Board.

ARTICLE

RESOLUTION/IN-STATE TUITION

To see if the Town will vote to extend in-state tuition and state financial aid to all local high school graduates; or take any action related thereto.

(Inserted at the request of Guillermo Hamlin and ten registered voters)

This article seeks a non-binding resolution of Town Meeting to support in-state tuition and state financial aid to all Massachusetts high school graduates. I expect the proponent will provide further details on the goals and details of the resolution.