



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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

To: Select Board

Cc: Sandy Pooler

From: Douglas W. Heim, Town Counsel

Date: March 10, 2023

Re: Draft Votes and Comments re: Articles 6, 7, 8, 11, 18, 65

---

I write to provide the Board Draft Votes and Comments regarding the above-referenced 2023 Annual Town Meeting Warrant Articles, based upon your prior hearings for same.

**ARTICLE 6                      BYLAW AMENDMENT SELF SERVICE CONVERSION TO  
SELF SERVICE GAS STATIONS / CONVERSION OF GAS  
STATION DISPENSING PUMPS TO SELF SERVICE  
OPERATION**

**VOTED:** That Title V, Article 5 of the Town Bylaws ("Self Service Gas Dispensing") be and hereby is by deleting Article 5 in its entirety and substituting in its place the following:

**Article 5 Self-service Petroleum Filling Station Regulations.**

**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.**

**(5 – 0)**

**COMMENT:** The Select Board unanimously supports this follows up effort to Article 17 of the 2022 Annual Town Meeting to allow for a form of self-service gasoline in Arlington. In the previous discourse the primary concern with allowing for self-service was the potential impact on disabled or elderly patrons. The instant proposal would require at least one full-service attendant on site at all hours of operation. Further, as the petitioners noted, installation of self-serve pumps will require significant capital investment to meet the standards and regulations for such pumps imposed by state law. Finally, in addition to the benefit of allowing residents to pump their own gas the primary benefit in affording the choice to provide for self-service for businesses will be to owner-operated stations. Accordingly, the Board urges Town Meeting support for the compromise presented which will allow self-service while maintaining attendant service at all stations.

**ARTICLE 7                      BYLAW              AMENDMENT/PARKING              DISCLOSURE  
REQUIREMENT**

**That no action be taken on Article 7.**

**(5 – 0)**

**COMMENT:** The Board applauds the goals of this article to advise residents of the parking available to them before they enter into purchases or leases of homes. However, the Board holds concerns both about adding to the state regulated list of mandatory disclosures to tenants and buyers in real estate transactions and about the enforceability of a Town Bylaw of this nature. The Select Board agrees with the petitioner that more can be done to advise the public of the present lack of on-street overnight parking on public ways and endeavors to make the

**ARTICLE 8                      BYLAW                      AMENDMENT/MEDICAL                      ANTI-  
DISCRIMINATION BYLAW**

To see if the Town will vote to create Title I, Article 24 of the town bylaws stating “People Shall not be denied access to facilities or service based on medical status.” or take any action related thereto.

(Inserted at the request of Mark Kaepplein and ten registered voters)

**VOTED: That no action be taken on Article 8.**

**COMMENT:** The Select Board appreciates the very personal and divergent points of view residents hold with respect to their bodily autonomy, including with respect to vaccinations and masks. However, the law already provides venues and forum for determining whether or not such matters are reasonably required to address a public health condition or risk – the Board of Health. Moreover, the language of the present proposal is so broad as to render it difficult to understand what would be covered on its face.

**VOTED:** That no action be taken on Article 11.

**COMMENT:** The petitioner of this article requested its withdrawal following the recommendations of the Town Equity Audit. The Select Board concurs that the intent of the article is well covered by impending civic engagement work following the audit.

**VOTED:** That no action be taken on Article 18.

**COMMENT:** The petitioner of this article requested its withdrawal.

To see if the Town will vote to resolve that People have a natural and innate authority over their own body; or take any action related thereto.

**VOTED:** That no action be taken on Article 65.

**(5-0)**

**COMMENT:** The Select Board agrees with the general spirit of the resolution insofar as it affirms human bodily autonomy, but is unclear as to what such a resolution would accomplish or how it would be used to clarify disputes and disagreements about public health policy in a manner distinct from the Courts or state and federal law. As such, the Board does not recommend positive action.