



Town of Arlington Select Board

Meeting Agenda

March 30, 2022

7:15 PM

Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

1. Executive Order on Remote Participation
2. Discussion and Approval: Arlington Community Electricity Program - Default Renewable Rate
Talía Fox, Sustainably Manager
Adam C. Chapdelaine, Town Manager

CONSENT AGENDA

3. Reappointment: Arlington Redevelopment Board
Kin Lau (term to expire 1/31/2024)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

4. Presentation and Requested Adoption: Arlington Housing Plan
Jennifer Raitt, Director, Department of Planning and Community Development
Kelly Lynema, Assistant Director, Department of Planning and Community Development
5. Review and Discussion: MA DHCD Draft Guidelines for MBTA Communities
Jennifer Raitt, Director, Department of Planning and Community Development
Kelly Lynema, Assistant Director, Department of Planning and Community Development

WARRANT ARTICLE HEARINGS

6. Articles for Review:
Article 21 Vote/Extension of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee
Article 24 Home Rule Legislation/Financial Estimates & Budget Documents
Article 7 Bylaw Amendment/Youth and Young Adult Advisory Board
Article 13 Bylaw Amendment/Prohibit the Use of Face Surveillance
Article 14 Vote/Establish a Committee on Insurance Costs and Issues
Article 15 Bylaw Amendment/ Noise Abatement
Article 18 Bylaw Amendment/Phase Out of Certain Toxic Rodenticides on Public/Private Property, with Reporting Requirement and Public Education
Article 23 Vote/Board of Youth Services Updates
Article 27 Revolving Funds
Article 47 Endorsement of Parking Benefit District Expenditures
Article 75 Resolution/Commitment to Increase Diversity in Town Appointments

Article 77 Resolution/Establishing an Integrated Pest Management Policy for Town Land, Prohibitions, and Public Education about Rodenticide Hazards

FINAL VOTES & COMMENTS

Articles for Review:

Article 6 Bylaw Amendment/ Updating Human Rights Commission Bylaw
Article 8 Bylaw Amendment/Civilian Police Advisory Commission
Article 9 Bylaw Amendment/Achieving Net Zero Greenhouse Gas Emissions from Town Facilities Consistent with the Town of Arlington's Net Zero Action Plan
Article 11 Bylaw Amendment/Domestic Partnerships
Article 12 Bylaw Amendment/Single Use Plastic Water Bottle Regulation
Article 17 Bylaw Amendment/Conversion of Gas Station Dispensing Pumps to Self Service Operation
Article 19 Vote/Street Name - "Magliozzi Boulevard"
Article 20 Vote/Code Enforcement
Article 22 Vote/Establishment of Town committee to Examine Budgetary Impact of Overnight Parking
Article 25 Home Rule Legislation/Early Voting to Town Elections
Article 26 Endorsement of CDBG Application
Article 73 Resolution/True Net Zero Opt-In Code for Cities and Towns

CORRESPONDENCE RECEIVED

7. Request for Memorial for Julia Miller
Dorothy Commons
Mark Miller

NEW BUSINESS

Next Scheduled Meeting of Select Board April 4, 2022

You are invited to a Zoom webinar.

When: Mar 30, 2022 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

https://town-arlington-ma-us.zoom.us/webinar/register/WN_4osWCW1GRe-Tim-MkE6K7g

After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.



Town of Arlington, Massachusetts

Executive Order on Remote Participation

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Open_Meeting_Law_Requirements___Remote_Participation_Post_State_of_Emergency_.pdf	Executive Order on Remote Participation



**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
Website: www.arlingtonma.gov

MEMORANDUM

TO: Town Boards, Committees and Commissions

FROM: Douglas W. Heim

DATE: June 16, 2021

RE: ***UPDATE* Open Meeting Law Requirements & Remote Participation Post-State of Emergency**

Arlington boards, committees, and commissions, please accept this memorandum as an update with respect to your obligations and options under the Open Meeting Law for holding public meetings and hearings in light of Governor Baker's decision to end the COVID-19 State of Emergency and rescind related Executive Orders effective June 15, 2021, including the March 12, 2020 "Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20" ("The Order").

In short, following his decision to rescind the Order, Governor Baker filed special legislation to extend public bodies' ability to conduct public meetings remotely in exactly the same manner set forth by the Order. That initial bill was received favorably but amended and signed by the Governor in its new form late last night. It must be noted that in an effort to pass the much need legislation quickly, minor administrative issues in the bill may require correction.

Nonetheless, germane to remote meetings, the bill as passed accomplishes three critical things for Arlington meetings:

1. *Allows for remote meetings and hearings by public bodies through April 1, 2022; (the initial legislation only extended these allowances through September 1, 2021);*
2. Retroactively approves any remote *meetings*¹ held yesterday; and
3. Allows for remote town meetings through December 15, 2021.

Options for the Future

The bill allows committees and commissions to continue to conduct meetings entirely remotely but you will also have the options to conduct them entirely in-person, or in a “hybrid” manner where the public body meets in person, but the public is provided remote access (as allowed by Town and School policy respectively, and sufficiently resourced to meet requirements for remote meetings).²

As you will recall, remotely conducted meetings under the Order must provide “[a]dequate, alternative means” for public access which may include providing public access through telephone, internet, satellite enabled audio or video conferencing, or any other technology that enables the public to clearly follow the proceedings of the public body in real time (for most committees and commissions, the Zoom platform or similar technology). Remote participation also requires:

1. The Chair announce the name of the member or members who are participating remotely at the start of each meeting (and that the remotely participating members be reflected in the minutes)
2. That all votes be taken by roll call.
3. That members of the public body must be clearly audible to each other and to members of the public at all times;
4. That public bodies in remote executive sessions identify and approve any other persons present for executive session

If a hybrid meeting is held where only members or members and persons with business before the meeting are physically present, it is recommended that the foregoing requirements be applied to aid the public and other participants’ ability to follow the proceedings. Furthermore, please ensure that the public can access Zoom-based meetings without registration (by affording a dial-in option to listen rather than participate by video).

¹ The status of hearings performed yesterday is not clear.

² Boards and Commissions holding legal hearings are reminded that they must also provide for public comment and testimony, which are not covered under the Open Meeting Law.

Already Noticed and Noticing Meetings in the Immediate Term

For those public bodies who already noticed “in person” meetings but wish to switch to remote meetings, please contact the Town Clerk with updated information on the meeting “location” which can be published on the Town’s website and Community Calendar.

For those bodies noticing meetings or hearings taking place in the coming days and weeks, but still discerning where and how such meetings will take place, please include some version of the following contingency language:

Meeting venue subject to change while remote participation legislation is pending. Please check the Town’s Website and Calendar for the latest information on the location or means to access the meeting. Meetings may be moved to physical locations.



Town of Arlington, Massachusetts

Discussion and Approval: Arlington Community Electricity Program - Default Renewable Rate

Summary:

Talia Fox, Sustainably Manager

Adam C. Chapdelaine, Town Manager

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Memo-ACE_Contract_Renewal-031622.pdf	Memo
▢	Reference Material	ACE_Presentation.pdf	Presentation
▢	Reference Material	Public_Comment_ACE_Program.pdf	Public Comment



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Adam Chapdelaine, Town Manager
Cc: Jennifer Raitt, Director, Planning and Community Development
From: Talia Fox, Sustainability Manager, Planning and Community Development
Date: March 16, 2022
RE: 2022 Arlington Community Electricity Contract Renewal Default Level

The Town's current, three-year supply contract for the Arlington Community Electricity (ACE) program¹ expires in November 2022. The Town is preparing to bid for a renewal contract as early as April or May 2022. To prepare for that bid, the Town must set targets for the level of renewable energy in the ACE default product by the end of March 2022. The purpose of this memorandum is to share context that enables the Select Board to provide the Town Manager guidance on the target level of renewable energy.

Summary of ACE Program & Benefits

ACE is a municipal aggregation program that provides additional electricity supply options to Arlington residents and businesses. The majority of residential accounts participate in ACE, and over 90% use the ACE default product, which provides 11% additional renewable energy, above and beyond the renewable energy required by the State standards.² That additional renewable energy qualifies as Class I.³ The primary program benefits include:

- *Environmental impact.* In 2021, ACE customers collectively reduced their carbon dioxide emissions by 10.9 million pounds by using 15.1 million kilowatt-hours (kWh) of renewable energy above State standards.
- *Stability.* While the Eversource Basic Service rates change every six months, ACE rates are fixed for the duration of the supply contract, insulated from market volatility.
- *Competitive rates.* Since its inception in 2017, ACE has provided cumulative savings of over \$2 million compared to Eversource Basic Service (required disclaimer: future savings cannot be guaranteed).
- *Consumer choice.* The current program offers three options with different percentages of renewable energy above State standards. Customers may change options or leave ACE with no penalty.
- *Continuity:* Discounts for income qualified customers and net metering benefits for solar generators are unaffected by the ACE program, and customers still receive a single electricity bill via the utility.

Contract Renewal Considerations

- *In its second contract, the Town increased the level of additional renewable energy in the ACE default from 5% (2017-2019) to 11% (2019-2022).* Arlington's Net Zero Action Plan⁴ advises the Town to "set an initial goal to increase renewable energy supply above the current extra 11% for the 2023-2025 [third] contract."

¹ Town of Arlington, *Arlington Community Electricity*, accessed March 15, 2022, <https://ace.arlingtonma.gov/>

² Massachusetts minimum renewable energy standards, for all electricity suppliers, are known as the Renewable Portfolio Standard

³ Class I includes solar, wind, low-impact hydroelectric, and anaerobic digestion sources located in New England and operating beginning in 1998 or later. See Massachusetts Department of Energy Resources, *Program Summaries*, 2022, <https://www.mass.gov/service-details/program-summaries>

⁴ Town of Arlington, *Net Zero Action Plan*, 2021, <https://www.arlingtonma.gov/home/showpublisheddocument/55139/637507913474030000>

- *Increasing the default renewable energy content is an important step toward the Town's goals.* The Net Zero Action Plan features priority action CES 1: "Increase renewable energy in the ACE program so the default level is 100% renewable by 2030." Under the current 11% default, a total of 31% of participants' electricity supply is from Class I sources (this includes 20% Class I required by the 2022 State standards).
- *To meet its 100% goal, the Town will need to increase the ACE default level significantly by 2030.* State standards will increase Class I to 40% by 2030,⁵ so an 11% default would achieve a total of just 51% Class I by 2030. It is important to note that the Town will have at least two (2) other supply contracts prior to 2030 in which it can increase the level of additional renewables further.
- *ACE enrollment has remained high throughout the program.* As of January 2022, 14,290 accounts were enrolled in ACE. Approximately 1,100 of these participants have opted up to the 50% and 100% renewable options, and 170 have opted down to the ACE Basic (no additional renewable energy) option.

Identifying ACE Default Renewable Level for Next Contract

In the current contract, the average Arlington residential user pays about \$600 per year for electricity supply that meets the State minimum renewable standards. This is provided by the *optional ACE Basic* product. The *ACE default* product, which includes 11% additional Class I, adds about \$21 per year. When determining the level of additional renewable energy for the next contract, it is helpful to consider this incremental cost that the average consumer would pay in addition to the ACE Basic product.

The ACE Basic cost will likely rise in the next contract, as natural gas prices, the primary driver of electricity prices in New England, have increased. However, these market conditions will also be reflected in the upcoming utility Basic Service rates. While it is not possible to predict the utility's Basic Service rates, the ACE program will execute the renewal with the same procurement strategies and consultant, Good Energy, that has enabled ACE to deliver stable, competitive rates since its launch 5 years ago (required disclaimer: future savings cannot be guaranteed).

The table below presents estimated costs for additional renewable energy based on current market conditions.

Additional MA Class I for ACE Default	Estimated Additional Annual Cost for Average Residential User*	Total MA Class I in ACE (2025)	Total MA Class I in ACE (2030)
11% (current level)	\$21.2^	38%	51%
15%	\$29.4	42%	55%
20%	\$39.2	47%	60%
25%	\$48.2	52%	65%
30%	\$57.9	57%	70%
35%	\$67.5	62%	75%

Note: *Based on the average consumption of 5,672 kWh per year per regular residential (R-1) household. Based on discounts for R-2 and R-3 low-income customers, total costs of electricity for low-income customers are lower than R-1 customers.

^For R-1 ACE customers, the current additional annual cost to residential users of 11% voluntary RECs is approximately \$19.

The Select Board can reference this table to provide the Town Manager guidance for the renewal bid. The Town's consultant, Good Energy, recommends setting a target percentage with a not-to-exceed cost for the average residential user. Given that the Class I prices shown are estimates, it may be beneficial to consider a slightly higher not-to-exceed than what is listed in the table for a given percentage. For example, "Include 20-25% additional Class I, up to a cost of \$50 for the average residential user."

⁵ Massachusetts Department of Energy Resources, *Program Summaries*, 2022, <https://www.mass.gov/service-details/program-summaries>

Arlington Community Electricity (ACE)

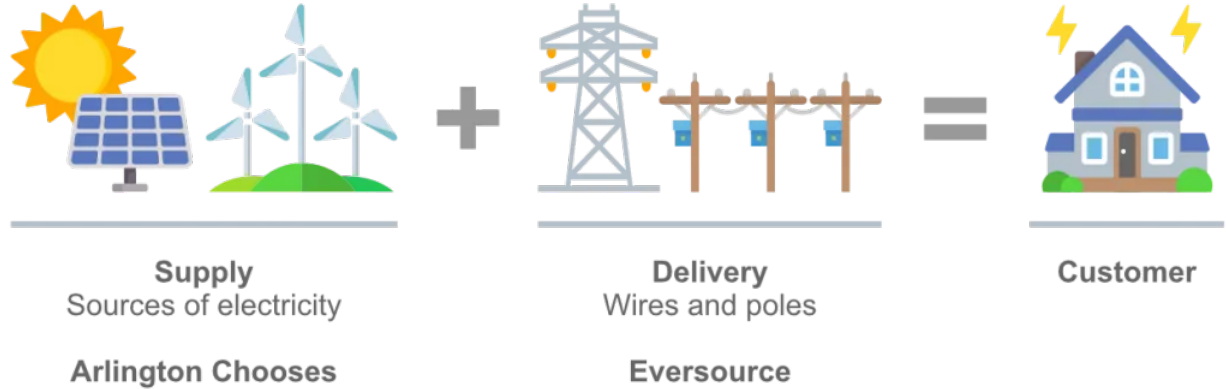
Increasing the Default Level of Renewable Energy

Town of Arlington Select Board Meeting
March 30, 2022



ACE Program Overview

- Arlington's municipal aggregation program, active since 2017



- Program goals and benefits:

**Environmental
impact**

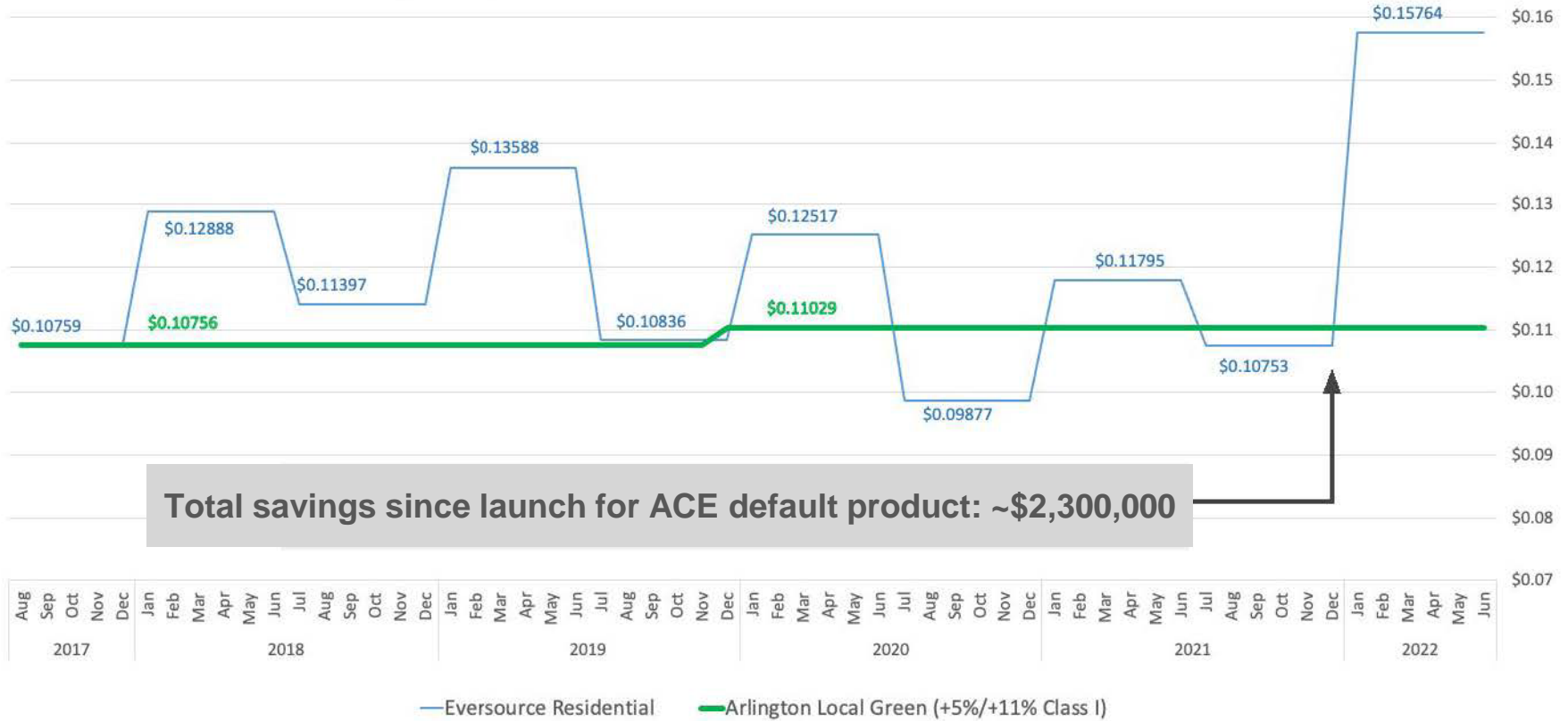
Stability

**Competitive
rates**
(future savings
not guaranteed)

**Consumer
choice**

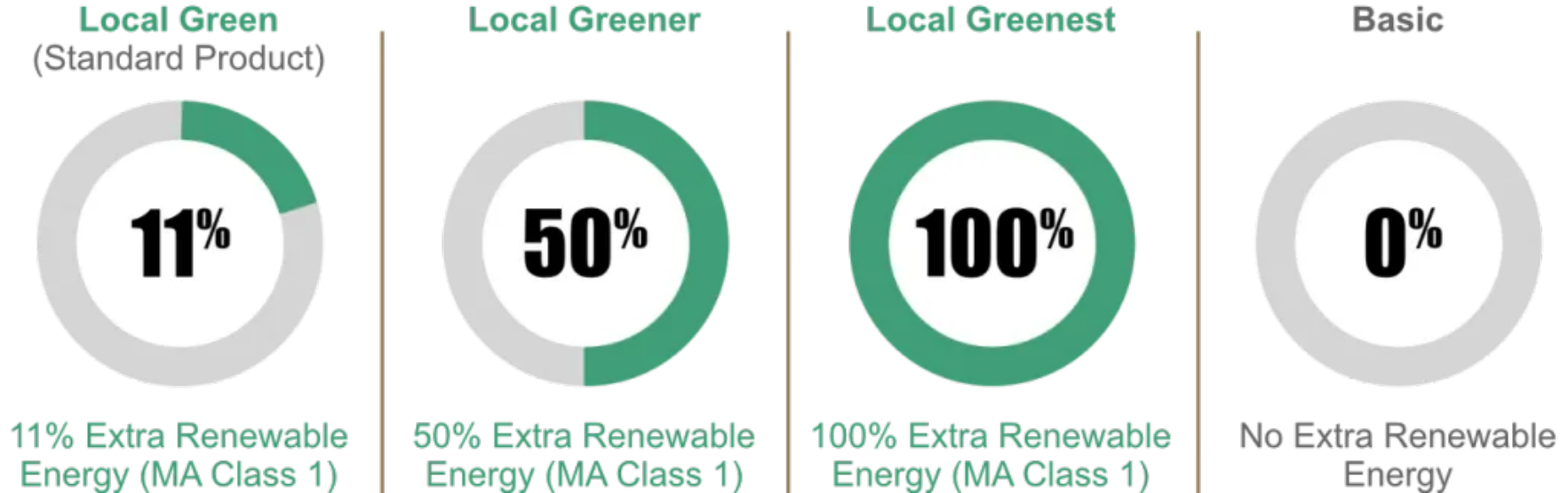
Continuity

Program Goals & Benefits



Future savings cannot be guaranteed because Basic Service rates change every six months for residential and commercial customers and every three months for industrial customers.

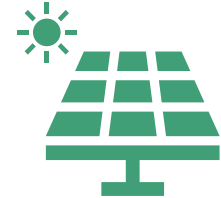
Products



Voluntary MA Class I renewable energy only from New England, include solar, wind, anaerobic digestion, and low-impact hydro

Program Accomplishments

- **High participation**, ~16,000 accounts
- ~1,100 accounts have opted up (50% & 100%) as of **January 2022**, 60% increase in opt ups since last contract
- **Cumulative savings of ~\$2.3 million total**, or \$153 per account (future savings cannot be guaranteed)
- In 2021, ACE customers **collectively purchased more than 15.1 million kWh of additional renewable energy**, enough to power 2,600 Arlington homes on renewables!



Considerations for Upcoming Contract Renewal

- **Current contract expires November 2022**, new contract will be signed in April or May 2022
- The **Town can choose a higher default rate** for the new contract
- **Net Zero Action Plan, approved by the Select Board** advises the Town to:
 - **Increase the renewable energy default level for the next contract**, above the current 11% additional renewable energy
 - **Achieve 100% renewable energy in ACE default by 2030**
- **Current ACE default level yields 31% renewables** (11% + 20% State required Class I)



Considerations for Upcoming Contract Renewal

- At least **two more chances to increase the default** before 2030
- The **cost of the ACE Basic product will likely increase in the next contract** due to market conditions
- **Renewables in the ACE default, 50%, and 100% products are an additional cost to the user**, above the ACE Basic electricity supply
 - 11% ACE default level costs an additional \$19/year for the average residential user
 - Every additional 5% is estimated to add ~\$10/user/year

Estimated Additional Costs for Class I Renewables

- Estimated costs listed in the table below are only for additional renewables
- Prices would be added to the ACE Basic product (current average Arlington user pays ~\$600/year)

Extra MA Class I	Estimated Additional Annual Cost for Average Residential User	Total MA Class I in ACE (2025)	Total MA Class I in ACE (2030)	
15%	\$29.4	42%	55%	One-third to goal
20%	\$39.2	47%	60%	
25%	\$48.2	52%	65%	
30%	\$57.9	57%	70%	Halfway to goal
35%	\$67.5	62%	75%	

From: Steven Jurgensmeyer <stevejurgensmeyer@gmail.com>

To: AMaher@town.arlington.ma.us

Date: 03/23/2022 10:45 AM

Subject: Arlington Community Electricity Program

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Select Board Members,

I am writing as a resident of Arlington and am asking you to approve the highest default rate possible for the Arlington Community Electricity Program. I am proud to live in a very progressive community like Arlington and believe we should lead by example to other communities, especially in areas that are so important. Let's be green and proud!

Sincerely,

Steven Jurgensmeyer
41 Beacon Street

From: Boris Engels <bo.engels@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/23/2022 10:53 AM
Subject: new local renewable electricity default level for ACE

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Dear Select Board Members,

I am writing as a resident of Arlington and am asking you to approve the highest default rate possible for the Arlington Community Electricity Program. A locked increase of only 9% for the next 2-3 years seems too low with regard to the looming climate crisis. I would hope Arlington could show bold leadership in this regard, increasing the default rate, as not to rely only on individuals opting for full renewable energy to make a change.

Sincerely,
Boris Engels
94 Palmer Street

From: Philippe Heckly <philippeheckly@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/23/2022 09:41 AM
Subject: The time is now, tomorrow might be too late

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Dear Select Board Members,

I am writing as a resident of Arlington and am asking you to approve the highest default rate possible for the Arlington Community Electricity Program because unfortunately our options are few and we should be doing as much as we can to confront climate change on all fronts today. And what better place to start than at home? We should be doing this not only for ourselves but for our children and grand-children. Hoping to fix the mess that we created and put all the brakes in our power to avoid more disasters.

Sincerely,

Philippe Heckly | 106 Palmer St, Arlington, MA 02474

From: Catherine Farrell <clf_scw@hotmail.com>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/16/2022 07:23 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,
I am writing as a resident of Arlington and a member of Mother's Out Front.
I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program because I am concerned about climate change.

Sincerely,

Catherine Farrell
76 Park St
Arlington, MA 02474

From: Patrick Hanlon <patrick.m.hanlon@gmail.com>
To: Ashley Maher <AMaher@town.arlington.ma.us>
Date: 03/16/2022 08:49 PM
Subject: New ACE Contract

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To the Mr. DeCoursey and the Members of the Select Board:

The Arlington Community Electricity ("ACE") Program currently provides residents with a default product that contains 31% renewable energy. This consists of 20% of class I renewables required by the state plus an additional 11%. ACE also allows residents to opt up to 50% or 100% renewable electricity for a somewhat higher rate. The contracts governing the ACE program will be renegotiated this year. I am writing to urge you to increase the percentage of renewable energy in the default product as much as is reasonably possible in the current contract period.

The Town's Net Zero Action Plan requires the town to have a default product containing 100% renewable energy by 2030. The state's required minimum will go up each year and is expected to reach 40% by 2030. The state also requires additional carbon-free electricity via the Clean Energy Standard, which is currently 20% and will remain at that level through at least 2030. The sources included in the Clean Energy Standard include existing nuclear and hydroelectric, which have their own problems, but do not emit GHGs. Thus, by 2030, the state will require the default product to be 60% carbon free. To reach 100%, Arlington would have to increase the locally required carbon free product from 11% above the state requirement to 40% - a difference of 29%.

There are several reasons to front-load this as much as possible. The most important is that emissions savings achieved tomorrow are worth much more than savings achieved in 7 years. We are in a crisis, and carbon emitted today contributes to warming today. Whenever we envision targets like 100% renewable in 2030 or net-zero by 2050, we have to view the dates as limits not goals. If we can reach the targets more quickly, we should.

Second, while energy meeting the Clean Energy Standard is carbon free, it comes with its own problems. As a matter of policy, we should view reliance on those sources with a healthy skepticism. If we excluded CES energy altogether, we would have to increase the locally mandated increment over the state minimum to 40%, which would be more than 16 percentage points per contract between now and 2030.

Of course, there are limits to how fast the town can go. We are living in a high inflation period in which energy prices are especially volatile. The advantages of moving quickly would be lost if the move caused too many people to opt out of the program altogether. On the other hand, the already slow rate of opting-up may well be even slower now. Our unusual (and hopefully temporary) economic environment cuts both ways.

I encourage you to increase the town's renewable percentage in the default product as much as is reasonably prudent in this contract period. Please resolve uncertainties in favor of the climate. There isn't time to lose.

Respectfully,

Pat Hanlon

Precinct 5 Town Meeting Member

Pat Hanlon
20 Park Street
Arlington MA 02474
(703) 967-6720



From: Barbara Lieurance <barblieurance@outlook.com>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/16/2022 10:39 PM
Subject: ACE default rate - make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington and a member of Mothers Out Front, and a parent concerned for

I am asking you to approve the highest default rate of renewable electricity possible for the Arlington Cc Electricity Program. Implementing this is a powerful way to lead toward climate solutions, and the lead town shows will have an influence.

Sincerely,

Barbara Lieurance
22 University Road
Arlington, MA 02474

From: Jennifer Susse <jennifer.susse@gmail.com>
Eric Helmuth <EHelmuth@town.arlington.ma.us>, Steve Decourcey <sdecourcey@town.arlington.ma.us>,
To: ldiggins@town.arlington.ma.us, dmahon@town.arlington.ma.us, John Hurd <jhurd@town.arlington.ma.us>,
amaher@town.arlington.ma.us
Date: 03/16/2022 10:56 AM
Subject: Arlington Community Electric

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Dear Select Board,

I am writing as a resident of Arlington, a member of Mothers Out Front, and a parent concerned about my children's future. Arlington has a lot to be proud of with respect to climate action-- from adding solar panels to municipal buildings, to our sustainable High School, to the Net Zero Action Plan, to our pursuit of green communities grants that are both good for the environment and save Arlington money...and, of course, our early participation in Arlington Community Electric. It is clear that Arlington Community Electric is working to create new market opportunities to incentivize green energy in New England. I ask you to continue to raise Arlington's stature by approving the highest default rate of local renewal electricity possible for Arlington Community Electric. We literally can't afford to wait.

Sincerely,
Jennifer Susse
45 Teel Street, pct. 3

--
Jennifer Susse
781-354-1770

From: David Dreyfus <dddreyfus@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 03:59 PM
Subject: Renewable electricity

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

We need to stop using fossil fuels as quickly as possible. I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
David Dreyfus
160 Jason St, Arlington, MA 02476

From: Susan Keane <smkeane@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 04:15 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board members,

I am writing as a mother and as a member of the Arlington chapter of Mothers Out Front to encourage the board to be as ambitious as possible when considering new terms for the ACE contract.

In particular, I hope you will raise the default rate for local renewable electricity to the highest level possible.

The feeling that we are too late in addressing some of the most negative impacts of climate change is haunting, and I know we all feel the urgency of protecting our children's future.

Raising the default rate is a small, but very important, action that could have a big impact. I think that we, as residents, are ready for this, and I hope you will be ambitious and forward-looking in your contract negotiations.

Thank you for your consideration.

Susan Keane, Milton St.

March 15, 2022

Dear Select Board Members,

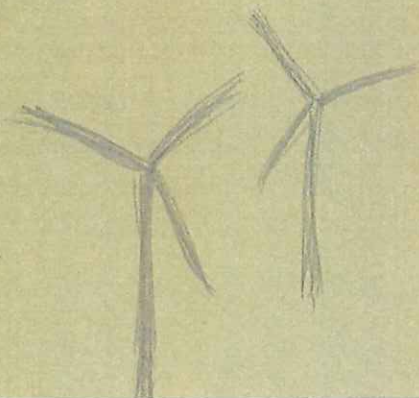
I am writing to urge you, our Select Board Members to make a courageous decision and raise the Arlington Community Electricity default level to the highest level possible. I have gained much respect for the thoughtful, highly informed decision process the Board follows since I have been participating as a Town Meeting Member for the past five years. Boosting Arlington's sourcing of renewable electricity is among the best things local government can do. The data is clear since we see that only one-third of the renewable electricity in Arlington was sourced at the request of residents choosing to Opt Up. The remaining two-thirds majority of renewable energy was a consequence of the default level set by the Town.

This letter is just one part of my work addressing the climate crisis. As I do so I have to keep reminding myself why I am spending this time talking to people about where our energy comes from. For years I have been promoting our fantastic Arlington Community Electricity program in my 130-unit building overlooking the Schumann Mill. No longer relying on waterpower, faced with different challenges, we are now all overloaded with trying to keep our own daily lives together. We have been besieged by mailings from the likes of Clean Choice Energy, convincing our neighbors to use their product at \$0.18 per kWh. One of my neighbors finally found the time to pull out of that company after hearing my gentle reminders for years, and joined ACE at 100% with our Town's program. I am too embarrassed to say how long it took me to do the same, feeling compelled to research the different programs. The more I learned, the more I appreciated Arlington's program. This is Arlington's chance to be a leader and recognize the grave danger we are all facing, and harness our collective power that as individuals we have not been able to accomplish.

Thank you for your consideration, Sincerely

Amy D. Slutzky

Amy L. Slutzky
TMM, pct 17



From: Clarissa <clarissa_mr@aol.com>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/15/2022 09:10 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington, and a member of the First Parish Climate Action Working Group.

I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program because I am deeply concerned about the climate changes and the future of my grandchildren.

We need to support the development of local green energy sources.

I expect Arlington to show leadership in this area.

Sincerely,

Clarissa Rodriguez
287 Mass. Ave.
Arlington, MA

When one tugs at a single thing in nature, they find it attached to the rest of the world. -John Muir
She/her/hers - learn about pronouns <https://www.mypronouns.org/>

From: phil@veatchconnors.net
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 10:09 PM
Subject: Select Board consideration of Arlington Community Electricity Program

CAUTION: This email

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Dear Select Board Members,

I am asking you to approve the highest default rate possible for the Arlington Community Electricity Program. The dire affects of climate change are already apparent. Individual actions are not enough. Our governments must take bold action for change to happen. I would be proud if Arlington was a statewide leader in fighting climate change. Last year town meeting members overwhelmingly approved the "Arlington declaration of climate emergency" that commits Arlington to explicitly consider climate impact in major town decisions. Your consideration of the default rate is a real way to make Arlington part of the solution. Thank you for your service to the town.

Phillip Veatch

46 Park Street, Arlington MA

From: Amy Smift <amy@keyfitz.org>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 10:44 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington to ask you to approve the highest default rate of local renewable electricity possible for the ACE program. I personally have as many solar panels on my roof as we could cram up there, but I know not everyone in Arlington has the financial resources, home ownership, or shade-free south-facing roof to do that at home. The Select Board has the power via the default rate to support green power and reduce fossil fuel use in a way that **all** of Arlington can participate in. Thank you for this important climate action.

Sincerely,
Amy Smift
Mott St, precinct 2

From: rashika mathews <rashika_mathews@hotmail.com>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/15/2022 11:55 PM
Subject: ACE Default Rate

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Dear Select Board Members,

I am writing as a resident of Arlington and as a volunteer member of the ACE program . I am asking you to approve the highest default rate possible for the Arlington community electricity program because we need to take action on climate change now.

The science is clear and we must show leadership in order to save this planet for the future generation. A baby born today, may will be alive in 2100. What will our planet look like in 2100 if we do not take the necessary actions now? Flood, famine, war, and climate refugees...

The climate crisis has already caused so many natural disasters around the country including fires and floods. As a physician, I already see the effects of climate change impacting health by way of worsening breathing issues in people with asthma or emphysema, increasing tick borne illnesses, and allergies.

We, here in Arlington, need to show leadership and I urge you to select the highest possible default rate. Thank you for all your work as Select Board members!

Sincerely,
Rashika Mathews

From: John Burkhardt <john.burkhardt@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/16/2022 05:13 AM
Subject: Increase the ACE default rate

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Dear Select Board Members,

I spoke at the hearing with the select board, and subsequently Arlington declared a climate emergency. This is an important first step for local governments to acknowledge that we are at grave risk from climate and ecological breakdown. Scientists around the world are sounding the alarm and calling this moment "code red for humanity".

What we do in the next 3-4 years will determine the fate of our species and events on a geological scale for millenia. The Chatham House climate assessment report states:

"Unless NDCs are dramatically increased, and policy and delivery mechanisms are revised accordingly, many of the climate change impacts described in this research paper are likely to be locked in by 2040, and become so severe they go beyond the limits of what nations can adapt to."

My son, AHS '26 will be 32 years old in 2040. Our childrens' futures are on the line. What happens when we go *beyond the limits of what we can adapt to?*

As a small town with limited budget I understand there is only so much we can do. But I urge you to approve the highest default rate possible for renewable electricity, and consider requiring all businesses to participate since they are the highest consumers of electricity, Whole Foods, Stop&Shop, etc.

We declared an emergency. Now we need to act accordingly.

Thank you,

John Burkhardt
51 Westminster Ave.
Arlington
Precinct 21

Reference: <https://www.chathamhouse.org/2021/09/climate-change-risk-assessment-2021>

From: Montserrat Zuckerman <mzuckerman51@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 03:29 PM
Subject: Clean energy

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Members of Arlington's Select Board:

I urge to take any measures available to you that would result in raising the number of households that opt into the ACE program. From what I see in the ACE website ([Arlington Community Electricity | An electricity supply program run by the Town of Arlington \(arlingtonma.gov\)](https://www.arlingtonma.gov/ace)), 1100 households have opted in even though the price is lower than Eversource's price. Is it a matter of advertising this fact or can it somehow be made mandatory?

Thank you for your attention to this very important matter.

Montserrat

(Ines) Montserrat Zuckerman
TMM - Pct 19
Arlington, MA
781.648.4347

Virus-free. www.avast.com

From: Patty McIntyre <patoismc@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 02:59 PM
Subject: ACE Default Rate - Make it Higher!

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Dear Select Board Members:

I am writing as a resident of Arlington for over 20 years, a member of Mothers Out Front, a parent of two children who have attended the Thompson School, Ottoson Middle School and graduated from Arlington High School and an engaged member of this community.

Because I am deeply concerned about what the future will look like for my children, I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program.

We need strong leadership and urgent action if we are going to attempt to mitigate the worst impacts of the climate crisis. And we need governments - cities and towns, states and federal - to take bold, urgent action as our individual efforts are not going to be enough.

The ACE program is a great way to support the development of local green energy sources. And while many in the town have opted up to 50% or 100% renewable energy, we need to do more and act more quickly as we're running out of time.

Thank you.

Sincerely,
Patty McIntyre
Webcowet Road
Precinct 5.

Patty

Are you an Arlington resident? Ask me about opting up to **100% Local renewable electricity** or go here: <https://ace.arlingtonma.gov>

From: Emily Cause <emily.cause@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 12:40 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington and a parent. I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program because I am concerned about the climate; I expect Arlington to show leadership in this area. We need to support the development of local green energy sources.

Thanks for considering this.

Sincerely,

**Emily Cause
Kilsythe Road
Arlington, MA**

From: abhazelton1 <abhazelton1@gmail.com>
To: Ashley Maher <AMaher@town.arlington.ma.us>
Date: 03/15/2022 12:17 PM
Subject: To Select Board (Favoring Higher ACE Rate)

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[Please let me submit this email to the Select Board for the record.]

Dear Select Board Members,

As a 26-year resident of Arlington, and a parent of two kids who went through the Arlington public schools, I am writing to ask you to support the highest possible default renewable percentage for the Arlington Community Electricity (ACE) Program. I know that Massachusetts is ratcheting up the state-mandated minimum percentage gradually and incrementally, until the renewable-energy mandate reaches 100% in about 30 years, and that therefore it may seem prudent not to have more than a 20% bump-up above the state minimum at this time. From your point of view it may seem that keeping it to +20% is striking an appropriate balance between two conflicting objectives: on the one hand giving a nod to the "climate emergency," while also accommodating the very real (and justifiable) financial interests of moderate and fixed-income Arlington citizens.

But I would like to urge you, instead, to lean more toward the "emergency action" end of the spectrum in reconciling this trade-off, and to be much more aggressive.

I know that you do not need to be reminded here of the magnitude of what is at stake with carbon emissions, or of the fact that US national CO2 emissions have continued to rise year after year--despite thirty years of scientific climate warnings in the news--and are currently projected to continue rising for another thirty years *before they even begin to fall*. I feel that this is why Arlington should act boldly on ACE. Towns and localities do not have the power to slow the pace of deforestation, or affect the sticker price of electric vehicles, or force people to fly less or to change their eating habits. In the future towns in this state *may* have the power to ban new CO2-emitting infrastructure in buildings, or otherwise influence the volume of emissions related to new construction, but they are severely limited in what they can do right now. What towns *can* do right now is to incentivize households and businesses to convert to renewable energy, and the ACE program is already doing that to an extent.

I do appreciate the difficulty of your position. As members of the select board you represent the people of Arlington, and people in Arlington, like human beings everywhere including myself, are disinclined to make short-term sacrifices in the name of problem-solving when the problem at hand is of such an enormous, global magnitude that the contemplated individual sacrifice (in this case higher household electric bills) is unlikely to have a measurable impact on the overall problem. Although 2050 may be a realistic target for achieving 100% renewable electricity in Arlington--the town's current stated objective-- it appears unlikely (at least to me) that the U.S. will achieve net zero emissions by that date, and it seems to me that the main reason that it is unlikely is that our organs of government--charged with the responsibility of guarding the long-term collective interest--lack both the authority and the will to encourage corporations and private citizens to do things that are not in their immediate self-interest. Honored members of the Arlington Select Board, I submit to you that SOMEBODY at SOME level of government has to set a courageous example, as the Newton Select Board did recently when it set an 82% renewable energy default for its municipal energy aggregation program (62% above the state's current minimum requirement).

I appreciate that as a Select Board member you may hesitate to foist energy-cost sacrifices upon your Arlington constituents (notwithstanding the potential for individual households to "opt down") when the potential gains, from what Arlington itself enacts, may seem immeasurably small. I submit that this is not too different from the position that I am in, as an individual, when I contemplate whether I can afford to replace the relatively new gas furnace in my house with electric heat pumps--an expensive proposition. What I would like to argue is that you, as a member of the Town's Select Board, are in the unique position of being able to do something here that is actually **very** impactful. Because what you decide on this issue will reverberate beyond our individual town. As you know better than anyone, towns in Massachusetts are paying close attention to what other towns are doing. Your action here--should you decide to take a bold step here in the name of securing the futures of our children and our children's children--could help towns throughout the state to resolve to move more quickly on renewable energy conversion through municipal energy aggregation, and that could have a very real and measurable effect throughout the Commonwealth and even beyond.

Sincerely,

Andrew Hazelton
99 Warren Street

From: Claire Moodie <claire_moodie@hotmail.com>
To: "amaher@town.arlington.ma.us" <amaher@town.arlington.ma.us>
Date: 03/15/2022 11:55 AM
Subject: Fw: Higher ACE default rate

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Dear Select Board Members,

I am forwarding my email below in case my previous message was not received.

Thank you,
Claire

From: Claire Moodie
Sent: Wednesday, March 2, 2022 9:06 PM
To: mkrepelka@town.arlington.ma.us <mkrepelka@town.arlington.ma.us>
Subject: Higher ACE default rate

Dear Select Board Members,

I am writing as co-coordinator of Mothers Out Front, Arlington, Peirce School Green Team lead, public health professional, mother of two boys, and an Arlington Heights resident. I am asking you to approve the highest default rate possible for the Arlington Community Electricity Program because - as a community - we need to move as quickly as possible to shift off of fossil fuels. The conflict in Ukraine and the new IPCC report released this week are critical reminders of the importance of meeting our net zero goals as a town, a nation, and as a world. Please feel free to reach out if you would like to hear more about what Mothers Out Front is doing to support Arlington Community Electricity (ACE) or more personal perspectives on why this is so important to myself and my children.

Thank you,
Claire

Claire Moodie
Arlington Mothers Out Front Co-Coordinator
claire_moodie@hotmail.com
<https://ma.mothersoutfront.org/arlington>

Opt up to 100% renewable electricity in Arlington: <https://ace.arlingtonma.gov/>

From: P Muldoon <muldoonptmm20@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 10:21 AM
Subject: net zero goals

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To the Select Board:

I'm asking that you take action to help Arlington achieve our Net Zero climate goals. **Please support increasing the default rate of renewable electricity to well beyond 20%.**

I'm one of the residents who have opted up. Arlington Community Electricity ("ACE") Program provides residents with 11% more renewable electricity than the amount required by state law. ACE allows residents to Opt-Up to 50% or 100% renewable electricity for a slightly higher rate, although I hear that the opt-ups are building very slowly.

The town's current contract expires in November 2022, and electricity negotiations are starting soon. Arlington will be negotiating pricing and **the default rate of renewable electricity that everyone receives**. We've heard that the town will propose increasing the default rate from 11% to 20% above the state-mandated rate. For 2023, the statewide minimum will be 22%, so if Arlington even went to 20%, that means that our residents would receive 42% of their electricity from renewable sources (unless we opt-up for more). Unfortunately, 20% and the slow speed of opt-ups are not enough to meet the goal of our Net Zero Plan. I'm asking that you take action now.

Thank you,

Patti Muldoon
Precinct 20 Town Meeting Member

From: Brad Perriello <bperriello@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 09:10 AM
Subject: please increase default renewable electricity percentage

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Brad Perriello
34 Ashland Street

From: Anne Wright <awrightcc@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 09:30 AM
Subject: ACE Default Rate - Make it higher!

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To the Select Board:

I am an East Arlington resident and was one of the original co-petitioners that initiated our town's ACE (renewable electricity) program. I'm immensely proud of the program and have been glad to participate and even opt up to 100% through it. I've also been glad to see other municipalities around the state initiate similar programs.

But now I'm asking you to approve the highest default rate of renewable energy possible for this program. Climate change is an existential crisis and I fear for my four children's future. We need to support the development of renewables infrastructure, and each "REC" we contract for invests in solar, wind or hydro development. Other towns and cities have approved high rates and continued to get few opt-outs in their programs.

Thank you for your consideration.

Best regards,

Anne Wright
84 Milton Street

Coordinator, Mothers Out Front Clean Heat, Clean Air Campaign
Facilitator, RMI Building Electrification Accelerator
781-718-4319
she series pronouns ([why?](#))

From: Melissa Geddie <melissa.geddie@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 07:04 AM
Subject: ACE Default Rate - make it higher

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Dear Select Board Members,

My name is Melissa Geddie. I have been a resident of Arlington for 10 years and a member of Mother's Out Front. I'm asking you to approve the higher default rate of local renewable energy possible for the ACE program because I strongly believe that converting to renewable energy is essential for fighting the climate crisis.

Sincerely,
Melissa Geddie
28 Brand Street, Arlington

From: Jordan Weinstein <jordan3weinstein@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/15/2022 06:11 AM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington and a Town Meeting Member. I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program because I am concerned about the climate, expect Arlington to show leadership in this area, and believe that we need to support the development of local green energy sources.

Sincerely,

Jordan Weinstein
TMM, pct. 21

From: ellen robertson <evr115@yahoo.com>
To: "amaher@town.arlington.ma.us" <amaher@town.arlington.ma.us>
Date: 03/14/2022 11:46 PM
Subject: Default rate for ACE

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Dear Select Board Members,

I am an older resident of Arlington and am encouraged with what you are accomplishing for the town and the environment. I encourage you to approve the highest default rate of local renewable electric energy possible to set an example for other communities and help establish renewable energy - my grandchildren and their children deserve a world that is not overcome by Global Climate Change because we all fail to act boldly now.

Thank you.

Sincerely,
Ellen Robertson
115 Columbia Road
Arlington, MA 02474
781-641-2433

From: Jill Manca <jmanca@rcn.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 11:07 PM
Subject: Raise the ACE Default Rate--as high as possible!

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Dear Select Board Members-

I am writing to ask you to approve the highest default rate of renewable electricity possible for the ACE program. As a resident of Arlington and a member of Mothers Out Front, I feel very fortunate to have a community electricity program, but we could do so much more to reach Arlington's Net Zero goal. If we are headed towards electrification of our autos and homes, wouldn't it make sense to power these with 100% renewable electricity? What better way than to raise the default rate! Since the inception of ACE, I have been part of the effort to persuade residents to opt-up to 100% renewable electricity--but outreach has been tough during the pandemic (despite the wonderful new website and the town's support of this effort).

My ask is that you raise the rate to at least 30% so that, along with the current RPS requirement of 20%, Arlington residents would be getting 50% renewable electricity through ACE. This would not only get us to our Net Zero goal faster, but it would also simplify the program choices.

Please take a BOLD step. NOW is a good time to end our dependence on fossil fuels.

Sincerely,

Jill Manca
12 Colby Road
Arlington MA 02476

Live in Arlington? Opt for 100% renewable electricity. Go to [//ace.arlingtonma.gov/opt-up](https://ace.arlingtonma.gov/opt-up)
OUR COMMUNITY. OUR POWER. OUR CHOICE.

From: Robin Bergman <robinorig@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 08:27 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board:

I am writing as a longtime resident of Arlington. I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program because I am concerned about the latest IPCC report on the climate and our lack of seriousness and urgency in addressing it. I expect Arlington to show continued and exceptional leadership in this area. We must at least do everything possible to meet the modest climate goals we've already set. We must develop more local green policy, energy sources, assistance for those who can't otherwise afford solar panels or are renters. Please take this under consideration.

Sincerely,

Robin Bergman,
Park Avenue, Precinct 12

From: Anne Goodwin <annegoodwin@comcast.net>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/14/2022 07:25 PM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington and a member of Mothers Out Front. I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program.

I am proud of Arlington's commitment to reducing its carbon footprint, and we need to continue to do all we can as fast as we can to reduce our use of fossil fuels.

I hope you will vote in favor of requiring a high percentage of renewable energy in our next electricity supply contract.

Sincerely,
Anne Goodwin
Precinct 14

From: Jeff Wetzel <jeff@deepcuts.rocks>
To: amaher@town.arlington.ma.us
Date: 03/14/2022 07:24 PM
Subject: Farmer Brewery / Wine & Beer License

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Hi Ashley,

I just an email bounce back from Marie who directed me to your email.

My name is Jeff Wetzel and I'm one of the Owners of Deep Cuts Deli & Brewery over in West Medford.

We're looking for a location to expand from our current take-out only location to a eat-in restaurant / bar /brewery.

We recently found a location in Arlington that could possibly work for us.

I've actually opened a few breweries, and see that it doesn't appear that Arlington has adopted the ABCC Farmer Brewery Pouring permit in town.

I wanted to double check if this was true and if we would need to apply for a Wine/Beer license to serve our own beer on-site?

If that is the case, would you happen to know if there are any available?

thanks,

Jeff Wetzel
781-864-5846

DEEP CUTS Deli

472 High St.

Medford, MA 02155

FOOD. DRINKS. MUSIC. COMMUNITY. SHOW LOVE.

From: Randy Smith <randy@tigana.org>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 07:02 PM
Subject: Please increase default renewable electricity percentage

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan. I don't need to tell you all the reasons why we should all be doing as much as we can to accelerate the transition off of fossil fuels. Increasing the amount of renewable energy in Arlington's default plan would be a small but noticeably contribution to that transition.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022.

Thank you very much for your attention.

Sincerely,
Randall Smith
68 Crosby St, Arlington, MA 02474

From: Marlene Silva <marlenesilva.dem@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 06:56 PM
Subject: Please help Arlington to meet its Net Zero climate goals!

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To the Select Board:

This is a critical issue that we need to take collective responsibility for. I support **increasing the default rate of renewable electricity to well beyond 20%.**

Please help Arlington to meet its Net Zero climate goals! As you know, the Arlington Community Electricity ("ACE") Program currently provides residents with 11% more renewable electricity than the amount required by state law (default amount). ACE also allows residents to Opt-Up to 50% or 100% renewable electricity for a slightly higher rate, but the opt-ups are building very slowly.

The town's current contract expires in November 2022, and electricity negotiations are starting soon. Arlington will be negotiating pricing and **the default rate of renewable electricity that everyone receives**. We've heard that the town will propose increasing the default rate from 11% to 20% above the state-mandated rate. For 2023, the statewide minimum will be 22%, so if Arlington even went to 20%, that means that our residents would receive 42% of their electricity from renewable sources (unless they opted-up for more). Unfortunately, 20% and the slow speed of opt-ups are not enough to meet the goal of our Net Zero Plan. Time is not on our side when it comes to the climate crisis. **Please support increasing the default rate of renewable electricity to well beyond 20%.**

Thank you,
Marlene Silva
116 Newland RD
Arlington, MA 02474

From: merylbeck@aol.com
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/14/2022 05:13 PM
Subject: ACE Default Rate - Make it

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Dear Select Board Members,

I am writing as a resident of Arlington and a parent concerned for my children.

I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program because I am concerned about the climate. I expect Arlington to show leadership in this area; we need to support the development of local green energy sources.

Sincerely,

Meryl Becker
8 Sawin St,
Arlington

From: "Amy M. Antczak" <amymccann@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 04:43 PM
Subject: ACE Default Rate - Make it as high as possible!

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Dear Select Board Members,

I am writing as a resident of Arlington, a member of Mothers Out Front, and a parent of two young children. I am extremely concerned about the climate crisis and what it means for my children's future. I know that Arlington residents and Town leaders are also extremely concerned, as Arlington declared a Climate Emergency last year, and has set a goal to be Net Zero by 2050. But 2050 is way too late to make the necessary changes to fight climate change. The fastest and most efficient way to reduce our town's reliance on fossil fuels is to increase the Arlington Community Electricity Default Rate, so that all residents are getting more of their energy from renewable sources. I am asking you to approve the highest default rate possible, because we are simply running out of time to make the changes necessary to avoid the worst effects of global warming. Furthermore, reducing our reliance on fossil fuels is fiscally responsible, as renewables are the cheapest sources of energy, and as more solar panels are installed and wind farms built, the prices will only go down.

Arlington has been a leader on climate and this should be no different. Please approve the highest default rate possible for ACE, and ensure that my children and all of the children of Arlington have a liveable future.

Thank you,

Amy Antczak
Summer Street Place / Precinct 17

From: Donna McManus <dmcm5219@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 04:39 PM
Subject: Please Increase Default Percentage of Renewable Electricity

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability – especially but not only Russia's war on Ukraine – underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 – an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,

Donna McManus
67 Orient Avenue

From: Peggy Gardiner <peggy.gardiner@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 04:14 PM
Subject: Arlington's Clean energy

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Hello,

Over the years the town of Arlington has raised its default clean energy rate to 11% I believe. As I have opted up to 100% through the ACE program I hope that you will raise the default rate so that we can soon reach our net zero goal. Every little bit helps.

The town's current contract expires in November, and electricity negotiations are starting soon. I have heard that the default rate is increasing from 11 to 20 percent above the state mandated rate. I hope you will negotiate the best rate you can to get us to our goal of a Net Zero Plan. Please support increasing the default rate of renewable electricity to beyond 20%.

Thank you,

Paulinel Gardiner

11 Menotomy Rocks Dr.

From: zoe stewart <zoezarastewart@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 03:46 PM
Subject: Increase default percentage of renewable electricity

CAUTION: This email

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Dear Select Board,

I hope you are all well and that your meeting goes well too! I am writing to express strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan. I fairly recently upgraded to 100 percent renewable and am very happy I did and I have heard signs of much interest. I am hoping you will vote to increase the percentage of local New England renewable electricity to 30 percent above the minimum required by the state.

Thank you for your careful work, Zoë Stewart, 16 Irving Street Arlington

From: Kate Burton <sato.burton@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 12:52 PM
Subject: ACE Default Rate- Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington who has already selected 100% renewable energy through the ACE program. I am asking you to approve the highest default rate of local renewable electricity possible because we need to support the development of local green energy sources.

Sincerely,

**Kate Sato-Burton
12 Newman Way
Precinct 8**

From: Patricia Udomprasert <patudom@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 12:38 PM
Subject: renewable electricity increase

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Patricia Udomprasert
8 Kipling Rd, Arlington, MA 02476

From: Sarah Iams <sarah.iams@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 11:48 AM
Subject: increasing default rate of renewable electricity

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Hi,

I live in East Arlington and I am writing to ask the Select Board to raise the default rate of renewable electricity for the ACE program as much as possible.

Offering 50% on top of the state-mandated rate as our default option would make such a big difference! Living in East Arlington, I am particularly concerned about the impact of large rainstorms and floods due to excess carbon dioxide in the atmosphere.

I hope the town can raise the default rate substantially, and help us all take this important step towards energy transition!

Regards,
Sarah

Sarah Iams
18 Hamilton Rd Apt 303
Arlington, MA 02474

From: fionahoward101@gmail.com
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 11:42 AM
Subject: Electricity from renewable sources

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter. I have had solar panels on my home for over 10 years, just wish I had room for more. I wish solar installations were part of the building code. Hopefully the storage issue will improve as that is in fact the largest obstacle for renewables.

Sincerely,

Fiona Howard
111 Spy Pond Pkwy

Sent from my iPhone

From: mcandilore@rcn.com
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 11:24 AM
Subject: Please increase renewable energy rate

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I support increasing the default renewable rate as much as possible.

Thank you,
Margaret Bryant-Candilore
58 Lombard Terrace
Arlington, MA
33 year resident of Arlington

From: Cathie Desjardins <cathiedes@icloud.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 10:31 AM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I am writing as a resident of Arlington, a parent and grandparent, and a member of Mothers Out Front. I am asking you to approve the highest default rate of local renewable electricity possible for the ACE program. I want a future for my grandchildren and am dismayed at the world we are leaving them. Please help support the development of local green energy sources to help with our climate crisis.

Best,

Cathie Desjardins
23 Colonial Drive
Arlington MA

From: Ian Finlayson <ianfin@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 10:06 AM
Subject: Increase in renewable energy in ACE default

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Dear members of the select board,

One of the simplest, easiest and most cost effective actions that you can take to improve the future for all residents of Arlington and the broader community is to increase the default rate of renewable energy in our community choice electricity procurement.

I am aware of the implications of our electric grid mix and so I have been using 100% Renewable energy for many years, however most of our residents have busy lives and do not have the time to fully understand the situation and choices open to them. For that reason it is important for you to consider and act on their behalf, and that is precisely what the decision on the default rate amounts to.

Please allow the ACE program to make a meaningful difference in our collective climate forcing emissions instead of being a marginal alternative to what Eversource is already required to meet under state law.

Thank you for your time and stewardship of our community,
Regards,

Ian
Russell Terrace, Arlington

From: Lori Stokes <lori.stokes@comcast.net>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 09:31 AM
Subject: ACE Default Rate - Make it higher!

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Dear Select Board Members,

I'm writing as a resident of Arlington and a person who's worried about climate change to ask you to approve the highest default rate of local renewable electricity possible for the ACE program. Leaving our comfort zone is the only way to begin to address the climate change threats we're experiencing.

Thank you for your action,
Lori Stokes
15 Lennon Road, Precinct 21

From: Alyssa Rosen Saunders <alyssa.rosen.saunders@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 09:07 AM
Subject: Please increase the percentage of renewable electricity in the default plan!

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Alyssa Saunders
21 Oakland Ave, Arlington, MA 02476

From: Adriana King <adriana.mincheva@gmail.com>
To: amaher@town.arlington.ma.us
Date: 03/14/2022 08:59 AM
Subject: please increase default renewable electricity percentage

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Adriana and Myron King
38 Ashland St, Arlington, MA 02476

From: ian howard <idhoward@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 08:25 AM
Subject: Please increase default renewable electricity percentage

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,

Ian D Howard
111 Spy Pond Parkway
Arlington
MA 02474

From: Barbara Payne <bonnie.payne2@verizon.net>
To: AMaher@town.arlington.ma.us
Date: 03/14/2022 07:57 AM
Subject: Please increase the % renewable

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Dear members of the Select Board,

Please increase the percent of renewable electricity for Arlington's default electricity plan. It is so important for Arlington, our children, and the world to reduce our emissions and slow climate change as soon as we can.

Thank you.

Barbara A Payne
29 Oxford Street
Arlington MA 02474

From: John Anderson <andersonjc37@gmail.com>

To: AMaher@town.arlington.ma.us

Cc: Flynn Monks <monks.flynn@gmail.com>

Date: 03/14/2022 07:37 AM

Subject: encouragement to increase renewable electricity in the Arlington Community Electricity plan

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Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

Evidence is getting stronger that we must transition from burning fossil fuels to non-emitting sources of energy as quickly as possible. The recent IPCC report ([Here are headlines](#)) say, "It is unequivocal that climate change has already disrupted human and natural systems."

World events, from fires, floods, droughts, heat waves and intense freezes, to growing political instability -- especially but not only Russia's war on Ukraine - underline the importance of developing local, reliable, sustainable energy sources.

In Arlington, we must do our part to support a rapid transition and to show it is possible. **Please increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts.** This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,

John C. Anderson
37 Berkeley St., Arlington, MA 02474
M: 617-877-0767

From: Steve Storch <sbs.arl.ma@comcast.net>
To: AMaher@town.arlington.ma.us
Cc: Kate Lenox <kjl.arl.ma@gmail.com>
Date: 03/14/2022 07:33 AM
Subject: Please increase default renewable electricity percentage

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Dear Select Board,

We are writing to express our strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

We therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Steve Storch and Kate Lenox
57 Park Avenue Extension

From: Linda Magram <lindamagram@gmail.com>
To: amaher@town.arlington.ma.us
Date: 03/14/2022 07:16 AM
Subject: Appeal to raise Arlington's clean energy default level

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To the Select Board:

Please help Arlington to meet its Net Zero climate goals. As you know, the Arlington Community Electricity (ACE) Program currently provides residents with 11% more renewable electricity than the amount required by state law (default amount). ACE also allows residents to Opt-Up to 50% or 100% renewable electricity for a slightly higher rate, but the opt-ups are building very slowly.

The town's current contract expires in November 2022, and electricity negotiations are starting soon. Arlington will be negotiating pricing and **the default rate of renewable electricity that everyone receives**. We've heard that the town will propose increasing the default rate from 11% to 20% above the state-mandated rate. For 2023, the statewide minimum will be 22%, so if Arlington even went to 20%, that means that our residents would receive 42% of their electricity from renewable sources (unless they opted-up for more). Unfortunately, 20% and the slow speed of opt-ups are not enough to meet the goal of our Net Zero Plan. Time is not on our side when it comes to the climate crisis. **Please support increasing the default rate of renewable electricity to well beyond 20%.**

Thank you,

Linda Magram
216 Sylvia Street

From: Alicia Russell <aliciakrussell@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 08:23 PM
Subject: Please raise the ACE default rate as high as possible!

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To the Select Board:

Please help Arlington to meet its Net Zero climate goals! As you know, the Arlington Community Electricity ("ACE") Program currently provides residents with 11% more renewable electricity than the amount required by state law (default amount). ACE also allows residents to Opt-Up to 50% or 100% renewable electricity for a slightly higher rate, but the opt-ups are building very slowly.

The town's current contract expires in November 2022, and electricity negotiations are starting soon. Arlington will be negotiating pricing and **the default rate of renewable electricity that everyone receives**. We've heard that the town will propose increasing the default rate from 11% to 20% above the state-mandated rate. For 2023, the statewide minimum will be 22%, so if Arlington even went to 20%, that means that our residents would receive 42% of their electricity from renewable sources (unless they opted-up for more). Unfortunately, 20% and the slow speed of opt-ups are not enough to meet the goal of our Net Zero Plan. Time is not on our side when it comes to the climate crisis.

As a member of Arlington Mothers Out Front and a mother of two children, I'm concerned about how slowly we are responding to the climate crisis. One of the ways we can be proactive is to raise the default rate as high as possible **Please support increasing the default rate of renewable electricity to well beyond 20%.**

Thank you,

Alicia Russell
21 Hopkins Rd
Arlington

From: Gami Maislin <gami.maislin@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 06:09 PM
Subject: Please increase the default renewable elex percentage

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Select Board!

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially (but not only) Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction. This would also increase jobs.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Dr. Gami D. Maislin
36 Florence Ave.
Arlington, MA 02476
<http://www.linkedin.com/pub/gami-dadusc-maislin/b/6a2/403she/her/hers>

From: Maryanne Kirkbride <maryanne.kirkbride@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 05:42 PM
Subject: Increase renewable electricity in the ACE plan

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Select Board,

I am writing to express my strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan. We owe it to our children to make bold choices to reduce our dependence on fossil fuels.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Maryanne Kirkbride
90 Ridge St.

From: Aidan McDonough <amcdonough2@umassd.edu>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Date: 03/13/2022 05:21 PM
Subject: Community electricity program

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Dear Select Board Members,

I am writing as a resident of Arlington and a nature and animal lover. I am asking you to approve the highest default rate possible for the Arlington Community Electricity Program because I want to be the generation to help the environment and to reduce the harmful effects of climate change.

Thank you.

Get [Outlook for iOS](#)

From: "Mary P. Breen" <breen.maryp@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 05:12 PM
Subject: Please increase default renewable electricity percentage

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Dear Select Board,

We are writing to express our strong support for increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

We therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Mary Breen & James Aronson
2 Harvard St.
Arlington, MA 02376

From: Nili Pearlmutter <nilinaomi@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 04:36 PM
Subject: re: ACE - Please support a high default rate for renewable electricity

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Dear Select Board Members,

I am writing to you as an Arlington resident and a member of Mothers Out Front. I became involved in Mothers Out Front because I want to be able to look my children in the eye and tell them I did everything I could to fight our climate crisis. Climate change is not an individual problem - it is a systemic issue. It is rare that we in Arlington have the opportunity to impact that system so directly. By significantly increasing the amount of renewable electricity that most Arlington residents get, we will keep tons of carbon emissions out of the air. We also send a message to the industry that more sources of renewable electricity need to be built in MA. Finally, we serve as a leader, encouraging other towns to follow suit.

For all these reasons, I am asking you to approve the highest default rate for renewable electricity possible for the Arlington Community Electricity Program.

Sincerely,
Nili Pearlmutter
79 Harlow St

Live in Arlington? Opt for 100% renewable energy: <https://ace.arlingtonma.gov/>
Care about kids and the climate? Check out Mothers Out Front: <https://www.mothersoutfront.org/>
<https://ma.mothersoutfront.org/arlington>

From: Chelsea Miller <chelsea.miller4648@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 04:21 PM
Subject: Community Electricity Program

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Dear Select Board Members,

I am writing as a resident of Arlington and a recent graduate of AHS. I am asking you to approve the highest default rate possible for the Arlington Community Electricity Program because, being only 19 years old, I want to still have the beautiful world we have now when I am older. Approving this would be a really great step in the right direction and would set an example for other communities around us.

Thank you.

From: Anna and Kim McMaken-Marsh <mcmarshkens@me.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 04:21 PM
Subject: please increase default renewable electricity percentage

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Dear Select Board,

I am writing to tell you that I strongly support increasing the default percentage of renewable electricity in the Arlington Community Electricity plan.

We need to move away from fossil fuels as quickly as possible. We need to develop local, reliable, sustainable energy sources, both for our own resilience in the face of political pressure, and to do our part toward making a better future.

I hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022, which is an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Anna McMaken-Marsh
39 Westmoreland Ave

From: Kim McMaken-Marsh <kimmcmaken12@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/13/2022 04:15 PM
Subject: please increase default renewable electricity percentage

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Dear Select Board,

I am writing to let you know that I strongly support increasing the default percentage of renewable electricity in the Arlington Community Electricity plan. We as a town have the opportunity to do more than we are doing, and every step away from fossil fuels is an important step.

We need to develop local, reliable, sustainable energy sources, both to be resilient in the face of climate disasters, and also to do our part to lower our carbon footprint.

I strongly hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022, which is an important step in the right direction.

Thank you very much for your attention to this important matter.

Sincerely,
Kim McMaken-Marsh
39 Westmoreland Ave, Arlington

From: Lori Kenschaft <lori.kenschaft@gmail.com>
To: Ashley Maher <AMaher@town.arlington.ma.us>
Date: 03/13/2022 01:40 PM
Subject: please increase default renewable electricity percentage

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Dear Select Board,

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World events are showing the importance of weaning ourselves off fossil fuels as quickly as possible. In addition to fires and floods and droughts, heat waves and intense freezes, the growing political instability -- especially but not only Russia's war on Ukraine -- underlines the importance of developing local, reliable, sustainable energy sources.

I therefore hope you will increase the percentage of local New England renewable electricity in the default plan to 30% above the minimum required by the Commonwealth of Massachusetts. This increase would bring the default plan to 50% renewable electricity in 2022 -- an important step in the right direction.

Thank you very much for reading this email and for your attention to this important matter.

Sincerely,
Lori Kenschaft
68 Crosby Street

From: Parke Wilde <parke.wilde@gmail.com>
To: Ashley Maher <AMaher@town.arlington.ma.us>
Date: 03/12/2022 11:25 AM
Subject: To Select Board (Favoring Higher ACE Rate)

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[Please let me submit this email to the Select Board for the record.]

Dear Select Board Members,

Please support the highest default percentage possible for the Arlington Community Electricity (ACE) Program. The Arlington Declaration of Climate Emergency in 2021 was approved unanimously by the Select Board supported by the Town Meeting with an overwhelming majority. The three principles for addressing climate are: (1) electrify everything possible, (2) green the electric grid with renewable energy sources, and (3) reduce consumption of a few difficult-to-electrify sectors (such as flying and unnecessary driving). For number 2 on this list, we need to move rapidly to get all of our electricity from renewable sources.

Some may be tempted to increase support for ACE slowly step by step over many years. This seems unwise. It seems much better to move on ACE now with vigor and courage, so that precious attention and bandwidth in future years can move forward briskly onto the next important climate tasks that will need our attention.

When people have expressed concerns about the price of renewable electricity, I feel the concerns have been vague, saying that at some future date the premium for such electricity may be too high, but without details about particular worrisome forecasts or a clear definition of "too high." After declaring a Climate Emergency, I hope the Select Board will lean toward climate-friendly decisions except when there are more specific reasons than this to do otherwise.

I am a resident of Arlington since 2003, a parent of 2 kids who graduated from Arlington High School, a member of Calvary Church, a board member of Arlington EATS, and one of the co-organizers of Emergency Arlington, the local initiative that campaigned for the Arlington Declaration of Climate Emergency.

Thanks so much for your help, and let me know if you have any questions!

--

Parke Wilde
Professor
Friedman School of Nutrition Science and Policy, Tufts University
150 Harrison Ave., Boston, MA 02111

From: Tom Stewart <tastewar@alum.mit.edu>
To: AMaher@town.arlington.ma.us
Date: 03/12/2022 10:11 AM
Subject: Arlington Community Electricity Program

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Dear Select Board Members,

I am asking you to approve the highest default rate possible for the Arlington Community Electricity Program. We can no longer be in denial about climate change. It is real and needs to be addressed. Individual actions are not enough. Our governments must take bold action for change to happen. I would be proud if Arlington was a statewide leader in fighting climate change. Last year town meeting members overwhelmingly approved the "Arlington declaration of climate emergency" that commits Arlington to explicitly consider climate impact in major town decisions.

Thank you for your consideration and your service to Arlington,
Tom Stewart
resident
23 Alton St

From: Sarah Huber <sarah.huber8@gmail.com>
To: SDeCoursey@town.arlington.ma.us, LDiggins@town.arlington.ma.us, EHelmuth@town.arlington.ma.us, JHurd@town.arlington.ma.us, DMahon@town.arlington.ma.us
Cc: mkrepelka@town.arlington.ma.us, AMaher@town.arlington.ma.us
Date: 03/12/2022 08:07 AM
Subject: Arlington Community Electricity Program

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Dear Select Board Members,

I am asking you to approve the highest default rate possible for the Arlington Community Electricity Program. We can no longer be in denial about climate change. It is real and needs to be addressed. Individual actions are not enough. Our governments must take bold action for change to happen. I would be proud if Arlington was a statewide leader in fighting climate change. Last year town meeting members overwhelmingly approved the "Arlington declaration of climate emergency" that commits Arlington to explicitly consider climate impact in major town decisions.

Thank you for your consideration and your service to Arlington.

Sarah Huber

Resident of Arlington, town meeting member, and Arlington school teacher.

Live in Arlington? Opt up to 100% renewable energy
at <https://ace.arlingtonma.gov/>

From: Paulette Schwartz <plschwartz@verizon.net>
To: AMaher@town.arlington.ma.us
Cc: "plschwartz@verizon.net" <plschwartz@verizon.net>
Date: 03/11/2022 12:32 PM
Subject: Letter to the select board

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To The Select Board,

We have been supporters of the opportunity to purchase 100% renewable energy since we first learned about it.

This is a wonderful opportunity for our community to address our concerns about the climate crisis and the major role played by fossil fuels.

We are writing on behalf of Arlington Mothers Out Front to ask for your help with getting Arlington to meet its Net Zero climate goals! As you may know, the Arlington Community Electricity ("ACE") Program currently provides residents with 11% more **local** renewable electricity than the amount required by state law. ACE also allows residents to Opt-Up to 50% or 100% **local** renewable electricity for a slightly higher rate. The town's current contract expires in November 2022, and negotiations are starting soon. The town will not only be negotiating the pricing that will be locked in for the next few years, but will also be negotiating the default rate of renewable electricity that everyone receives. We've been told that the town wants to propose increasing the default rate from 11% to 20% above the state-mandated rate, but will possibly settle for 15% if the Select Board does not agree. For 2023, the statewide minimum will be 22%, so if Arlington went to 20%, that means that Arlington residents would receive 42% of their electricity from **local** renewable sources (unless they opted-up for more). Unfortunately, that is not enough to get us where we need to go, and I'm sure I don't need to remind you that time is not on our side when it comes to the climate crisis.

Paulette and Ed Schwartz

20 Robin Hood Road
Arlington, MA

Paulette Schwartz
plschwartz@verizon.net

From: Andrea Winslow <andreawinslow63@yahoo.com>
To: AMaher@town.arlington.ma.us
Date: 03/10/2022 01:18 PM
Subject: Increasing ACE default rate

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Dear Arlington Select Board Members,

I am writing on behalf of Arlington Mothers Out Front to ask that our electricity default rate through the ACE program be as high as deemed possible. As you may know, the Arlington Community Electricity ("ACE") Program currently provides residents with 11% more renewable electricity than the amount required by state law.

The town's current contract expires in November 2022, and negotiations are starting soon. We've been told that the town wants to propose increasing the default rate from 11% to 20% above the state-mandated rate, but will possibly settle for 15% if the Select Board does not agree. For 2023, the statewide minimum will be 22%, so if Arlington went to 20%, that means that Arlington residents would receive 42% of their electricity from renewable sources (unless they opted-up for more). Unfortunately, that is not enough to get us where we need to go, and I'm sure I don't need to remind you that time is not on our side when it comes to the climate crisis. We are advocating and pushing for more. This is a time to be bold. Please remember that the future quality of life for our children is at stake.

Andrea Winslow
63 Scituate St.
Arlington, MA 02476

From: alice Trexler <trexleralice@yahoo.com>
To: "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>
Cc: alice Trexler <trexleralice@yahoo.com>
Date: 03/09/2022 12:25 AM
Subject: Fw via A Maher: To the Select Board: Opinion about Arlington Community Electricity default rate

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Greetings,
I just received your email address as the person to whom the message below should have been sent. Please make it available to the Select Board.

Many thanks,
Alice Trexler
Arlington

----- Forwarded Message -----

From: alice Trexler <trexleralice@yahoo.com>
To: mkrepelka@town.arlington.ma.us <mkrepelka@town.arlington.ma.us>
Cc: alice Trexler <trexleralice@yahoo.com>
Sent: Wednesday, March 2, 2022, 11:58:24 PM EST
Subject: To the Select Board: Opinion about Arlington Community Electricity default rate

Dear Members of the Select Board,

I'm writing about the default rate for the Arlington Community Electricity (ACE) program which will be re-negotiated soon. As a Member of the Arlington Chapter of Mothers Out Front, as a thirty-seven year resident of Arlington, and as a grandmother, I fear that we are nearing midnight on the climate clock. As you know, the IPCC 2022 Climate Report has just issued the direst warnings yet for the world.

Actual and recent extreme weather events around the globe concretely show that we are well into the age of climate change, so I worry constantly about the future of my grandchildren. Arlington has a NetZero 2050 goal and has declared a "climate emergency," but, it will be difficult, if not impossible, to implement the changes our town requires without the boldest of decisions.

I urge that Select Board Members courageously approve a very large default rate for the Arlington Electricity Program, surpassing even a 20% rate. (Newton has gone to 80%.) Increasing the default rate is the quickest and easiest way to make an impact and significantly reduce our town's reliance on fossil fuels. Please consider what it will take to get us to our net zero goal.

**Thank you, and best wishes,
Alice Trexler
48 Spy Pond Lane**

From: Rekha Murthy <rmurthy6@gmail.com>
To: AMaher@town.arlington.ma.us
Date: 03/08/2022 09:51 PM
Subject: Fwd: ACE rates request

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Hello,

I just learned that you're the person to email... please see below, and thank you!

----- Forwarded message -----

From: Rekha Murthy <rmurthy6@gmail.com>
Date: Mon, Mar 7, 2022 at 7:17 PM
Subject: ACE rates request
To: <mkrepelka@town.arlington.ma.us>

Hello,

I'm a volunteer with Mothers Out Front in Arlington. I'm writing to encourage the Town of Arlington to raise our default rate of sustainably sourced electricity to much higher than 20% above the state-mandated rate.

Encouraging people to "opt up" has worked, but only to a point. The most effective way for us to transition to sustainable, non-fossil-fuel sources of electricity is to make it as easy as possible, and that lies with the default.

Thank you for considering.

Best,
Rekha Murthy
9 Coolidge Rd.

From: Elaine Lyte <lyte46@icloud.com>
To: amaher@town.arlington.ma.us
Date: 03/01/2022 10:58 AM
Subject: Fwd: Arlington Community Electricity (ACE)

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I'm forwarding this message to you based on an out-of-office message I received to the email below.

Thanks

Elaine

Sent from my iPad

Begin forwarded message:

From: Elaine Lyte <lyte46@icloud.com>
Date: March 1, 2022 at 10:56:02 AM EST
To: mkrepelka@town.arlington.ma.us
Subject: Arlington Community Electricity (ACE)

Members of the Select Board,

I understand negotiations will begin shortly for a new ACE contract. I'm writing to encourage you to negotiate as high a minimum rate of renewable energy as possible. This is a program that is working well and recognizes the urgent need for action on climate change.

Thank you
Elaine Lyte
53 Dorothy Rd.

Sent from my iPad



Town of Arlington, Massachusetts

Reappointment: Arlington Redevelopment Board

Summary:

Kin Lau (term to expire 1/31/2024)

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Lau_-_ARB_Reappt.pdf	K. Lau Reappointment Reference



**Town of Arlington
Office of the Town Manager**

**Adam W. Chapdelaine
Town Manager**

**730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us**

MEMORANDUM

DATE: March 25, 2022

TO: Board Members

SUBJECT: Reappointment to the Arlington Redevelopment Board

This memo is to request the Board's approval of my reappointment of Kin Lau, Arlington, MA, to serve on the Arlington Redevelopment Board, and having a term expiration date of January 31, 2024.

Town Manager



Town of Arlington, Massachusetts

Presentation and Requested Adoption: Arlington Housing Plan

Summary:

Jennifer Raitt, Director, Department of Planning and Community Development

Kelly Lynema, Assistant Director, Department of Planning and Community Development

ATTACHMENTS:

	Type	File Name	Description
▣	Reference Material	DPCD_Transmission_Memo.pdf	DPCD Transmission Memo
▣	Reference Material	Arlington_Housing_Plan_ARB.pdf	Arlington Housing Plan
▣	Reference Material	D._Seltzer_CR.pdf	D. Seltzer Comments
▣	Reference Material	J._Preston_Housing_Plan_Comments.pdf	J. Preston Comments
▣	Reference Material	P._Worden_Housing_CR.pdf	P. Worden Comments



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

Date: 1/31/2022
To: Arlington Select Board
From: Jennifer Raitt, Director of Planning and Community Development
Kelly Lynema, AICP Assistant Director of Planning and Community Development
cc: Adam Chapdelaine, Town Manager
Re: Arlington Housing Plan

On Monday, January 24, 2022, the Arlington Redevelopment Board (ARB) voted to adopt the Arlington Housing Plan, provided herein as an attachment to this memorandum. The Housing Plan will be presented to the Select Board for your review and adoption on Monday, February 7, 2022. If adopted by the Board, then the Town will submit the plan to the Massachusetts Department of Housing and Community Development (DHCD) for review and approval. Once fully adopted and approved, the Arlington Housing Plan replaces the Town's 2016 plan which expired in November 2021 and will be valid for five years.

Why Adopt a Housing Plan?

There are several reasons to create and adopt a Housing Plan:

- Address unmet housing needs of people who make low- and moderate-incomes;
- Influence the type, amount, and location of mixed-income and affordable housing;
- Set a numeric goal for annual housing production; and
- Possibly prevent unwanted Comprehensive Permits (40B development) through a certified plan process in favor of residential development that complies with local zoning.

The Arlington Housing Plan consists of:

- **Data:** an assessment of housing need and demand based on current data, population and development trends, and regional growth factors
- **Limitations:** an analysis of physical and regulatory development constraints
- **Locations:** identification of specific sites for housing production
- **Goals:** housing goals, including an annual numeric housing production target
- **Strategies:** implementation strategies to works towards goals

Plan Certification

When a community produces units that are affordable to households that make a low- or moderate-income totaling at least 0.5% or 1% of year-round housing units in one calendar year and in accordance with the approved plan, the plan becomes eligible for certification by DHCD. The Town had an approved Housing Production Plan in place when the Comprehensive Permit for 1165R Massachusetts Avenue was granted by the Zoning Board of Appeals. After the Comprehensive Permit was granted, DPCD filed a request to update the Town's Subsidized Housing Inventory (SHI) to reflect the addition of 124 housing

units. At the same time, DPCD requested a certification of compliance with the Town's Housing Production Plan from DHCD, as the production of 124 housing units exceeded the plan's 0.5% housing production goal of 99 units.

DHCD granted the certification, which is effective from September 17, 2021 through September 16, 2022. This means that when a new Comprehensive Permit Application is filed, the ZBA can read the certification letter at the first public hearing to demonstrate the Town's current compliance with all certification requirements. This compliance is the standard for the ZBA's decision to "deny" or "approve with conditions" any Comprehensive Permit Application to be deemed "Consistent with Local Needs" under MGL Chapter 40B.

2016 Plan Accomplishments

The DPCD has worked closely with many Town entities and community organizations for the past five years to help Arlington move forward with a range of affordable housing initiatives. Implementation of the Housing Production Plan has included moving forward with zoning amendments, policy changes, funding affordable housing developments through our Community Development Block Grant and Community Preservation Act funds, improving organizational infrastructure to make effective progress, and educating the community about housing needs and development trends. The most significant accomplishments happened in the past two years. The first is that the Housing Corporation of Arlington completed the Downing Square Broadway Initiative which will bring 48 new affordable homes to Arlington. Additionally, Arlington Town Meeting took several important steps to improve housing outcomes: adopting an Accessory Dwelling Unit zoning bylaw, establishing the Arlington Affordable Housing Trust Fund, and approving Home Rule legislation for a real estate transfer fee with the intention of funding our Trust and seizing opportunities to make housing in Arlington more affordable.

Plan Development and Engagement Process

Arlington's Housing Plan Implementation Committee (HPIC) and the Department of Planning and Community Development (DPCD) worked with Barrett Planning Group, LLC, and the Horsley Whitten Group to develop the plan, which is funded through the Community Development Block Grant (CDBG) program. Informed by data, research, and community engagement, the plan shares a vision and specific ways that Arlington can lead on providing housing options at a wider range of price points. The plan includes a comprehensive housing needs assessment, affordable housing goals, and outlines strategies for how various town departments, boards, commissions, nonprofits, and the housing authority can help achieve those goals through policy and zoning changes, new programs, and funding sources. The plan will also inform the Arlington Affordable Housing Trust Fund Action Plan and the Community Preservation Plan.

Many Arlington residents, Town departments, boards, commissions, businesses, and organizations engaged in developing the plan through a Community Questionnaire, focus groups, stakeholder interviews, outreach at the Arlington Farmer's Market, Meeting in a Box "kitchen conversation" kits, online mapping exercises, and several public forums. The DPCD co-sponsored a Community Conversation panel discussion focusing on fair housing in Arlington titled "Who Can Live Here, Who Decides, and Why?" with the Diversity, Equity and Inclusion Division of the Department of Health and Human Services during the summer. DPCD also co-sponsored an event about the experiences of non-

profit and private developers of affordable housing titled “Creating Affordable Housing: Ask the Experts” in the fall.

Additional information about the Housing Plan, including the Barrett Planning Group proposal, prior engagement activities, and the 2016 Housing Production Plan, is available [on the HPIC website](#), or by visiting the DPCD “Projects, Plans, & Reports” page at arlingtonma.gov/planning. We are also available to answer questions about the plan.



Five-Year Strategies to Increase the Supply of Affordable Housing in All Arlington Neighborhoods

In Compliance with 760 CMR 56.03(4)

Adopted by Arlington Redevelopment Board January 24, 2022

Adopted by Arlington Select Board _____

Approved by Massachusetts Department of Housing and Community Development _____



Arlington Housing Plan 2022-2027

Five-Year Strategies to Increase the Supply of Affordable Housing in All Arlington Neighborhoods

In Compliance with 760 CMR 56.03(4)

Prepared for:
Town of Arlington

By:
Barrett Planning Group LLC
Judi Barrett, Principal-in-Charge
Alexis Lanzillotta, Project Coordinator

Horsley Witten Group, Inc.
Nathan Kelly, AICP, Principal-in-Charge
Jeff Davis, AICP, Planner

With assistance from:
Department of Planning and Community Development
Jennifer Raitt, Director
Kelly Lynema, AICP, Assistant Director

Housing Production Plan Implementation Committee
Leonard Diggins
Karen Kelleher
Jonathan Nyberg
Stephen Revilak
Patricia Worden

ARLINGTON HOUSING PLAN 2022-2027

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Introduction

BACKGROUND

On September 2, 2021, Arlington's Zoning Board of Appeals (ZBA) approved the comprehensive permit application for a 124-unit, mixed-use development at 1165R Massachusetts Avenue. The decision was a notable achievement not only for the project's contribution to Arlington's Subsidized Housing Inventory (SHI), but also for the collaboration between the applicant and the Town, ongoing neighborhood engagement, early outreach to elected officials, and dedication and attention to detail from the ZBA throughout the permitting process. From the beginning, the Select Board noted its encouragement over "the many ways in which the project is consistent with goals and recommendations submitted relative to the site in the Arlington Master Plan, Housing Production Plan, Open Space Plan, and the Mill Brook Corridor Report."¹

The approval of 1165R Massachusetts Avenue came on the heels of several housing policy and zoning amendments approved by Town Meeting. In 2020, Town Meeting authorized the formation of a Municipal Affordable Housing Trust. A year later (2021), Town Meeting rallied behind a citizen petition proposal to allow accessory dwelling units on an "as of right" basis. At the same Town Meeting, Arlington opened its Industrial Districts to new uses, including "artists' mixed-use," or a combination of residential and production space for working artists. Arlington has also created and staffed a Diversity, Equity, and Inclusion Division within the Health and Human Services Department, and that office sponsored a community conversation about housing equity in July 2021, focusing on the relationship of Arlington's just-finished Fair Housing Action Plan and this Housing Plan.

Neither the outcome of the 1165R Mass Ave Chapter 40B application nor Town Meeting's support of policy and zoning changes to increase housing choice and address fair housing were a given. Local conversations about housing choice, zoning, Chapter 40B, and housing developers have historically been complex and at times fraught with conflict, even throughout the development of the prior Housing Production Plan that the present plan updates. Just prior to the adoption of the 2016 Housing Production Plan, Arlington Land Realty LLC filed a Chapter 40B "Project Eligibility" application with MassHousing to build Thorndike Place, 219 mixed-income homes on the "Mugar" property, a nearly 18-acre site abutting Thorndike Field in Arlington and a short walk from the site to the Minuteman Bikeway to the Alewife Red Line Station. In contrast to the Town's response to 1165R Mass Ave, the filing with MassHousing sparked

¹ Arlington Select Board, Re: 1165R Massachusetts Avenue, Arlington, MA, 8/31/20. Accessed at <https://www.arlingtonma.gov/home/showpublisheddocument/52829/637353553868030000>



considerable opposition in Arlington. For many years, the Town and conservation-minded residents had hoped to acquire the Mugar land or steer its eventual development in a way that would preserve most of the open land there.

Facing the prospect of a large, unwanted Chapter 40B development, Arlington hired the Metropolitan Area Planning Council (MAPC) and a consultant to prepare a Chapter 40B Housing Production Plan in October 2015. By the end of that year, MassHousing had issued a Project Eligibility Letter (PEL) to Arlington Land Realty LLC. In August 2016, the developers filed a Chapter 40B Comprehensive Permit application with the Arlington Zoning Board of Appeals (ZBA). The Town argued that it met the statutory “general land area minimum” of 1.5 percent. Both requests for safe harbor were rejected by DHCD. It would take a few years of legal proceedings with DHCD and the Housing Appeals Committee (HAC) before the ZBA resumed its public hearing for Thorndike Place. By the time the hearing closed in October 2021 and a decision made in November 2021, the Thorndike Place proposal was comprised of 136 homes, including six two-family dwellings and a 124-unit apartment development for people 62 years and over.

The years of wrangling about Thorndike Place may seem inconsequential and far removed from this new Arlington Housing Plan, but that is not true. In fact, the recent policy and zoning amendments described above and the permitting for 1165R Mass Ave and Thorndike Place unfolded in the background throughout the process of developing the Arlington Housing Plan. Each of these in turn has influenced many of the sentiments heard during the community engagement process.

Affordable Housing: The Third Rail

Public antipathy toward Chapter 40B makes it hard for affordable housing advocates to build public support for creating new affordable homes. Arlington is not alone in its seemingly pervasive dislike for a law people consider an affront to home rule. To complicate matters, the word “advocacy” seems to have more than one meaning in Arlington. Often it is disconnected from realistic actions to create the homes that low- or moderate-income people need, instead promoting actions that would most likely do the opposite – however unintended that may be. Developing housing for any market and at any price point in Arlington can be complicated, slow, and very expensive, and it becomes even more expensive with prolonged, uncertain permitting or abutter appeals.

“We spend too much time romanticizing our old crumbling houses with lead paint.”

Notes from an Arlington resident’s Meeting in a Box, August 2021.

Many Arlington residents seem resistant to the idea that their own Zoning Bylaw acts as an impediment to affordable housing. Throughout the development of this Housing Plan, many of the most vocal participants blamed Town staff, the Town’s elected officials, the consulting team, developers, and even Chapter 40B – despite Arlington’s remarkably limited experience with comprehensive permits until the application to build Thorndike Place. They maintain that Arlington has plenty of “naturally occurring”



affordable housing which, if preserved, will meet the community's current and future housing needs. People decry single-family and two-family teardowns, and understandably so. However, in a mature, highly desirable suburb like Arlington, housing values play a significant role in building family wealth. For some residents who bought decades ago when the housing market was quite different, the value they expect to gain from resale is the only viable option they have for retirement and an inheritance for their children. Sometimes the homes demolished today came from a different era of code requirements, too.



HCA's "Downing Square" affordable homes under construction, July 2021. (Photo by David Hagan.)

Arlington has just one non-profit housing developer which is also a community development corporation, the Housing Corporation of Arlington (HCA). Since being established in 1990, HCA has created and preserved more than 160 affordable homes with limited funding and a handful of staff. The Arlington Housing Authority (AHA) is the largest provider of affordable housing in Arlington. The AHA manages five public housing developments with more than 800 residents, as well as a house and condominium that are not income restricted, and administers rental assistance vouchers, but it has not actively pursued new housing development in a long time and lacks resources to manage the properties it already owns. Increasing the supply of low- or moderate-income housing is constrained not only by Arlington's limited vacant land inventory,

but also its shortage of affordable housing development capacity, distrust by some Arlington residents of for-profit developers, limited community-based leadership for affordable housing, and the elephant in the room, its Zoning Bylaw. The regulatory barriers that exist today have deep roots, and not unlike excavating a Banyan tree, the deep roots of restrictive land use regulations can be very difficult to remove.

Looking Ahead

There is evidence that the winds have begun to change in Arlington and other Boston Metro Area towns with similar tensions about housing. Arlington is among the 173 MBTA communities that may need to comply with the "Housing Choice Bill," Chapter 358 of the Acts of 2020: Governor Baker's legislative victory to boost housing production throughout the Boston Metro Area. This means that eventually – when DHCD issues guidelines for the MBTA community section of the new law – Arlington may need to establish a zoning district for as-of-right multifamily housing that meets these requirements.



- Allow a minimum gross density of 15 units per acre;
- Be located not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable;
- Not impose age restrictions on the occupants of the multifamily units; and
- Be suitable for families with children.

In the near future, applications from MBTA communities for grants that support public projects such as MassWorks (Executive Office of Housing and Economic Development) or Housing Choice Community Capital Grants (Department of Housing and Community Development) will be evaluated based in part on compliance with the Housing Choice Bill's multifamily zoning requirement.

In addition to new opportunities under the Housing Choice Bill, Arlington's neighbors and other cities and towns in the region are taking meaningful steps to increase housing choices and remove regulatory burdens. For example, in 2020, Cambridge created a "100 Percent Affordable Housing Overlay" (AHO) district to encourage developers to create new, permanently affordable homes. To qualify for AHO regulatory incentives, a project must offer all the proposed units as affordable to households with incomes between 80 and 100 percent of Area Median Income (AMI). Within the AHO, eligible projects automatically qualify for an increase in building height and double the residential floor area otherwise allowed in the underlying district. The AHO also provides for an expedited review. In efforts to remove fair housing barriers, Brookline has reduced its inclusionary zoning "local preference" requirement from 70 percent to 25 percent of the affordable units in new developments. Newton is expected to do the same. In its decisions for 1165R Mass Ave and Thorndike Place, the ZBA made the affirmative choice that "no local preference shall be applicable."²

WHY HAVE A CHAPTER 40B HOUSING PRODUCTION PLAN?

The Arlington Housing Plan has been prepared to meet all the requirements of a Chapter 40B Housing Production Plan under DHCD's regulations and guidelines.³ A Housing Production Plan describes a community's housing needs using data from sources such as the Town, the U.S. Census Bureau, housing market reports, municipal records, and community interviews. Using this analysis of the supply and demand of affordable housing and potential barriers to further housing development, the Housing Production Plan sets a series of qualitative and quantitative affordable housing goals. Based on these goals, the plan lays out implementation strategies. A completed Housing Production Plan requires approval by the Massachusetts Department of Housing and

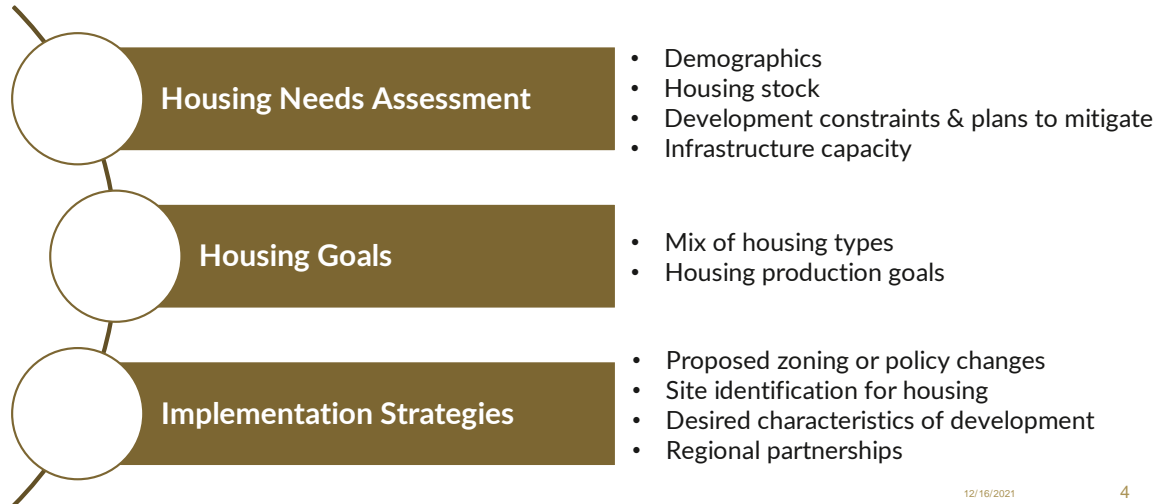
² "Local preference" means giving local residents priority status to lease or buy new affordable housing units. Under existing state policy, a city or town may ask DHCD to allow up to 70 percent of the affordable units in new developments to be designated as local preference units. When the units are eventually offered for rent or sale through a housing lottery, the local preference selection process gives eligible applicants a better chance of getting a unit than other, non-local applicants.

³ G.L. c. 40B, §§ 20-23 and 760 CMR 56.00.



Community Development (DHCD) in order for a town to rely on it as a later basis seeking plan certification.

PLAN COMPONENTS



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While many types of housing needs may be considered, the primary purpose of the Housing Production Plan is to help communities reach the 10 percent statutory minimum under Chapter 40B, i.e., that 10 percent of total year-round housing units will be deed-restricted to be affordable for low- or moderate-income households.⁴ In general, Chapter 40B recognizes “affordable housing” to homes affordable for a household with income at or below 80 percent AMI. Whether a community has reached the 10 percent minimum is determined by the Chapter 40B Subsidized Housing Inventory (SHI), a periodically updated list of all affordable units recognized by DHCD.

The Arlington Housing Plan creates opportunities for the Town to:

- Analyze demographic and housing data for an understanding of where Arlington is today, where it has been, and where it needs to go;
- Identify local housing needs and how those needs relate to conditions throughout the region;

⁴ Chapter 40B also provides that even if a community does not meet the 10 percent statutory minimum, it may have satisfied the intent of the law if it complies with the so-called “1.5 percent general land area minimum,” commonly known as the GLAM. Arlington has previously asserted that it meets the 1.5 percent GLAM. However, the Housing Production Plan regulations specifically call for “... a numerical goal for annual housing production, pursuant to which there is an increase in the municipality's number of SHI Eligible Housing units by at least 0.50% of its total units (as determined in accordance with 760 CMR 56.03(3)(a)) during every calendar year included in the Housing Production Plan until the overall percentage exceeds the Statutory Minimum set forth in 760 CMR 56.03(3)(a).” The reference in citation is the 10 percent statutory minimum of affordable housing units, not the GLAM. The Housing Production Plan rule goes on to require “specific strategies by which the municipality will achieve its housing production goal.” Arlington and any town may focus on the 1.5 percent GLAM if it prefers. However, it is irrelevant to the Housing Production Plan and inconsistent with the state regulations. If Arlington manages to reach the 1.5 percent GLAM before 10 percent, the Town will not need a Housing Production Plan at all. Instead, the ZBA may decide to claim that the 1.5 percent GLAM had been met and exercise its rights accordingly.



- Recognize the Town’s efforts to create affordable housing, and how the Town could do more;
- Identify housing development barriers and opportunities;
- Educate local officials and the general public about Arlington’s need for more affordable housing and a wider variety of housing types;
- Guide future affordable housing development to a variety of places in Arlington, both along obvious roadway corridors as well as in all of the Town’s varied neighborhoods.

With a DHCD-approved Housing Plan in place, Arlington may be able to manage the flow of new Chapter 40B applications and attract developments that fit well in the locations where they are proposed. However, the Housing Plan will be effective for those purposes *only* if the Town implements it.

WHAT DO WE MEAN BY “AFFORDABLE” HOUSING?

In this Housing Plan, the term “affordable housing” means housing that low- or moderate-income individuals and families can afford while also meeting their other basic needs: food, health care, transportation, utilities, and essential goods and services. Households with higher incomes have trouble finding housing in Arlington and elsewhere in the Boston Metro Area, too. The region’s housing supply is out of balance with demand. While several factors contribute to this imbalance, the main driver is the cost of land. *Housing affordability* generally refers to macrolevel relationships between the cost of supply relative to household incomes. *Affordable housing*, by contrast, is customarily used in reference to households with low or moderate incomes, and it has a specific regulatory meaning.

For Arlington and all its neighbors, “low- or moderate-income” refers to income limits set annually by the U.S. Department of Housing and Urban Development (HUD). The Commonwealth of Massachusetts uses HUD’s income limits to determine eligibility for income-restricted housing developed under Chapter 40B. As a result, most housing called “affordable housing” in federal, state, or local laws, ordinances, and bylaws is based on a consistent framework. Since the Arlington Housing Plan is required to conform with the Department of Housing and Community Development’s (DHCD) Chapter 40B regulations, the primary (but not exclusive) focus is low- and moderate-income housing.

Table 1.1. Affordable Housing Income Limits and Corresponding Affordable Rents

Household Size	Income Limits (Annual Income)			Maximum Affordable Rent*		
	Moderate Income	Low-Income	Extremely Low-Income	Moderate Income	Low-Income	Extremely Low-Income
1	\$70,750	\$47,000	\$28,200	\$1,770	\$1,170	\$720
2	\$80,850	\$53,700	\$32,200	\$2,010	\$1,350	\$810
3	\$90,950	\$60,400	\$36,250	\$2,280	\$1,500	\$900
4	\$101,050	\$67,100	\$40,250	\$2,520	\$1,680	\$1,020
Source: HUD, and Barrett Planning Group. “Maximum Affordable Rent”						



Who are we talking about?

- Bakery workers: \$25,700
- Retail sales: \$41,100
- Grocery store clerks: \$31,300
- Truck transportation: \$46,500
- Childcare workers: \$43,500
- Nursing/residential care workers: \$39,800



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It is not all that hard to envision a monthly rent of \$2,520 in Arlington, but it is hard to find a unit suitable for a family of *four* at that price, including utilities. However, there are two more considerations that concern the supply of affordable housing in Arlington. First, market data sources show that almost all the lower-rent units are in East Arlington and pockets along Massachusetts Avenue. The supply that does exist offers very little neighborhood choice. The second concern is that the households least able to find a safe, suitable, affordable unit are not moderate-income households; they are low-income and, more likely, extremely low-income households. For them, affordability is secured not so much by a low rent in the marketplace than access to subsidies, such as Section 8 or in some cases, the very deep affordability offered by public housing.

Arlington's employment base is top-heavy with jobs that offer fairly low wages relative to the cost of housing. All the jobs shown in the image above are part of Arlington's workforce. Retail jobs make up 11 percent of the entire employment base; education or social services, 31 percent. Almost 90 percent of the jobs in Arlington pay an average wage (about \$60,000 per year) well below what a person would need to pay for a one-bedroom unit or studio apartment.⁵ Undeniably, the average annual wage for a job is not always a good indicator of what a household can afford because the person who holds that job may be part of a household with other wage earners. The larger the household, the larger the housing unit they need, so the one-bedroom rent does not really work. Ultimately it takes a good amount of income to afford to live in Arlington, as current residents know.

⁵ Source of wage statistics: Department of Labor and Workforce Development, ES-202, Employment and Wages, Arlington, Annual 2020 and Second Quarter 2021.



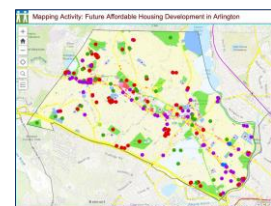
WHAT STEPS DID THE TOWN TAKE TO ENGAGE THE COMMUNITY IN THIS PLANNING PROCESS?

The Town provided multiple opportunities for participation by local officials and the community at large. The planning process was guided by a Community Engagement Plan that consisted of the following components:

- Initial Press Release: May 12, 2021
- Project Web Page (multiple updates):
www.arlingtonma.gov/town-governance/boards-and-committees/housing-plan-implementation-committee
- Four Advisory Committee Meetings (Housing Plan Implementation Committee)
 - May 6, 2021
 - July 1, 2021
 - September 9, 2021
 - October 21, 2021
- Group Interviews:
 - May 24, 25, 26, 2021
 - August 18, 2021
- Three Community Meetings
 - June 9, 2021
 - September 14, 2021
 - November 9, 2021
- Interactive Online Mapping Activity (July-October 2021)
 - Identification of Sites for Affordable/Mixed-Income Housing

Process Snapshot

- **Project Kick-Off**
 - Community Engagement Plan
 - Town Tour: June 1
 - Google Form Questionnaires
- **Interviews & Focus Groups**
 - May 24-26
 - August 18
- **Meetings-in-a-Box**
 - Two rounds; 8 completed
- **Other Community Engagement**
 - DPCD Farmers' Market Outreach
 - Mapping Exercise
- **Community Forums**
 - June 9, 2021
 - September 14, 2021
 - November 9, 2021
- **Needs Assessment**
 - Demographic & Housing Data
 - Market Trends & Affordability
 - Barriers to Affordable Housing
- **Goals & Strategies**



- Farmer's Market table
 - July 14, 21, 28
 - August 4
 - September 1, 8
- "Meeting in a Box" Kitchen Conversation Meetings
 - Round 1: August-September 2021
 - Round 2: October 2021

In addition to these activities programmed into the schedule for the Housing Plan, the Housing Plan Implementation Committee sponsored an online presentation, "Creating Affordable Housing: Ask the Experts," on October 5, 2021. The panelists included representatives from HCA and other non-profit developers working in communities around Arlington.

WHERE DID THE INFORMATION COME FROM TO DEVELOP THIS PLAN?

Information for the Arlington Housing Plan comes from a variety of sources, including the Town, the community engagement process, previous plans and studies, MAPC, state agencies, proprietary data, the U.S. Department of Housing and Urban Development (HUD), and Bureau of the Census. The most frequently used sources of data are as follows:

- The Census of Population and Housing (decennial census). This plan draws from Census 2010 where appropriate, but historical census tables were also used when available. When this planning process ended, there was still very little information available from Census 2020 – not enough to change significant findings or conclusions. The data that Massachusetts towns want from Census 2020, the number of year-round housing units, may not be released until mid- to late-2022. It is important to remember that the Housing Plan provides a "point in time" picture of Arlington's demographics.
- The American Community Survey (ACS). The ACS provides demographic and housing estimates for large and small geographic areas every year. Although the estimates are based on a small population sample, a new survey is collected each month, and the results are aggregated to provide a similar, "rolling" dataset on a wide variety of topics. In most cases, data labeled "ACS" in this plan are taken from the most recent five-year tabulation: 2014-2019 inclusive. Note: population and household estimates from the ACS may not align as well as one would like with local census data collected by the Town. However, to allow for a consistent basis of comparison between Arlington and other communities, this HPP relies on ACS estimates.
- HUD Consolidated Planning/Comprehensive Housing Affordability Strategy (CHAS) Data. Created through a combined effort of the U.S. Department of Housing and Urban Development (HUD) and the Census Bureau, this dataset is a "special tabulation" of ACS According to the HUD guidance, "these special tabulation data



provide counts of the numbers of households that fit certain combinations of HUD-specified criteria such as housing needs, HUD-defined income limits (primarily 30, 50, and 80 percent of median income) and household types of particular interest to planners and policy-makers.” The most recent CHAS Data are based on the ACS 2013-2017 estimates.

- **Arlington GIS.** The Town’s Geographic Information System (GIS) provided numerous GIS databases for use in this plan. The databases were used to map existing land uses, recent housing sales, recent single-family teardown/rebuild projects, zoning, infrastructure, natural resources, and other factors.
- **Housing Market Sources.** The consultants tapped the Warren Group’s extensive real estate transaction databases to sample sales volume and sale prices in various parts of Arlington. In addition, rental market data were drawn variously from CoStar, Reonomy, and ESRI Demographics. Development trends were reviewed both with local information from the Arlington Planning and Community Development Department (PCD) and MAPC.
- **UMass Amherst/Donohue Institute.** This source was relied upon for population projections and trends.

Many local and regional publications were reviewed during the development of this plan as well. A complete list of cited works and other sources can be found in the List of References.



Housing Needs Assessment

KEY FINDINGS

- The relentless demand for homeownership opportunities in the Boston Metro Area's high-cost market has contributed to a gradual drop in Arlington's rental supply, with continued conversions of older two-family dwellings from rental housing to condominiums.
- Arlington is attracting higher-income households as the Boston-Cambridge labor market is priced out of many suburbs inside and along Route 128, such as Lexington, Winchester, Belmont, and Brookline, and nearby cities such as Somerville.
- Non-elderly householders living alone are more common in Arlington than many of the affluent towns around it or the cities and towns Arlington tracks as comparison communities.⁶ Throughout the Greater Boston area,⁷ one-person households tend to be dominated by people 65 and over, but that is not the case in Arlington.
- Arlington has made small gains in racial or ethnic diversity, but it still has very little racial or ethnic diversity overall. Additionally, Arlington is beginning to lose class diversity. Black or African Americans make up a much smaller percentage of the total population in Arlington than in the Greater Boston as a whole. The Latino/x population is also small, and even though Arlington has seen growth among Asian households and families, the overall picture of Arlington is that of White, middle- and upper-income homeowners.
- Arlington neighborhoods differ in terms of household, family, racial, and income characteristics. Often, these differences track the geography of old, relatively compact residential and mixed-use areas once characterized as "definitely declining" parts of the town. The basis for that designation was the perceived make-up of the resident population: immigrants and racial and ethnic minorities.
- Arlington is redeveloping. Most new residential construction in Arlington occurs due to demolition and replacement with larger and usually more valuable single-family homes. In the R0 and R1 districts, which include over 60 percent of Arlington's total area, single-family homes are the only allowed "as of right" use. As a result, the only realistic option for replacing "teardowns" is a new single-family home. Redevelopment of older homes brings higher asset value to the community, but not necessarily a net increase in housing units. To a lesser extent, new housing growth in Arlington also occurs in the form of multifamily infill development, both market-rate and affordable.
- Ironically, it is often easier to tear down an older single-family home and rebuild a larger one in its place than to preserve and add onto an existing residence.

⁶ Belmont, Brookline, Medford, Melrose, Milton, Natick, Needham, North Andover, Reading, Stoneham, Watertown, and Winchester. Source: Town of Arlington Fiscal Year 2021 Town Manager's Annual Budget & Financial Plan.

⁷ In this Housing Plan, "Greater Boston" refers to the Boston Metropolitan Area, which generally includes the communities inside and along Interstate Route 495.



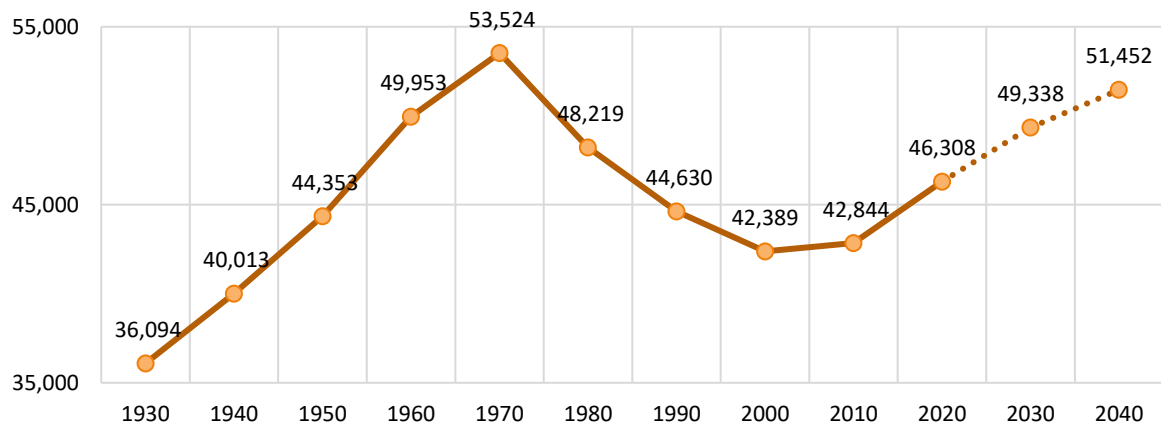
POPULATION CHARACTERISTICS

Arlington and the surrounding communities have absorbed modest population growth since 2000. Echoing Greater Boston trends, Arlington's population growth rate accelerated with the "Baby Boom," only to reverse with steep population declines from 1970-2000 as household sizes fell throughout the U.S. Population growth in Route 128-area suburbs also declined as new housing development moved outward along Interstate Route 495 during and after the 1960s. Since 2000, however, Arlington has been gaining residents again, approximating the rate of growth occurring elsewhere in Middlesex County.

In August 2021, the Census Bureau released Arlington's official Census 2020 population, 46,308 – up 8.1 percent since 2010, indicating a more significant population increase than the 1.1 percent the Town saw from 2000-2010. Arlington's growth lags narrowly behind that of Middlesex County, which gained more new residents than any county in the Commonwealth, capping the decade with 8.6 percent population growth.⁸

Figure 2.1. Arlington Population, 1930-2040

Sources: U.S. Census Bureau & UMass Donahue Institute V2018 Projections



Population Age

Arlington's population breakdown by age differs from both the county and state in some age brackets and fares similarly in others (Figure 2.2). In particular, Arlington's share of children under 5 and residents over 65 exceeds both the county and state, but the percent of residents in the 20-24 age group is significantly lower. This is likely influenced by several factors, including the high cost of housing in Arlington; the town's attractiveness to families and long-term residents in older-adult age ranges; and the fact that Arlington's amenities or

⁸ U.S. Bureau of the Census (Census Bureau), Decennial Census P.L. 94-171 Redistricting Data, August 12, 2021. <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>. Since a majority of Arlington's HPP has been prepared prior to the release of Census 2020 data, this draft cites only the town's total decennial population growth. All other data from the Census Bureau referred to in this draft is based on the 2015-2019 American Community Survey Five-Year Estimates unless noted otherwise.



transportation services—features that lure young householders—are not competitive with those offered in surrounding communities.⁹

The University of Massachusetts Donahue Institute (UMDI) predicts that over the next two decades, Arlington’s total population will continue to grow even as the age make-up of the population changes. Most notably, by 2040 the town may witness significant growth among older adults, and, to a lesser extent, the 35-to-44 age cohort.¹⁰

Figure 2.2. Population Distribution by Age

Source: ACS 5-Year Estimates, 2019, Table B01001

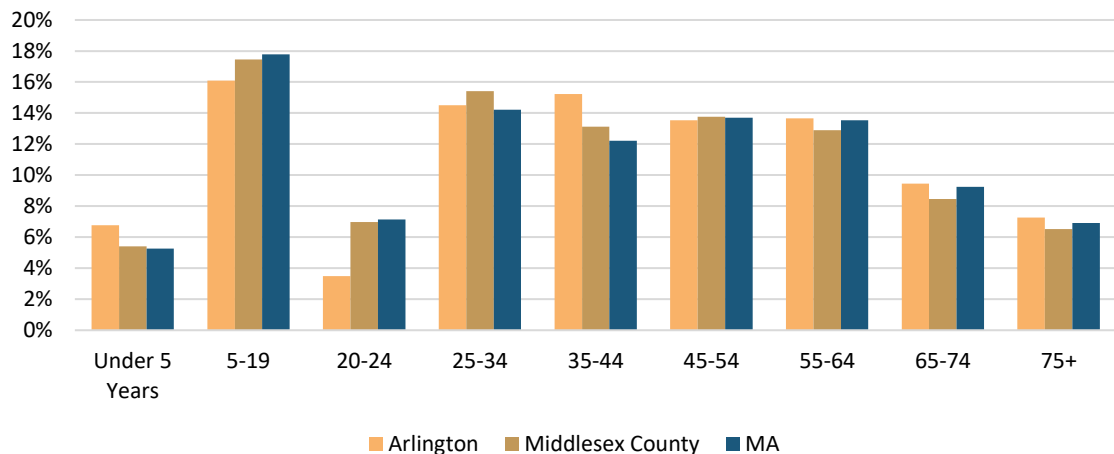
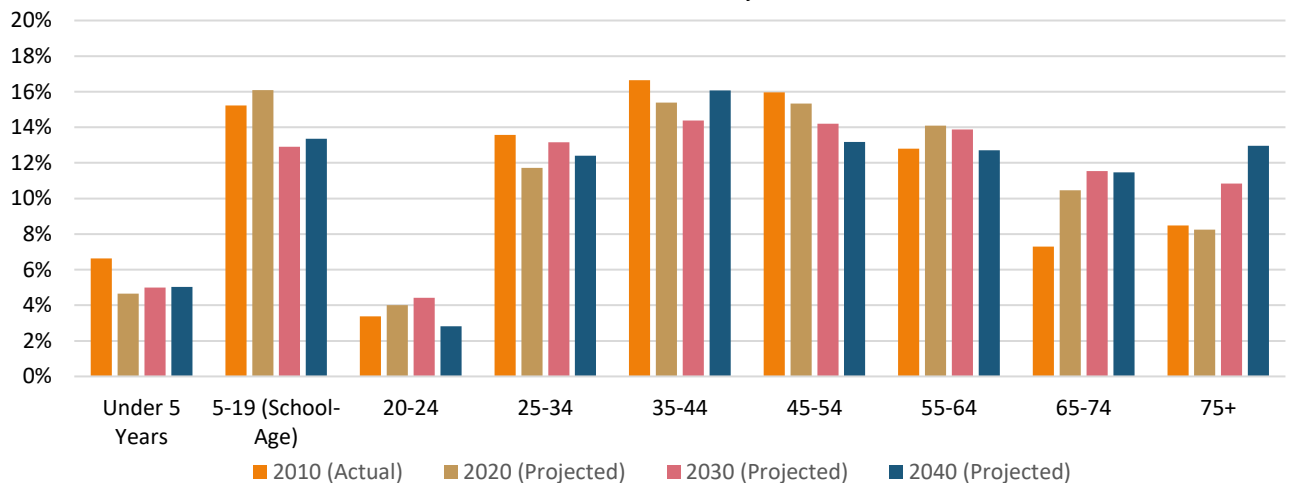


Figure 2.3. Arlington Population Projections by Age

Source: UMass Donahue Institute V2018 Projections



⁹ Participants in small group interviews and an initial project kick-off questionnaire indicated that Arlington’s housing market is extremely competitive and hard to break into, more so than in the past. While this problem is not unique to Arlington, it may have accelerated.

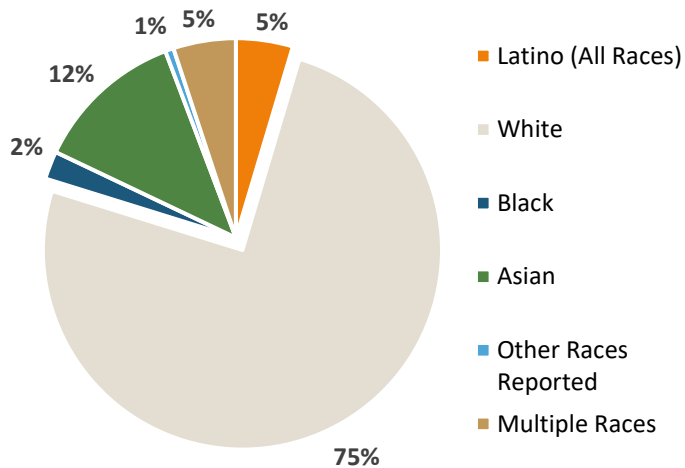
¹⁰ UMass Donahue Institute v2018 Projections. Note: neither source should be used to forecast K-12 enrollments or demand for services such as elder programming at the Arlington Senior Center. They are not designed for such purposes.



Race, Ethnicity, and Culture

Figure 2.4. Arlington in 2020

Source: Census 2020



Despite its proximity to Cambridge and Boston, Arlington has limited racial and ethnic diversity, yet it is far more diverse today than in the not-distant past. In 1940, White residents comprised 99.8 percent of the town's total population; in 1960, 99.7 percent; in 1970, 99.0 percent; and in 1980, 97.3 percent. The recently released Census 2020 redistricting profiles are largely consistent with the intercensal demographic estimates the Census Bureau has published annually since 2010. Today, racial and ethnic minorities comprise about 20 percent of the town's total population (Figure 2.4), with Asians making up a larger proportion (12 percent) than all other non-White groups combined and over half of all foreign-born residents. The Latino community, which is primarily White, represents about five percent of Arlington's total population. By contrast, the

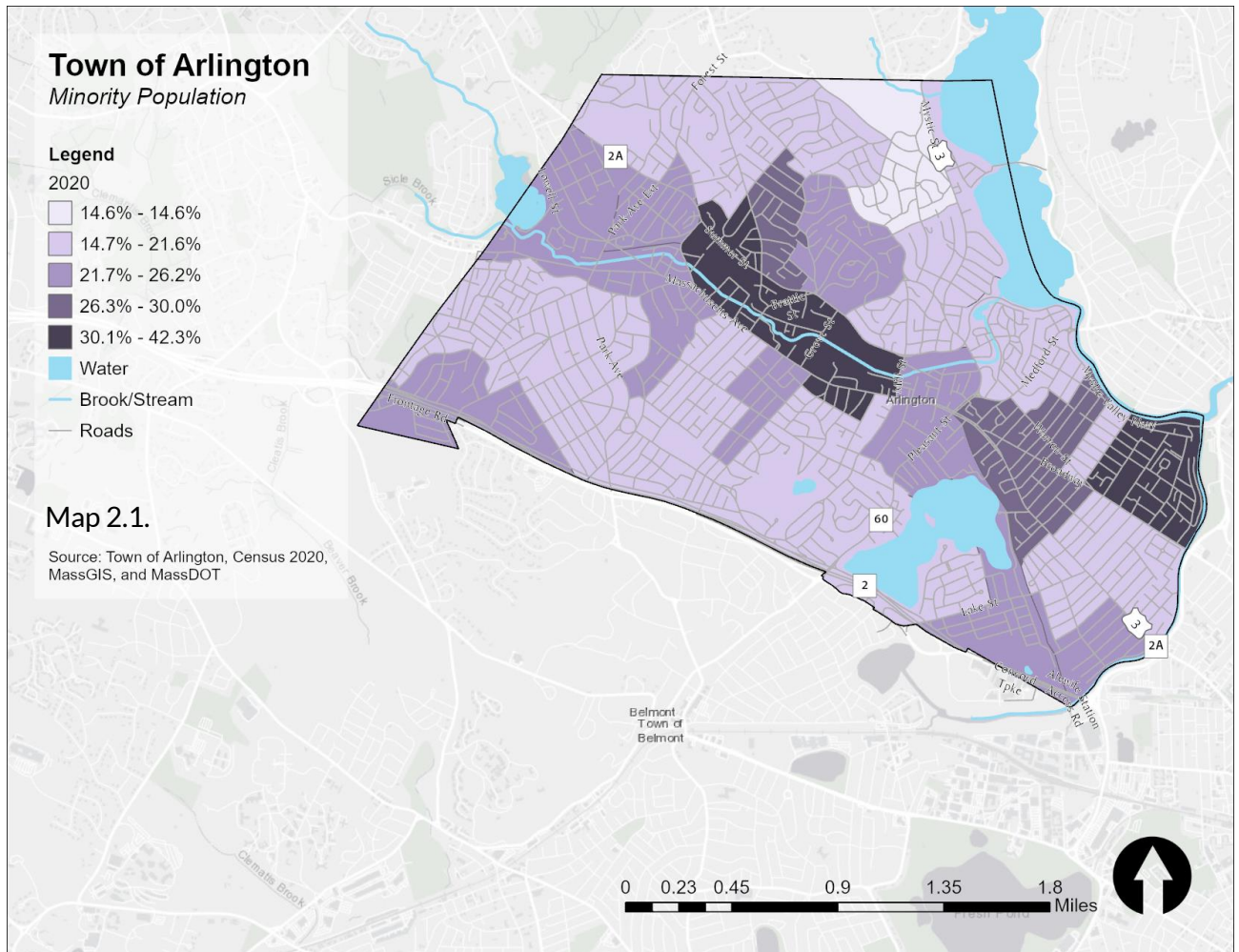
Black or African American population in Arlington is quite small: 2.3 percent of the total. As Map 2.1 illustrates (next page), the make-up of Arlington neighborhoods differs quite a bit, with a larger proportion of minority residents in portions of East Arlington and Arlington Center.

Table 2.1. 20 Years of Population, Race, and Ethnicity Change in Arlington, 2000-2020

	Census 2020	Percent 2020 Total	Census 2010	Census 2000	Percent Change 2000-2020
Total Population	46,308	100%	42,844	42,389	9.2%
Latino (All Races)	2,137	4.6%	1,395	787	171.5%
White	34,813	75.2%	35,804	38,058	-8.5%
Black	1,052	2.3%	981	690	52.5%
AI/AN	28	0.1%	29	46	-39.1%
Asian	5,642	12.2%	3,541	2,096	169.2%
NH/PI	6	0.0%	7	4	50.0%
Other Race	282	0.6%	178	112	151.8%
Multiple Races	2,348	5.1%	909	596	294.0%

Source: Boston Globe, Aug. 12, 2021.





Almost 20 percent of Arlington's population immigrated to the U.S. Asians comprise about 52 percent of the foreign-born population, primarily from China, India, or the Philippines. Many others are from Central and South America.¹¹

Table 2.2. Place of Birth for Current Residents

	Arlington	Middlesex County	State
Total	45,304	1,600,842	6,850,553
Born in U.S.	80.4%	78.6%	83.2%
Born in Mass.	64.1%	69.0%	72.5%
Born Elsewhere in U.S.	33.6%	28.4%	24.0%
Foreign-Born	19.6%	21.4%	16.8%
U.S. Citizen	48.0%	49.8%	53.4%
Not a U.S. Citizen	52.0%	50.2%	46.6%
Source: ACS 2015-2019.			

¹¹ Census Bureau, 2015-2019 American Community Survey Five-Year Estimates (ACS 2015-2019), B05002. Place Of Birth by Nativity and Citizenship Status, and B05006. Place of Birth for the Foreign-Born Population in The United States.

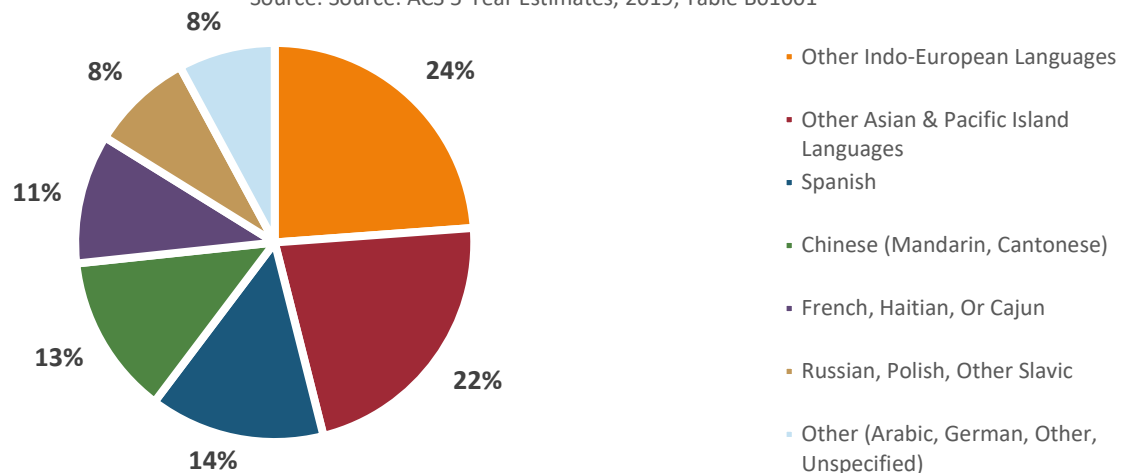


Language plays a crucial role in preserving and defining a community's culture. About 20 percent of Arlington's population five years and over (8,777) speaks a language other than English at home, 73 percent of whom report good bilingual skills. Residents who speak Tagalog or German at home were the most likely to identify as speaking English "very well" (100 percent and 94.2 percent, respectively), and Chinese and Korean speakers were the least likely (56.2 percent and 62.9 percent, respectively).¹² Arlington EATS, a nonprofit food pantry providing food to 270 Arlington households each week,¹³ reports that Mandarin, Cantonese, Russian, and Spanish are the languages most commonly used to interface with guests with limited English proficiency.¹⁴

Figure 2.5 illustrates the languages spoken at home in Arlington, as reported by the Census Bureau, and suggests that Arlington benefits from the presence of many cultural traditions.

Figure 2.5. Non-English Languages Spoken at Home in Arlington

Source: Source: ACS 5-Year Estimates, 2019, Table B01001



Geographic Mobility

In demographic terms, "geographic mobility" refers to the in- and out-migration of people in communities, states, and regions of the country. Migration patterns in suburbs are often a microcosm of dynamics playing out in central cities and within the larger metropolitan area. Eighty-eight percent of Arlington residents live in the same residence as a year ago, which is within the range for the communities Arlington normally tracks for financial and other comparison purposes.¹⁵ Of the remaining twelve percent of Arlington residents not in the same residence as a year ago, 7.7 percent moved from a different Massachusetts city or town, 2.8 percent moved from a different state, and 1.5 percent immigrated from abroad.¹⁶

¹² ACS 5-Year Estimates, 2019, Table C16001

¹³ Arlington EATS Mission & History, <https://www.arlingtoneats.org/mission-history/>. Accessed August 13, 2021.

¹⁴ Email correspondence with Arlington EATS; May 26, 2021.

¹⁵ Belmont, Brookline, Medford, Melrose, Milton, Natick, Needham, North Andover, Reading, Stoneham, Watertown, and Winchester.

¹⁶ ACS 5-Year Estimates, 2019, Table B07001



Arlington's Children: Race and Ethnicity in Arlington Public Schools

The Arlington Public Schools provide a PreK-12 education to children living in Arlington and approximately 82 METCO students.¹⁷ Last year (2020-2021), 30.1 percent of Arlington's public school students were racial or ethnic minorities – noticeably higher than the town-wide percentage of minorities – but the statistics vary by school just as they vary by neighborhood. In general, the district-wide percentage of minorities has gradually increased, mainly among Asian students. However, the percentage of lower-income students in Arlington decreased from 11.0 in 2010 to percent to 9.1 percent in 2020, a trend reflected during interviews with longer-term residents who noted Arlington's decreasing economic diversity as higher-income households outcompete lower- and middle- income households for available housing in Arlington's well-performing school district.

Table 2.3. Arlington Public School Enrollment by Student Indicators Tracked by the Commonwealth

Year	Total Enrolled	Change From Previous Year	Minority Population	English Language Learner	Low Income Status
2010-11	4,808	n/a	21.7%	5.0%	11.0%
2011-12	4,858	1.0%	22.3%	5.3%	11.5%
2012-13	4,903	0.9%	20.4%	4.8%	11.5%
2013-14	5,020	2.4%	20.3%	4.1%	11.5%
2014-15	5,208	3.8%	25.5%	4.0%	8.4%
2015-16	5,304	1.8%	25.4%	4.1%	8.3%
2016-17	5,524	4.2%	26.7%	4.4%	8.0%
2017-18	5,711	3.4%	28.0%	4.8%	8.2%
2018-19	5,939	4.0%	29.0%	4.8%	8.4%
2019-20	6,047	1.8%	29.5%	5.0%	8.8%
2020-21	5,755	-4.8%	30.1%	4.1%	9.1%

Source: MA Department of Elementary and Secondary Education. It is not clear if some of the decrease in 2020-21 has to do with the transfer of some students to private schools or home schooling because of the COVID-19 pandemic.

Statistics reported by the Massachusetts Department of Elementary and Secondary Education (DESE) provide some evidence that the number of English Language Learners (ELL) is a much greater challenge for adults than children in Arlington, as is often the case. DESE reports that while 12 percent of the K-12 student population hail from non-English speaking families, only four percent meet the definition of "English language learners," i.e., children who struggle with ordinary classwork in English.¹⁸ Table 2.4 compares district-wide student indicators over several years, followed by a closer look at the town's seven elementary schools.

Since Arlington's elementary schools function partially as neighborhood schools, the differences between them shed some light on where minority, ELL, and lower-income students and their families reside. These statistics are reported by school for the 2020-21

¹⁷ METCO, "Partner Districts." Accessed at <https://metcoinc.org/partner-districts/> on August 13, 2021.

¹⁸ Department of Elementary and Secondary Education (DESE), School Profile Series, Arlington Public Schools, June 2021.



school year. Of Arlington's seven elementary schools, Stratton Elementary (8.0 percent *higher* minority population than district) and Dallin Elementary (4.7 percent *lower* minority population than district) deviate the most from the district's overall demographic profile. It is important to note that Arlington also has several private schools, both religious and secular. Comparable demographic information for these schools is not available.

Table 2.4. Selected Student Indicators by Public School in Arlington (2020-21)

School	Total Enrolled	Minority Population	English Language Learner	Lower- Income Students
Arlington High (Gr. 9-12)	1,409	25.8%	1.1%	9.1%
Ottoson Middle (Gr. 7-8)	892	28.4%	2.1%	10.8%
Gibbs (Gr. 6)	483	30.8%	2.7%	10.4%
Stratton (Gr. 1-5)	446	38.1%	9.2%	8.3%
Thompson (Gr. 1-5)	479	37.2%	7.9%	16.3%
Peirce (Gr. 1-5)	305	34.4%	7.5%	6.9%
Hardy (Gr. 1-5)	405	32.3%	9.1%	7.2%
John Bishop (Gr. 1-5)	381	31.5%	5.8%	5.0%
Brackett (Gr. 1-5)	465	27.3%	3.0%	2.8%
Cyrus Dallin (Gr. 1-5)	425	25.4%	3.1%	6.4%
Menotomy Preschool (Pre-K)	65	41.5%	N/A	21.5%

Source: MA Department of Elementary and Secondary Education, School Profiles, Arlington.

Educational Attainment and Labor Force

Educational attainment is one of several measures that separates the Greater Boston suburbs from the rest of the state and even more from the rest of the nation. Arlington residents are well educated, with over 70 percent of Arlington adults 25 years and over holding at least a bachelor's degree and over 40 percent hold a graduate or professional degree. Table 2.5 reinforces just how different Arlington is from Middlesex County and Massachusetts as a whole. While the percentage of adults with a bachelor's degree is not that much higher in Arlington, it is the percentage of people with advanced degrees – master's, professional, and doctoral degrees – that distinguishes Arlington.

Table 2.5. Educational Attainment in Arlington, Population 25 Years and Over

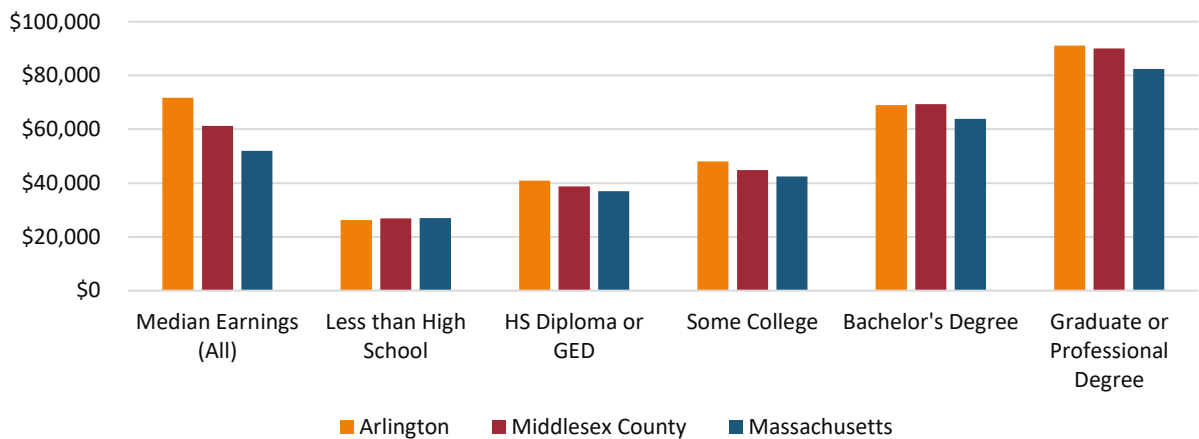
	High School without Diploma	High School Diploma	College without Degree	Bachelor's Degree	Graduate or Professional Degree
Arlington	3.4%	12.3%	13.5%	29.9%	41.0%
Middlesex County	6.6%	19.0%	18.1%	27.5%	28.8%
Massachusetts	9.2%	24.0%	23.0%	24.1%	19.6%

Source: American Community Survey 5-Year Estimates, 2019.



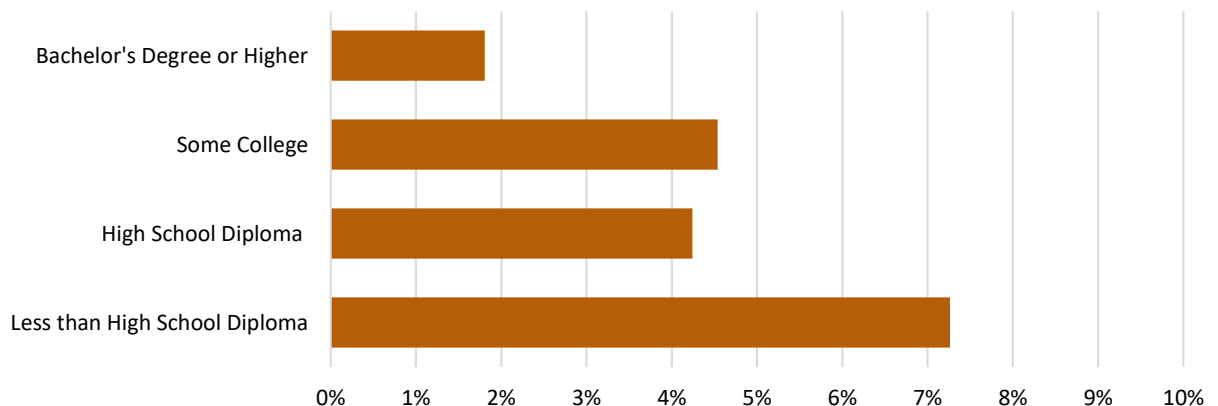
A community's **labor force** includes all civilian residents 16 years and over with a job or in the market for one. Arlington's labor force includes approximately 26,300 people, 97 percent of whom are employed. Living in Arlington offers highly skilled and highly educated workers access to good jobs in the Boston-Cambridge-Waltham network of academic, health care, biomedical research, and other high-tech organization, both public and private. This can be seen in the typical earnings power of Arlington residents compared with their counterparts elsewhere in the state, as shown in Figure 2.6. As discussed in the next section, the earnings power of Arlington residents has a direct bearing on the town's household wealth.

Figure 2.6. Median Earnings by Employed Resident by Educational Attainment
Source: ACS 5-Year Estimates, 2019



Unemployment is also more likely to hinder self-sufficiency among people with lower educational attainment. Figure 2.7 illustrates the relationship between education levels and unemployment in Arlington. These statistics are indicative of the challenges people face trying to live in Arlington (or any other community) without high enough earnings potential to find decent, suitable, affordably priced housing.

Figure 2.7. Arlington Unemployment by Educational Attainment
Source: ACS 5-Year Estimates, 2019



Disability

As of 2019, an estimated 4,031 Arlington residents have one or more **disabilities**, defined by the Americans with Disabilities Act (ADA) as a physical or mental impairment that substantially limits one or more major life activity. Consistent with countywide and statewide disability population characteristics, seniors 75 and over in Arlington are much more likely to have at least one disability than people in younger age cohorts. The most common disability challenges faced by people 75 and over are mobility impairments and safe-care limitations, which point to needs for both barrier-free dwellings and in-home or residential services affordable to a population that often has the lowest incomes of all householders in a community.

Table 2.6. Percent Population with Disability by Age Group			
	Arlington	Middlesex County	Massachusetts
Total Population	45,065	1,586,008	6,777,468
Population with Disabilities	4,031	147,133	784,593
Percent Total Population with Disabilities	8.9%	9.3%	11.6%
Under 18 Years	1.9%	3.6%	4.5%
18 To 34 Years	3.6%	4.6%	6.0%
35 To 64 Years	5.9%	7.6%	10.6%
65 To 74 Years	18.8%	18.3%	21.3%
75+ Years	49.9%	45.3%	46.5%
Source: American Community Survey 5-Year Estimates, 2019			

HOUSEHOLD CHARACTERISTICS

Discussions around demographic shifts tend to focus on population, but for purposes of assessing a community's housing needs, growth and change in **households** is more important than changes in population alone. This is because households, not population, drive the demand for housing. The housing needs and preferences of households vary by age group, household size, commuting distances, access to goods and services, and clearly, what people can afford for rent or a mortgage payment. The size and composition of a community's households often indicate how well suited the existing housing inventory is to residents. In turn, the number and type of households and their spending power influence overall demand for housing.

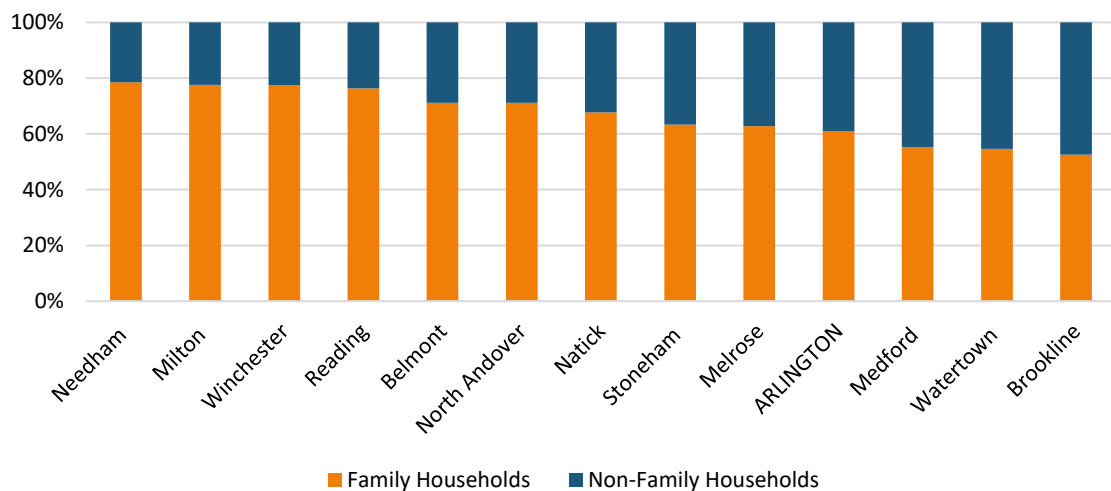


Households and Families

The Census Bureau divides households into two broad classes: families and non-families. In federal census terms, a **family** household includes two or more related people living together in the same housing unit, and a **non-family** household can be a single person living alone or two or more unrelated people living together.¹⁹ As of 2019, Arlington had an estimated 19,065 households, with non-families comprising almost 40 percent of the total. Compared to its peer communities, Arlington's family household rate of 61 percent is somewhat low, as indicated in Figure 2.8. As for family type, married couples make up a large share of all families – 82 percent, and 47 percent married with children.

Figure 2.8. Households by Type

Source: American Community Survey 5-Year Estimates, 2019



Household Size & Composition

Arlington's households are on the smaller side among Greater Boston cities and towns. About 20 percent of its households (including families and nonfamilies) include four or more people. Today, the Census Bureau estimates that Arlington's average household includes 2.4 people and that almost half of all families in Arlington are two-person households. Still, census estimates indicate that since 2010, household sizes in several Boston-area suburbs, including Arlington, appear to be increasing again concurrent with growth in the region's household formation rate. Three- and four-person household comprise 46 percent of all households in Arlington. Large families (more than five people) account for a very small percentage of all families living in Arlington today.²⁰ By contrast, single people living alone make up some 32 percent of all Arlington households and 82 percent of all nonfamily households. Among Arlington's 6,080 one-person households, 43 percent are older adults

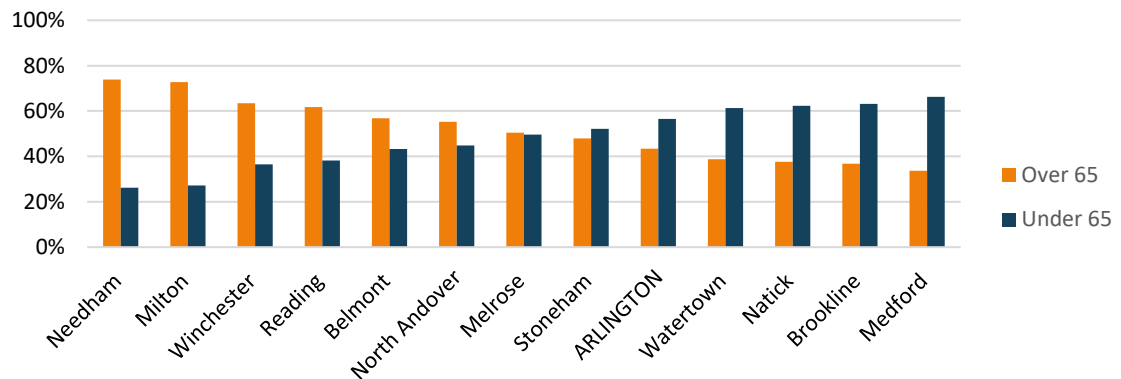
¹⁹ Local populations not included in any type of household are reported as "group quarters" residents, or people in some kind of institutional or non-instructional setting. For suburbs, the most common types of group quarters include nursing homes and group residences for people with disabilities. Some suburbs close to Boston and Cambridge also have college student dormitories, notably the City of Newton and the towns of Weston and Wellesley. Arlington has a very small group quarters population currently estimated at 320 people.

²⁰ ACS 2015-2019, B19123. Family Size by Cash Public Assistance Income or Households Receiving Food Stamps/Snap Benefits in the Past 12 Months.



(65 and over), lower than most of its peer communities (Figure 2.9). While householders over 65 living alone make up 14 percent of Arlington's total households, they are the cohort most affected by cost burden, as described later in the Housing Affordability section of this Needs Assessment.

Figure 2.9. Age of Householder Living Alone by Age
Source: American Community Survey 5-Year Estimates, 2019

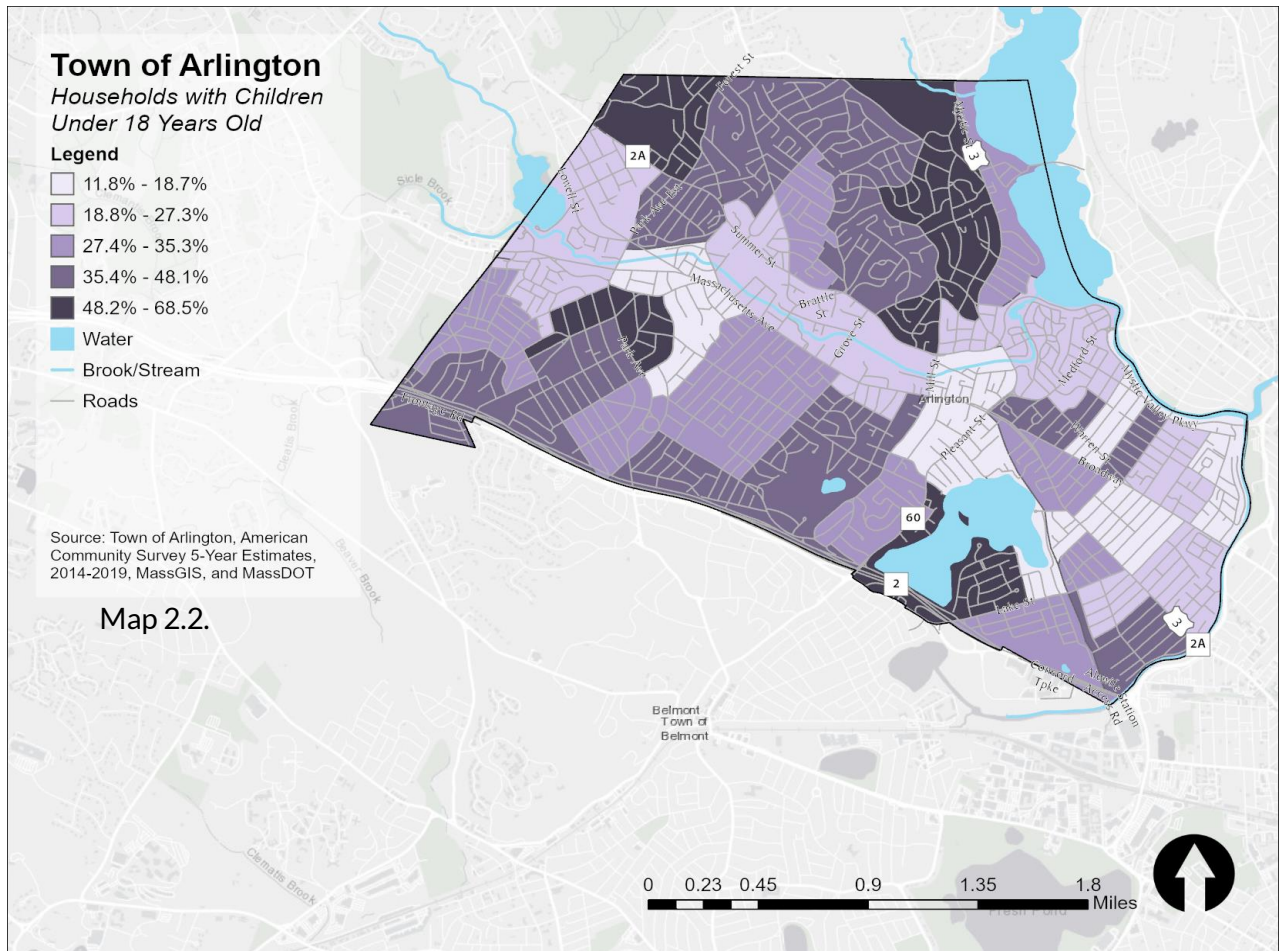


Approximately 31 percent of Arlington's 19,065 households have one or more people under 18, and as shown in Table 2.7, almost all of them are family households. About 20 percent of the families with dependent children in Arlington are single parents. There are many more households living in Arlington with no children, including both householders of childrearing age and older adults. Map 2.2. shows the geographic distribution of children under 18 in Arlington.

Table 2.7. Households by Presence of People under 18 Years

	Households with People <18 Years	Percent	Households with No People <18 Years	Percent
Total All Households: 19,065				
Total by Type	5,812	30.5%	13,253	69.5%
Family Households	5,774	99.3%	5,840	44.1%
Married-Couple Family	4,649	80.0%	4,876	36.8%
Other Family:	1,125	19.4%	964	7.3%
Single Parent, Male	135	2.3%	294	2.2%
Single Parent, Female	990	17.0%	670	5.1%
Nonfamily Households	38	0.7%	7,413	55.9%
Male Householder	38	0.7%	2,718	20.5%
Female Householder	0	0.0%	4,695	35.4%
Source: ACS 5-Year Estimates, 2019				



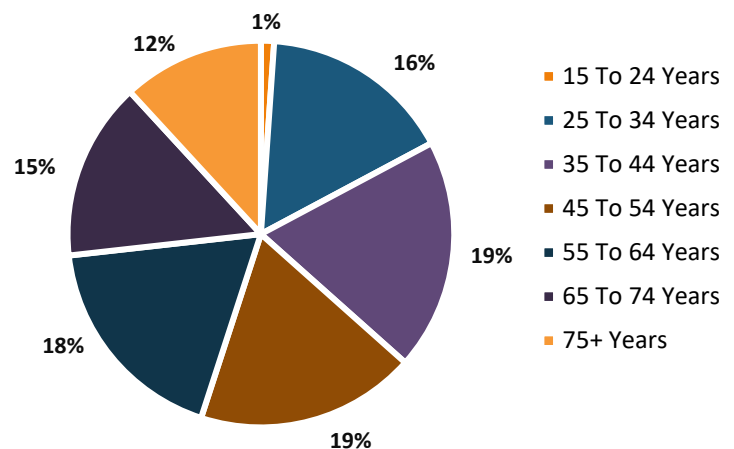


Age of Arlington Householders

The distribution of Arlington households by age cohort is not much different than the make-up of households in nearby suburbs, both inside and along Route 128. In communities comparable to Arlington like Winchester and Milton, higher household wealth tends to correlate with lower percentages of young households (under 34 years) and sustained growth in the percentage of households in their highest-earnings years (35 to 54).

Figure 2.10. Arlington Households by Age of Householder

Source: American Community Survey 5-Year Estimates, 2019



In many cases—and Arlington is no exception—the towns right around Boston often have trouble supporting age-in-place or age-in-community policies. This is due in part to housing costs, the composition of the housing in older, substantially developed suburbs surrounding Boston and Cambridge, and the location of housing in relation to easily accessible goods and services. Still, it is worth noting that relative to most Greater Boston towns with demographic qualities generally similar to Arlington, there are only three with percentages of 75-and-over households smaller than in Arlington: Medford, Brookline, and Natick. One explanation for this is the dramatic growth in age-restricted developments (with or without on-site services) in the region’s well-off suburbs. Arlington has some age-restricted or age-targeted housing, but not as much as many of its neighbors.

Household Wealth

Household income influences where people live, their health care and quality of life, and the opportunities they can offer their children. Arlington’s desirability today is tied in part to its rising household wealth. In-migration of higher-income households and families is a relatively recent trend in Arlington that has accelerated in recent years. In small group interviews and during the first community forum for this process, long-time residents recalled Arlington as having more of a mix of incomes and household types. As households and families find themselves priced out of Somerville and Cambridge—places that still had some affordability not that long ago—Arlington has become an attractive option for people who cannot afford Winchester or Belmont but want close access to Boston-Cambridge employment.²¹

Table 2.8 offers a snapshot of three median income indicators—all households, family households, and non-family households—that have an important place in any conversation about housing affordability. The table shows that compared to the towns and cities Arlington considers its peer group, Arlington falls about in the middle in terms of median household and median family income. However, the nonfamily median income in Arlington exceeds that of most peer group towns, likely because Arlington’s one-person households include a broader mix of ages than most of its peer communities (Figure 2.9 above) – and therefore income levels.²² Single people of all ages over 24 years can be found among the living-alone population, both for homeowners and renters.

²¹ These qualities and reasons for moving to Arlington were identified in small group interviews.

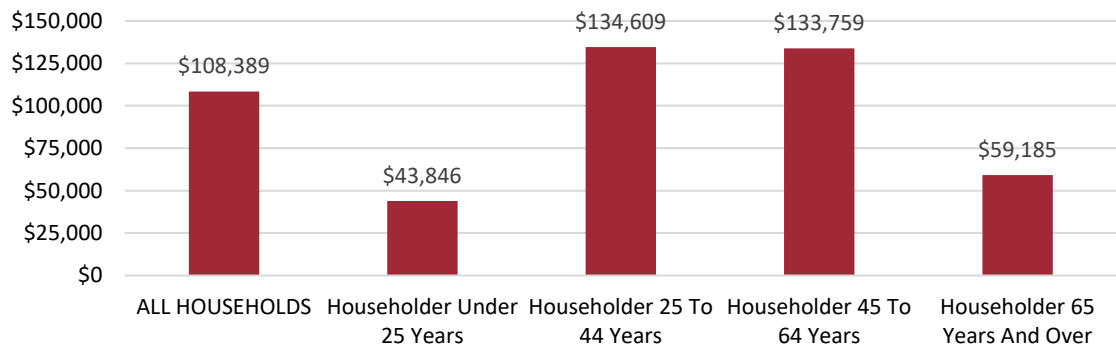
²² In general, elderly seniors (75 years and over) incomes tend to be very low (especially among women) as compared to the larger community in which they reside.



Town	Median Household Income	Median Family Income	Median Nonfamily Income
Winchester	\$169,623	\$217,633	\$60,450
Needham	\$165,547	\$194,596	\$56,875
Milton	\$133,718	\$159,860	\$41,729
Reading	\$132,731	\$157,061	\$52,083
Belmont	\$129,380	\$167,058	\$62,854
Brookline	\$117,326	\$158,770	\$75,227
Natick	\$115,545	\$153,925	\$61,210
ARLINGTON	\$108,389	\$145,141	\$62,080
North Andover	\$108,070	\$139,191	\$44,955
Melrose	\$106,955	\$147,237	\$50,355
Stoneham	\$101,549	\$133,401	\$46,799
Watertown	\$101,103	\$119,411	\$80,954
Medford	\$96,455	\$117,348	\$70,992
Source: ACS 2015-2019, SE:A14006, SE:A14010, and SE:A14012, Social Explorer (SE) format.			

Figure 2.11. Median Household Income by Age of Householder

Source: American Community Survey 5-Year Estimates, 2019



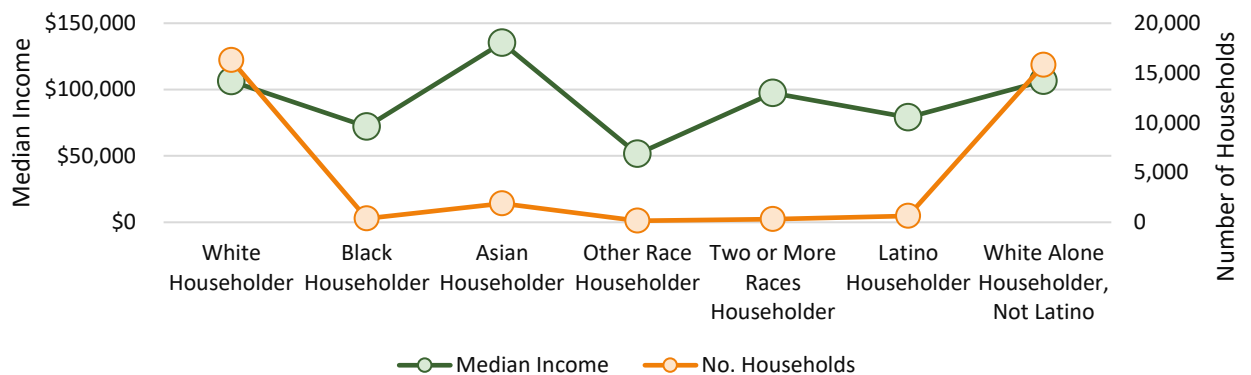
The median household income varies depending on age of householder, with householders under 25 (\$43,846) and householders over 65 (\$59,185) generally earning significantly less than householders 25 to 64 (Figure 2.11) Median income statistics are indicative of a community's relative economic position, but they also can mask differences in household wealth and differences in the relationship between, or race and income.

Figure 2.12 compares median household income by race with the number of households by race in Arlington. It reinforces that the vast majority of household wealth in Arlington is held by White households, for even though the median household income of Asian households is higher, the percentage of Asian households is much smaller.

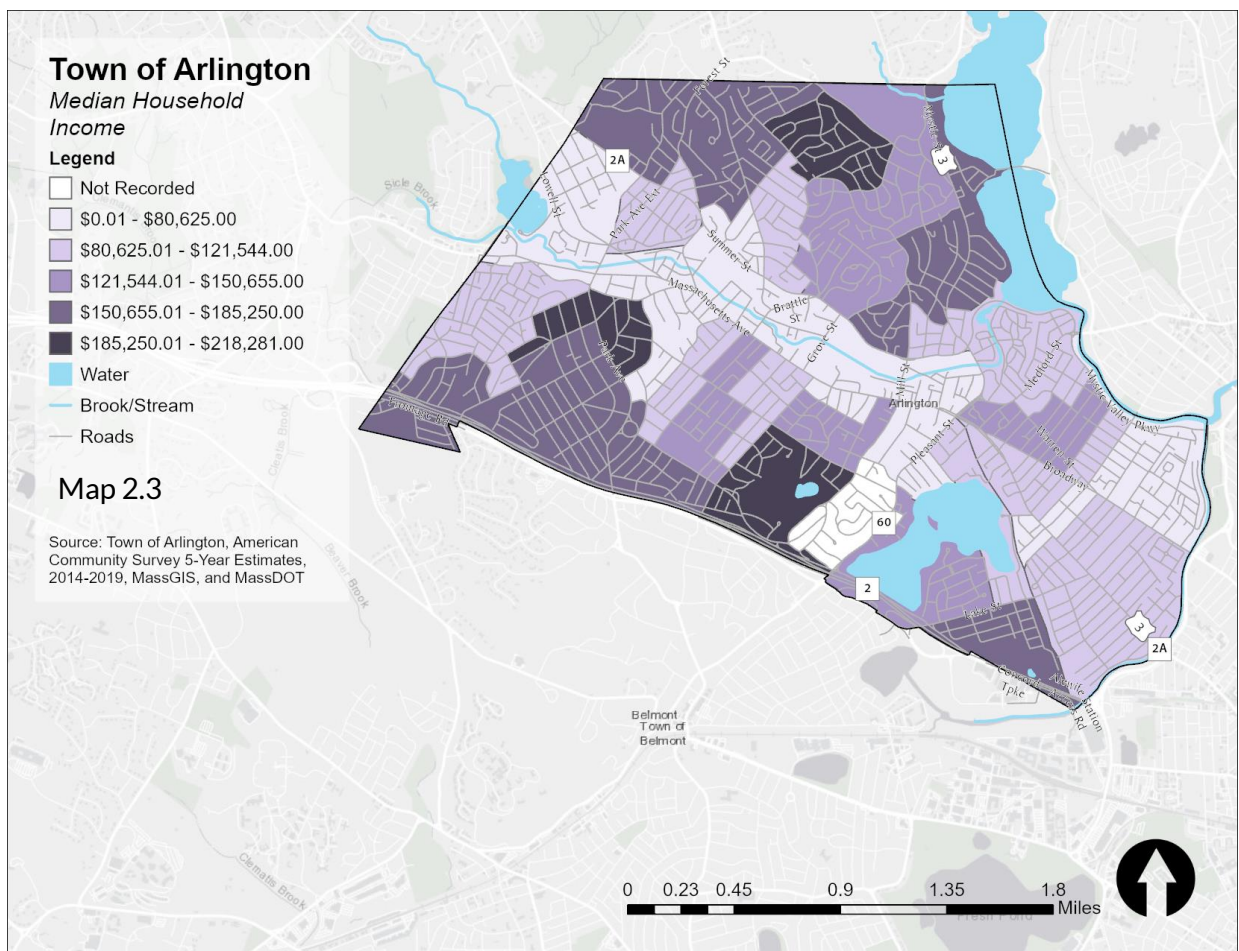


Figure 2.12. Median Household Income by Race and Ethnicity

Source: ACS 5-Year Estimates, 2019



Map 2.3 further reinforces that difference in household incomes exists in Arlington at the neighborhood level, with higher-income households generally found in the Arlington Heights and Turkey Hill areas and lower incomes in East Arlington and portions of Arlington Center. As housing units available to renters in the past convert to for-sale housing, e.g., condominium conversions, the household incomes in neighborhoods with large numbers of two-family buildings will most likely shift upward.

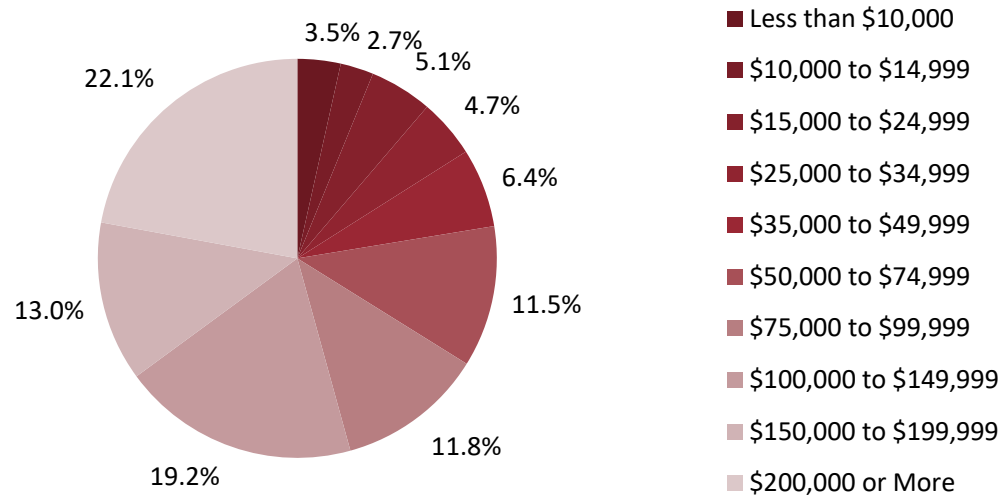


Households Income Distribution

Town-wide, approximately 35 percent of all households in Arlington have incomes over \$150,000. The proportion of lower-income households in Arlington has slowly dropped over 20 years as the town has become increasingly attractive to younger urban, economically mobile workers.

Figure 2.13. Arlington Household Income Distribution

Source: ACS 5-Year Estimates, 2019



According to the U.S. Department of Housing and Urban Development (HUD), 29 percent of all households in Arlington have low or moderate incomes (LMI), i.e., incomes at or below 80 percent of the median family income for the Boston Metro Area. Over time, the portion of lower-income households has dropped somewhat in Arlington, from about 35 percent in 2000 to 29 percent today.

Families and Poverty

There is a significant difference between low incomes and **poverty**. “Low income” is a metric that allows housing analysts to compare household incomes in a given city or town to the economic region in which the community is located. The term is also used to determine eligibility for many types of affordable housing assistance. Poverty, on the other hand, is a standard for comparing communities, regions, and states to federal *thresholds* that measure the basic cost of food, shelter, clothing, and utilities, variable by household type and composition and the age of the householder. Arlington’s family poverty rate is slightly higher today than it was ten years ago, but the poverty rate for families with children has essentially remained the same.²³ In general, poverty has not been as significant in Arlington as the incidence of low or moderate household incomes.

²³ ACS 2015-2019. To report poverty in population and household tables, the Census Bureau compares household incomes to national poverty thresholds. The result is that households in Northern states tend to have lower percentages of poverty than households in the South, though these long-standing geographic differences have begun to close somewhat in high-growth states in the South and Southwest.



Table 2.9. Arlington Families with Incomes Below Poverty Level				
Year		Arlington	Middlesex County	Massachusetts
2009	All Families	2.5%	4.9%	7.0%
	Families with Children	1.6%	3.5%	5.4%
2014	All Families	2.0%	5.7%	8.3%
	Families with Children	1.0%	4.0%	6.3%
2019	All Families	3.1%	4.6%	7.0%
	Families with Children	1.6%	3.2%	5.0%

Source: American Community Survey 5-Year Estimates, 2019

HOUSING CHARACTERISTICS

Arlington has approximately 20,207 housing units. They include a mix of unit types, from detached single-family to larger apartment buildings, and just under half of all units in Arlington pre-date 1940 when the federal census first collected and reported information about the nation's housing supply. Many of the newer single-family homes in town are replacements of older dwellings that homebuyers wanted to enlarge and modernize, although some have been built on newly split existing lots. While these (and other) development trends are discussed further in the next section, the amount of net-new housing in Arlington is quite limited and indicates that Arlington is in a phase of redevelopment.

Housing Type and Age

Arlington's homes vary in size, age, and condition by neighborhood. In the single-family districts, the redevelopment process has usually produced homes that are larger than the ones they replaced, but for neighbors, it is often the lot disturbances – lost trees or landscaping, for example – that have an immediate, visible impact on their street. Still, assessor's data reveal not only useful information about housing values and types, but also sizes (in residential floor area), number of rooms, and a host of other information about style and structure trends, including housing age. The following analysis is based on the most recently available assessor's records (2021).

SINGLE-FAMILY HOMES

As shown in Table 2.10, suburban redevelopment has ushered into Arlington a generation of larger, more expensive single-family homes. For current Arlington homeowners, this means that their homes have appreciated significantly in value. However, for young buyers and renters hoping to find a home or condominium they can afford, Arlington sale prices have skyrocketed even more than was anticipated in the Master Plan just six years ago. Demolition and rebuild projects will continue in Arlington in neighborhoods with older homes because the land is worth more than the existing residences (expressed in Table 2.10 as a land-value ratio).



Age of Dwelling (Year Built)	Number of Records	Average Lot (Sq. Ft.)	Average Residential Floor Area (Sq. Ft.)	Average No. Rooms	Average Ratio of Land Value to Building Value
2000 to Present	292	8,294	3,334	8	0.680
1980-1999	211	7,903	2,451	7	1.090
1960-1979	753	7,510	2,026	7	1.578
1945-1960	2,427	7,751	1,912	6	1.735
1920-1944	3,237	6,353	1,892	7	1.476
1900-1919	752	7,553	2,136	8	1.331
1865-1899	248	8,215	2,283	8	1.320
Pre-1865	81	11,422	2,389	8	1.585

Source: Arlington's Assessor's Parcel Database (2021) and Barrett Planning Group LLC.

TWO- AND THREE- FAMILY HOMES

Ninety-two percent of Arlington's 2,295 two- and three- family homes were built before 1945 compared to 54 percent of the town's single-family homes. Generally, these structures are larger (2,767 sq ft of floor area, on average) compared to Arlington's single-family homes (2,018 sq ft on average) and a smaller lot size (5,710 sq ft on average for 2- and 3-family homes compared to 7,218 sq ft).

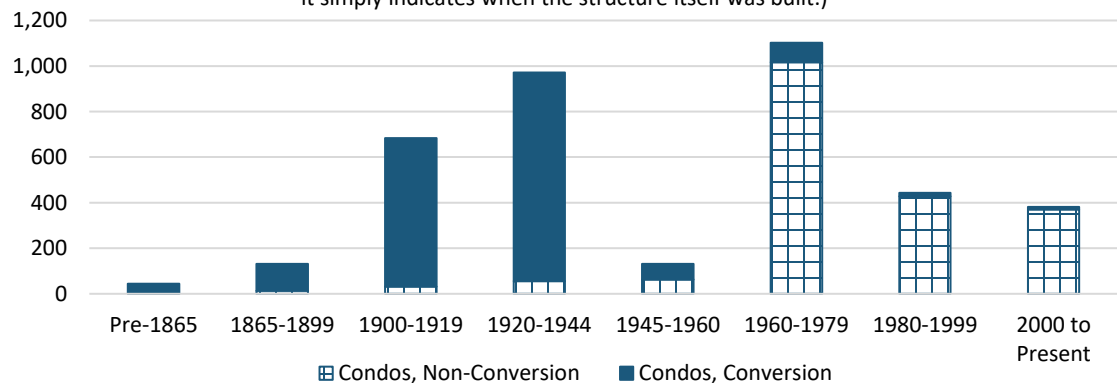
CONDOMINIUMS

Twenty-eight percent of Arlington's current condominium stock was built between 1960 and 1979 as new construction. Nearly half of current condominiums are categorized as conversions per assessor's records, with most of those conversions being done in older buildings, as shown in Figure 2.14 below. However, as noted later in the section on development trends, the trend toward condominium conversions has notably decreased since the 2016 Housing Production Plan.

Figure 2.14. Condominiums, Year Structure Built

Source: Arlington Assessor's Records, 2021

(Note: For condo conversions, this does not indicate when the conversion took place; it simply indicates when the structure itself was built.)



MIXED USE

Assessor's records indicate seventy-six mixed use properties, primarily along Massachusetts Avenue. Approximately fifty of these mixed-use properties contain at least one residential unit.²⁴ These tend to be older buildings, with a median construction year of 1915 and more than half built before 1920. Unsurprisingly, these properties have larger building-to-lot size ratios (based on square footage) than exclusively residential properties (0.78 on average for mixed use with residential compared to an average of 0.31 for single family homes and 0.52 for two- and three-family homes).

MULTI-FAMILY

Arlington Housing Authority Properties

The Arlington Housing Authority (AHA) has 714 units in their portfolio. 694 of these units are rental units housed in five sites:²⁵

- **Winslow Towers:** 132 one-bedroom units (senior/disabled), high-rise constructed in 1971
- **Chestnut Manor:** 100 one-bedroom units (senior/disabled), high-rise constructed in 1965
- **Cusack Terrace:** 67 one-bedroom units (senior/disabled), high-rise constructed in 1983
- **Menotomy Manor:** 179 units (family) across twenty-one low-rise multifamily buildings constructed in 1950 and twenty-five low-rise multifamily buildings constructed in 1952
- **Drake Village Complex:**
 - *Drake Village* - 72 one-bedroom units (senior/disabled), across nine buildings constructed in 1961
 - *Hauser Building* - 144 one-bedroom units (senior/disabled), high-rise constructed in 1975²⁶

The remaining twenty units in AHA's portfolio include the Decatur Condos (five one-bedroom condominium units at 108-122 Decatur Street), a special needs home with twelve one-bedroom units for men on Massachusetts Avenue, and three additional units rented to survivors of domestic violence.

Other Multifamily

Assessor's records show 156 other multifamily properties creating a total of 2,706 rental units. Combined with AHA multifamily properties, there are a total of 3,417 units in multifamily buildings. Fifty-nine percent of non-AHA properties are smaller scale (fewer than ten units), with a median construction year of 1920. Thirty-four percent are more moderately sized at 10-49 units each. These structures tend to be newer than the smaller-scale multifamily properties, with a median construction year of 1960. There are eleven larger apartment complexes (50+ units) together producing 1,214 housing units.²⁷ These tend to be the newest, with a median construction year of 1968 and the newest built in 2012 (Brigham Square) and 2013 (Arlington 360).

²⁴ Data from the Department of Planning and Community Development, September 1, 2021.

²⁵ "Our Properties," Arlington Housing Authority. Accessed online at https://arlingtonhousing.org/our_properties.php

²⁶ Year of construction and unit sizes for Hauser Building not provided on AHA website; source for this building is Arlington assessor's records and property card for site.



While American Community Survey (ACS) data does not provide as accurate or reliable a glimpse into a community's housing stock as its assessor's records, for the sake of comparison with other communities, it proves useful as a common data source. As noted in the introduction to this Needs Assessment, this report uses the "Town Manager 12 Communities" Arlington typically looks to for comparative analysis: Belmont, Brookline, Medford, Melrose, Milton, Natick, Needham, North Andover, Reading, Stoneham, Watertown, and Winchester. While these communities were chosen for their similarities in characteristics relating to municipal budget, there are some notable differences in their housing stock. The analysis that follows is, therefore, based on ACS data rather than assessor's records.

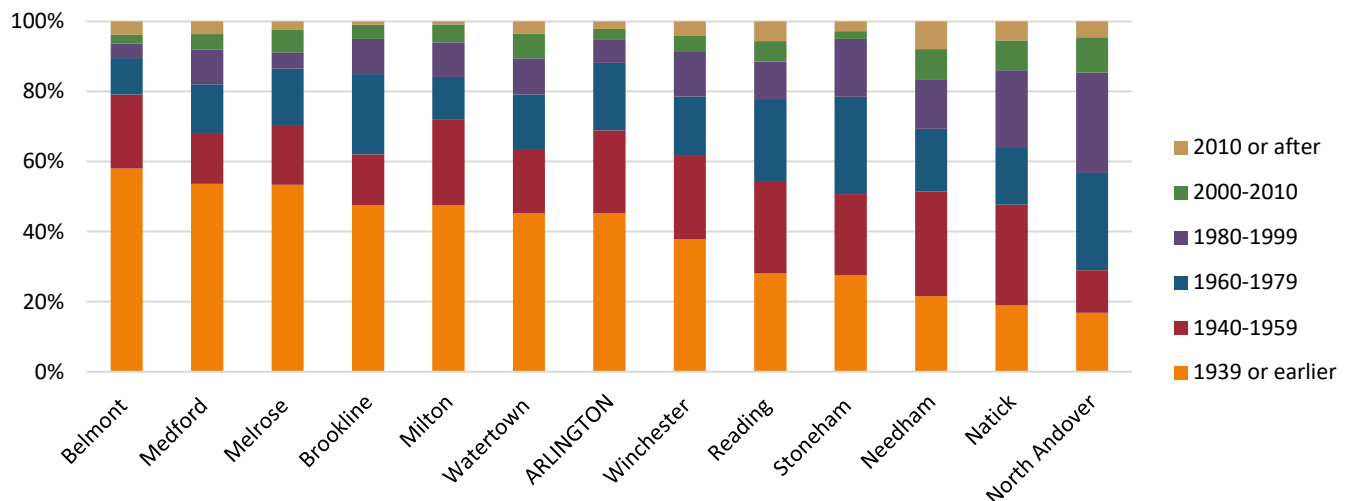
Age of Housing Stock

Eighty-eight percent of Arlington's housing units (all types) were built prior to 1980, a share only surpassed by Belmont with ninety percent of its housing units built prior to 1980. As Table 2.10 above shows, older homes tend to have higher land-to-building value ratios, potentially putting them at greater risk for demolition. Because older homes are already more likely to require repairs and costly maintenance, a buyer may decide that between the costs of upkeep, the low building value, and high land value, demolishing and building a newer home makes better financial sense.

Housing Units by Type

Figure 2.15. Percent Housing Units by Year Built (All Housing Types)

Source: American Community Survey 5-Year Estimates, 2019



Single-family homes make up 44 percent of Arlington's housing stock, a lower share than nine of the twelve comparison communities. Twenty-five percent of Arlington's housing stock consists of two-family homes, a share only exceeded by three of the comparison communities (Belmont, Medford, and Watertown). These two-family homes are sometimes the target of conversions to condominiums, a trend identified by some resident interview participants and discussed further below.

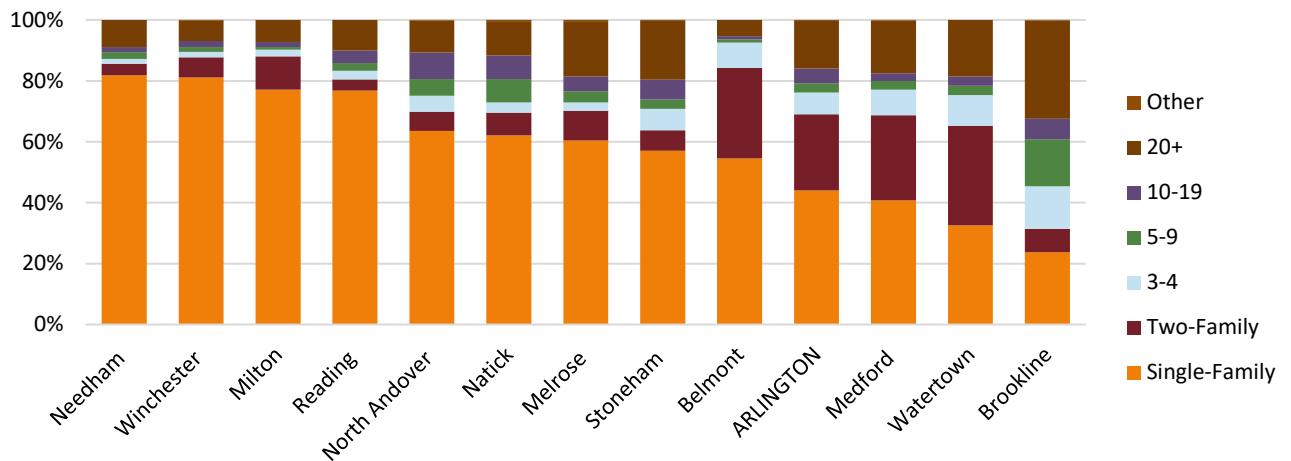


Occupancy & Tenure

Often, the higher a community's share of single-family homes, the higher the share of homeowners as opposed to renters, a trend reflected in Arlington and the comparison communities as Figures 2.16 and 2.17 together demonstrate.

Figure 2.16. Housing Units by Housing Type

Source: American Community Survey 5-Year Estimates, 2019

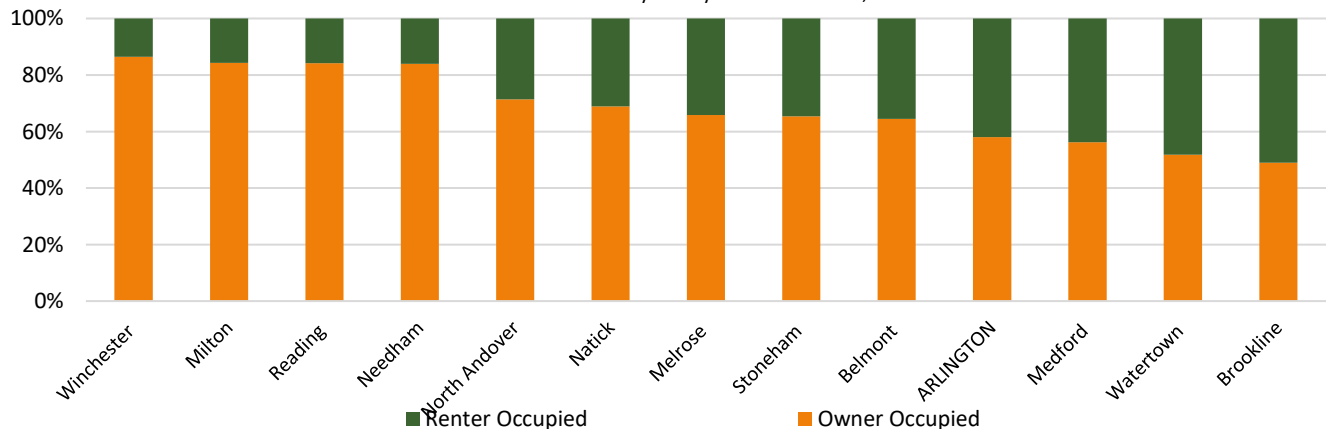


TENURE

From the 1990 Census to the 2010 Census, the percent of homeowners in Arlington increased from 57 percent to 61 percent.²⁸ Town-wide, ACS estimates show that homeownership rates vary quite a bit across neighborhoods, however. Homeownership rates in some parts of East Arlington falls below 20 percent, but in areas within Arlington Heights, nearly every home is owner-occupied. These differences in tenure go hand-in-hand with differences in household incomes and race, suggesting the existence of housing equity barriers within the town. Still, East Arlington has also experienced one of the highest value appreciation rates in town, and this is not uncommon in areas with a housing stock that was historically more affordable.²⁹ Over time, Arlington has become a town people move up to

Figure 2.17. Tenure

Source: American Community Survey 5-Year Estimates, 2019



Neighborhood Scout, <https://www.neighborhoodscout.com/ma/arlington/real-estate/>.



from a less valuable house or condo in another community, responding to the same market trends that have driven up prices in Cambridge and Somerville and threatened the affordability of rental housing.

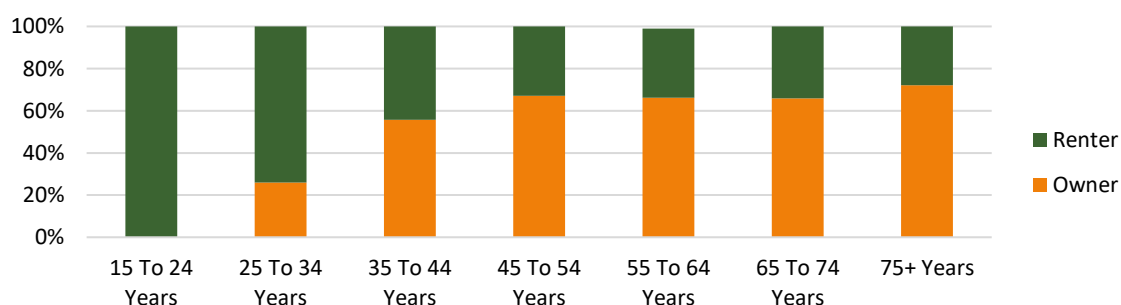
Table 2.11. Tenure by Neighborhood

Neighborhood	Ownership Rate	% of Town's Rental Inventory
Arlington Center	58.4%	18.8%
Arlington Heights	70.2%	12.4%
Turkey Hill	73.6%	7.0%
East Arlington	42.1%	34.3%
Source: ACS 5-Year Estimates, 2015-2019		

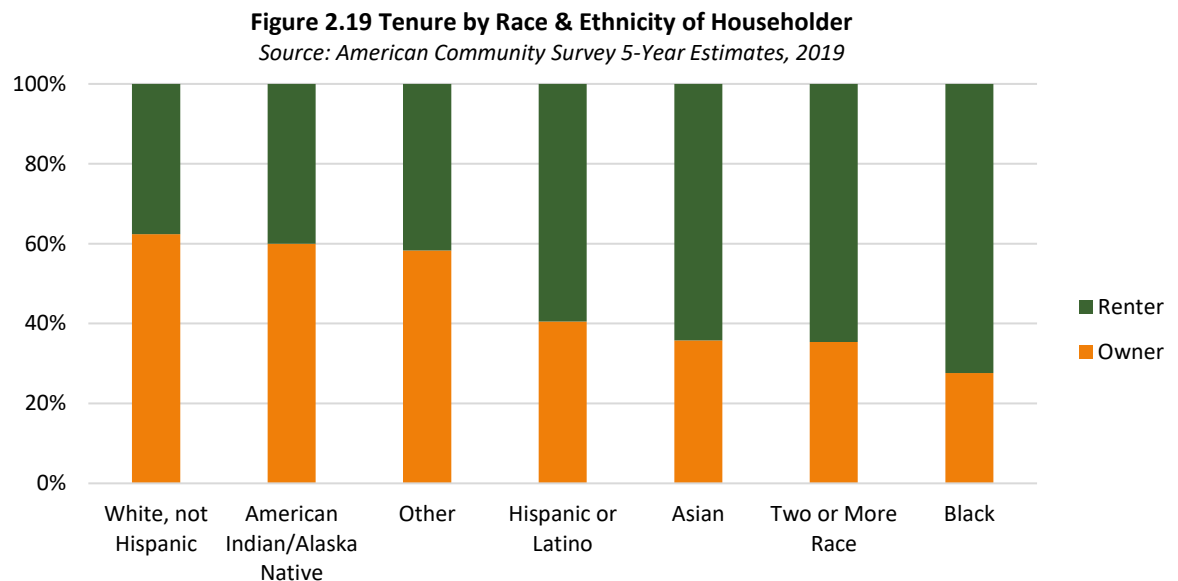
The **age of householder** (defined as the head of household) predictably correlates to tenure, with householders under 35 much less likely to own, with a significant jump in the 35-44 age bracket. The share of homeowners remains fairly stable up until age 75, where it modestly increases to 72 percent. Given the affordability gap between median incomes and median sale prices described in the next section, it is unsurprising that younger heads of household in Arlington are much less likely to be able to purchase a home than those with more established careers and higher incomes.

Figure 2.18. Tenure by Age of Householder

Source: American Community Survey 5-Year Estimates, 2019



The **race and ethnicity of householder** also tie into tenure; Figure 2.19 highlights the significantly lower rates of homeownership among Black, Asian, and Hispanic or Latino households, as well as households of two or more races. This trend is mirrored in applications for mortgages, as pointed out in the recently completed Fair Housing Action Plan’s review of federal Home Mortgage Disclosure Act (HMDA) data. The analysis found that “Of the 2,590 applications in Arlington where the race and ethnicity of the primary applicant was reported, the vast majority of applicants were White (78%; 2,011 people), followed by Asian (18%; 476 people). Just 53 applicants (2%) were Latino and just 23 (1%) were Black.” Additionally, “the share of Latino and Black applicants is much lower than that of Arlington’s current population (4% and 2% respectively).”³⁰



VACANCY

Of Arlington’s approximately 20,207 housing units, an estimated 1,142 (5.7 percent) are vacant, with some significant variation by block group. For the most part, block groups with higher vacancy rates are located in East Arlington.

Local Perceptions of Arlington’s Housing Stock

The 2020 Envision Arlington Town Survey generated 4,581 responses and included questions about housing as well as resilience to climate change, improving Town elections, net zero emissions, open space and recreation, and reducing plastic waste. This survey has been conducted annually since 1992 and is in part funded by the Community Development Block Grant (CDBG) program.

While the majority of respondents (sixty-nine percent) indicated satisfaction with current available housing options, “There was a significant correlation between satisfaction and higher income, older ages, and homeownership” as reflected in the chart below (taken from the report).³¹ In other words, lower income residents, younger residents, and renters were

³⁰ Massachusetts Area Planning Council (MAPC), Town of Arlington: Fair Housing Action Plan, July 2021, p.90

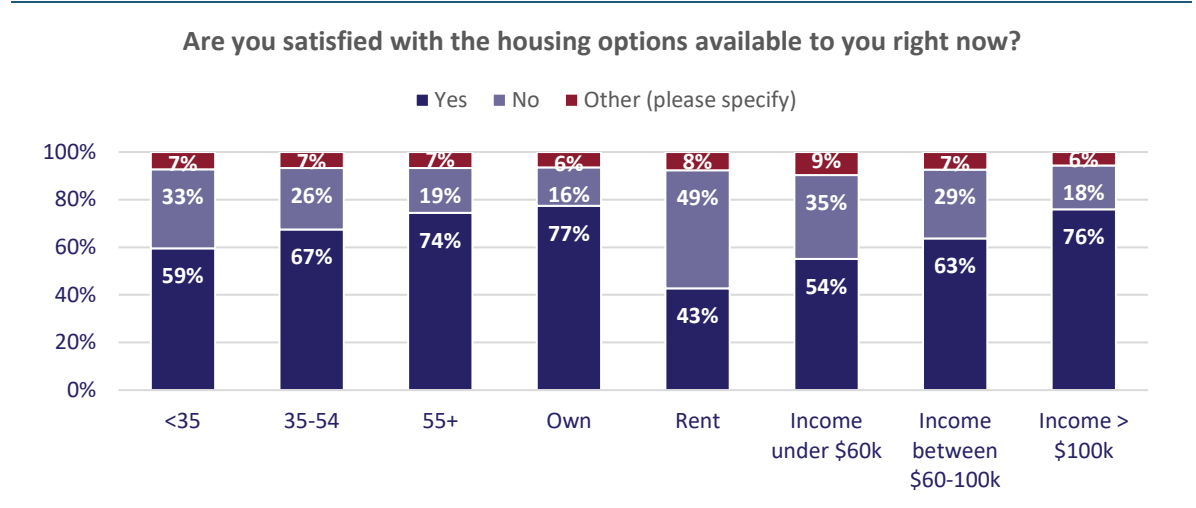
³¹ Envision Arlington 2020 Town Survey: Report on Survey Responses, p.7



less likely to indicate satisfaction with the housing options available to them. Also of note, the Envision Arlington Town Survey is distributed to existing residents and therefore does not capture the opinion of those who would like to live in Arlington but are unable to find adequate housing.

Figure 2.20 Satisfaction with Housing Options

Source: Envision Arlington Town Survey 2020



HOUSING MARKET

Development Trends

CONDOMINIUM CONVERSIONS

In small-group interviews conducted at the outset of this process, participants described a trend of existing two-family and three-family homes being converted to condominiums, potentially further reducing the availability of reasonably priced rental units. Ironically, however, from FY2016-FY2022 (June 2021), 284 structures (mostly two-family homes) were converted to condos, creating a total of 633 new condominium units, a decrease from the rate reported in the last Housing Production Plan.³² Nevertheless, public perception is that teardown-and-rebuild projects continue.

Table 2.12. Existing Structures Converted to Condominiums		
	Converted Structures	Condos Created
FY2016	39	133
FY2017	31	62
FY2018	57	116
FY2019	33	68
FY2020	49	101
FY2021	33	66
FY2022	42	87
Source: Department of Planning & Community Development, July 12, 2021		

³² The 2016 Housing Production Plan reported 1,460 conversions to condominiums between 2010 and 2014.



DEMOLITIONS & REPLACEMENT HOMES

Another concern interviewees raised was the demolition of older homes and subsequent construction of larger, more expensive homes. Some said this type of activity is detrimental to neighborhood character and overall housing affordability in Arlington due to the loss of “naturally affordable” homes. With this concern in mind, from October 2018 to March 2019 the Department of Planning and Community Development worked with the Residential Study Group (RSG), which was “tasked with studying...the demolition of structures that may be affordable and the incompatibility of new structures in established neighborhoods.” According to the DPCD “Report on Demolitions and Replacement Homes” (July 2019): “Based on the data reviewed in this report, it cannot be said that the loss of structures is resulting in a loss of affordability in Arlington” because “there are very few properties that can be considered affordable under the definition established by the Department of Housing and Urban Development.”³³ Also, it is important to consider the number of demolitions (an average of 13.5 single-family homes per year and even fewer two-family) in the larger context of Arlington’s approximately 20,000 housing units. Figures 2.21 and 2.22 show demolition and construction trends over the past five years.

Figure 2.21. Residential Demolitions per Year

Source: Department of Planning & Community Development

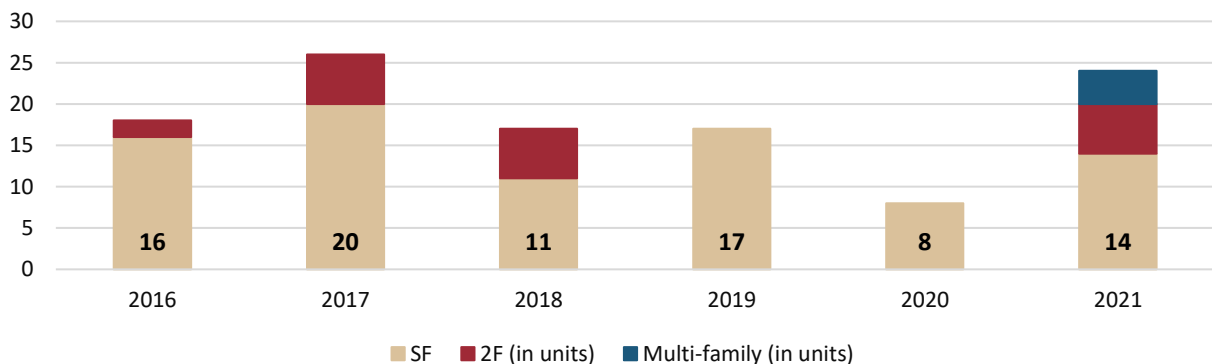
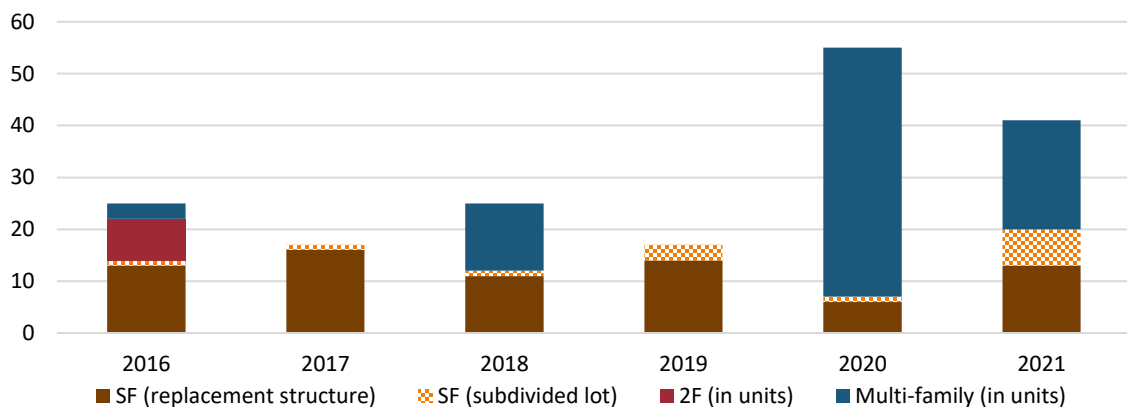


Figure 2.22. Residential Construction Per Year

Source: Department of Planning & Community Development

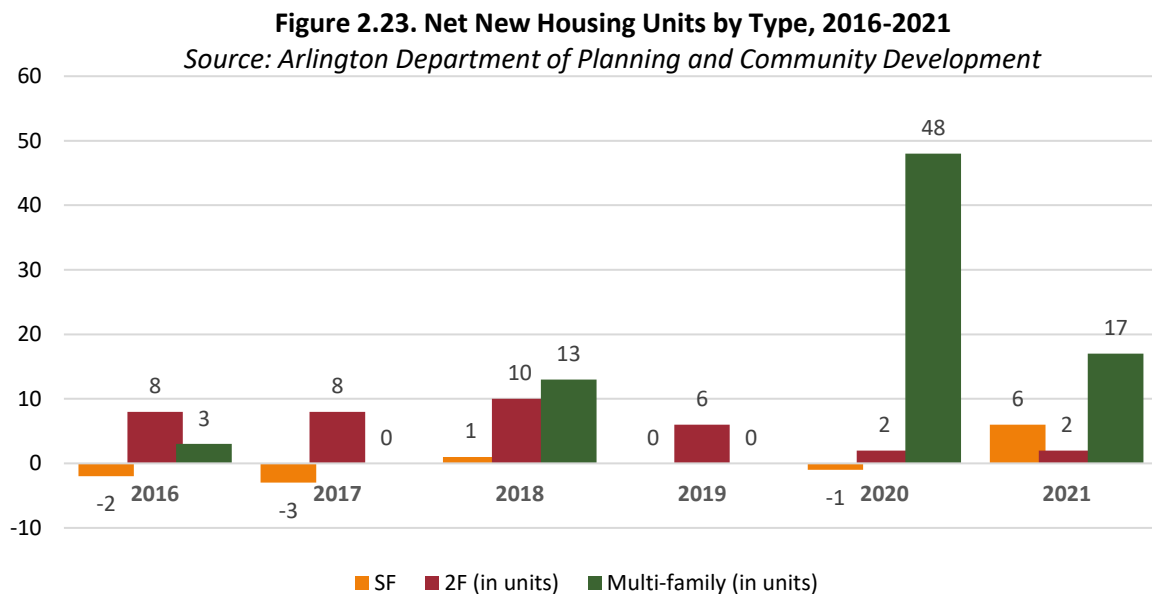


³³ DPCD Report on Demolitions and Replacement Homes, July 11, 2019, p.37



MULTI-FAMILY DEVELOPMENT

While much of the conversation during the community engagement process for the Needs Assessment focused on the impact of condominium conversions and demolitions, most net-new housing units since the 2016 Housing Production Plan have come from multifamily development. From 2016-2021, 133 housing units were created through multifamily development, 52 of which are affordable.³⁴ Figure 2.23 displays the net-new housing units by type from 2016-2021 and highlights the impact of recent multifamily development on Arlington's total housing count. This trend may continue with two comprehensive permit applications under consideration at the time of this draft; these projects are described further in the Subsidized Housing Inventory section below.



Housing Sale Prices

The competition for a home of one's own in Arlington drives the value of land and the cost of housing. The owner-occupied vacancy rate is below one percent in Arlington, and similar conditions exist in neighboring communities. There are remarkably few opportunities for young wage earners to choose Arlington or anywhere nearby. The same is true for Arlington's comparison communities, which share the same extraordinarily tight market conditions. During the planning process for this Housing Plan, some interviewees ascribed the growth in unit sizes and high sale prices to developer or homebuilder greed, but often, the demand for a spacious residence comes from new buyers with the means to pay for the residence they want—and home sellers are keenly aware that they can ask top dollar. Sale prices in Arlington have come in, on average, about 105 percent of the seller's asking price, at roughly \$560 per square foot.^{35,36}

³⁴ Housing Corporation of Arlington's Downing Square Project produced 48 these 52 affordable units.

³⁵ Greater Boston Association of Realtors, Monthly Market Insight Report, June 2021.

³⁶ Trulia, "Affordability of Living in Arlington," June 2021.



Homes for sale in Arlington cater to homebuyers seeking a place to live with easy access to Boston, Cambridge, and other work centers throughout the Boston area. Often, those homebuyers are families with children under 18, drawn to Arlington for its well-respected public schools. Table 2.13 below tracks median sale prices and sales volume statistics for Arlington since 2016, i.e., since the date of the last Housing Plan. Current real estate sales data from Banker & Tradesman show that Arlington's housing market is highly competitive, and its home sellers can capitalize on considerable equity. The median sale price for all of 2020 was \$862,500, but in the first half of 2021, the median sale price had already reached \$960,000 by late spring. None of these sales involved first-time homebuyers. The average mortgage loan for homes recently purchased in Arlington is anywhere from 65 to 80 percent of the sale price.³⁷

Year	Period	Single-Family Median	% Change	Number of Sales	Condo Median	% Change	Number of Sales
2021	January-July	\$960,000	11.3%	186	\$709,000	8.8%	181
2020	Annual	\$862,500	6.0%	290	\$651,500	6.8%	272
2019	Annual	\$814,000	3.1%	304	\$610,000	5.0%	237
2018	Annual	\$789,500	9.7%	312	\$580,700	5.7%	248
2017	Annual	\$720,000	2.9%	325	\$549,250	15.6%	242
2016	Annual	\$700,000		341	\$475,000		280

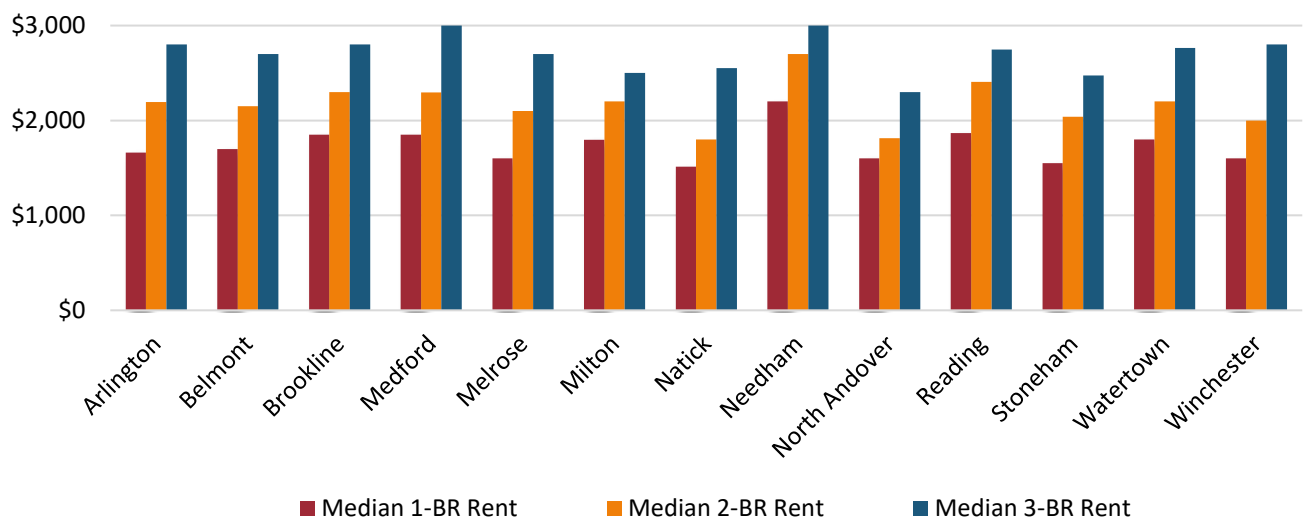
Source: Banker & Tradesman, "Town Stats," Arlington Housing Sales.

Market Rents

Rent reports for Arlington and comparison communities place Arlington within the mid-range for rental costs. Two-family rentals have historically been common in Arlington, but as two-family properties convert to condominium ownership, the supply of small-scale rental options will decline. The multifamily apartment and condo-for-rent inventory consists almost entirely of 1- or 2-bedroom units designed for small households, yet the monthly rents clearly exceed what most single people can afford and, in many cases, they also exceed what a young, employed couple could afford.

Figure 2.24. Median Market Rents by Bedroom

Source: Rentometer Reports, 2021



HOUSING AFFORDABILITY

When people refer to “Chapter 40B,” they usually mean the state law that provides for low- and moderate-income housing development by lifting local zoning restrictions. However, G.L. c. 40B—Chapter 40B proper—is actually the Commonwealth’s regional planning law and the parent legislation for agencies like the Metropolitan Area Planning Council (MAPC), the regional planning agency for Greater Boston. The four short sections that make up the affordable housing provision were added in 1969, and they are called “Chapter 40B” in this Housing Plan to be consistent with affordable housing nomenclature in Massachusetts. Nevertheless, remembering the regional planning umbrella for affordable housing can help local officials and residents understand the premise of the law and reduce confusion and misinformation. During Arlington’s Housing Plan process, some have attempted to spread misinformation about Chapter 40B, e.g., “The law was written as a gift to developers” or “40B allows developers to completely ignore our zoning.” Statements like these are simply wrong, but they persist.

Under Chapter 40B, all cities and towns are supposed to have housing that is: affordable to low- to moderate-income households; remains affordable to them even when values appreciate under robust market conditions; is regulated via a deed restriction and regulatory agreement; and is subject to meet an affirmative fair housing marketing plan. Another type of affordable housing — generally older, moderately priced dwellings without deed restrictions, and which lack the features and amenities of new, high-end homes — can help to meet housing needs, too, but only if the market allows. There are other differences, too. For example, any household — regardless of income — may purchase or rent an unrestricted affordable unit, but only a low- or moderate-income household qualifies to purchase or rent a deed-restricted unit.

Table 2.14 reports HUD’s 2021 income limits, which are used to determine whether a household is eligible to purchase or rent a deed-restricted affordable unit. Both types of affordable housing meet a variety of housing needs, and both are important. The difference is that the market determines the price of unrestricted affordable units while a legally enforceable deed restriction determines the price of restricted units. Today, Arlington has very few affordable units, unrestricted or deed restricted. Furthermore, unrestricted units that may have offered a pathway to owning a home in the past have been a key target of demolition/rebuild projects and condominium conversions in Arlington’s older neighborhoods.



Table 2.14. HUD 2021 Income Limits			
Household Size	Extremely Low Income Limits ³⁸	Very Low (50%) Income Limits	Low (80%) Income Limits
1	\$28,200	\$47,000	\$70,750
2	\$32,200	\$53,700	\$80,850
3	\$36,250	\$60,400	\$90,950
4	\$40,250	\$67,100	\$101,050
5	\$43,500	\$72,500	\$109,150
6	\$46,700	\$77,850	\$117,250
7	\$49,950	\$83,250	\$125,350
8	\$53,150	\$88,600	\$133,400
Source: HUD FY 2021 Income Limit Area, Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area.			
Note: Arlington's average household size is 2.4 people per household.			

Table 2.15 below reports low to moderate income (LMI) households in Arlington by type. Clearly, elderly *non-family* households are most affected, with 64 percent of this household type considered LMI. Conversely, large, related families are the least likely to be affected, with only 9 percent of such households considered LMI.

Table 2.15. Arlington LMI Households by Type				
Household Type	<30% AMI	30-50% AMI	50-80% AMI	TOTAL LMI HHLS
Elderly (1-2 Members)	13%	10%	12%	34%
Elderly Non-Family	31%	21%	12%	64%
Small Related (2-4 Persons)	2%	4%	5%	12%
Large Related (5+ Persons)	3%	4%	2%	9%
Other	13%	12%	12%	37%
ALL HOUSEHOLD TYPES	11%	9%	9%	29%
Source: CHAS 5-Year Estimates, 2012-2017				

AFFORDABILITY GAP

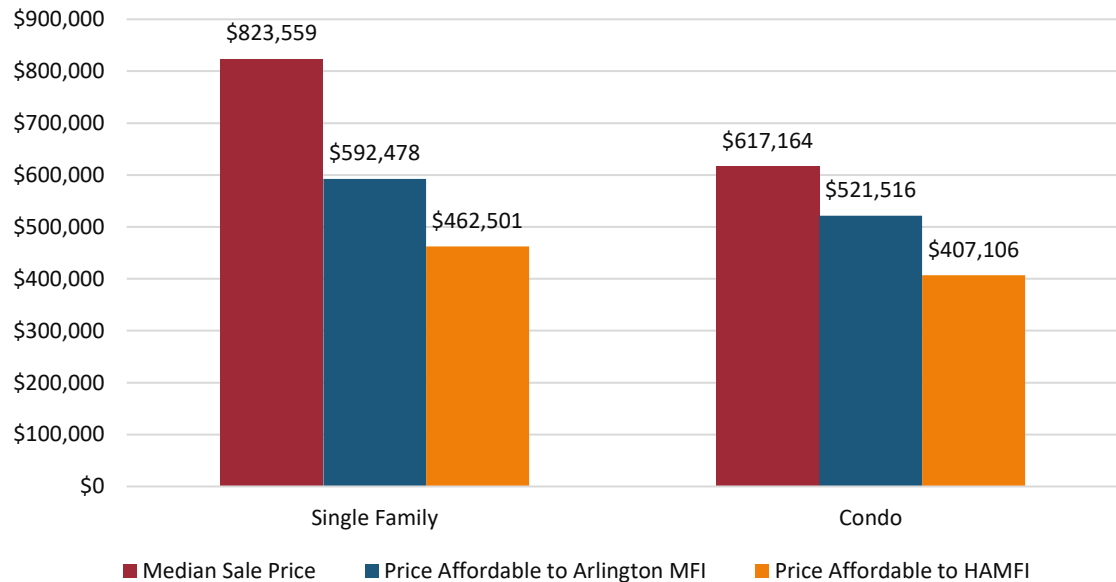
Based on Arlington's property tax rate and industry standards for housing affordability, mortgage terms, insurance rates, and other factors, households earning Arlington's 2019 median family income of \$145,141 can reasonably afford a single-family home of approximately \$592,500 and a condominium of approximately \$521,500. However, this is significantly below the median sale prices for both single-family homes and condominiums for the same year because housing sale prices have risen so significantly in Arlington since 2019. This becomes even more unattainable for those earning the HUD Area Median Family Income (HAMFI), as shown in Figure 2.25 below.

³⁸ Per HUD: The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the US Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low-income limits may equal the very low (50%) income limits.



**Figure 2.25. Maximum Affordable Purchase Price
Compared to Median Sale Prices, 2019**

Sources: Banker & Tradesman; HUD 2019 Median Family Income; American Community Survey 5-Year Estimates, 2019



COST BURDEN

A disparity between growth in housing prices and household incomes contributes to a housing affordability problem known as **housing cost burden**. “Low” and “moderate” incomes (LMI) are based on percentages of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI), adjusted for household size (see Table 2.14). HUD defines housing cost burden as the condition in which LMI households spend more than 30 percent of their monthly gross income on housing. When they spend more than half their income on housing, they are said to have a **severe housing cost burden**.

Housing cost burden is the key indicator of affordable housing need in cities and towns. Since 2010, the overall number of cost-burdened households has decreased; however, when broken down by tenure, Arlington’s renter households have not seen the same downward trend in cost burden.

Other differences in cost burden and tenure exist across income levels, as shown in Figures 2.26 and 2.27 below. Among extremely low-income households (less than 30 percent AMI), homeowners are more likely than renters to experience cost burden or severe cost burden; this shifts for very low-income households (30-50 percent AMI) and renters again carry the greater burden.



Figure 2.26. Owners: Cost-Burdened and Severely Cost-Burdened
Source: CHAS 5-Year Estimates, 2017

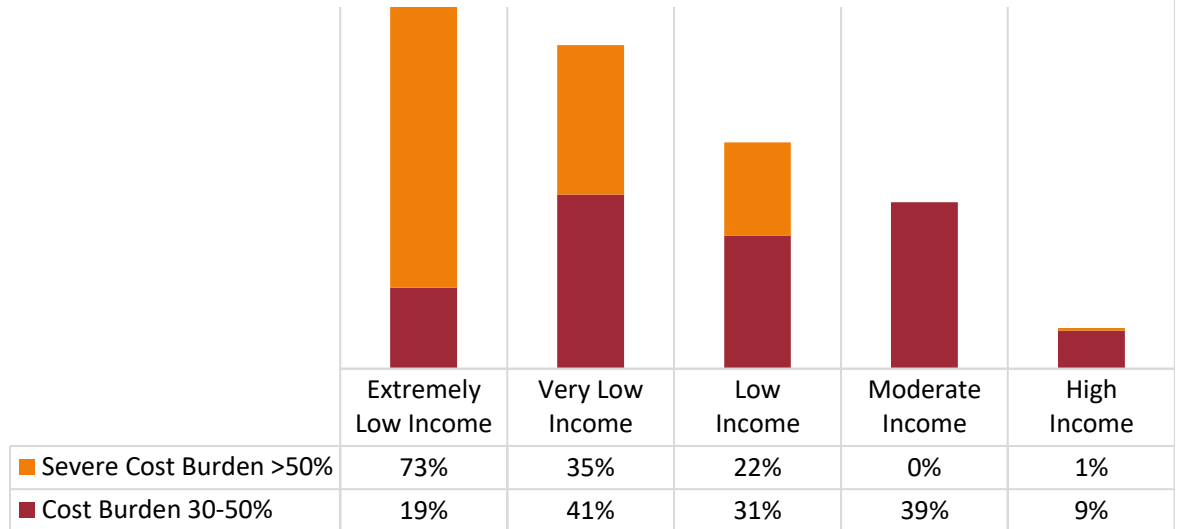
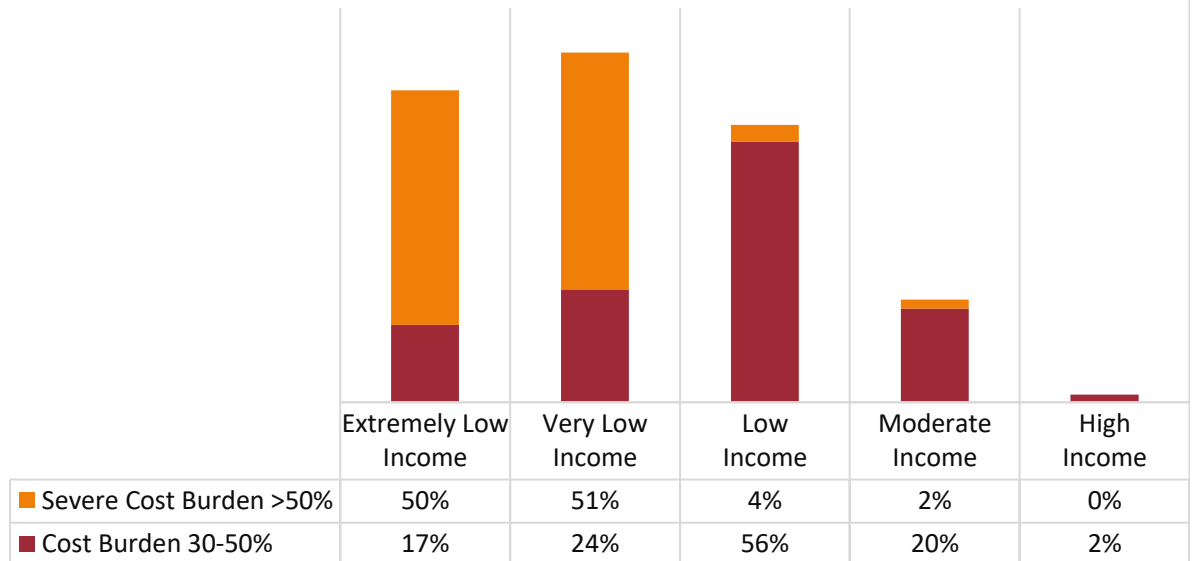


Figure 2.27. Renters: Cost-Burdened and Severely Cost-Burdened
Source: CHAS 5-Year Estimates, 2017



Different household types appear to be more likely to experience cost burden, both among LMI households and middle-to-high income households. Among LMI households, elderly non-family household types experience the highest rates of cost burden and severe cost burden; among non-LMI households, large families are most likely to pay a high portion of their income toward housing.



Table 2.16A. Housing Cost Burden for LMI Households by Type				
Household Type	Cost-Burdened LMI Households	% Of Household Type	Severely Cost-Burdened LMI Households	% Of Household Type
Elderly Family	230	9%	200	8%
Elderly Non-Family	595	20%	770	26%
Large-Family	29	3%	40	4%
Small Family	325	4%	420	5%
Other	450	11%	675	16%
Table 2.16B. Housing Affordability for Non-LMI Households by Type				
Household Type	Cost-Burdened Non-LMI Households	% Of Household Type	Severely Cost-Burdened Non-LMI Households	% of Household Type
Elderly Family	175	7%	10	0.4%
Elderly Non-Family	110	4%	10	0.3%
Large Family	105	11%	0	0.0%
Small Family	610	7%	40	0.5%
Other	240	6%	0	0.0%
Source: CHAS 5-Year Estimates, 2017				

CHAPTER 40B SUBSIDIZED HOUSING INVENTORY

Chapter 40B's purpose is to provide for a regionally fair distribution of affordable housing for people with low or moderate incomes. Affordable units created under Chapter 40B remain affordable over time because a deed restriction limits resale prices and rents for many years, if not in perpetuity. The law establishes a statewide goal that at least 10 percent of the housing units in every city and town will be deed restricted affordable housing. This 10 percent minimum represents each community's "regional fair share" of low- or moderate-income housing. It is not a measure of housing needs. Other options for measuring "fair share" include a general land area minimum and an annual land disturbance standard.³⁹

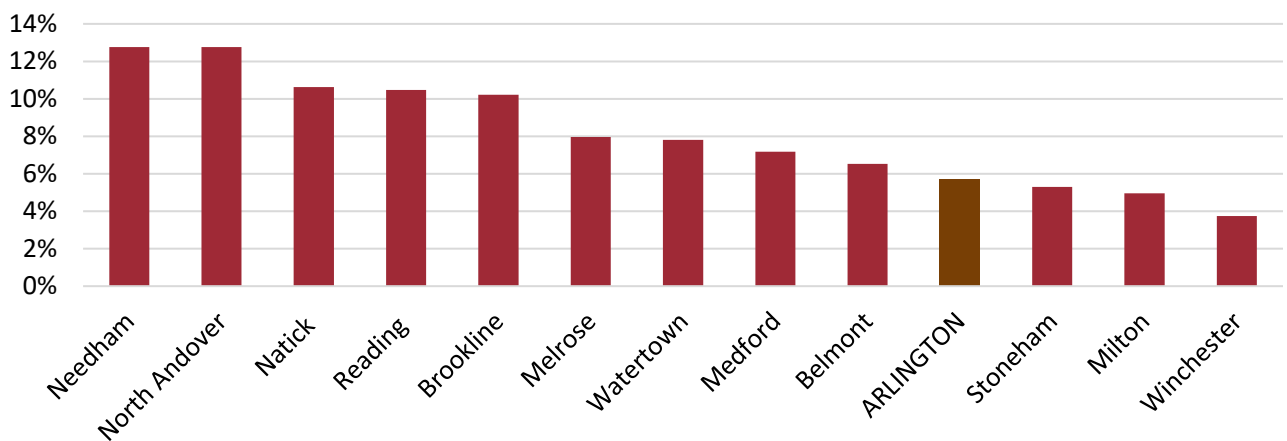
³⁹ 'Consistent with local needs', requirements and regulations shall be considered consistent with local needs if they are reasonable in view of the regional need for low and moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing. Requirements or regulations shall be consistent with local needs when imposed by a board of zoning appeals after comprehensive hearing in a city or town where (1) low or moderate income housing exists which is in excess of ten per cent of the housing units reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use or (2) the application before the board would result in the commencement of construction of such housing on sites comprising more than three tenths of one per cent of such land area or ten acres, whichever is larger, in any one calendar year; provided, however, that land area owned by the United States, the commonwealth or any political subdivision thereof, or any public authority shall be excluded from the total land area referred to above when making such determination of consistency with local needs.



Chapter 40B authorizes the Zoning Board of Appeals (ZBA) to grant a comprehensive permit to pre-qualified developers to build affordable housing. “Pre-qualified developer” means a developer that has a “Project Eligibility” letter from a state housing agency. A comprehensive permit covers all the approvals required under local bylaws and regulations. Under Chapter 40B, the ZBA can waive local requirements and approve, conditionally approve, or deny a comprehensive permit, but in communities that do not meet one of the three statutory determinants of “consistent with local needs,” developers may appeal to the state Housing Appeals Committee (HAC). During its deliberations, the ZBA must balance the regional need for affordable housing against valid local concerns such as public health and safety, environmental resources, traffic, or design. In towns that do not meet one of the three statutory tests, Chapter 40B tips the balance in favor of housing needs. In addition, ZBAs cannot subject a comprehensive permit project to requirements that “by-right” developments do not have to meet, e.g., conventional subdivisions.

**Figure 2.29. Subsidized Housing Inventories of Arlington and Comparison Communities
(As of May 2021)**

Source: MA Department of Housing and Community Development



The 10 percent statutory minimum is based on the total number of year-round housing units in the most recent federal census. For Arlington, the 10 percent minimum is currently 1,988 units and is based upon the 2010 Census year-round housing count for Arlington, 19,881 units. This will change when the new 2020 Census year-round housing count is released.⁴⁰ At 6.3 percent, Arlington currently falls short of the 10 percent minimum; to meet that standard, the Town would need an additional 735 units based on its current SHI.⁴¹ In 2021, the Zoning Board of Appeals approved two comprehensive permit applications: 1165R Massachusetts Ave (124 apartments) and Thorndike Place (124 senior rental units and 12 units in six duplexes). All the rental units would be added to Arlington’s SHI, as DHCD allows all units in a rental project to count toward the SHI. These units have not been added to the Subsidized Housing Inventory because they were only recently approved.

⁴⁰ As of publication of this draft, only population estimates have been published for Census 2020.

⁴¹ The Subsidized Housing Inventory for Arlington as of the date of this Housing Plan can be found in Appendix C.



Potential Barriers to Affordable Housing Development

Most of the conditions that limit or substantially constrain affordable housing development also affect any type of development in Arlington. Though Arlington has little vacant, developable land, it does have many untapped opportunities for growth through redevelopment and infill. This shift in focus to redevelopment is a process many suburbs experience as they mature and evolve.

Many tools exist to manage change in these situations. For example, zoning can be used as a means to accommodate change and obtain public benefits such as affordable housing, better stormwater management, placemaking improvements (e.g., streetscape), and tax base growth. Another tool is looking at town-owned property and finding a small number of sites for affordable housing, which is a well-tested tool throughout Eastern Massachusetts. As a third example, providing public funds and tax incentives to make affordable housing *deeply* affordable can help to meet the needs of some of Arlington's most vulnerable residents. The challenge for Arlington and other towns so close to Cambridge and Boston is finding realistic options to increase and protect the supply of affordable housing while recognizing and protecting the natural assets, open spaces, and neighborhood public realm that matter to current residents.

Natural & Physical Constraints

Arlington has natural, unique, and scenic features that contribute to the Town's visual character and beauty, and they should be preserved and protected. Some of these features, like wetlands, preclude housing development, while others, like floodplains, present permitting obstacles and added expense. These features are not "barriers" to be removed but "constraints" that guide new housing development where it makes sense and can best be supported by the environment and infrastructure.

WATER AND WETLAND RESOURCES

Approximately six percent (233 acres) of Arlington's total area lies within water bodies, including such regional treasures as the Mystic Lakes along the north side of town and Spy Pond to the southeast⁴². Smaller water bodies found in Arlington include Hill's Pond, a man-made resource in Menotomy Rock Park, and part of the Arlington Reservoir, the rest of which extends into Lexington. Important rivers and streams also pass through Arlington,

⁴² MassGIS (Bureau of Geographic Information, Commonwealth of Massachusetts EOTSS), Massachusetts Department of Environmental Protection (DEP) Wetlands Data, Updated December 2017.



notably the Mystic River, which defines part of the Town's northern boundary with Medford, and the Alewife Brook, which separates Arlington from Somerville to the east.

Wetlands are sensitive, ecologically valuable resources. Throughout Eastern Massachusetts, some of the areas that supported wetlands long ago were filled and developed to meet regional demand for roads, businesses, and homes. Today, wetlands are protected and regulated under federal, state, and local law. They have a fairly limited, though important presence in Arlington. Mapping by the Massachusetts Department of Environmental Protection (DEP) indicates that about 7.5 percent of Arlington is classified as some type of wetland resource area, but that analysis is based on aerial photos and not on in-the-field surveys.⁴³ The actual percentage of wetlands in Arlington is most likely higher, but because they are limited in total area, wetlands are still not a significant constraint on new development or redevelopment. Arlington's Wetlands Protection Bylaw and its supporting Regulations for Wetlands Protection do not directly control land use, but do affect where construction can occur, how construction activities can be carried out, and what types of mitigation may be required for construction near wetland resource areas.

Open Space

Like most suburbs next to Boston and Cambridge, Arlington does not have much permanently protected open space. This makes the community and neighborhood parks and still-undeveloped land very important to residents. According to Town GIS data, Arlington has approximately 507 acres of designated open space, 67 percent of which is classified as protected in perpetuity, such as land conserved through Article 97 or owned or otherwise controlled by the Arlington Conservation Commission or Arlington Land Trust.⁴⁴ (This excludes the Arlington-owned Great Meadows in Lexington.) Maintaining and expanding open space, including protecting more of Arlington's designated open space in perpetuity, is a critical component of maintaining and improving local quality of life. This connection between open spaces and quality of life was regularly expressed by residents throughout the planning process both for this Housing Plan and the update to Arlington's Open Space and Recreation Plan. This Housing Plan assumes that designated open space, such as parks and conservation lands, will generally not be made available for housing development.

Environmental Hazards

There are approximately 534 acres (approximately 15 percent of the Town's area) of designated flood plains mapped by the Federal Emergency Management Agency (FEMA) and subject to regulatory limitations under federal, state, and local laws.⁴⁵ Several areas in Arlington experience flooding problems every few years, notably around Reed's Brook, Mill Brook, and Alewife Brook. Virtually all of Arlington's eastern boundary – from the Mystic Lakes to the Mystic River, the Alewife Brook, and Spy Pond – falls within federally designated floodplains. The Arlington Reservoir and portions of the Mill Brook are also in

⁴³ MassGIS (Bureau of Geographic Information, Commonwealth of Massachusetts EOTSS), Massachusetts Department of Environmental Protection (DEP) Wetlands Data, Updated December 2017.

⁴⁴ Town of Arlington, Open Space Data, last updated XXX.

⁴⁵ MassGIS FEMA National Flood Hazard Layer, Updated July 217. In Arlington, activity and construction in flood plains is regulated in the Zoning Bylaw Section 5.7. and Title V, Article 8, of the Town Code.



floodplains. Development occurring in floodplains must comply with regulatory limits under zoning and more stringent construction standards under the State Building Code. Further, property owners often face higher premiums on homeowner's insurance.

A few sites in Arlington are contaminated to some degree, but environmental contamination does not necessarily present a serious constraint to housing development in Arlington. In June 2021, DEP reported ten Chapter 21E tier classified sites in Arlington and eleven Site Activity & Use Limitation (AUL) sites, each on a path toward clean-up or already brought into compliance. Both Chapter 21E tier and AUL sites were contaminated with oil or hazardous materials, are subject to regulatory oversight by DEP, and require some degree of remediation prior to development. These sites tend to be clustered in the area between and along Massachusetts Avenue and Mill Brook, and include a mix of industrial, commercial, and residential uses, as well as public areas such as Buzzell Field and Arlington High School. The high pre-development costs associated with remediation can complicate re-use of contaminated properties, a problem that led agencies such as MassDevelopment to provide clean-up grants to recover brownfields for reuse.

Public Infrastructure & Facilities

WATER & SEWER

Arlington is one of sixty-one communities using the Massachusetts Water Resources Authority (MWRA) for water and sewer services. The Town's Water and Sewer Department performs maintenance and many of the infrastructure improvements in the Town in addition to responding to emergency calls related to water, sewer, and drainage systems. Arlington purchases all its water directly from the MWRA and delivers through five MWRA master meters into the Town's distribution system. The distribution system includes approximately 130 miles of water mains ranging from six to twenty inches in diameter, with approximately 1,400 hydrants.⁴⁶ Per MWRA's 2020 Consumer Confidence Report for Arlington, local water meets all federal standards for clean drinking water⁴⁷.

The MWRA has replaced aging pipes and installed new water mains in priority locations to improve the capacity of Arlington's distribution system. In September 2021, MWRA is scheduled to begin renovating a 10-mile section of water supply main, part of which runs through the middle of Arlington along Mystic Valley Parkway, Palmer Street, and Pleasant Street. This project is designed to improve water access for approximately 250,000 customers in Arlington, Waltham, Watertown, Belmont, Lexington, Bedford, Somerville, and Medford.⁴⁸

ROADS & TRANSPORTATION

Targeting new housing to areas that can take advantage of transit, walking, and biking is one of the key strategies in this plan. In July 2021, the Town adopted a new 20-year transportation policy framework and improvements plan, *Connect Arlington*. The project's eight-point strategy to improve mobility for everyone in Arlington builds on recommendations in the

⁴⁶ Arlington Water & Sewer (web); Accessed July 28, 2021. <https://www.arlingtonma.gov/departments/public-works/water-sewer>

⁴⁷ Massachusetts Water Resources Authority, 2020 Drinking Water Test Results for Arlington. <https://www.mwra.com/annual/waterreport/2020results/metro/arlington.pdf>

⁴⁸ MWRA Project Updates <https://www.mwra.com/projects/construction-updates.html>



2015 Arlington Master Plan. Goals and recommendations have been developed to identify priority improvement projects, programs, and policies to achieve better transportation and mobility throughout Arlington. These actions are intended to decrease congestion by encouraging alternatives to driving such as walking, biking, and taking transit.

According to the most recently available information about commuting patterns, 58 percent of Arlington's labor force commutes to work in single-occupancy vehicles. This is a significant shift from 2013 when about 67 percent of residents drove alone to work. While Arlington's roads and intersections continue to experience significant congestion during peak commuter periods, these statistics are an encouraging indication that Arlington has been successful in making alternatives to driving more attractive and accessible.

The Arlington DPW's Highway Division maintains 102 miles of roads, 175 miles of sidewalks, 175 miles of curb, and eight parking lots in town. It provides street sweeping services weekly for main streets and twice annually for all other streets. In addition, the Highway Division maintains signs, traffic lights, and drainage systems along roads.⁴⁹

DPW is also responsible for snow removal and ice control in winter, conducted on a 24-hours per day, seven days per week schedule. The DPW aims to keep clear all main routes and feeder roads and maintain a clear driving track on either side of the centerline on secondary streets within six hours of the end of snowfall. Residential side streets are cleared within eight hours of the end of snowfall. Cleanup operations after the end of a storm may continue for up to 24 hours or longer.⁵⁰

Traffic safety is an ongoing challenge in Arlington, stemming in part from the sheer volume of vehicular traffic moving within town and between the town and non-local destinations. Most serious accidents occur along or at key intersections along Massachusetts Avenue.⁵¹ As this corridor presents many opportunities for infill and redevelopment of housing, it is very important to implement recommendations for traffic calming and pedestrian and bicycle safety listed in *Connect Arlington*.

Arlington's roadway network has other challenges due to man-made and natural features that force a considerable amount of traffic onto Massachusetts Avenue. Open water (the Mystic Lakes and Alewife Brook) and two National Register-listed parkways (Mystic Valley and Alewife Brook) restrict access across two sides of Arlington, and Route 2, a limited access highway, controls the entire southern border. Together, these conditions effectively limit the ease with which traffic can move both east-west and north-south. They contribute to the significant traffic backups residents experience on roads such as Lake Street and Pleasant Street. Traffic problems cannot prevent development, but they can spur opposition from neighborhood residents during the permitting process for affordable housing.

⁴⁹ Arlington Public Works Department, 2020 Annual Town Report.

⁵⁰ Arlington Public Works Department(web); Accessed July 28, 2021.
<https://www.arlingtonma.gov/departments/public-works/highway/snow-ice-information>

⁵¹ 2020, 2019 Annual Town Reports.



Approximately 21 percent of Arlington residents commute to work via public transportation as of 2019, an increase of approximately 17 percent from 2013⁵². While there is no rail service in town, buses provide access to the Red Line at the Alewife and Davis Stations, as well as the Red Line and Commuter Rail at Porter Square Station. Arlington is also served by MBTA bus routes that operate within the town and connect it with Cambridge, Somerville, and downtown Boston.⁵³ Service is most frequent along the Massachusetts Avenue and Broadway corridors, with headways of 10-20 minutes throughout much of the day. This provides dependable service within the town and for commuters heading to the Alewife and Davis T stations. Routes off these major corridors generally have 20-minute headways during peak hours, though some are less frequent. Much of Arlington is within walking distance of a bus line. Areas that are not within walking distance tend to consist largely of lower density single-family home neighborhoods. The corridors and areas where the Town has (and is planning for) housing diversity are well-positioned for transit access.

PUBLIC SCHOOLS

The Town of Arlington operates a well-regarded school system with nine public schools: seven elementary schools (Bishop, Brackett, Dallin, Hardy, Peirce, Stratton, and Thompson), Ottoson Middle School and Gibbs School, and Arlington High School. Arlington also belongs to the Minuteman Regional Vocational Technical School District. At the time of the last Housing Plan, Arlington was experiencing enrollment growth and residents were concerned about the potential for a space shortage. The Town has responded by investing heavily in upgrading its school facilities over the past ten years. Currently, the Town is building a new high school, which will address the existing school's space needs and aging condition. These improvements, planned several years ago and approved by Town Meeting and the Massachusetts School Building Authority (MSBA), will help to address community concerns about the high school's capacity and educational environment. According to the 2015 Space Planning Report for Arlington Public Schools, enrollment was projected to peak in 2020.⁵⁴ The Town will continue to monitor trends to make sure that local schools can meet demand.

ELECTRICAL GRID

Electricity in Arlington is managed by Eversource, New England's largest energy provider, serving parts of Massachusetts, New Hampshire, and Connecticut. During focus groups and other public engagement, residents noted that electrical outages appear to be frequent in Arlington, compared with neighboring communities, and wondered if the local electrical grid can handle much more development. In discussion with the account executive for Arlington at Eversource, the utility noted that they have an "obligation to serve" all their communities. According to Eversource records, Arlington does not have more frequent power outages than its neighbors, and the electrical grid has the capacity to take on new development in Arlington. Similar to water, sewer, and roadways, while the electrical grid will continue to be upgraded and improved (including expanding capacity to accommodate

⁵² U.S. Census Bureau (web); American Community Survey, 2019 American Community Survey Five-Year Estimates (ACS), Table S0802, generated using <http://www.data.census.gov/>, July 28, 2021.

⁵³ MBTA bus routes that run through Arlington include Routes 62, 67, 76, 77, 78, 80, 87, and 350

⁵⁴ HMFH Architects, Inc., "Space Planning Report for Arlington Public Schools," September, 2015. <http://www.arlington.k12.ma.us/administration/facilitiesenrollment/pdfs/apsspaceplanningstudyreportsept2015.pdf>



conversion of systems from fossil fuels – such as gas heat – to electric), it is not currently a barrier to development.⁵⁵

Built Environment

The built environment itself presents challenges to further development in Arlington. The town's existing development pattern includes many small lots, often tightly organized around road networks from the classic "grids" of East Arlington to the more car-centric, auto-friendly suburban streets of Arlington Heights. Small lots can make larger multifamily and mixed-use development difficult because the sites are too small to support a financially feasible project with affordable units. However, the larger the development, the more likely neighbors are to oppose it, citing concerns about project scale and traffic and other impacts. There are no easy "greenfield" sites left for development except for property like the Mugar property, where a proposed Chapter 40B development has catalyzed both neighborhood- and community-wide opposition. There are a few remaining undeveloped parcels that may be able to accommodate smaller-scale infill development, but beyond those, open space largely consists of parks, conservation land, school yards, and golf courses.

This report assumes that existing parks and conservation lands will not be made available for housing development. The Development Opportunities section of this Housing Plan discusses longer-term considerations for future uses of golf courses and public and private school yards, but these are not viewed as imminent opportunities. Consequently, future housing production in Arlington will be primarily limited to infill and redevelopment ranging from multifamily and mixed-use developments along the Town's major corridors and smaller, community-scale homes mixed throughout the single-family neighborhoods. Identifying potential opportunities, working with property owners and developers to facilitate housing production, and working with neighbors to alleviate their concerns where possible takes time and determination. Community advocates in partnership with Town staff, boards, and commissions can help neighborhoods accept new housing development and the redevelopment of more challenging properties.

Cost Constraints

There are numerous costs that developers must monitor closely when considering whether to invest in housing projects of any scale. These costs must be weighed against a developer's ability to finance the "up front" investment, the ability to pass those costs on to the consumer, and the amount of profit or "return on investment." Costs are often grouped into several broader categories on a developer's pro forma such as land cost, fees, site work, design and permitting, and construction.

These costs are considerations for both private and non-profit developers, as well as housing authorities. While non-profit developers have access to additional financing resources, tax credits, etc. they are still ultimately limited by cost constraints. Housing Authorities tend to have far fewer sources of financing for new development.

⁵⁵ Phone and e-mail communication with Tracy McDevitt, Senior Account Executive and Liz Toner, Community Relations Specialist, Eversource.



Beyond the cost for new development, many strategies for increasing housing affordability simply require significant investments in public funds — and public funds are a limited and highly contested resource.

Land Cost. Because land availability is so limited in Arlington, costs for vacant or underutilized land are extremely high and also highly variable depending on site specific conditions. While there are a few larger tracts of developable land, appraisals suggest areas like these can sell for approximately \$300,000 per acre, which is very expensive. Smaller undeveloped lots, depending on their location, can cost a great deal more than that figure. Town Assessor data from 2020 indicates that single-family lots can often be valued at well over \$1 million per acre. Regardless of where the costs fall on Arlington's land cost spectrum, they will be much higher than communities with more abundant supply and located farther from Boston. These costs are part of the foundation of any development pro forma and create conditions for high priced housing.

Construction Cost. Construction costs have always been higher in the Boston region than in most other markets across the country, but costs generally run higher in all major metropolitan areas. As a result, the base condition for Greater Boston is that higher-than-average construction costs (e.g., materials) contribute to higher-than-average housing costs. Recently, because of the COVID-19 pandemic, the cost of materials has skyrocketed across the country. There is no way to know for sure how long this will last, particularly if there are additional waves of the virus, but many analysts expect construction costs to remain unusually high for the next couple of years.⁵⁶

Public Investment. As noted above, many strategies to increase affordable housing require significant amounts of funding. Public funds can be used to offset the high cost of land and construction. They can also be used to buy existing properties and convert them into deed restricted affordable housing, provide rental assistance or down payment assistance, buy easements, or provide incentives to protect homes from being torn down and replaced with larger homes or two-family homes from being converted to condominiums, and so on. There are any number of valid ideas and strategies like these that are highly constrained by public funds and the political will to prioritize limited funds to affordable housing issues.

Regulatory Constraints

Zoning bylaws regulate the type and location of development in a town and set the procedures for changing one use to another. Bylaws can encourage certain types of development and discourage or outright prohibit others. In Massachusetts, communities enjoy fairly broad latitude to adopt both liberal and restrictive approaches to land use regulation because the Commonwealth is a home rule state. As such, the Zoning Act, G.L. c. 40A, largely addresses zoning adoption, permitting, and appeal procedures; establishes the jurisdiction of local zoning officials; and exempts certain uses from zoning control, such as farms of a certain size, public or non-profit schools, day care centers, religious uses, and group homes. The Act also removes any dimensional barriers to access for people with disabilities. Local zoning bylaws and land use regulations can drive or limit development, and

⁵⁶ Billy Conerly, "Why Lumber and Plywood Prices are so high – And when they will come down," Forbes.com, May 22, 2021. <https://massgis.maps.arcgis.com/home/item.html?id=e8c8e92c8ec74c149e2a46700460c7f6>



municipalities adjust these controls in response to local needs and market demand. This partially explains the wide differences in zoning policies and regulations found in cities and towns across the Commonwealth.

Communities that want to promote affordable housing usually establish permissive rules or incentives for multifamily dwellings and an approval process that is clear and efficient. Conversely, a lack of effective zoning tools can hinder development and serve as a barrier to meeting local housing needs. The current Arlington Zoning Bylaw was recodified and reorganized in 2018, but no substantive housing-related changes were made until later the same year. The current Zoning Bylaw opens the door to some housing diversity in town, including multifamily housing and affordable units through the inclusionary bylaw. At Town Meeting in spring 2021, the Town successfully adopted an Accessory Dwelling Unit (ADU) policy in the bylaw, allowing attached or detached units of no more than 900 square feet, provided that the ADU or the primary residence is initially occupied by the property owner or a family member of the property owner. In addition, Town Meeting recently approved several changes to the Industrial District to allow artist live-work spaces.⁵⁷

However, the current bylaw does not encourage multifamily housing, and in a series of focus groups with various Arlington stakeholders, many participants suggested that local zoning does not allow for enough diversity of housing types. Residential buildings containing more than two units generally require a special permit to be developed. This adds time, cost, and uncertainty to the permitting process, and also makes permit approvals more vulnerable to unwarranted appeals. Further, the bylaw does not define or regulate what has been commonly referred to as “missing middle” housing – smaller multifamily buildings of between approximately 4 – 12 units. While such buildings are allowed where multifamily is allowed, the development standards for multifamily are designed more for larger developments, making it difficult for a smaller building to meet all the requirements for lot size, open space, setbacks, and more and still be financially viable. This issue is explored further under Specific Zoning Barriers below.

There are two examples of where Arlington’s special permit granting authorities may, in their discretion, grant some benefit to developers for providing affordable housing:

- **Section 5.3.6. Exceptions to Maximum Floor Area Ratio Regulations** (Bonus Provisions): affordable or age restricted units may be exempted from a district’s maximum floor area limits.
- **Section 8.2.4, Affordable Housing Incentives**, allows a 10 percent reduction in parking spaces for affordable units or 50 percent for affordable units in a single-room occupancy (SRO) building.

However, both benefits are hindered by innate limitations. Section 5.3.6 is only relevant under a set of limited circumstances with larger parcels of land. As discussed above, larger parcels of developable land are unusual in Arlington, specifically where higher densities may be allowed. Section 8.2.4 is limited to a specific type of affordable housing, rather than more broadly applicable to the full array of more affordable housing types needed in Arlington.

⁵⁷ Articles 35, 2021 Annual Town Meeting.



It is also worth quickly noting that short-term rentals can be a barrier to maintaining a stock of year-round rental units. While the impact of short-term rentals (generally through third-party platforms such as Airbnb and VRBO) has not been analyzed in Arlington for this plan, it is something the Town should keep an eye on. If it becomes a problem, the Town may consider prohibiting or significantly limiting short term rentals to make more units available for full-time housing. (Currently, income-restricted housing and accessory dwelling units are not allowed to be used as short-term rentals.)

ZONING DISTRICTS

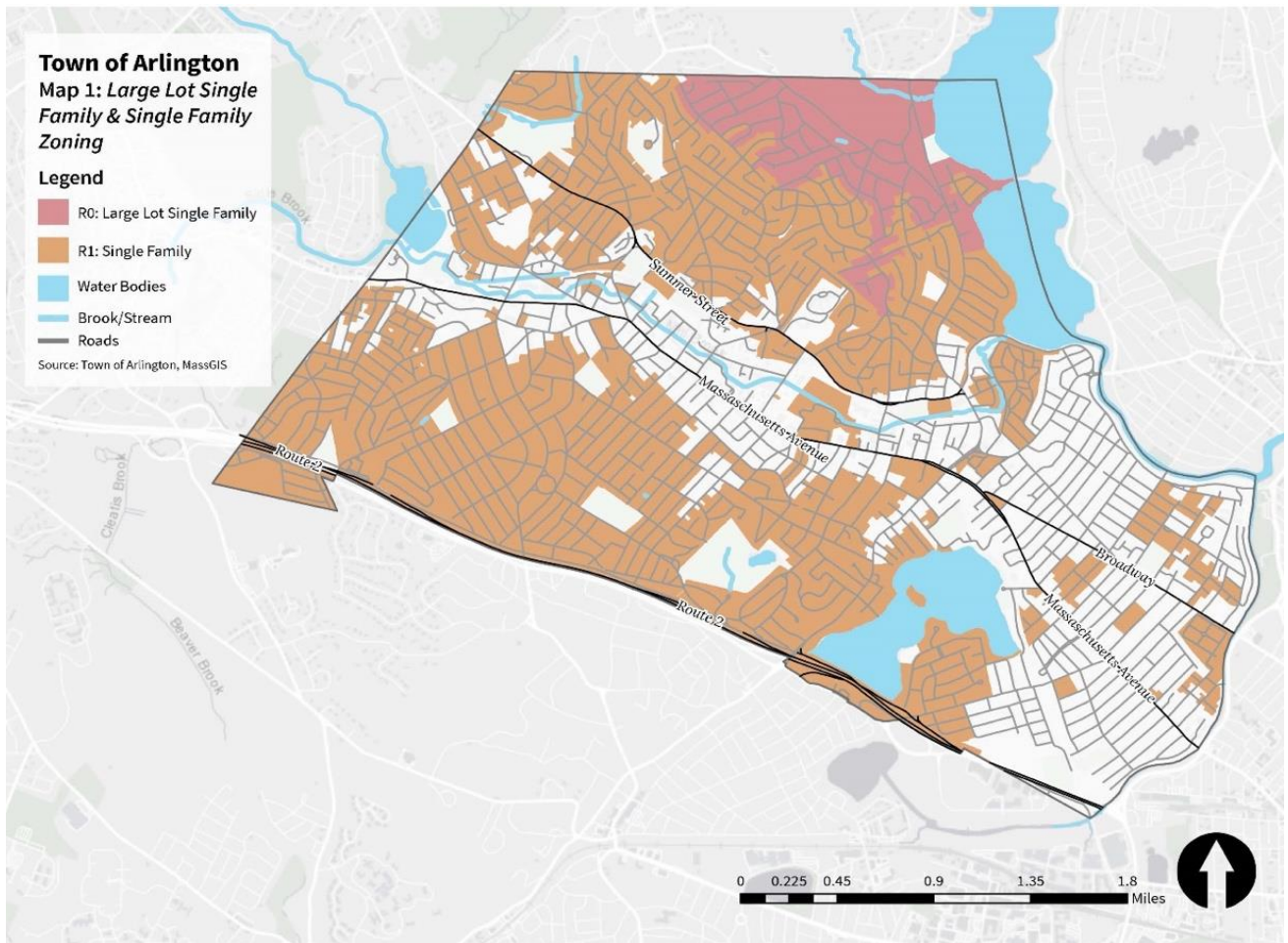
The Town currently has nineteen residential and nonresidential zoning districts, often with complicated dimensional regulations. Over 60 percent of the Town falls within its lowest-density residential districts, R0 and R1, with minimum lot sizes of 9,000 and 6,000 sq. ft., respectively. In both districts, the only economic use permitted by the Town is a detached single-family dwelling. In fact, Arlington allows a detached single-family dwelling as of right in every residential and business district, and the Planned Unit Development (PUD) district, and a duplex as of right in several districts, but no townhouse or multifamily buildings in any district except by special permit. Following a study in 2018 by MAPC, excerpts of which are noted below, the Arlington Redevelopment Board (ARB) attempted to update Arlington's zoning to address non-conforming parcels and facilitate multifamily housing creation through an inclusionary zoning density bonus in the Business, Mixed-Use, and R4, R5, R6, and R7 higher-density residential zoning districts. The amendments faced intense public opposition. This led the ARB to change their "Recommendation Action" to the 2019 Annual Town Meeting to a "No Action" vote, with a commitment to return with a modified proposal at a future Town Meeting.

As noted in the Fair Housing Action Plan, regulatory barriers like those documented in Arlington have a clear exclusionary history and therefore act as an impediment to creating affordable and equitable housing opportunities: "The legacy of Arlington's past exclusionary practices is embedded in the town's urban form and in laws that remain on the books. Addressing that legacy will require ongoing community conversation and openness to disagreement, and reforming laws on the basis of inclusion."⁵⁸

Below is a series of maps showing the land area covered by various zoning districts. As discussed above, the physical land area available for any housing other than single- and two-family dwellings is limited.

⁵⁸ Massachusetts Area Planning Council (MAPC), Town of Arlington: Fair Housing Action Plan, July 2021, p.53

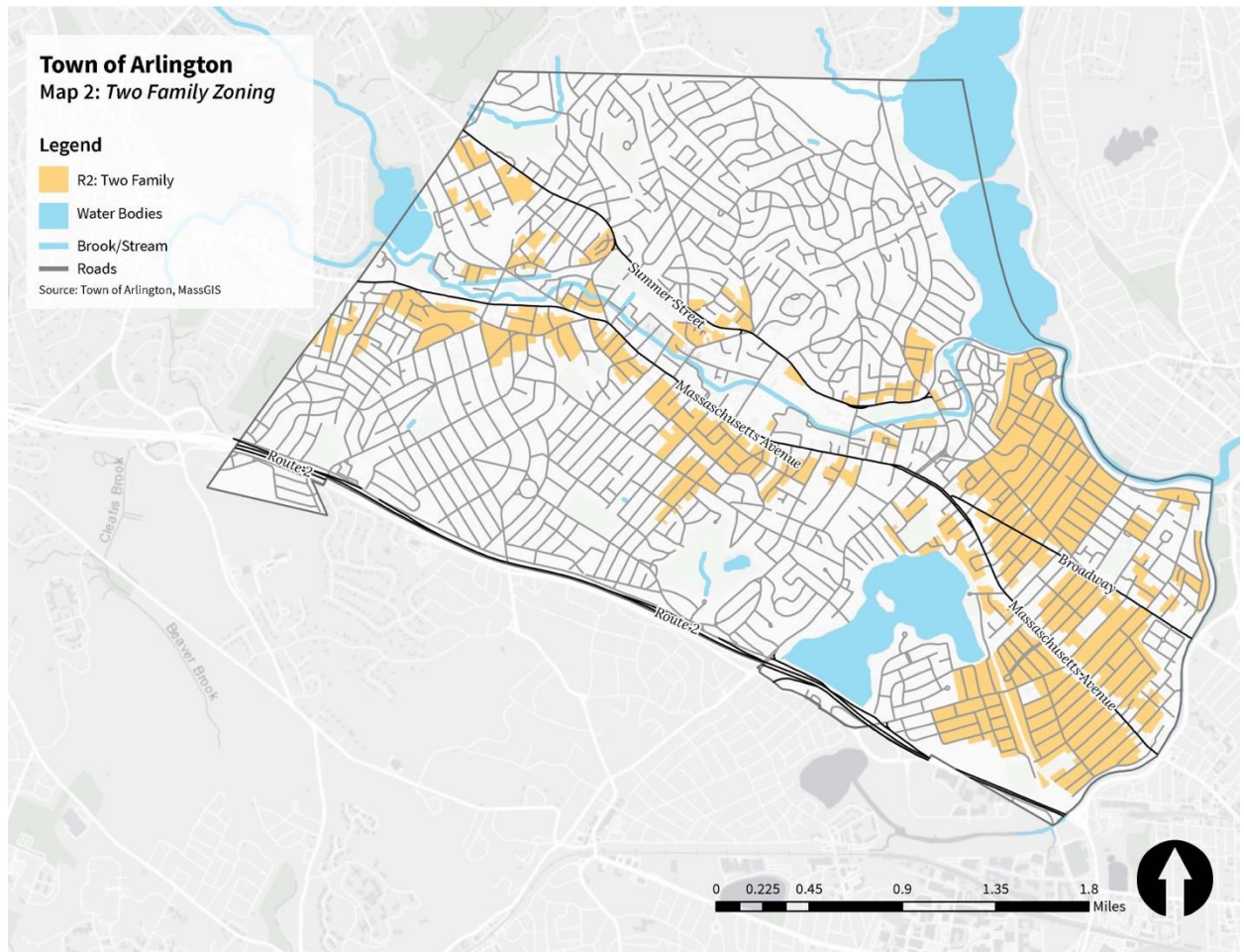




R0 & R1 – Low-Density Residential

R0 has the lowest residential density of all districts and primarily allows only single-family housing. In addition to single-family housing, R1 includes public land and buildings. Over 60 percent of the Town's total area falls within one of these two zoning districts.

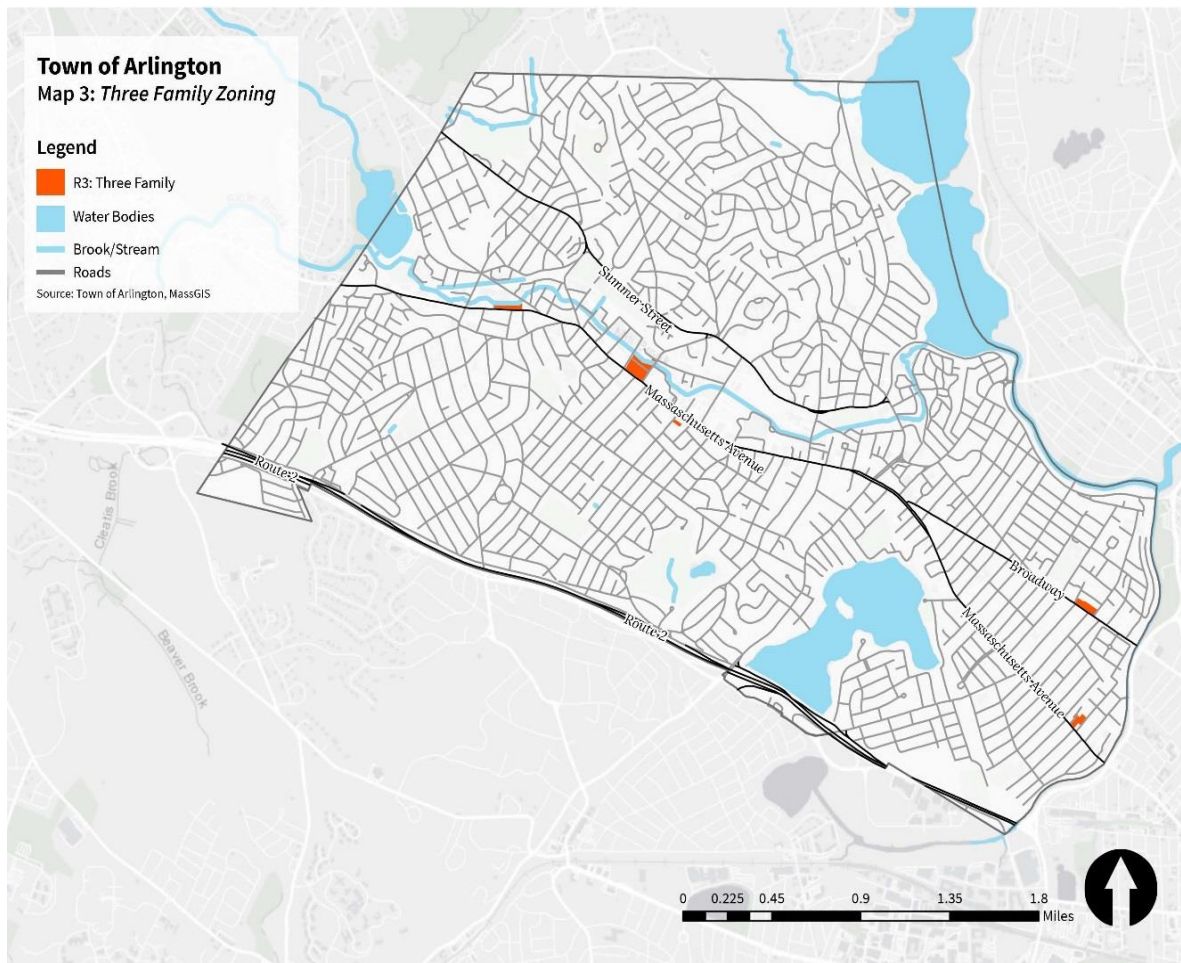




R2 – Two-Unit Residential

Permits two-unit structures by right. Parcels are generally within walking distance of stores and transit in East Arlington, with additional pockets along the Massachusetts Avenue and Summer Street corridors. This is the second-largest district in the Town after the R1 District, covering 620 acres or 19 percent of the Town's land area. Note that while the Zoning Bylaw makes a distinction between Duplex Dwellings (two side-by-side attached units) and Two-Family Dwellings (two dwellings in which one unit is over the other), there is little to no distinction between the two in terms of dimensional requirements, and this plan uses the terms interchangeably.

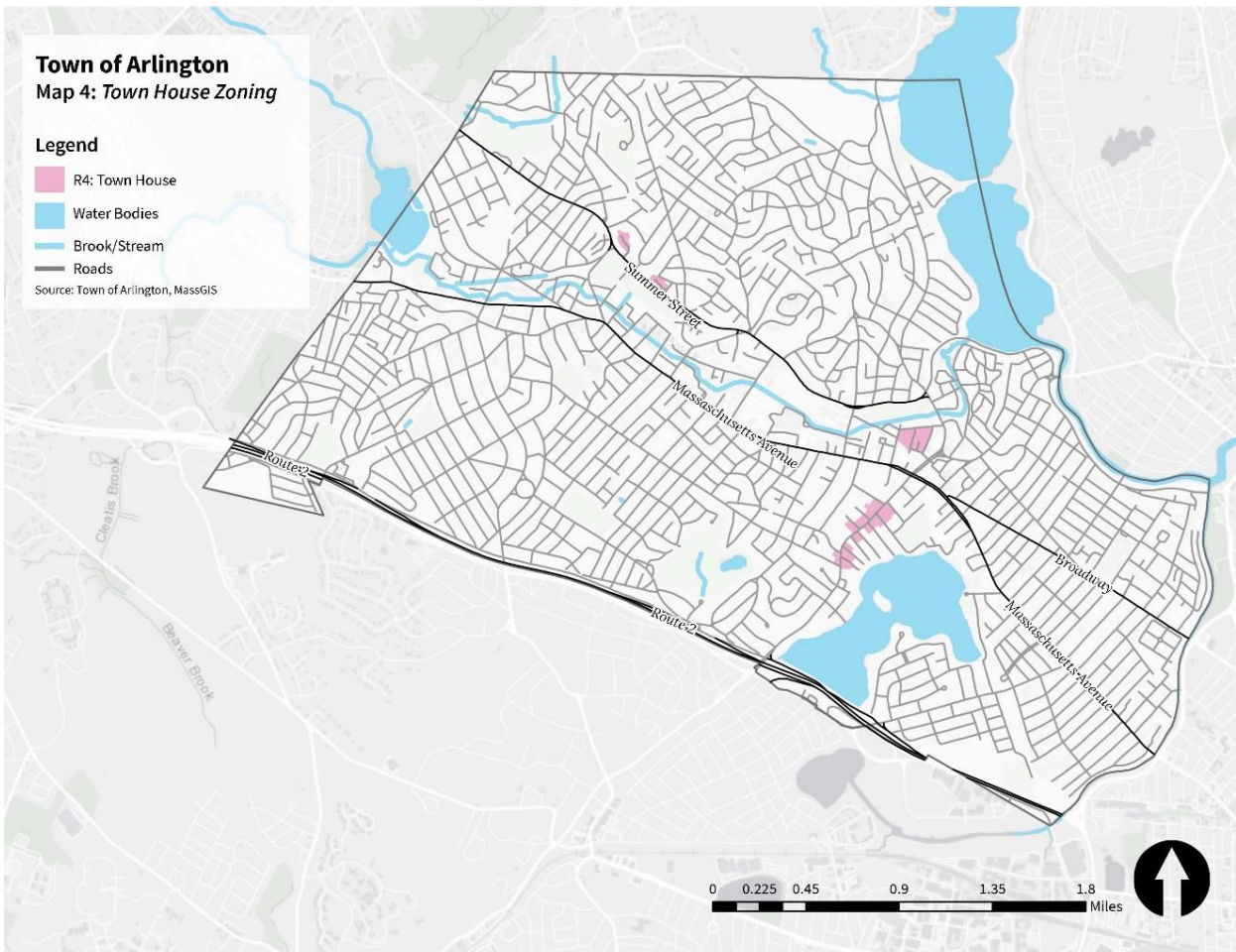




R3 - Three-Family District

Intended for small-scale multifamily residential use. Although it is called the Three-Family District, a special permit is required to build a three-family dwelling in this zone. R3 parcels are sparsely located along the Massachusetts Avenue and Broadway corridors. This zone is by far the smallest residential zone in the Town, covering less than a half percent of the Town's land area.

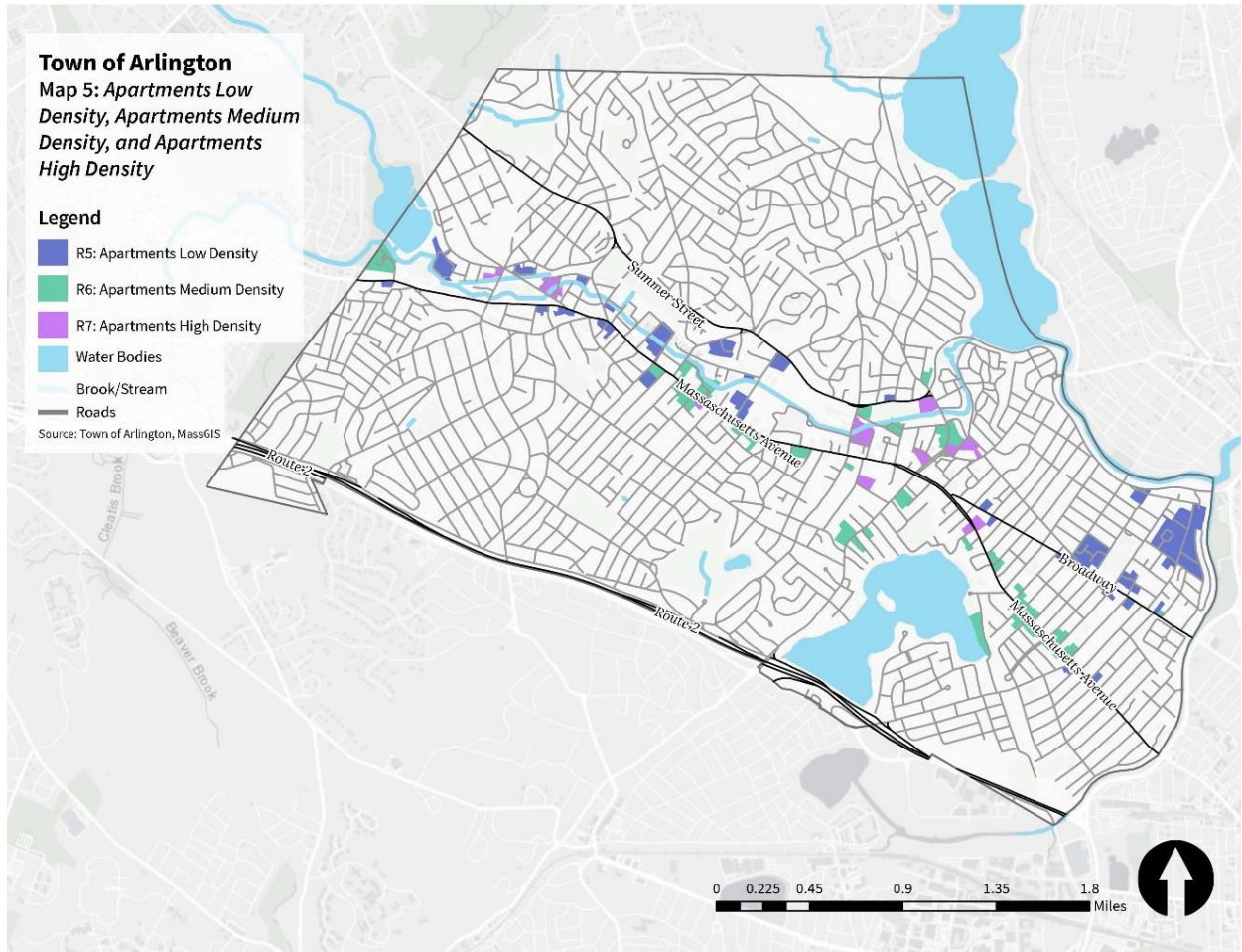




R4 - Townhouse District

Existing building stock in this district consists predominantly of large, older dwellings. The Zoning Bylaw permits the conversion of these older homes into apartments or offices to encourage their preservation. However, a special permit is required for these uses, as well as for townhouse use. R4 parcels are sparsely located along the Massachusetts Avenue, Summer Street, and Broadway corridors and along Pleasant Street, covering less than one percent of the Town's land area.

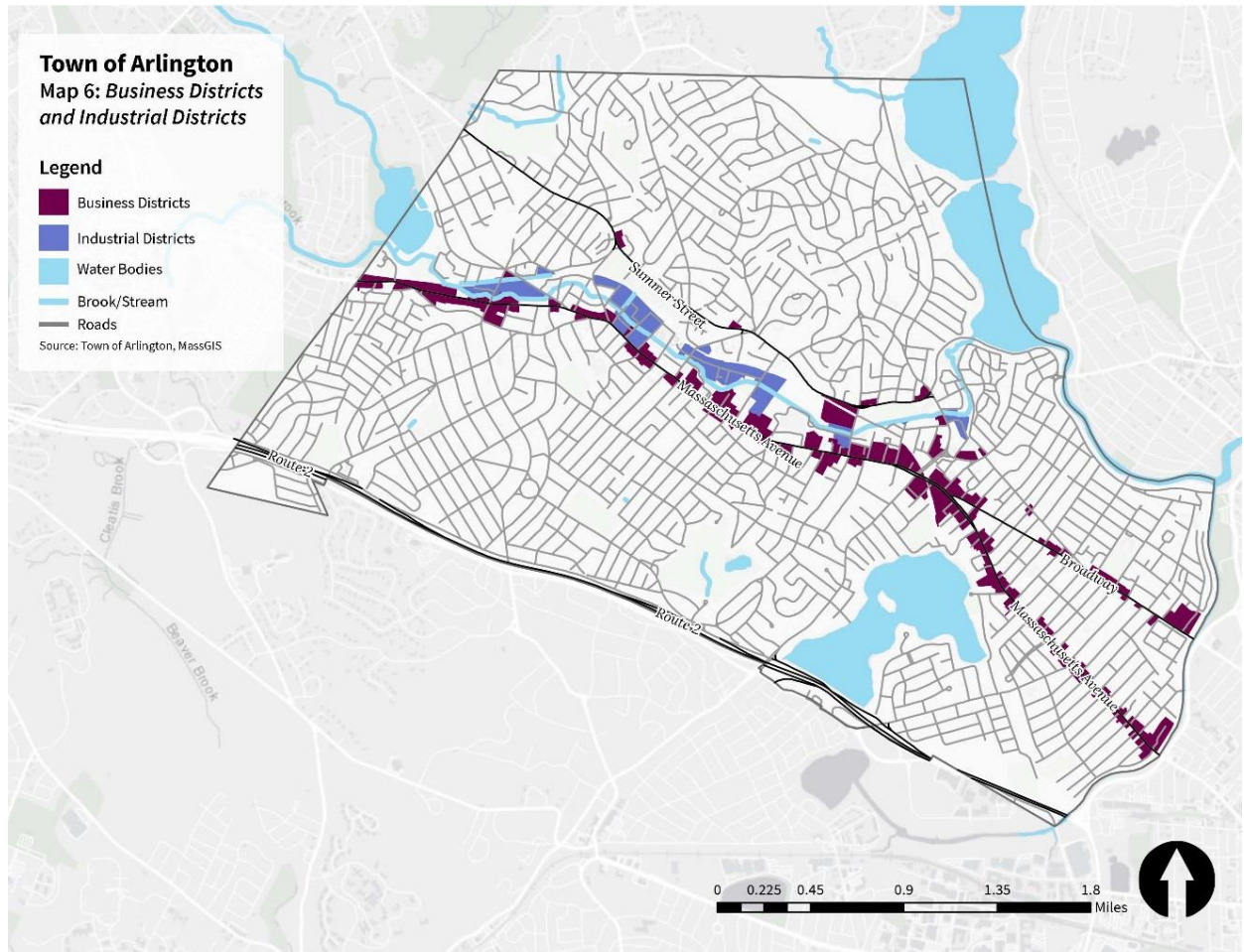




R5, R6 & R7 – Apartment Districts

These are apartment districts of low, medium, and high density, respectively. Their intended uses are predominately residential, with some office use also permitted. In all three districts, a special permit is required for structures with three units or greater, or for detached housing of more than six units (note that Arlington does not have a Subdivision Regulation). These districts are scattered along the Massachusetts Avenue, Summer Street, Pleasant Street, and Broadway corridors, and combined cover roughly four percent of the Town's land area.





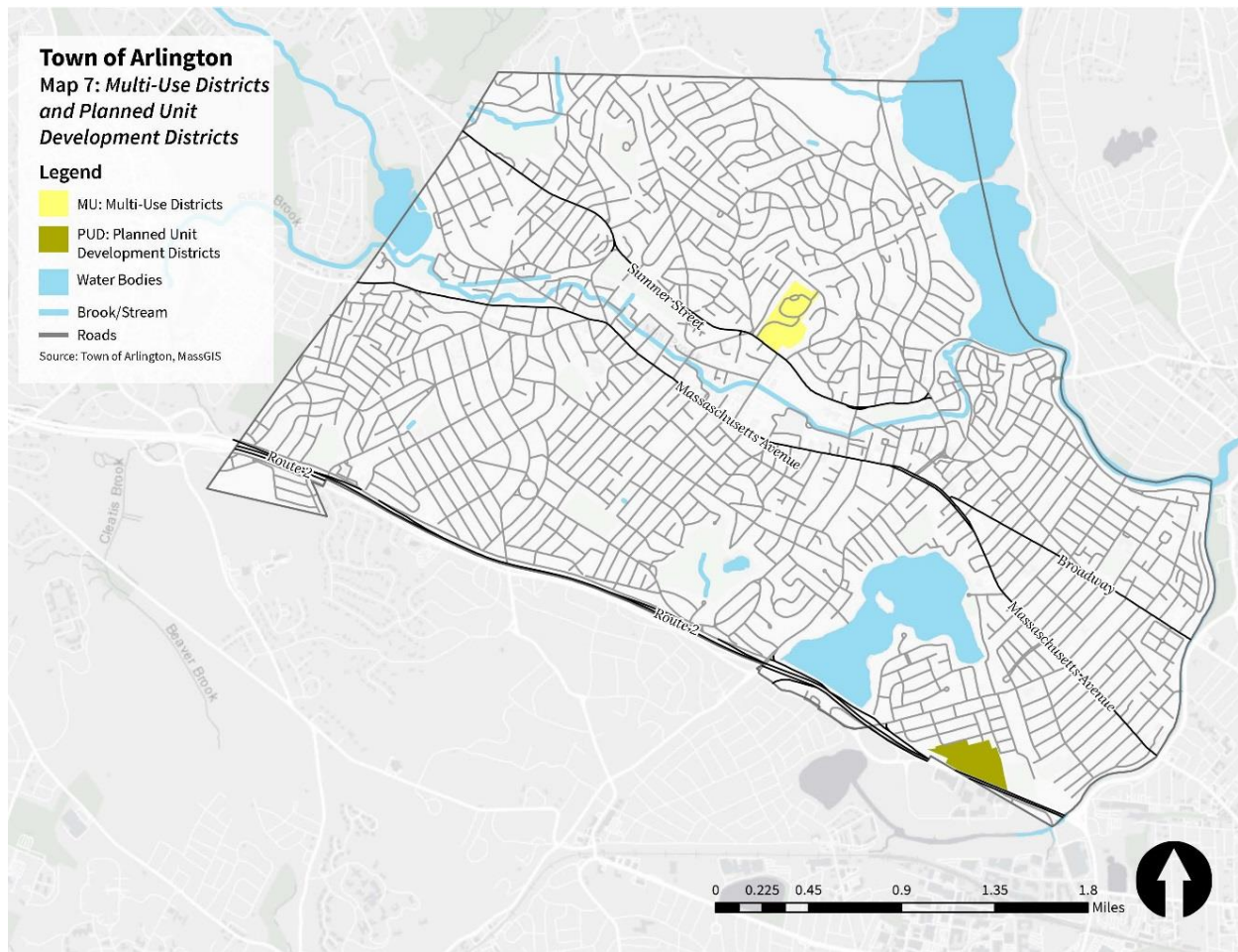
Business Districts

The Town's six business districts allow multifamily housing and mixed-use development by special permit. These districts are interspersed along the Massachusetts Avenue, Summer Street, and Broadway corridors. Each is relatively small; in total, the six districts comprise just over four percent of the Town's land area. In many of these districts, larger projects in important locations, such as along Massachusetts Avenue, Broadway, and the Minuteman Bikeway, require review by the Arlington Redevelopment Board (ARB).

Industrial Districts

Until recently, industrial zoning districts did not allow any residential uses. However, zoning changes in 2021 now allow for limited residential for artists to live in their "maker spaces" in light industrial areas.





Multi-use District and Planned Unit Development District

These districts are intended to accommodate multiple uses on large areas of land. Multifamily housing is permitted by special permit and must undergo Environmental Design Review by the Arlington Redevelopment Board (ARB).



Specific Zoning Barriers

Numerous plans and studies have described Arlington's regulatory barriers to affordable housing, some of which also clarify and describe the relationship between affordability and fair housing. The findings of these previous reports are still largely true, and much of the text in this section is taken directly from these documents.⁵⁹

DIMENSIONAL REQUIREMENTS

Generally, the Zoning Bylaw's dimensional and density requirements reflect the prevailing development patterns of Arlington's lower-density districts. However, in higher-density residential districts, many requirements discourage or even preclude multifamily development. The ability to develop more multifamily housing matters because for Arlington's inclusionary zoning bylaw to work as a tool for creating affordable housing, the Town must be able to increase supply. In 2018, the Metropolitan Area Planning Council found these regulatory barriers in an analysis of Arlington's multifamily regulations:⁶⁰

- **Multifamily Development in the Business Districts.** The dimensional requirements for multi-family dwellings in Business Districts are very restrictive, and more in line with requirements for suburban-style, "greenfield" development. If the Town wants to encourage more housing in these districts, mixed horizontally with business uses, the multifamily regulations need to be overhauled. In addition, while dimensional requirements for mixed-use buildings in Business Districts are less restrictive and conducive to some infill development, they can still be a barrier for achieving the height and gross floor area needed to make development feasible.
- **More than One Building per Lot.** Although the Bylaw permits more than one residential structure on the same lot, the requirements effectively assume the existence of lot lines between the buildings and all yard requirements apply, based on those imaginary lot lines. This makes it difficult to include more than one structure on all but the largest lots, and in most cases precludes thoughtful site planning for cluster development (Section 5.3.3). Cluster development groups residential properties on a site in order to preserve remaining land as open space, not to maintain conventional separation between buildings.
- **Minimum Lot Size and Frontage.** In many residential districts, the Zoning Bylaw requires townhouses to have a minimum lot frontage of 100 feet and a minimum lot area of 20,000 square feet. In the R4 Townhouse District, the minimum lot size for townhouses is even larger, at 30,000 square feet. However, this is at odds with typical townhouse dimensions, which usually range in width from 16-30 feet, and can comfortably fit on lots as small as 2,000 square feet. Furthermore, according to Town Assessor data from 2020, the largest parcel in the R4 district is not quite 26,000 square feet, which means parcels would have to be combined to reach the 30,000 square foot minimum and even be considered for townhouse development.

⁵⁹ Metropolitan Area Planning Council (MAPC), Housing Production Plan 2016; RKG Associates, Inc., et al., Arlington Master Plan, 2015.

⁶⁰ MAPC, Multifamily Zoning Analysis, 2018.



Likewise, apartment buildings in the R5, R6, and R7 districts require a minimum lot size of 20,000 square feet. However, a small apartment building such as a four-plex or a garden-style apartment could easily meet all other open space and yard requirements on a lot half that size. Lot sizes in these districts should be reconsidered to accommodate smaller multifamily dwellings. (Section 5.4.2(A), R District Lot Regulations)

In business districts B2 and above, mixed-use buildings on small parcels (less than 20,000 square feet) have no minimum lot size and a minimum lot frontage of 50 feet. This is generally consistent with prevailing development patterns and is conducive to today's development trends. However, townhouse and apartment uses in business districts are subject to dimensional restrictions similar to those in the higher-density residential districts discussed in the previous paragraph, and could be amended to further encourage residential development. (Section 5.5.2(A), B District Lot Regulations)

- **Minimum Lot Area Per Dwelling Unit.** Arlington uses minimum lot area per dwelling unit regulations to control the maximum number of dwelling units on a site, regardless of housing type. The Master Plan deems this an unnecessary regulation that deters mixed-use development by artificially depressing the number of units on a lot, regardless of market demand. This is a disincentive to provide smaller (and naturally more affordable) units. (Section 5.4.2(A), R District Lot Regulations)
- **Yard and Open Space.** Like the requirements for lot size, some of the front and side yard requirements in higher-density residential districts are not consistent with existing patterns. For example, many existing buildings in the higher-density districts located along Arlington's commercial corridors have no front setbacks. However, in the R4-R7 Districts, the Zoning Bylaw requires a front yard setback for apartment and townhouse uses ranging from 15-25 feet, which could be prohibitive on small lots. Likewise, the minimum requirements for landscaped and usable open space – typically 10 percent and 30 percent of total lot area, respectively – can leave little space for development when combined with off-street parking requirements.

The usable open space requirement, which mandates minimum dimensions of 25 feet in both directions, is a significant constraint in terms of site layout. It is also worth noting that adding gross floor area to an existing building triggers an increase in the required usable open space, which can be a barrier to redevelopment for housing. The Town could consider allowing existing buildings to increase their gross floor area without increasing their usable open space – at least along key mixed-use corridors and if the existing usable open space is not decreased. (Currently, non-conforming lots without usable open space may expand their gross floor area without having to add usable open space.) (Section 5.4.2(A), R District Yard and Open Space Requirements; Section 2 Open Space definition).

In business districts B2 and higher, there are no required front or side yard setbacks, as is appropriate for dense, pedestrian-oriented corridors. Mixed-use buildings in these districts are required to provide 10 percent landscaped open space and 15-20 percent usable open space. These open space requirements can be difficult to meet given the



constraints discussed below. Apartment uses in business districts are subject to larger open space requirements, which are an even greater constraint.

For both multifamily residential and mixed-use buildings, the ability to satisfy at least a portion of the private open space requirements with a rooftop terrace can be an important factor in project feasibility. Arlington's Zoning Bylaw allows rooftop terraces to satisfy up to half of a project's open space requirements with a special permit, but only if the terrace is not more than 10 feet above the level of the lowest residential story. The Zoning Bylaw requires open space be at least 25 feet in any direction, precluding rooftop terraces as open space on most building setbacks. Taken together, these two requirements effectively preclude rooftop terraces from buildings that exceed one or two stories. (Section 5.3.18)

- **Building Height and Floor Area Ratio (FAR).** In most residential districts, the maximum allowable building height for an apartment building or townhouse is 35 or 40 feet depending on the district. This is overly restrictive for multifamily buildings and conflicts with the Town's goal of enabling more diverse housing types. Given that the high-density residential districts lie almost exclusively along major thoroughfares, greater heights could be accommodated in contextually appropriate ways. (Section 5.4.2(A), R District Building Height and Floor Area Ratio Regulations)

In conjunction with building heights, the maximum Floor Area Ratio (FAR) is unduly restrictive toward multifamily housing even in multifamily districts. The maximum FAR of 0.7 for townhouses in the R4 District and 0.8 for apartment buildings on smaller lots in the R5 and R6 Districts makes no sense if the goal is to facilitate compact development and affordable housing. For example, given a lot on which over half the site is devoted to open space and parking, the FAR could still limit the building height to two stories. (Section 5.4.2(A), R District Building Height and Floor Area Ratio Regulations)

Allowable heights for mixed-use buildings in business districts range from 40-60 feet, and FARs for mixed-use buildings range from 1.0-1.5. However, this FAR limit often makes it effectively impossible to reach more than two stories in height. The Town will be conducting an in-depth study to determine a more appropriate FAR for these areas that can accommodate the desired building heights. Research of comparable areas in Cambridge suggest a FAR of 2.5 or 3.0 may be more appropriate. Alternatively, FAR may be altogether unnecessary. Today, planners and urban design professionals rarely recommend FAR regulations in town centers or neighborhood business districts. There are other, potentially more useful tools available that Arlington could consider.

In addition to limiting overall building height, the Bylaw requires a building setback of 7.5 feet at the fourth story for buildings greater than three stories. While this is appropriate for smaller streets, it could be an unnecessary impediment to development on larger streets whose widths can comfortably accommodate greater building heights. The Town should consider raising the setback to the fifth story, rather than the fourth story, or eliminating it entirely for parcels along dense streets with large rights-of-way. Likewise, the residential height buffer, which requires lower height limits for land within a certain distance of low-density residential areas, should be reconsidered given that the apartment and business districts are scattered along the Town's main corridors and



that consequently most parcels in these districts about a lower-density residential use. (Sections 5.3.17, 5.3.19)

OTHER ZONING REQUIREMENTS

Parking: Off-street parking requirements are relevant to multifamily development because the cost of parking is often the greatest hindrance to the economic feasibility of multifamily development. Arlington's off-street parking requirements contain some progressive elements, including a 25 percent reduction of parking requirements in higher-density residential and business districts if Transportation Demand Management practices are incorporated, and additional reductions if a certain percentage of housing units are affordable. However, some of the base requirements are still at odds with the goal of facilitating multifamily housing. Specifically, the number of off-street parking spaces required for one-, two-, and three-family detached dwellings (one space per unit) is *less* than that required for multifamily apartments (one space per unit for efficiencies, 1.15 spaces per one-bedroom unit, and 1.5 spaces per two-bedroom unit). Even with the parking reduction, two-bedroom apartment units have a higher parking requirement than detached houses. Given the extent to which parking requirements can add to the cost of multifamily housing, the Town should consider adjusting the base apartment unit parking ratios to reflect actual need based on location and transit access, at the very least aligning it with the detached housing requirements. (Sections 6.1.4, 6.1.5)

Special Permits: Although special permits can be a tool to control the scale and design of development, they are most appropriate for large projects or those with complex conditions. If required for smaller projects that otherwise comply with other district dimensional requirements, they may unnecessarily discourage development by increasing approval time and adding uncertainty and risk. Indeed, the 2015 Master Plan suggests that reducing the number of uses for which special permits are required would better equip the Town to accomplish many of the Master Plan's goals.

Criteria for the granting of a special permit in Arlington are relatively standard compared with similar communities in Massachusetts, but the Town has more than the usual number of special permit uses. The Zoning Bylaw requires a special permit for every multifamily use greater than two units regardless of the district, even in districts that are intended to accommodate multifamily use. Given that the Town has a goal of facilitating a greater range of housing types, it should consider allowing some multifamily by right where it would align with the district's intent and where the structures would meet dimensional standards. This could include allowing three-family structures by right in the R3 Three-Family District, allowing townhouses by right in the R4 Townhouse District, allowing some apartment buildings by right in the higher-density apartment districts, or allowing certain mixed-use by right in some of the business districts. The Town could also consider an expedited review process for certain uses. (Sections 3.3, 5.4.3)

Arlington Environmental Design Review (EDR): Certain types of residential development—such as Planned Unit Development (PUD), buildings containing six or more dwelling units, and multi-use projects—or in certain areas of town—such as sites abutting Massachusetts Avenue or Broadway, among others—must undergo Environmental Design Review by the ARB. The ARB can deny a special permit if it deems the project to have “substantial adverse impact upon the character of the neighborhood in which the use is proposed, or of the town



and upon traffic, utilities and public or private investments therein.” This is another hurdle housing developers face in Arlington, increasing project timeline, cost, and risk. The ARB threshold is relatively low, and the Town should be mindful about the benefits of EDR versus the extra hurdles it may pose to smaller projects. (Section 3.4)

Socio-Political Constraints

The barriers identified in the 2015 Master Plan, the 2016 Housing Production Plan, and other reports remain as true today as they were five or six years ago. However, many of the recent zoning reform efforts have not been successful at Town Meeting, and most of the recommendations from these plans remain to be done. This situation illustrates that, even with high-quality analyses and recommendations, it can be very difficult to build the community consensus needed to do something about them.

The issue of housing remains contentious in Arlington. Public input gathered during this Housing Plan community engagement process indicated public acknowledgement that the cost of housing has become a barrier for the average household, or the prospective buyer, and that more affordable housing is needed. However, some residents who participated in the community engagement process are fearful of new development, added “density,” and changing the character of Arlington. Ultimately, many would prefer to keep regulatory barriers in place, broken as they are, rather than risk the unknown. Many others are pro-housing in theory, but object to specific proposals or ideologically opposed to developers profiting from housing growth. Even when housing development can clear all the necessary regulatory hurdles, it can be much harder to clear the hurdles of public opinion and opposition. This situation is not unique to Arlington. It plays out in communities across the country, representing perhaps the greatest barrier of all to meeting local housing needs and providing housing equity.

Making progress on these efforts will require a cultural shift from the ground up as well as strong political leadership willing to stand firm in its commitment to acting on the continued implementation of well-crafted plans. Unfortunately, the challenge of providing affordable housing and fair housing in communities like Arlington will likely grow stronger as the jobs to housing imbalance continues to widen in greater Boston, putting more upward pressure on the housing market in Arlington and across the region.



Housing Goals for Arlington

The Arlington Master Plan (2015) describes the community's vision of itself as a place with "civic connections that encourage social interaction and foster a sense of community ... [with] living and working opportunities for all."

Yet today Arlington . . .

- Has little racial or ethnic diversity and declining class diversity;
- Lacks adequate housing choices to support diverse housing needs, including small units for single-person households, reasonably priced homes for young families, or accessible housing for people with disabilities;
- Has little housing that is affordable to households with low or moderate or middle incomes, despite an estimated 29 percent of the Town's total households having incomes in the low- or moderate-income range.

By preparing this Housing Production Plan and increasing its supply of low- or moderate-income units, Arlington could become eligible for a flexible approach to managing the comprehensive permit process. To qualify for the flexibility that a Chapter 40B Housing Production Plan offers when it is approved by the Department of Housing and Community Development (DHCD), Arlington needs to meet an affordable housing production standard - a minimum numerical target - and obtain certification from DHCD if that standard had been met. **The minimum target is 0.5 percent of the Town's year-round housing inventory - currently 99 units - as reported in the most recent decennial census, and the target must be met within a single calendar year. If the Town's new affordable housing production is equal to or greater than the 1 percent of its year-round housing inventory (199 or more units), the certification will remain in effect for two years.**

Two types of goals provide direction for an affordable housing plan: numerical targets or *quantitative goals* such as the 0.5 percent/1 percent standards DHCD applies to Housing Production Plans, and *qualitative goals*, or what the community's future housing ought to be, and how different types of housing in different settings can address a variety of housing needs. The ten qualitative goals for Arlington were developed from the Housing Needs Assessment and information gathered during the community engagement process. They fall into three groups based on the types of problems they seek to address.



Problem: Shortage of Affordable Housing

FINDINGS FROM THE NEEDS ASSESSMENT:

- Arlington has a significant shortage of safe, decent, affordable homes, especially for extremely low- and very low-income renters. This is due, in part, to an inadequate supply of deeply affordable housing. It also stems from an inadequate supply of rental assistance vouchers and not enough resources to maintain public housing.
- Arlington has few or no viable options for first-time homebuyers to find a home they can afford to buy.
- Many older adult households in Arlington are housing cost burdened.
- Arlington does not have the regulatory or financial tools needed to reverse these conditions.

GOALS:

1. Increase safe, decent, suitable rental and homeownership housing options in Arlington for extremely low- to middle-income households.
2. Create, maintain, and preserve permanent supportive housing that is affordable, accessible, and available to people with disabilities.
3. Preserve and maintain Arlington's existing supply of affordable homes to provide healthy, safe, and stable living environments.

Problem: Impediments to Housing Choice

FINDINGS FROM THE NEEDS ASSESSMENT:

- The existing inventory of affordable housing in Arlington tends to be concentrated in areas once described as “definitely declining” – areas near town's borders with Somerville, Medford, and Lexington, and along Massachusetts Avenue.⁶¹
- Housing choices for lower-income buyers or renters are rare in Arlington's single-family neighborhoods.
- Arlington's existing zoning all but freezes in place the inequitable residential land use pattern that existed 50+ years ago.
- Leadership for equity and affordable housing is not broadly recognized or well received.
- Housing insecurity is not evenly distributed across the population. It disproportionately affects people of color, older people, and those living on low incomes.
- According to Arlington's Fair Housing Action Plan, from 2010-2019, disability status was the most commonly reported basis for discrimination complaints (11 out of 24 complaints).
- Housing prices are out of sync with wage levels paid by local employers (including the Town).
- Arlington's housing prices are no longer affordable to families with modest incomes. As the town becomes more affluent, housing choice declines.
- Arlington has not used tools like Chapter 40R to create affordable housing and has opposed Chapter 40B development that could increase supply and choice.

⁶¹ See “Residential Security Maps” for the Home Owners' Loan Corporation, 1938. Source: Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al., “Mapping Inequality,” *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers.



GOALS:

4. Provide equitable access to affordable homeownership and rental homes suitable for a variety of household types, including senior households and families with children.
5. Integrate affordable homes in all neighborhoods through reuse of existing structures and redevelopment of underutilized properties, particularly within walking distance of schools, public parks, services, amenities, and transit.
6. Review and update Arlington's zoning and other housing policies to encourage development that increases affordable housing and fair housing choice.
7. Improve development opportunities along major corridors to include a greater mix of housing options.
8. Make equitable access to shared green spaces and a healthy living environment a priority for siting affordable homes.

Problem: Limited Capacity

FINDINGS FROM THE NEEDS ASSESSMENT:

- In Arlington, advocacy for affordable housing development is fragmented, not well organized, and sometimes is more focused on other concerns.
- There is considerable misinformation about housing affordability, housing development, market conditions, and local government's responsibility for housing affordability and housing justice.
- There does not appear to be a consistent, generally understood, and well-respected policy framework for increasing the supply of affordable housing.

GOALS:

9. Increase capacity to produce housing through leadership development, advocacy, staffing, funding, and relationships with nonprofit and for-profit developers.
10. Build awareness of affordable and fair housing needs within Arlington and the larger region, as well as Arlington's role in addressing broader inequities.



Taking Intentional Steps to Create Affordable Homes

FIVE-YEAR ACTION PLAN

DHCD encourages cities and towns to prepare, adopt, and implement a Housing Production Plan that demonstrates an annual increase in Chapter 40B units equal to or greater than 0.50 percent of the community's year-round housing units. By systematically increasing its low- and moderate-income housing inventory, Arlington could gain more control over when, where, and how much affordable housing should be built and encourage Chapter 40B comprehensive permits in the most appropriate locations.

As noted elsewhere in this plan, however, Arlington's housing challenges go beyond the affordability needs that Chapter 40B intends to address. Just as Arlington has many housing choice problems, it also has options available to address them. Continuing to implement the Master Plan and the recommendations of the Fair Housing Action Plan, removing regulatory barriers to housing production, having effective leadership from the Select Board, Arlington Redevelopment Board, and others, and continuing to educate the public about Arlington's varied housing needs will be important components of a successful housing program.

Organizing Principles

The actions outlined in this plan fall into three overarching groups, and all the strategies relate in one or more ways to the types of actions the Arlington Housing Plan needs to address in order to qualify for approval by the Department of Housing and Community Development (DHCD).

REGULATORY REFORM

Arlington needs to continue working toward replacing its restrictive land use regulations with options and incentives to create a variety of affordable homes throughout the town. Making permitting more efficient, allowing more housing and more types of housing along main corridors balanced with commercial needs, and promoting community-scale affordable homes in existing neighborhoods are all appropriate, achievable strategies for Arlington.

FUNDING

Addressing housing needs will continue to need funding from the Town. Funding may be provided through the Community Preservation Act (CPA), or resources that will eventually be obtained and managed by the Arlington Affordable Housing Trust (AAHT), or the tax



levy, or payments developers make in lieu of creating affordable units under Arlington's inclusionary zoning policy, or – as already planned – the American Rescue Plan Act (ARPA). Funding is needed both for creating and managing deeply affordable homes – places affordable to extremely low-income families and seniors – and preserving and enhancing the quality of existing affordable homes. For example, housing quality problems reportedly exist in the Housing Authority's buildings and also in privately owned rental properties in scattered locations. Moreover, Arlington's inventory of affordable homes for people with life-long disabilities is very small for a town of its size. Developing housing with supportive services cannot be done without funding.

LEADERSHIP

There is a tendency in Arlington to view affordable housing as primarily an urban problem more than a matter that affects affluent suburbs, yet this kind of thinking is exactly why Chapter 40B was enacted over 50 years ago. Through actions by the Select Board, Arlington Redevelopment Board, Housing Plan Implementation Committee, and the new Affordable Housing Trust Fund Board, the Town could become an effective partner with non-profit and for-profit developers and other housing organizations, and create a more welcoming environment for housing development. Strategies such as establishing realistic guidelines for "friendly" comprehensive permits could help Arlington communicate to developers what types of projects are most likely to address local concerns and move quickly through the permitting process. In addition, the Town needs to strengthen its commitment to public education, focusing on connections between diversity, equity, and inclusion and removing barriers to housing variety and affordability.

DHCD Housing Strategy Requirements

DHCD requires that a Housing Production Plan include certain strategies in addition to others a community deems appropriate. The state-required strategies include:

1. *The identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating SHI Eligible Housing (25% of units at 80% of AMI) developments to meet its housing production goal.*
2. *The identification of specific sites for which the municipality will encourage the filing of Comprehensive Permit applications.*
3. *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality for example, infill development, cluster developments, adaptive re-use, transit-oriented housing, mixed-use development, and/or inclusionary zoning.*
4. *Identification of municipally owned parcels for which the municipality commits to issue requests for proposals (RFP) to develop SHI Eligible Housing, including information on appropriate use of the site, and a timeline for the issuance of an RFP.*
5. *Participation in regional collaborations addressing housing development.*

All five of these requirements are satisfied by at least one of the strategies described in the rest of this section.



STRATEGIES FOR ARLINGTON

Problem: Shortage of Affordable Housing

GOALS:

1. Increase safe, decent, suitable rental and homeownership housing options in Arlington for extremely low- to middle-income households. (Example: for a single person, extremely low income means at or below \$28,200 per year and moderate income, about \$94,000 per year (see also, Table 2.14 [Income Limits](#).)
2. Create, maintain, and preserve permanent supportive housing that is affordable, accessible, and available to people with disabilities.
3. Preserve and maintain Arlington's existing supply of affordable homes to provide healthy, safe, and stable living environments.

STRATEGIES:

- **Adopt zoning to comply with G.L. c. 40A § 3A (MBTA Communities).** Arlington is one of the 175 cities and towns that will be subject to the new Housing Choice Bill requirements for communities designated as MBTA communities. To meet the directives of the new law, the Town needs to establish a zoning district of reasonable size for as-of-right development of multifamily housing with a minimum density of 15 units per acre. This should be a high-priority action for Arlington in the coming year.
- **Improve development opportunities along major corridors and incorporate density bonuses for increased affordability.** Creating a "Housing Choice" zoning district (described above) will also help Arlington increase opportunities for multifamily use and will, by necessity, provide additional density.
- **Explore options to establish a Chapter 40R "Smart Growth" overlay district in Arlington.** Chapter 40R is another opportunity to provide for the higher densities needed to facilitate affordable housing. As an overlay district, Chapter 40R leaves intact the existing rules for a given area but allows developers to consider more options in exchange for meeting the requirements of Chapter 40R. Under the legislation, at least 20 percent of the units in a Chapter 40R development must be affordable to low- or moderate-income households. (Many towns have opted for as much as 25 percent.)
- **Consolidate existing districts to create viable sites and zoning more land for multifamily use.** Arlington's existing multifamily zoning on Massachusetts Avenue and Broadway consists of small, fragmented zoning districts that effectively discourage new multifamily housing. The existing buildings on the parcels zoned for higher density residential development could not be built in those districts today. The districts need to be reorganized and reconfigured to create realistic multifamily redevelopment sites. Creating a "Housing Choice" zoning district (described above) will also help Arlington increase opportunities for multifamily use.
- **Consider options for strengthening Arlington's inclusionary zoning bylaw.** Arlington's inclusionary zoning requirement has produced very few units. The barriers to multifamily



development in Arlington play a key role in making the IZ bylaw less effective than it could be. The Town should study opportunities to update the IZ bylaw, both through strategies to encourage multifamily housing and the use of density bonuses.

- **Allow redevelopment of preexisting nonconforming residential uses in the Industrial Zoning District, and make residential uses easier to permit through redevelopment/reuse of Industrial District sites.** The Town has expanded the range of allowed uses in the Industrial District, following up on a study RKG prepared for Arlington two years ago. The changes stopped short of facilitating residential reuse of Industrial District sites by limiting future residential space to artist live/work units. There are valid reasons to protect nonresidential land for nonresidential purposes, so the artist live/work option makes sense as an economic development tool. If it does not lure new investment, the Town should consider what RKG recommended: allow for some multifamily redevelopment in the Industrial District, thereby enhancing the marketability of obsolete built assets. In addition, there are older apartment buildings in the Industrial District that under today's rules could not be redeveloped as new (and taller, under the new height limits) residential because they are not a permitted use in that district. Allowing redevelopment of these properties could, if paired with an updated IZ bylaw, make appropriate use of existing sites to increase affordable housing.
- **Consider options for discouraging single-story commercial buildings in the Town's business and mixed-use districts.** As some communities have done, Arlington could establish a minimum height requirement (in stories and feet) to stimulate construction of multi-story buildings with housing units or additional commercial space above the ground floor. Making this kind of change will require further study to verify that other dimensional requirements in Arlington's zoning will work in harmony with encouraging taller buildings.
- **Plan for mixed-use development with affordable housing on the municipal parking lot in Arlington Center.** As noted in the Arlington Master Plan (2015), the Russell Common Lot in Arlington Center has potential to support multiple uses. The Town could study possibilities for this site, prepare comparative concept plans, and work with residents to build consensus about a preferred plan.
- **Encourage the Arlington Housing Authority (AHA) to expand opportunities under its Section 8 Housing Voucher program:**
 - **Housing Choice vouchers can be used to help low-income renters become homebuyers.** Since 2015, twenty-four public housing authorities in Massachusetts and the Department of Housing and Community Development (DHCD) have used Housing Choice Vouchers to help 1,429 renters become homeowners (source: HUD.)
 - **Investigate opportunities for the AHA to provide Veterans Affairs Supportive Housing (VASH) vouchers** to rehouse homeless veterans. VASH is a partnership between HUD and the Veterans Administration to combine Section 8 assistance with medical, behavioral health, and other services that homeless veterans need to achieve housing stability. Funding for VASH vouchers is periodically offered to public housing authorities through a Notice of Funding Availability (NOFA) from



HUD. The most recent VASH NOFA was released by HUD in July 2021. To qualify, a housing authority must work in partnership with at least one VA facility. Access to VASH vouchers is a “closed referral” system from the VA to the housing authority.

- **Consider allocating some Housing Choice vouchers to project-based vouchers (PBV) to support new affordable housing development in Arlington.** The AHA can commit Housing Vouchers as a source of financing for privately developed housing, such as projects developed by the Housing Corporation of Arlington (HCA) or another non-profit.
- **Provide tax incentives for deeply affordable homes.** The Town should consider offering special tax agreements to developers who create deeply affordable housing or more affordable units than the present inclusionary zoning bylaw requires. Models exist for this type of financial support from local government, notably in Amherst, where the town secured approval from the legislature to have tax increment financing agreements for affordable housing.
- **Increase Arlington’s commitment of Community Preservation Act (CPA) to creation and retention of affordable housing.** Since Fiscal Year (FY) 2017, Arlington has committed \$3.2 million for affordable housing purposes, approximately 21 percent of the budgeted CPA funds in all six years. While competing needs for CPA funds exist in every town, Arlington could make affordable housing a higher priority for CPA assistance, and local housing organizations should take a more aggressive approach to seeking this resource. Some cities and towns have embraced a policy of dedicating as much as 90 percent of their “unrestricted” CPA receipts for affordable housing.
- **Make enhanced homebuyer assistance available to low- or moderate-income homebuyers,** e.g., local funding to make MHP ONE Mortgage loans even more affordable. Several of MHP’s participating lenders operate in Arlington, e.g., Cambridge Savings, East Cambridge Savings, Cambridge Trust, or Citizens Bank, among others. These banks agree to provide low-interest mortgages for income-eligible homebuyers ONE Mortgage makes public funds from MHP available to participating banks to finance a portion of the total home purchase price through a “patient” second mortgage that keeps the buyer’s monthly housing cost at 28 percent of their monthly household income. A good example of a program that makes local resources available to create more affordability for low-income buyers is the ONE+ program subsidized by the City of Boston. By pairing local resources with the public funding already committed by MHP each year, the City of Boston pays for a further interest rate reduction on first-time homebuyer mortgages for households with incomes at or below 80 percent of AMI.
- **Subsidize low- or no-interest loans or grants for purchase price write-downs or write down affordable rents to very-low affordability.** In addition to aligning with MHP’s ONE Mortgage Program for homebuyer assistance, Arlington could – presumably through the Affordable Housing Trust – provide funds to developers and owners of multifamily apartments to write down affordable rents. This typically involves calculating the present value of the difference between an unsubsidized rent and a low-income rent over 20 years and providing funds through a deferred payment mortgage to the property owner. While it would be expensive to fund a program like this for market-rate



apartments, the Town should explore writing down the rents for moderate-income apartments (80 percent AMI) to a rent affordable to very-low-income (50 percent AMI) tenants. The Housing Needs Assessment clearly shows that Arlington needs more deeply affordable rental units. A rental write-down program like this may not always create more units eligible for the Subsidized Housing Inventory, but it would address a critical housing need. Arlington's recently approved American Rescue Plan Act (ARPA) framework includes \$1.1 million to increase the affordability of units currently in production. (Source: Oct. 15, 2021 Select Board).

- **Invest ARPA and other funds in capital improvements at properties owned by the Arlington Housing Authority (AHA).** The Town's ARPA framework provides \$2.5 million for this purpose, which is a productive start. However, the AHA's estimate for window replacement alone is at least \$4 million. The AHA can help the Town understand the condition problems that exist in all AHA state-funded properties by providing a detailed capital needs assessment and improvements plan and a strategy of financing the needed improvements. CPA funds (for example) could be made available to the AHA to hire the professionals needed to develop a capital plan and a planned preventive maintenance program. To obtain those funds, however, the AHA needs to apply to the Community Preservation Committee.
- **Continue to track expiring use developments.** Arlington has several properties on the Subsidized Housing Inventory (SHI) with affordability restrictions that expire in the next 15 to 20 years. While the Town reports there is very little risk that these units will convert to market-rate housing, it remains important to track the restrictions and maintain communication with the owners in order to prepare for, and potentially intervene in, a conversion.
- **Address emergency housing needs.** Allocate Town funds or work with local non-profit or faith-based groups to provide adequate funding for rental assistance to help very-low- and extremely low-income renters with emergency housing needs.



Problem: Impediments to Housing Choice

GOALS:

4. Provide equitable access to affordable homeownership and rental homes suitable for a variety of household types, including senior households and families with children.
5. Integrate affordable homes in all neighborhoods through reuse of existing structures and redevelopment of underutilized properties, particularly within walking distance of schools, public parks, services, amenities, and transit.
6. Review and update Arlington's zoning and other housing policies to encourage development that increases affordable housing and fair housing choice.
7. Improve development opportunities along major corridors to include a greater mix of housing options.
8. Make equitable access to shared green spaces and a healthy living environment a priority for siting affordable homes.

STRATEGIES:

- **Allow two-family and duplex homes in the R0 and R1 zoning districts as of right.** Providing for two-family dwellings in all neighborhoods would help Arlington increase its supply of homes for families with a housing type that has traditionally been part of the Town's residential landscape. It would also introduce a modest "missing middle" effort that is compatible with detached single-family homes.⁶² Limiting a house lot to only one dwelling unit is a significant contributor to the constraints on housing supply and housing choice in Arlington today. That regulatory constraint controls the housing opportunities available on over 60 percent of the Town's land. In the R0 and R1 districts, the Town could consider obtaining an additional public benefit from an increase in supply by requiring one of the units in a two-family dwelling to be an affordable unit – either Chapter 40B-eligible or affordable for a somewhat higher income group, e.g., 100 percent of Area Median Income (AMI). Whether requiring an affordable housing deed restriction would discourage two-family development should be studied, however.
- **Update the regulations of the R2, R3, and R4 districts to allow three-family dwellings and townhomes as of right.** Arlington has districts that ostensibly allow these kinds of small multifamily buildings, but the uses require a special permit and the dimensional and parking regulations effectively disallow what the districts were created to provide.
- **Conduct a racial impact study to determine whether Arlington's existing residential zoning has a disproportionate adverse impact on Black, Indigenous and People of Color (BIPOC) and other groups protected under the Federal Fair Housing Act (FFHA).** Many people in Arlington say they support making Arlington a more diverse, inclusive, and

⁶² While Arlington recently approved zoning changes to allow Accessory Dwelling Units (ADUs) throughout town, an ADU in a single-family home is not the same as a two-family dwelling. As proponents of the ADU zoning rightly explained, two-family homes can be under one ownership (with an owner in one unit and a tenant in the other) or divided, with separate ownership of each unit. By contrast, ADUs are inherently tied to the same owner as the principal use, the single-family home, and can never be converted to a condominium. So, while ADUs can be helpful for providing a modest inventory of small apartments, they are not designed to meet needs for family units and are not good options for people with disabilities whose caregivers live with them. As units controlled by owner-occupants of the principal use, ADUs do not increase the supply of units marketed to the general public.



welcoming community. Taking the time to assess what the Town's zoning allows on one hand and makes more difficult or simply prohibits on the other hand will help to determine the impact of local zoning on racial and ethnic diversity, income diversity, and equity for people with disabilities, families with children, and others.

- **Consider an Affordable Housing Overlay (AHO) along Arlington's primary streets.** The Cambridge AHO could be a useful strategy to encourage the Housing Corporation of Arlington (HCA) and other non-profit housing developers in the region to build what many Arlington residents say they want to see: housing that is actually affordable, unlike many Chapter 40B developments where only 20 to 25 percent of the units are affordable for low- or moderate-income people. The AHO can accomplish that end because it gives developers the economic incentives they need to make "all affordable" projects feasible: higher density, fewer dimensional constraints, reductions in off-street parking requirements, and a non-discretionary approval process. It also can be implemented without changing the underlying zoning districts because an overlay can be applied anywhere the Town decides to locate it.

Some have expressed concerns that all-affordable developments concentrate and stigmatize affordable housing. However, while this Housing Plan was being prepared, others objected to developers of mixed-income housing profiting from affordable housing production. Arlington officials and advocates should pay attention to the kinds of projects being developed in Cambridge's overlay district, the primarily mission-driven developers producing them, and the number of households that stand to benefit. In addition, there seems to be a mistaken impression that an overlay district like this would lead to concentration, but to make that assumption must mean people imagine a fairly small district in area. That is not the recommendation being made in this plan. The overlay in Arlington could cover a substantial area – all of the primary roadways – or all of the town's neighborhoods, with the overlay rules tailored to the character of the underlying zones, just as Cambridge has done.

The "Development Opportunities" section of this chapter identifies a range of sites that could become good prospects for affordable housing development with AHO zoning in place.

- **Provide for "Missing Middle" zoning along minor collector streets in walkable residential neighborhoods.** "Missing Middle" is a euphemism for *a mix of housing types*. It consists of what planners consider "community-scale" housing (also a euphemism): three- or four-unit buildings facing the street, intermingled with two-family and detached single-family homes. Missing-middle housing offers ways to create small multifamily homes that do not involve very large buildings that would be out of scale with traditional neighborhood buildings. One of the problems in suburbs like Arlington is that long ago, policymakers and legislative bodies put zoning in place to "freeze" what was on the ground at the time, hoping to thwart more growth. Policies like this can never keep pace with changes in housing markets. When the market calls for new kinds of housing to accommodate changing lifestyles, communities need to adjust, or development will seek other solutions – such as Chapter 40B. Arlington needs regulatory tools of its own to provide for more types of housing at varied scales. At the neighborhood level, two-family and



“missing middle” solutions would offer options that do not exist today and could fit in comfortably with single-family homes.

- **Make CPA funds available to acquire property for group homes that serve people with disabilities.** Following the example set by the Town of Lincoln, a number of Boston-area suburbs have used CPA funds to acquire homes that can be sold or conveyed through a long-term lease as state-licensed group homes for adults with life-long cognitive or mental health disabilities. Under the state’s Chapter 40B regulations, each bedroom in a group home “counts” as an affordable housing unit on the Subsidized Housing Inventory. This means Arlington could get “credit” for more than one SHI-eligible unit of affordable housing from a single dwelling.
- **Work with organizations like CASPAR to develop and manage single-room occupancy (SRO) residences or supportive housing for people in recovery.** Cambridge and Somerville Programs for Addiction Recovery (CASPAR) is an example of a residential services provider that specializes in supportive services for people in recovery, both short- and longer-term. Arlington currently has no homes in the community serving this disability population.
- **Reduce or eliminate local preference in affordable housing lotteries.** There is ample evidence in research conducted for other communities that “local preference” enhances access to affordable homes for existing White residents of a community, thereby reducing access for income-eligible, non-resident minority applicants who want to become part of the Arlington community.
- **Preserve existing parks and conservation land throughout the Town** and ensure their long-term accessibility to the public for recreational purposes. Designate these lands as inappropriate for housing development (or other non-recreational development) and protect them accordingly.
- **Continue to require open space for multi-family and mixed-use buildings but allow flexibility in where and how it is achieved.** Suburban-style common open spaces are not always physically possible or even desirable on denser, infill lots. Consider requiring any space not needed for required parking, utilities, etc. to be landscaped, but not requiring a numerical target for open space and landscaping. Also allow and encourage green roofs, roof gardens, roof decks, balconies and terraces, or even common indoor courtyards and gardens.
- **Require the installation or improvement of sidewalks, bike paths, or pedestrian trails to access the nearest park or open space** in locations where on-site provision of open space is not feasible.
- **Review Article 16 in the Town’s General Bylaws, Tree Protection and Preservation, and evaluate its effectiveness.** Strengthen the bylaw as needed, taking care to avoid placing an undue burden on affordable housing development.
- **Integrate Arlington’s housing policies with the Net Zero Action Plan.** Ensure that existing affordable housing in Arlington has the financial support needed to conduct deep



energy and green building retrofits to meet the goals of Arlington's Net Zero Action Plan. Likewise, ensure that developers of new affordable housing have access to financing adequate to cover the costs of net zero building construction.

- **Actively implement all the actions of the Net Zero Action Plan with an eye toward equity**, ensuring that socially and economically disadvantaged people are given the resources they need to take full advantage of the benefits.
- **Actively implement the Connect Arlington plan by focusing on active transportation options for new development and amending current parking requirements and parking design standards** for residential projects with an eye toward reducing impervious surfaces and increasing the use of green infrastructure to minimize storm water runoff. In addition to increasing the feasibility of multifamily development, reducing impervious cover through off-street parking reductions will help to reduce flooding and heat island effect.

Problem: Limited Capacity

GOALS:

9. Increase capacity to produce housing through leadership development, advocacy, staffing, funding, and relationships with nonprofit and for-profit developers.
10. Build awareness of affordable and fair housing needs within Arlington and the larger region, as well as Arlington's role in addressing broader inequities.

STRATEGIES:

- **Provide training, funding, and staff capacity to the Arlington Affordable Housing Trust.** Training resources are available from the Massachusetts Housing Partnership (MHP), which has published Affordable Housing Trust guidebooks and delivers day-long training programs around the state. In addition, Arlington could explore joining the Acton-based Regional Housing Services Office (RHSO), which currently serves nine towns west and south of Arlington, including neighboring Lexington. However the Town decides to provide predictable, competent support to the AHT, it will be critical to let the AHT function as the state legislation intends: as an independent advocate for and investor in the development and preservation of affordable housing.
- **Work with the Local Initiatives Support Corporation (LISC) and the Community Economic Development Assistance Corporation (CEDAC)** to identify community development organizations that could help Arlington increase non-profit development capacity. LISC, CEDAC, and other sources of affordable housing expertise should be tapped for public education, too. For example, Arlington could partner with these groups for roundtable sessions with non-profits, community development corporations (CDCs), for-profit developers, and subsidizing agencies to provide public education about the cost of developing and managing affordable housing. A program like this was launched in October 2021 with sponsorship by the Housing Plan Implementation Committee and other groups.



- **Support tenant advocacy and organizing efforts in affordable housing properties owned and managed by the Arlington Housing Authority, HCA, and other developers.** The community engagement process for this Housing Plan included interviews and consultation with housing and human service providers, school officials, clergy, other professionals with working knowledge of local housing needs, and many individuals who described themselves as affordable housing advocates. It was much harder to connect with actual *stakeholders*: the tenants of Arlington’s affordable housing developments. Tenants who did participate raised concerns about property conditions and interactions with property managers. While the Town invests in developments that will increase the affordable housing supply, it should also consider opportunities to provide resources for tenant organizing.
- **Improve communications within town government about affordable housing needs, opportunities, and challenges.** Schedule periodic, predictable community conversation meetings with the Arlington Redevelopment Board, Housing Plan Implementation Committee, Affordable Housing Trust, and Select Board to set an annual housing implementation agenda consistent with this Housing Plan
- **Apply short-term rental community impact fees as a revenue source for the Affordable Housing Trust.** Arlington has adopted the additional “local option” tax – known as a community impact fee – for short-term rentals. The Town’s vote took effect on January 1, 2020, and it calls for the maximum allowable fee of 3 percent of the short-term rental occupancy charge.⁶³ It applies to short-term rentals in owner-occupied two- or three-family dwellings or any professionally managed short-term rentals that are not otherwise subject to some other type of room occupancy tax. Under the legislation allowing impact fees for short-term rentals, the Town can assign receipts to Affordable Housing Trust. While the community impact fee generates very little revenue, it is still a funding source suited for affordable housing purposes and should be dedicated as such.
- **Explore the possibility of a Community Land Trust (CLT) for Arlington.** Though not often used as a source of affordable housing development in Massachusetts, CLTs are widely relied upon throughout the country as strategy for maintaining long-term affordability. In CLT-owned projects, homes are sold under a ground lease arrangement that effectively keeps land values from influencing the resale value of a dwelling unit. A CLT is not a governmental entity, so the Town’s role would be to investigate the value of having a CLT partner and understanding how local government can support CLT projects. A good example of a Massachusetts-based CLT that has been highly successful as an affordable housing developer is the Island Housing Trust on Martha’s Vineyard.
- **Expand the Town’s base of information about affordable units listed on the Subsidized Housing Inventory (SHI).** The state list provides basic data about each property with affordable units, e.g., address, project type, subsidy source, and expiration date for the affordable housing restriction. It does not include important property details that shed light on the suitability of units to meet different needs. For example, the SHI includes no information about the condition of a property, the number of bedrooms per unit, and

⁶³ The local 3 percent is an addition to the 5.7 percent room occupancy tax collected and retained by the Commonwealth.



whether the units are accessible, subject to age restrictions, or serving a limited or “closed referral” clientele. The Town would benefit from having this information on file in order to assess housing needs more accurately.

- **Appoint affordable housing advocates to Town boards and commissions.** The Select Board has an important role in setting a leadership example for fair housing and affordable housing in Arlington. One way to build local capacity for affordable housing is through the appointment process for Town boards and committees. In Arlington, steps should be taken to increase housing policy and housing development expertise inside Town government. Additional and more effective actions are needed to encourage housing advocates and experts to serve the Town *beyond* appointing them to the Housing Plan Implementation Committee or Affordable Housing Trust Fund Board of Trustees. Some communities have worked hard to build the prestige of their housing boards and committees, eventually making those groups as prestigious as serving on a Finance Committee or the Redevelopment Board. The same care a community uses to place environmental experts and advocates on a Conservation Commission should be applied to the appointment process for housing policy positions.

DEVELOPMENT OPPORTUNITIES IN ARLINGTON

Arlington’s best housing development opportunities are generally either in the form of infill or redevelopment. To provide a greater mix of housing options in Arlington, there is interest in advancing residential development in “smart growth” locations along commercial corridors that offer connections to various amenities, transit, and services. Many of the most significant development opportunities exist in such areas. In addition, Arlington aspires to provide greater housing choice throughout all its neighborhoods. This can be accomplished by reusing existing structures or redeveloping underutilized properties, ideally within reasonable proximity to community amenities such as schools, parks, services, or transit. The proposed Zoning Bylaw changes discussed in this Housing Plan are meant to help “unlock” the development potential of these areas.

The 2016 HPP identified nine potential development sites, mostly within the Broadway and Massachusetts Avenue corridors. Some of these sites have since been developed or are in the permitting process now. Others are no longer considered imminent opportunities and have been removed from the list. Further, in the past five years, new opportunities have arisen. The updated development opportunities listed in Appendix A are prime **examples** of properties that either would meet the smart growth standards of this Housing Plan through development or redevelopment or would introduce more opportunities for housing choice throughout Arlington instead of in concentrated locations.

This is not an exhaustive list. There are many properties that could be redeveloped under the zoning reforms described in this Housing Plan. Much of the potential for redevelopment is in the one-story commercial and office buildings along Massachusetts Avenue and Broadway. Depending on the building, lot size, and neighboring uses, additional residential stories could be added above the existing retail, or the sites could be redeveloped as new mixed-use structures. Within existing residential neighborhoods, there are opportunities to strategically allow for the conversion of larger, existing single-family homes or two-family homes into three- or four-family (or more) homes. Such conversions could be considered



where there is easy walking access to schools, parks, services, and transit. Additionally, there is always the opportunity for the Town, in partnership with the Housing Corporation of Arlington (HCA), the Arlington Housing Authority (AHA), or non-profit developers to purchase and manage existing homes or apartment buildings as affordable housing and ensure they remain affordable in perpetuity through a regulatory agreement and deed restriction.

Another long-term opportunity is the rehabilitation of, expansion of, and new infill development at AHA properties. The AHA is a valuable resource for the Arlington community, providing permanent, affordable, and locally controlled and managed homes for families, seniors, and others who need it. At a minimum, existing space should be used as efficiently as possible to maximize the number of households that can be served. In the longer run, the AHA should work with DHCD or the Town, or other agencies, to secure financing for modernization of public housing or new construction. In communities with strong housing markets, mixed-income redevelopment of public housing is a possibility, with market-rate units covering the costs of providing subsidized units. Communities such as Somerville are using this strategy to modernize public housing with limited public expense. AHA may wish to explore the feasibility of such an approach. It is important to note that improving and redeveloping federally subsidized public housing can be easier than state-funded public housing.

Currently, all the properties on the development opportunities list in Appendix A are privately owned. In the future, Arlington may consider Town-owned properties suitable for the development of affordable housing. As noted, this plan does not recommend developing parks or conservation lands for housing, but other Town-owned properties could be considered in the future.

During the community engagement process, some participants raised the potential redevelopment of the Winchester Country Club and the Belmont Country Club, both of which are partially within Arlington and zoned for lower density residential uses. Neither of these properties are expected to change their existing use or be redeveloped in the foreseeable future and are not included on this list. Still, it would be prudent for the Town to have a long-term plan for these properties and to determine the preferred scenario should the owners ever seek to sell or redevelop. The Town should consider whether these properties should be prioritized for conservation/open space, traditional subdivisions, missing middle housing, or some combination of options. The Open Space and Recreation Plan will help inform this discussion, documenting any long-term recreation goals for these properties. Both sites could theoretically support denser development within a quarter mile of existing bus stops.



ARLINGTON'S AFFORDABLE HOUSING PLAYBOOK: IMPLEMENTATION PLAN⁶⁴

Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
1. Allow two-family homes in the R0 and R1 zoning districts as of right.	Impediments to Housing Choice	ARB SB HPIC	Equitable Arlington Human Rights Commission	Yes	Somewhat complicated	Zoning amendment Staff capacity Political leadership Public education	Near term
2. Adopt zoning to comply with G.L. c. 40A § 3A (MBTA Communities)	Shortage of Affordable Housing	ARB DPCD	Equitable Arlington	Yes	Complicated	Planning process Staff capacity Political leadership Zoning amendment	Near-term
3. Update the regulations of the R2, R3, and R4 districts to allow three-family dwellings and townhomes as of right.	Impediments to Housing Choice	ARB HPIC	Equitable Arlington Human Rights Commission	Yes	Somewhat complicated	Zoning amendment Staff capacity Political leadership Public education	Near term
4. Consider options for strengthening Arlington's inclusionary zoning bylaw.	Shortage of Affordable Housing	ARB DPCD	Equitable Arlington	Yes	Somewhat complicated	Market analysis and feasibility study Zoning amendment	Near term
5. Conduct a racial impact study to determine whether Arlington's existing residential zoning has a disproportionate impact on Black, Indigenous and People of Color (BIPOC) and other groups protected under the Federal Fair Housing Act (FFHA).	Impediments to Housing Choice	SB TMgr DPCD	MAPC	No	Complicated	Racial impact assessment tool Political leadership	Near term
6. Reduce or eliminate local preference in affordable housing lotteries.	Impediments to Housing Choice	SB	HPIC Arlington Fights Racism	No	Not complicated	Public education	Near term

⁶⁴ Key: ARB, Arlington Redevelopment Board; SB, Select Board; HPIC, Housing Plan Implementation Committee; AHTF, Affordable Housing Trust Fund; AHA, Arlington Housing Authority; HCA, Housing Corporation of Arlington; CPC, Community Preservation Advisory Committee; ZBA, Board of Appeals; DPCD, Dept. of Planning and Community Development; DPW, Department of Public Works; LISC, Local Initiatives Support Corporation; CEDAC, Community Economic Development Assistance Council; MACDC, Mass. Association of Community Development Corporations;

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Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
			Equitable Arlington			Technical assistance to ZBA, Planning Board	
7. Provide training, funding, and staff capacity to the Arlington Affordable Housing Trust.	Limited Capacity	SB	DPCD MHP	N	Not complicated	None	Near term
8. Appoint affordable housing advocates to Town boards and commissions.	Limited Capacity	SB Moderator		N	Not complicated	None	Near term
9. Continue to require open space for multi-family and mixed-use buildings but allow flexibility in where and how it is achieved.	Impediments to Housing Choice	ARB	DPCD	Yes	Not complicated	Zoning amendment	Near term
10. Make CPA funds available to acquire property for group homes that serve people with disabilities.	Impediments to Housing Choice	CPC AHTF	HPIC DDS/DMH Town Counsel AHA	Yes	Somewhat complicated	Build relationships with area group home providers Procurement/RFP process Public education	Near term
11. Support tenant advocacy and organizing efforts in affordable housing properties owned and managed by the Arlington Housing Authority, HCA, and other developers.	Limited Capacity	AHTF DEI Coordinator	AHA HCA Human Rights Commission	N	Somewhat complicated	Consultation with tenants	Near term and ongoing
12. Invest ARPA, CPA, and other funds in capital improvements at properties owned by the Arlington Housing Authority (AHA).	Shortage of Affordable Housing	AHA SB	CPC	No	Somewhat complicated	AHA capital plan Administrative and procurement capacity	Near term and ongoing
13. Actively implement all the actions of the Net Zero Action Plan with an eye toward equity, ensuring that socially and economically disadvantaged people are given the resources they need to take full advantage of the benefits.	Impediments to Housing Choice	SB AHTF AHA HCA	DPCD MassSave Dept. Energy Resources	No	Moderately complex	Policies, communication with, and public education for LMI, LEP renters and landlords	Ongoing

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Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
14. Actively implement the Connect Arlington plan by focusing on active transportation options for new development and amending current parking requirements and parking design standards for residential projects.	Impediments to Housing Choice	ARB SB DPW	DPCD Sustainable Transportation Adv. Comm. Arlington Liveable Streets Coalition	Yes	Moderately complex	Revised off-street parking requirements Revised on-street parking policy Complete Streets planning & implementation ADA Plan Implementation	Ongoing
15. Expand the Town's base of information about affordable units listed on the Subsidized Housing Inventory (SHI).	Limited Capacity	DPCD	AHA HCA DHCD Property managers of private rental housing	No	Somewhat complicated	May require review of old permits Accurate contact list of individuals & organizations with data	Ongoing
16. Continue to track expiring use developments.	Shortage of Affordable Housing	DPCD	CEDAC	No	Not complicated	Staff capacity	Ongoing
17. Address emergency housing needs.	Shortage of Affordable Housing	DPCD	CPC ARPA Arlington EATS Local organizations	No	Not complicated	Staff capacity Funding	Ongoing
18. Improve communications within town government about affordable housing needs, opportunities, and challenges.	Limited Capacity	SB ARB TMgr	AHTF Equitable Arlington	No	Not complicated	Political leadership Administrative capacity	Near term and ongoing
19. Explore options to establish a Chapter 40R "Smart Growth" overlay district in Arlington.	Shortage of Affordable Housing	ARB DPCD		Yes	Complicated	Planning process Staff capacity Design guidelines Zoning amendment	Medium term
20. Consolidate existing districts to create viable sites and zoning more land for multifamily use	Impediments to Housing Choice	ARB DPCD		Yes	Complicated	Zoning amendment Planning process	Medium term

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Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
21. Improve development opportunities along major corridors and incorporate density bonuses for increased affordability.	Shortage of Affordable Housing	ARB DPCD		Yes	Somewhat complicated	Zoning amendment Market analysis and feasibility study	Medium term
22. Allow redevelopment of preexisting nonconforming residential uses in the Industrial Zoning District, and make residential uses easier to permit through redevelopment/reuse of Industrial District sites.	Shortage of Affordable Housing	ARB	HPIC	Yes	Somewhat complicated	Permit tracking under existing ID rules Consultation with developers	Medium term
23. Consider options for discouraging single-story commercial buildings in the Town's business and mixed-use districts.	Impediments to Housing Choice	ARB DPCD Economic Development	Business and Neighborhood Associations	Yes	Somewhat complicated	Market analysis and feasibility study Zoning amendment	Medium term
24. Apply short-term rental community impact fees as a revenue source for the Affordable Housing Trust.	Limited Capacity	TMgr SB	AHTF	Y	Not complicated	Policy development	Medium term
25. Preserve existing parks and conservation land throughout the Town and ensure their long-term accessibility to the public for recreational purposes.	Impediments to Housing Choice	SB	DPCD Open Space Committee	No	Not complicated	Written policy	Medium term
26. Require the installation or improvement of sidewalks, bike paths, or pedestrian trails to access the nearest park or open space in locations where on-site provision of open space is not feasible.	Impediments to Housing Choice	ARB ZBA	DPCD DPW Open Space Committee	Possibly	Not complicated	Zoning amendment Technical assistance to ZBA (for comprehensive permits)	Medium term
27. Review Article 16 in the Town's General Bylaws, Tree Protection and Preservation, and evaluate its effectiveness.	Impediments to Housing Choice	ARB CC Tree Committee	DPCD	No	Not complicated	None	Medium term

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Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
28. Consider an Affordable Housing Overlay (AHO), modeled after Cambridge's AHO.	Impediments to Housing Choice	ARB SB	DPCD Human Rights Commission Arlington Fights Racism Equitable Arlington	Yes	Complicated	Zoning amendments Zoning Map amendments Staff capacity Public education	Medium term
29. Work with LISC and CEDAC to identify community development organizations that could help Arlington increase non-profit development capacity.	Limited Capacity	AHTF DPCD	MACDC DHCD	No	Not complicated	None	Medium term
30. Provide tax incentives for deeply affordable homes.	Shortage of Affordable Housing	SB AHTF	Finance Dept. DPCD	Yes	Somewhat complicated	May require home rule approval Policies & procedures for eligible projects	Medium term
31. Subsidize low- or no-interest loans or grants for purchase price write-downs or write down affordable rents to very-low affordability.	Shortage of Affordable Housing	AHTF CPC	DPCD	Possibly	Somewhat complex	Administrative capacity Existing models in other towns Policies & procedures, program design	Medium term
32. Increase the amount of land zoned for multifamily development/reorganize existing multifamily districts.	Shortage of Affordable Housing	ARB SB DPCD	HPIC Equitable Arlington	Yes	Complicated	GIS mapping Plan for district consolidation/assembly Zoning map amendment	Medium term
33. Encourage use of Housing Choice to help low-income renters become homebuyers.	Shortage of Affordable Housing	AHA	AHTF	No	Somewhat complicated	Assessment of impact on existing mobile vouchers	Medium term
34. Investigate opportunities for the AHA to provide Veterans Affairs Supportive Housing (VASH) vouchers to rehouse homeless veterans.	Shortage of Affordable Housing	AHA	VA	No	Somewhat complicated	Analysis of need VA facility partner Application to HUD	Medium term

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Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
35. Increase Arlington's commitment of Community Preservation Act (CPA) to creation and retention of affordable housing.	Shortage of Affordable Housing	CPC	AHTF HCA AHA HPIC	Yes	Not complicated	CP Plan and CPC award policies	Medium term
36. Make enhanced homebuyer assistance available, e.g., local funding to increase affordability of MHP ONE Mortgage loans.	Shortage of Affordable Housing	AHTF	CPC DPCD Participating lenders	Yes	Somewhat difficult	Requires administrative capacity	Medium term
37. Provide for "Missing Middle" zoning along minor collector streets in walkable residential neighborhoods.	Impediments to Housing Choice	ARB SB	DPCD Equitable Arlington	Yes	Somewhat complicated	Zoning amendments Zoning Map amendments Staff capacity Public education	Medium term
38. Plan for mixed-use development with affordable housing on the municipal parking lot in Arlington Center.	Shortage of Affordable Housing	ARB SB DPCD	Equitable Arlington	Yes	Complicated	Planning process Developer procurement and land disposition	Longer term
39. Evaluate the feasibility of mixed-use development with affordable housing on the municipal parking lot in Arlington Center.	Impediments to Housing Choice	ARB SB	DPCD	Yes	Complicated	Planning Real property disposition process Rezoning	Longer term
40. Work with organizations like CASPAR to develop and manage single-room occupancy (SRO) residences or supportive housing for people in recovery.	Impediments to Housing Choice	AHTF	ARB Human Rights Commission	Possibly	Complicated	Build relationships with qualified service providers RFP, program documents Public education	Longer term
41. Integrate Arlington's housing policies with the Net Zero Action Plan.	Impediments to Housing Choice	ARB DPCD	Clean Energy Future Committee	Yes	Complicated	Multiple zoning amendments Pedestrian/bicycle accommodation	Longer term
42. Explore the possibility of a Community Land Trust (CLT) for Arlington.	Limited Capacity	DPCD AHTF		No	Not complicated	Case studies LISC	Longer term

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Strategy	Addresses Problem Set	Lead Responsibility	Partners and Advocates	Requires TM	Level of Complexity	Prerequisites and Resources Needed	Timeframe
43. Consider allocating some Housing Choice vouchers to project-based vouchers (PBV) to support new affordable housing development in Arlington.	Shortage of Affordable Housing	AHA	AHTF HCA	No	Not complicated	Written procedures for converting vouchers Request for Proposals for eligible projects	Longer term

Appendix

APPENDIX A. EXAMPLES OF POTENTIAL SITES FOR AFFORDABLE AND MIXED-INCOME HOUSING DEVELOPMENT

190, 192-200 MASSACHUSETTS AVENUE



Size: 0.26 acres
Zoning: B3
Parcels: 2
Bus Stop: On site (77, 350)
Minuteman Bikeway: 0.3 miles

Development Potential: New development and adaptive reuse. Mixed-use with ground-floor commercial and upper-story apartments.

Development Constraints: Parcel is on a double corner lot

1021-1027 MASSACHUSETTS AVENUE



Size: 1.08 acres
Zoning: B1
Parcels: 2
Bus Stop: 180 feet (77)
Minuteman Bikeway: 0.2 miles

Development Potential: Redevelopment or new development. Mixed-use with ground-floor commercial and upper-story apartments.

Development Constraints: Within the Conservation Commission adjacent upland resource area (AURA) and Riverfront Area. 2021 Massachusetts Avenue is on the AHC's local inventory of historically or architecturally significant buildings.



15 RYDER STREET



Size: 1.05 acres
Zoning: I
Parcels: 1
Bus Stop: 0.2 miles (77)
Minuteman Bikeway: 0.2 miles

Development Potential: Redevelopment of existing warehouse building or potential new development with mixed-use or multi-family development.

Development Constraints: Within the Conservation Commission adjacent upland resource area (AURA) and Riverfront Area. Apartments are not currently allowed in the I (Industrial) zoning district unless dedicated for artist live/workspaces.

22 APPLETON STREET/10 ACTON STREET (ST. ATHANASIUS THE GREAT)



Size: 2.39 acres
Zoning: R1
Parcels: Approximately 1/3 of one parcel
Bus Stop: 0.1 miles (77)
Minuteman Bikeway: 0.4 miles

Development Potential: Redevelopment of former rectory and potential additional new development with mixed-use or multi-family development.

Development Constraints: On the AHC's local inventory of historically or architecturally significant buildings.

30 PARK AVENUE/50 LOWELL STREET (FORMER GOLD'S GYM)



Size: 4.51 acres
Zoning: I
Parcels: 2
Bus Stop: 400 feet (62/76, 77, Lexpress C)
Minuteman Bikeway: 0.0 miles

Development Potential: Redevelopment of existing gym and warehouse buildings with mixed-use or multi-family development.

Development Constraints: Within the Conservation Commission adjacent upland resource area (AURA) and partly within the Riverfront Area. Apartments are not currently allowed in the I (Industrial) zoning district unless dedicated for artist live/workspaces.



111 BROADWAY



Size: 0.25 acres
Zoning: B4
Parcels: 1
Bus Stop: 350 feet (87)
Minuteman Bikeway: 0.5 miles

Development Potential: Redevelopment of existing auto repair shop with mixed-use or multi-family development.

Development Constraints: N/A

EAST ARLINGTON GATEWAY (20-36 MASSACHUSETTS AVENUE & 0-LOT, 7, 11 BOULEVARD ROAD)



Size: 0.74 acres
Zoning: B4
Parcels: 5
Subway (Alewife): 0.6 miles
Bus Stop: 0 feet (77, 350)
Alewife Greenway: 0 feet
Minuteman Bikeway: 0.5 miles

Development Potential: Redevelopment or building on top of existing single-story commercial buildings, with new mixed-use or multi-family development.

Development Constraints: Four of the five parcels are within 200 feet of the mean annual high water line of Alewife Brook.

1425-1427 MASSACHUSETTS AVENUE (WALGREENS AND TRADER JOE'S)



Size: 1.37 acres
Zoning: B2A
Parcels: 1
Bus Stop: 0 feet (62/76, Lexpress C)
Bus Stop: 0.25 miles (77)
Minuteman Bikeway: 0.0 miles

Development Potential: Redevelopment or building on top of existing single-story commercial buildings and/or development of existing surface parking, with new mixed-use or multi-family development.

Development Constraints: Within the Conservation Commission Riverfront Area.



947-963 MASSACHUSETTS AVENUE (PARKING LOT)



Size: 0.96 acres
Zoning: B4
Parcels: 6
Bus Stop: 0 feet (77)
Minuteman Bikeway: 0.2 miles

Development Potential: Potential development of existing surface parking, with new mixed-use or multi-family development. Additional potential for demolition and redevelopment of neighboring convenience store at 935 Massachusetts Avenue.

Development Constraints: N/A

188 MEDFORD STREET (WINCHESTER SAVINGS BANK)



Size: 0.39 acres
Zoning: R2
Parcels: 1
Bus Stop: 0 feet (80, 95)

Development Potential: Redevelopment or building on top of existing single-story commercial buildings and/or development of existing surface parking, with new mixed-use or multi-family development.

Development Constraints: The R2 district does not allow multi-family residential, and the existing bank is likely a legal nonconforming use. The eastern half of the parcel is within the 200-foot wetland regulated riverfront buffer.

324 MASSACHUSETTS AVENUE (WALGREENS)



Size: 1.48 acres
Zoning: B2A
Parcels: 1
Bus Stop: 0 feet (77, 350)
Minuteman Bikeway: 0.0 miles

Development Potential: Redevelopment of existing drugstore and/or new development with mixed-use.

Development Constraints: N/A.



APPENDIX B: GLOSSARY

Affirmative Fair Housing Marketing Plan (AFHMP). A plan that meets the fair housing and non-discrimination requirements of the Department of Housing and Community Development (DHCD) for marketing affordable housing units. The plan typically provides for a lottery and outreach to populations protected under the federal Fair Housing Act of 1968, as amended. The plan must be designed to prevent housing discrimination on the basis of race, creed, color, national origin, sex, age, disability, familial status, sexual orientation, gender identity, or any other legally protected class under state or federal law.

Affordable Housing. As used in this report, "affordable housing" is synonymous with low- or moderate-income housing, i.e., housing available to households with income that does not exceed 80 percent of area median income and at a cost that does not exceed 30 percent of their monthly gross income.

Affordable Housing Restriction. A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction runs with the land in perpetuity or for the maximum period allowed by law. It should be entered into and made enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

Affordable Housing Trust Fund. The mechanism used to account for and report revenues and expenditures for affordable housing, including but not limited to Community Preservation Act (CPA) receipts and other affordable housing funding sources.

Area Median Income (AMI). The median family income, adjusted for household size, within a given metropolitan or non-metropolitan area, updated annually by HUD and used to determine eligibility for most housing assistance programs. For Arlington, AMI is based on the Boston-Cambridge-Newton Median Family Income.

Average-Income Household. Loosely defined term for households with incomes over the maximum for affordable housing but typically outpriced by housing costs in affluent suburbs. An income between 81 and 120 percent of AMI generally encompasses average-income households.

Chapter 40A. G.L. c. 40A, the state Zoning Act. The current version of the Zoning Act was adopted in 1975 (1975 Mass. Acts 808), and most recently amended by the 2020 Housing Choice Bill.

Chapter 40B. G.L. c. 40B, § 20-23 (1969 Mass. Acts 774), the state law administered locally by the Board of Appeals in order to create affordable housing. It provides eligible developers with a unified permitting process that subsumes all permits normally issued by multiple town boards. Chapter 40B establishes a basic presumption at



least 10 percent of the housing in each city and town should be affordable to low- or moderate-income households. In communities below the 10 percent statutory minimum, affordable housing developers aggrieved by a decision of the Board of Appeals can appeal to the state Housing Appeals Committee, which in turn has authority to uphold or reverse the Board's decision.

Chapter 40R. G.L. c. 40R (2004 Mass. Acts 149, s. 92), a state law that provides for overlay districts with variable densities for residential development and multi-family housing by right (subject to site plan review). At least 20 percent of the units in a Chapter 40R district have to be affordable to low- or moderate-income people.

Chapter 44B. G.L. c. 44B (2000 Mass. Acts 267), the Community Preservation Act, allows communities to establish a Community Preservation Fund for open space, historic preservation, and community housing by imposing a surcharge of up to 3 percent on local property tax bills. The state provides matching funds (or a partial match) from the Community Preservation Trust Fund, generated from Registry of Deeds fees. Arlington adopted the CPA in November 2014.

Comprehensive Permit. The unified permit authorized by Chapter 40B, §§ 20-23, for affordable housing development.

Community Development Block Grant (CDBG). Under the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5300 et seq.), the U.S. Department of Housing and Urban Development (HUD) makes funds available each year for large cities ("entitlement communities") and each of the fifty states (the Small Cities or "non-entitlement" program). CDBG can be used to support a variety of housing and community development activities provided they meet one of three "national objectives" established by Congress. Housing activities are usually designed to meet the national objective of providing benefits to low- or moderate-income people. Funds may be used for housing rehabilitation, redevelopment of existing properties for residential purposes (in some cases), making site improvements to publicly owned land to support the construction of new housing, interest rate and mortgage principal subsidies, and down payment and closing cost assistance. Arlington receives approximately \$1.1 million in CDBG funds from HUD each year.

Community Housing. As defined under Chapter 44B, "community housing" includes housing affordable and available to (a) households with incomes at or below 80 percent AMI and (b) between 81 percent and 100 percent AMI.

Community Land Trust. Community land trusts are nonprofit, community-based organizations designed to ensure community stewardship of land. They are used primarily to ensure long-term housing affordability. To do so, the trust acquires land and maintains ownership of it permanently. With prospective homeowners, it enters into a long-term, renewable lease instead of a traditional sale. When the homeowner sells, the family earns only a portion of the increased property value. The remainder is kept by the trust, preserving the affordability for future low- to moderate-income families.



Community Preservation Act. *See definition of Chapter 44B.*

Comprehensive Permit. The unified permit authorized by Chapter 40B for affordable housing development.

Department of Housing and Community Development (DHCD). The state's lead housing agency, originally known as the Department of Community Affairs (DCA). DHCD oversees state-funded public housing and administers rental assistance programs, the state allocation of CDBG and HOME funds, various state-funded affordable housing development programs, and the Community Services Block Grant (CSBG) Program. DHCD also oversees policy and administration of Chapter 40B.

Disparate Impact. A legal doctrine under Fair Housing that states a policy may be seen as discriminatory if it has a disproportionately adverse effect on groups protected by the Act. The intent does not have to be discriminative; disparate impact looks at the *effect*.

Extremely Low-Income Household. A household income at or below 30 percent of AMI. (In some housing programs, a household with income at or below 30 percent of AMI is called very low income.)

Fair Housing Act (Federal). Established under Title VII of the 1968 Civil Rights Act, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), sexual orientation, gender identity, and disability.

Fair Housing Law, Massachusetts. G.L. c. 151B (1946), the state Fair Housing Act prohibits housing discrimination on the basis of race, color religious creed, national origin, sex, sexual orientation, age, children, ancestry, marital status, veteran history, public assistance reciprocity, or physical or mental disability.

Fair Market Rent (FMR). A mechanism used by HUD to control costs in the Section 8 rental assistance program. HUD sets FMRs annually for metropolitan and non-metropolitan housing market areas. The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market. (See 24 CFR 888.)

Family. Under the Federal Fair Housing Act (FFHA), family includes any of the following:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:



- (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- (b) An elderly family;
- (c) A near-elderly family;
- (d) A disabled family;
- (e) A displaced family; and
- (f) The remaining members of a tenant family.

Gross Rent. Gross rent is the sum of the rent paid to the owner ("contract rent") plus any utility costs incurred by the tenant. Utilities include electricity, gas, water and sewer, and trash removal services but not telephone service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

Group Home. A type of congregate housing for people with disabilities; usually a single-family home.

Household. One or more people forming a single housekeeping unit and occupying the same housing unit. *See definition of Family.*

Housing Appeals Committee (HAC). A five-member body that adjudicates disputes under Chapter 40B. Three members are appointed by the Director of DHCD, one of whom must be a DHCD employee. The governor appoints the other two members, one of whom must be a city councilor and the other, a selectman.

Housing Authority. Authorized under G.L. 121B, a public agency that develops and operates rental housing for very-low and low-income households.

Housing Cost, Monthly. For homeowners, monthly housing cost is the sum of principal and interest payments, property taxes, and insurance, and where applicable, homeowners association or condominium fees. For renters, monthly housing cost includes rent and basic utilities (oil/gas, electricity).

HUD. *See U.S. Department of Housing and Urban Development.*

Inclusionary Zoning. A zoning ordinance or bylaw that encourages or requires developers to build affordable housing in their developments or provide a comparable public benefit, such as providing affordable units in other locations ("off-site units") or paying fees in lieu of units to an affordable housing trust fund. Arlington's inclusionary zoning can be found in Section 8.4 of the Zoning Bylaw.

Infill Development. Construction on vacant lots or underutilized land in established neighborhoods and commercial centers.



- Labor Force.** The civilian non-institutionalized population 16 years and over, either employed or looking for work.
- Labor Force Participation Rate.** The percentage of the civilian non-institutionalized population 16 years and over that is in the labor force.
- Local Initiative Program (LIP).** A program administered by DHCD that encourages communities to create Chapter 40B-eligible housing without a comprehensive permit, e.g., through inclusionary zoning, purchase price buydowns, a Chapter 40R overlay district, and so forth. LIP grew out of recommendations from the Special Commission Relative to the Implementation of Low or Moderate Income Housing Provisions in 1989. The Commission prepared a comprehensive assessment of Chapter 40B and recommended new, more flexible ways to create affordable housing without dependence on financial subsidies.
- Low-Income Household.** As used in the terminology of Chapter 40B and DHCD's Chapter 40B Regulations, low income means a household income at or below 50 percent of AMI. It includes the HUD household income group known as very low income.
- Low or Moderate Income.** As used in Chapter 40B, low or moderate income is a household that meets the income test of a state or federal housing subsidy program. Massachusetts follows the same standard as the rest of the nation, which is that "subsidized" or low- or moderate-income housing means housing for people with incomes at or below 80 percent of the applicable AMI.
- Massachusetts Housing Partnership (MHP).** A public non-profit affordable housing organization established by the legislature in 1985. MHP provides technical assistance to cities and towns, permanent financing for rental housing, and mortgage assistance for first-time homebuyers.
- MassDevelopment.** A quasi-public state agency that provides financing for commercial, industrial, and multifamily rental developments and facilities owned by non-profit organizations.
- MassHousing.** A quasi-public state agency that provides financing for affordable housing.
- Mixed-Income Development.** A residential development that includes market-rate and affordable housing.
- Mixed-Use Development.** A development with more than one use on a single lot. The uses may be contained within a single building ("vertical mixed use") or divided among two or more buildings ("horizontal mixed use").
- Moderate-Income Household.** As used in the terminology of Chapter 40B and DHCD's Chapter 40B Regulations, moderate income means a household income between 51 and 80 percent of AMI. In some federal housing programs, a household with income between 51 and 80 percent of AMI is called low income.



Non-Family Household. A term the Census Bureau uses to describe households composed of single people living alone or multiple unrelated people sharing a housing unit.

Overlay District. A zoning district that covers all or portions of basic use districts and imposes additional (more restrictive) requirements or offers additional (less restrictive) opportunities for the use of land.

Regulatory Agreement. An affordable housing restriction, recorded with the Registry of Deeds or the Land Court, outlining the developer's responsibilities and rights

Section 8. A HUD-administered rental assistance program that subsidizes Housing Choice vouchers to help very-low and low-income households pay for private housing. Tenants pay 30 percent (sometimes as high as 40 percent) of their income for rent and basic utilities, and the Section 8 subsidy pays the balance of the rent. Section 8 also can be used as a subsidy for eligible rental developments, known as Section 8 Project-Based Vouchers (PBV), which are not "mobile" because they are attached to specific units. The Arlington Housing Authority administers Section 8 Housing Choice Vouchers.

Single-Room Occupancy (SRO). A building that includes single rooms for occupancy by individuals and usually includes common cooking and bathroom facilities shared by the occupants.

Subsidized Housing Inventory (SHI). A list of housing units that "count" toward a community's 10 percent statutory minimum under Chapter 40B.

SHI-Eligible Unit. A housing unit that DHCD finds eligible for the Subsidized Housing Inventory because its affordability is secured by a long-term use restriction and the unit is made available to low- or moderate-income households through an approved affirmative marketing plan.

Subsidy. Financial or other assistance to make housing affordable to low- or moderate-income people.

U.S. Department of Housing and Urban Development (HUD). The lead federal agency for financing affordable housing development and administering the Fair Housing Act.

Very Low Income. *See Extremely Low Income.*

Workforce. People who work or who are available for work, either in a defined geographic area or a specific industry.



APPENDIX C. ARLINGTON SUBSIDIZED HOUSING INVENTORY

Project Name	Address	Type	Units	Subsidy
Menotomy Manor	Fremont/Gardner	Rental	126	DHCD
Menotomy Manor	Fremont/Gardner/Memorial/Sunnyside Av	Rental	50	DHCD
n/a	Decatur St.	Rental	5	DHCD
Chestnut Manor	54 Medford St.	Rental	100	DHCD
Cusack Building	8 Summer St	Rental	67	DHCD
Drake Village	Drake Road	Rental	72	DHCD
Hauser Building	37 Drake Road	Rental	144	DHCD
Winslow Towers	4 Winslow St.	Rental	136	DHCD
998 Massachusetts Ave	998 Mass. Ave	Rental	13	DHCD
Broadway Homes*	110-112 Broadway	Rental	5	HUD
Millbrook Square Apartments*	17 Mill St.	Rental	146	HUD
Russell Terrace*	12 Russell Terrace	Rental	22	DHCD
Russell Place	Water and Wright Streets	Ownership	7	DHCD
DDS Group Homes	Confidential	Rental	42	DDS
DMH Group Homes	Confidential	Rental	24	DMH
Fessenden Road	Fessenden Road	Rental	15	MHP
Two Family Affordable Rental Program*	Smith Street	Rental	2	HUD
Two Family Affordable Rental Program*	Bow Street	Rental	2	HUD
Two Family Affordable Rental Program*	Rawson Street	Rental	2	HUD
Two Family Affordable Rental Program*	Summer Street	Rental	2	HUD
Two Family Affordable Rental Program*	Broadway	Rental	2	HUD
Two Family Affordable Rental Program*	Decatur Street	Rental	2	HUD
Two Family Affordable Rental Program*	Webster Street	Rental	2	HUD
Two Family Affordable Rental Program*	Bow Street	Rental	2	HUD
Two Family Affordable Rental Program*	Washington Street	Rental	2	HUD
Two Family Affordable Rental Program*	Sherborn Street	Rental	2	HUD
Two Family Affordable Rental Program*	Warren Street	Rental	2	HUD
Two Family Affordable Rental Program*	Dorothy Road	Rental	2	HUD



Project Name	Address	Type	Units	Subsidy
Two Family Affordable Rental Program*	Acton Street	Rental	2	HUD
Massachusetts Avenue*	264 Massachusetts Avenue	Ownership	4	DHCD
Two Family Affordable Rental Program*	Medford Street	Rental	2	MHP
Minuteman Village*	40 Brattle St	Ownership	4	MassHousing
Mass Ave Preservation Project*	1016 Mass Ave	Rental	18	HUD
Arlington 360	Summer Street	Rental	26	DHCD
Mass Ave	Mass Ave	Rental	1	DHCD
Arlington Affordable Rental Program*	Rawson Road	Rental	2	HUD
Forest/Pierce*	34 Forest St/11-13 Pierce St	Rental	10	HUD
Capitol Square Apartments	252, 258-260 Mass Ave	Rental	32	MassHousing
Alta Brigham Square	30-50 Mill Street	Rental	17	DHCD
20 Westminster Avenue	20 Westminster Avenue	Rental	9	MassHousing
Kimball-Farmer House*	Mass Avenue	Rental	3	HUD
483 Summer St	483 Summer St	Rental	1	DHCD
1165R Mass Ave	11165R Massachusetts Ave	Rental	124	MassHousing
TOTAL			1,253	

*Units with expiring use restrictions

**Note that the 124 units in Thorndike Place or the 48 units at the HCA's Downing Square Broadway Initiative have not been added to the Subsidized Housing Inventory as of the date of this plan.



APPENDIX D. PROCEDURES FOR HOUSING PLAN CERTIFICATION SAFE HARBOR

In 2002, the Massachusetts Department of Housing and Community Development (DHCD) created an incentive for cities and towns to take an active role in increasing the supply of affordable housing. By developing a plan that met DHCD's requirements under the Planned Production program, communities could become eligible to deny a comprehensive permit for twelve (or possibly twenty-four) months if they implemented their housing plan by meeting a minimum annual low-income housing production target. The Planned Production program was overhauled in 2008, at which time the planning component became known as the Housing Production Plan.

To qualify for the flexibility that a DHCD-approved Housing Production Plan offers, Arlington needs to create (through the issuance of permits and approvals) at least 99 new low- or moderate-income housing units (or an amount equal to or greater than the 0.50 percent production goal) in a given calendar year and obtain certification from DHCD that the Housing Production Plan standard had been met. Units eligible for the Subsidized Housing Inventory (SHI) will be counted for certification purposes in accordance with 760 CMR 56.03(2):

(2) Subsidized Housing Inventory.

(a) The Department shall maintain the SHI to measure a municipality's stock of SHI Eligible Housing. The SHI is not limited to housing units developed through issuance of a Comprehensive Permit; it may also include SHI Eligible Housing units developed under G.L. Chapters 40A, 40R, and other statutes, regulations, and programs, so long as such units are subject to a Use Restriction and an Affirmative Fair Marketing Plan, and they satisfy the requirements of guidelines issued by the Department.

(b) Units shall be eligible to be counted on the SHI at the earliest of the following:

1. For units that require a Comprehensive Permit under M.G.L. c. 40B, § 20 through 23, or a zoning approval under M.G.L. c. 40A or completion of plan review under M.G.L. c. 40R, the date when:
 - a. the permit or approval is filed with the municipal clerk, notwithstanding any appeal by a party other than the Board, but subject to the time limit for counting such units set forth at 760 CMR 56.03(2)(c); or
 - b. on the date when the last appeal by the Board is fully resolved;
2. When the building permit for the unit is issued;
3. When the occupancy permit for the unit is issued; or
4. When the unit is occupied by an Income Eligible Household and all the conditions of 760 CMR 56.03(2)(b) have been met (if no Comprehensive Permit, zoning approval, building permit, or occupancy permit is required.)

Requests for certification may be submitted at any time. DHCD will determine whether Arlington complies within 30 days of receipt of the Town's request. If DHCD finds that Arlington complies with the Housing Production Plan, the certification will be deemed effective on the date upon which Arlington created new units on the SHI under 760 CMR 56.03(2). The certification will remain in effect for one year from its effective date. If DHCD finds that Arlington has increased its number of SHI Eligible Housing units in a calendar year



by at least 1 percent of its total housing units (199 units), the certification will remain in effect for two years from its effective date.

The certification process would allow the Zoning Board of Appeals to deny a comprehensive permit for twelve months (or twenty-four months, as applicable), or continue to approve projects based on merit. However, if the Board decides to deny a comprehensive permit or impose conditions during the Housing Plan certification period, it must do so according to the following procedures. 760 CMR 56.05(3) and 56.03(8):

- Within fifteen days of opening the public hearing on a comprehensive permit application, the Board has to provide written notice to the applicant, with a copy to DHCD, that denying the permit or imposing conditions or requirements would be consistent with local needs, the grounds that it believes has been met (e.g., a Housing Plan certification is in effect), and the factual basis for that position, including supportive documentation.
- If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to DHCD, with a copy to the Board, within fifteen days of receiving the Board's notice, and include supportive documentation.
- DHCD will review the materials provided by the Board and the applicant and issue a decision within thirty days. The Board has the burden of proving that a denial or approval with conditions would be consistent with local needs, but any failure of DHCD to issue a timely decision constitutes a determination in favor of the Town.
- While this process is underway, it tolls the requirement to complete the public hearing and final action.



From: Don Seltzer <timoneer@gmail.com>
Stephen DeCoursey <SDeCoursey@town.arlington.ma.us>, DMahon@town.arlington.ma.us,
To: JHurd@town.arlington.ma.us, Len Diggins <LDiggins@town.arlington.ma.us>, Eric Helmuth
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Date: 02/02/2022 10:18 AM
Subject: Correspondence - Proposed Housing Plan

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I previously wrote to this Board on this subject about a month ago. I assume that something went wrong in the mailing process because I never received any acknowledgement that my letter was received, nor was it included with other correspondence to the Select Board.

I am resending my earlier letter below, but would like to add two additional points about how the draft Housing Plan is incomplete, and should be revised before being adopted.

First is the impact of the new MBTA Mandate on Arlington. It requires some drastic changes be made in the zoning regulations for a district in East Arlington that would allow redevelopment at quadruple the housing density permitted now. The consultant's plan was written before the December 2021 release of the specific guidelines for the Mandate and severely underestimates the impact. The Plan only briefly references the MBTA Mandate, and in glowing terms such as the 'winds of change' and 'Governor Baker's legislative victory.' It mistakenly assumed that the goal was a reasonable 15 units per acre, rather than the four times greater density that the Mandate actually requires of Arlington. It fails to plan for how Arlington might comply with these extraordinary demands from the DHCD. Please see more on this important issue at [<https://www.yourarlington.com/easyblog/entry/36-housing/3098-zoning-020222>](https://www.yourarlington.com/easyblog/entry/36-housing/3098-zoning-020222)

This proposed plan also fails to address climate change and related flooding problems in many areas of Arlington. There was an excellent discussion of this important issue at this morning's meeting of the Zoning Bylaw Working Group that highlighted the problem and started discussion of how to address it through zoning laws for new development. All that this five year Housing Plan has to say about the matter is that there are some areas of Arlington that flood, and *"Development occurring in floodplains must comply with regulatory limits under zoning and more stringent construction standards under the State Building Code"*.

That is hardly a useful plan to deal with a serious, growing problem.

My previous correspondence -

As the Select Board begins its consideration of the draft version of the Housing Production Plan, I would like to call your attention to the State guidelines for Housing Production Plans.

<https://www.mass.gov/doc/housing-production-plan-guidelines/download>

In particular, please note the fundamental requirement that:

"...At a minimum, the Plan must examine:

The capacity of the infrastructure to accommodate future growth, including plans to ensure that future needs are met. The analysis should evaluate the impact of future housing development... The infrastructure analysis should evaluate the capacity of water and sewer systems, roads, utilities, public transit, schools, and any other public facilities that will impact or be impacted by future housing development."

There are no such analyses in this plan. There isn't even an estimate of growth. All that we see under the headings for infrastructure are filler materials, describing what we have now, but no insight into what level of growth can be handled. This is not acceptable and could lead to the rejection of this plan by the state.

Look at the entry for public schools. In Arlington's last HPP there were four pages of analysis of the impact on schools. In this report, there is just a single paragraph, dismissing capacity as being of no concern, based solely upon the 2015 McKibben forecast which predicted that we would have reached our peak in student enrollment by this year. However, that 2015 report made no assumptions about housing growth, nor changing family demographics from new, denser housing. Last year's Census shows that Arlington's population is growing far faster than McKibben predicted. We have already reached a population level that the report predicted we would not achieve until the 2030's.

Consider this rule of thumb - for every 80 housing units we add, expect to fill up another classroom. Consider the cost of a new elementary school, \$55,000,000 (Marblehead's Brown Elementary School, recently opened)

The other failing of this draft housing plan is that it strays from the specific direction of the state in its scope. The guidelines emphasize that the Plan should address housing for families making *"not more than 30% AMI, more than 30% but not more than 80% AMI, and more than 80% but not more than 120% AMI..."*

And yet, the very first recommended action in this plan has nothing to do with this range of affordability. At last month's presentation to the Redevelopment Board, the author of this draft report was asked by a Board member how the elimination of single family zoning to allow duplexes would increase affordability when recent sales data showed that single family homes were being replaced with condo duplexes for which each unit was more expensive than the original single family.

The report's author was quite candid that *"Not everything in this report is about affordability...I was not thinking about affordability with two family... some of it is about choice..."*

The "choice" that is being promoted is for the affluent.

"As you become more affluent your housing choices decline... if your incomes go up the housing choices decline".

The consultant author was referring to households in the 200+% AMI category, who could afford/wanted to spend \$1M or more on a home. The 'problem' of choice was that their selection was primarily limited to traditional single family homes because there are not enough luxury condo duplexes in Arlington to satisfy the demand.

There is nothing in the State Guidelines to suggest that we should be implementing housing policy to promote more choices for households making more than 200% AMI.

It is an unrealistic pipe dream to expect that by doing so, we will somehow generate any sort of trickle down housing for low income households of under 80% AMI. This Board has been provided, by separate correspondence, examples of dozens of recent duplex conversions in town that clearly demonstrate that this type of redevelopment spurs accelerated gentrification, producing housing affordable only to high income families making more than 200% of AMI.

The residents who would be most affected are the one third of Arlington households that have an income of between \$100K and \$200K. This includes many of our first responders and two-income teacher households. For this Middle Third, smaller, older single family homes that range from \$600k - \$800K are attainable. But this Housing Plan attacks that existing moderately affordable housing base by encouraging teardown and replacement with duplex condos.

The middle third of Arlington is slowly being squeezed out, by eliminating the home ownership that is within their means.

Don Seltzer
Irving St

From: JO ANNE PRESTON <ja-preston@comcast.net>
To: "Amaher@town.arlington.ma.us" <Amaher@town.arlington.ma.us>
Date: 03/02/2022 11:35 AM
Subject: Housing Plan: AHA corrections

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Dear Select Board members,

I would like to propose some changes in the housing plan under your consideration.

In the description of the AHA on page 3, the report describes "The Arlington Housing Authority is the largest provider of affordable housing in Arlington. The AHA manages five public housing developments with more than 800 residents as well as a house and condominiums that are not income restricted."

This is inaccurate. All of the houses and condominiums are under the state requirements that tenants pay 30 percent or less for rent. Those who are homeless or face other housing emergencies have priority on the state generated waiting list and thus AHA houses almost exclusively a low-income population; the average rent paid last year was \$460. a month. So we do not need to be deemed income restricted. We routinely offer housing to those who live in other forms of affordable housing but can no longer afford the rent. The only exception is one building that houses developmentally challenged adults under Chapter 689 and is primarily managed by an outside agency.

Also on page 3, it states "it has not actively pursued new housing development in a long time and lacks the resources to manage the properties it already owns."

This statement is also inaccurate. First, it should recognize the recent practice of the Arlington Housing Authority in acquiring new housing opportunities, especially for low-income developmentally challenged adults and those who have experienced domestic violence. These include the purchase of basic condominiums, small houses, and the building one-bedroom attached accessible apartments for those with disabilities. These strategies allow for a quick turn-around time to furnish much needed housing and all units are deeply affordable, charging 30 percent of monthly income.

Second, the AHA buildings are at an age where all buildings need modernization and funding to achieve the modernization. The housing plan should emphasize the importance of providing funding for modernization for the current structures and predict this need for those recently built.

AHA has furnished affordable housing to low-income residents since 1950 which means now many of the buildings are now undergoing or need replacement windows, roofs, and doors for which AHA is actively seeking funding. With many of our buildings are 70 years old, they are now in need of capital improvements -- new roofs, new windows, electrical systems, etc. While some of this has been

done we are making a major effort to complete this work in the next few years if given adequate funding. We are able to manage day-to-day repairs and improvements.

Thank you for considering these changes.

Jo Anne Preston
Commissioner, Arlington Housing Authority
Town Meeting Member, Precinct 9

From: Patricia Worden

To: Chair DeCoursey and Members of the Select Board

Date: February 1, 2022

TESTIMONY FOR HEARING CONCERNING THE DRAFT HOUSING PLAN

(Please include in materials for this hearing)

Dear Chair DeCoursey and Members of the Board,

I serve on the Housing Plan Implementation Committee and I strongly disapprove of this draft Housing Plan. I did succeed some months ago in having corrections made in the draft plan of some astounding inaccurate derogatory statements which were in the plan at that time (concerning race in Arlington) which had nothing to do with Arlington. However, since that initial set of corrections was made none of the many inaccuracies and falsehoods in subsequent drafts have been corrected. The draft Housing Plan is riddled with inaccuracies and damaging concepts and should not be approved in its current form

Arlington Housing Plan (HP) (recently approved by Arlington Redevelopment Board) created under auspices of the HP Implementation Committee (HPIC), on which I serve, conducted poorly attended meetings and hearings – sometimes with zero members of the public. With numerous mistakes and fallacies, HP's mantra crams into Arlington as much housing as possible including housing affordable only by wealthy earning more than 200% AMI. Teardowns and exploding costs of housing, taxes, schools etc. would follow; environment and sustainability damaged; affordability marginalized. Arlington's exemplary diversity (described in the Master Plan as one of the most diverse Towns in the area) would be eroded by zoning changes producing dense, expensive housing. The HP has not been approved by HPIC.

The draft plan is very damaging for Arlington, encouraging rampant speculation of many kinds and 40B development. Recently, for example a member of HPIC appears to be the owner of a property for which a Notice of Intent was heard for a 40B development that would destroy 80 trees and antique homes abutting the vulnerable Mill Brook area.

The plan encourages drastic zoning (fortunately only Town Meeting can enact zoning) and changes which would massively increase developer profit potential including enabling of:

- construction of two family homes by right in single family districts throughout Arlington
- 40B projects throughout Town – these are large projects of market rate and luxury units with a few “affordable” units (none for very low income families) allowing violation of environmental/historical protective bylaws
<https://www.wickedlocal.com/story/arlington-advocate/2022/01/28/your-home-affordability-and-40-b/9256151002/>
- large residential apartments by right obliterating homes, open space, businesses, restaurants in East Arlington/Alewife/“MBTA-community” near Hardy School, Magnolia, Massachusetts Avenue, and wetlands

- multifamily apartments and phony “Mixed Use” apartment construction Town-wide

Illustrative of the damaging and unnecessary changes that the draft Plan encourages is its recommendation for zoning changes in the “MBTA Community” in East Arlington near Alewife, wetlands, Magnolia, Massachusetts Avenue. Businesses, restaurants. and rows of iconic two-family homes could be demolished to make way for large apartment buildings in this admirable community if zoning changes desired last year by the Planning Department were enacted -see Don Selzer’s blog at <http://blog.arfr.org><<http://blog.arfr.org/>> and <https://blog-arfr.blogspot.com/2022/01/what-new-mbta-mandate-will-mean-for.html>

These changes are made allegedly to comply with “MBTA community” Housing Choice regulation and are entirely un-necessary since that East Arlington area is already in full compliance. It has density of over 15 units per acre and it is zoned for multifamily. That is because ATM 2021 voted a new ADU bylaw approving two- family houses to become 4-family multifamily houses. The HP and Planning Department ignore that and instead advocate drastic un-necessary rezoning in this crowded area with its traffic, density, parking problems, and escalating school costs which the Planning Director has, outrageously, banned from discussion.

The Plan essentially ignores the very low income residents’ needs for housing and the need for AHA for more financial aid to expand its acquisition of properties to renovate and rent to the needy and victims of domestic violence etc.

The draft Plan lists the Housing Plan implementation Committee (on which I serve) as having “Lead Responsibility” for allowing two family homes in all residential districts in Arlington as of right (p. 85). But HPIC never agreed to this. Likewise it lists HPIC as having Lead responsibility for changing regulations to allow three family structures and townhouses in R3 and R4 by right-but HPIC never agreed to this. In addition it lists HPIC as being a “Partner and Advocate” for increasing the amount of land zoned for multifamily development” (p.89) – this has not been voted by HPIC and is not appropriate. Further on page 88 the plan outrageously lists HPIC as the “Partner and Advocate for allowing redevelopment of preexisting nonconforming residential uses in the Industrial Zoning District and make residential uses easier to permit through redevelopment/reuse of Industrial District sites.” It is not true that HPIC ever agreed to approve this initiative –much less to be a “Partner and Advocate.” That is simply made-up nonsense and obviously violates the intent of last year’s ATM vote on Industrial Districts.

I urge you to require that the draft Housing Plan be revised significantly. Otherwise it could destroy much of Arlington.

Thank you,

Patricia Barron Worden, Ph.D.
 Member, Housing Plan Implementation Committee
 Member, Housing Plan Implementation Committee
 Former Charter Member, Human Rights Commission
 Member, Town Meeting, Pct. 8

From: Patricia Worden

To: Chair DeCoursey and Members of the Select Board

Date: March 9, 2022

ADDITIONAL TESTIMONY FOR HEARING CONCERNING THE DRAFT HOUSING PLAN

(Please include in materials for the Housing Plan hearing)

Dear Chair DeCoursey and Members of the Board,

Since submitting testimony to you on February 1 concerning the Draft Housing Plan disturbing actions recommended by the plan have been promoted by the Planning Department (PD). That is despite the fact that the Planning Director assured the Arlington Redevelopment Board (ARB) At their Housing Plan (HP) Hearing on January 24 (when questioned prior to their voting approval) that no individual strategies recommended by the HP would be promoted for enactment until the strategy had been fully vetted by the Select Board and some others.

Nevertheless the PD heavily promoted and helped develop Article 38 and misleading propaganda for the HP's recommendation to allow two-family houses by right in single family districts. That is one of the most disturbing strategies recommended in the HP now being promoted as Article 38 for the Annual Town Meeting of 2022. As you know, that has not been vetted by you and so the PD has already violated its commitment for vetting of these strategies. There has been none of the promised vetting. The PD should not be helping promote this strategy. It is not appropriately vetted for this year's Annual Town Meeting.

The article proponents are trying to make a profound and tragic policy decision for Arlington which deserves publicity to all citizens and taxpayers. This policy needs wide public discussion monitored by the Select Board (SB), not an obscure back door (into our zoning bylaw) of which many are unaware.

I have worked for 30 years on affordable housing

Article 38 is NOT about affordable Housing. It is about providing lucrative development opportunities for developers. Who wants this change? Who benefits? Listen to the speakers at the ARB Hearing of March 7. 24 residents spoke against Article 38. With its Orwellian language and proposed changes it feeds the appetite of for-profit developers to continue their documented teardowns of REASONABLY affordable homes and replacement with much more expensive units. It entirely violates the Master Plan which states that Arlington's need for housing is only for affordable and senior housing (page 88, *Arlington Master Plan*) although the PD's propaganda claims otherwise (page 5, Planning Department Memorandum to ARB, March 3; page 9, ARB Agenda March 7).

The Article is extremely discriminatory and racist and should be rejected out of hand if we are to retain our cherished housing equity and diversity in Arlington.

It essentially eliminates much lower income people of all races from the Arlington housing market. There is nothing in this proposed bylaw for them. NOTHING. It also hurts the so-called missing middle buyer from Arlington – contrary to what the article 38 proponent claims. Our teachers, service providers, first responders, etc. are priced out of units this article would bring. If you study the logistics of likely consequences in Arlington you will find that any affordability will be a thing of the past (except what Arlington Housing Authority and Housing Corporation of Arlington can provide). The new housing units will have prices for those earning more than 200% of AMI. www.arfr.org

Also, the status of the ARB should not be demeaned by misleading juvenile propaganda on their website. The PD should not have provided or allowed the distressing propaganda on the ARB agenda (bordering on fraudulent) that preexisting non-conforming uses are illegal. That is entirely wrong. There are additional troubling propaganda statements about Article 38 provided by the PD in the so-called "Background" section of the Article 8 presentation in the memorandum. These are largely cleverly phrased distortions of remarks in the HP which result in misleading interpretations. For example:

The majority of land in Arlington is zoned for residential use, with 60% of total land area falling within the R0 and R1 Zoning Districts.

-At first glance, this appears to be factually correct. About 50%-60% of land is zoned R0/1. But that is not what it is used for. I did the analysis on lot size and use, and single family homes in R0/1 comprise only 38% of town land.

Of Arlington's land zoned for residential use, 80% is restricted to single- family homes.

Very misleading. RO/1 is full of perfectly lawful other uses, such as municipal, school, religious, cemeteries etc., as well as hundreds of prior-conforming multifamily homes.

While this amendment would not generate housing affordable to households making 80% of Area Median Income (AMI) or less, it has the potential to result in greater housing choice for middle income households.

As tear down history in the R2 district shows, the only housing created is for the rich, making 200% or more of AMI. Nothing has been created for middle income households in recent years.

Also, the PD with their distaste for full disclosure failed to mention in their “Background” promotional material for Article 38 that the Article actually would enable **4-family buildings in single family residential districts**. That is a result of the poorly designed ADU Article 43 of ATM 2021, that PD recommended last year for approval at the Virtual Town Meeting of 2021 and now a zoning bylaw. ADUs have frequently been created illegally without permits and the ADU article approved by PD has no enforcement provisions despite courageous and dire warnings by the then-building inspector. Thus we may never know how many ADUs are created. Homeowners cannot be expected to “rat out” a neighbor with an illegal ADU.

Single family districts have been part of zoning since it was first instituted. It should not be eliminated by Article 38 which takes no account of unintended consequences and is being promoted without proper research. Other states are trying this experiment including California but no attempt has been made by the PD to report on their success or lack thereof. It is irresponsible for P.D. to try to force us to be the first or one of the first in Massachusetts to do this experiment without first doing the necessary research.

Proponents of Article 38 claim that nothing can be done to prevent teardowns and replacements with expensive homes. But those same proponents opposed development of a temporary moratorium on teardowns of Capes and opposed every one of the many attempts by citizens at last year's Annual Town Meeting to prevent teardowns and to increase affordability of our housing. If nothing can be done that's because the choose not to do anything.

The rampant construction which would ensue if this article is approved is obvious from remarks in the Letter of Mr. Stephen Blagden. The constant push

of the PD and their associates for increased density of both market rate and luxury housing often lacking affordability is causing ever accelerating speculation, destruction and unaffordability. It has to stop. It is hurting the community. It's up to you to make them stop and not to allow enactment of the damaging strategies of the Housing Plan which does almost nothing for affordability.

Why is the Warrant for Town Meeting not out yet? How are people going to know what is going on?

<https://www.wickedlocal.com/story/arlington-advocate/2022/02/11/arlington-letters-editor-residents-need-aware-local-crime/6692959001/>

Thank you,

Patricia Barron Worden, Ph.D.

Town Meeting Member, Precinct 8

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Former Member and Chair, Arlington School Committee and Arlington Housing Authority

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Thank you,

Patricia Barron Worden, Ph.D.

Town Meeting Member, Precinct 8

Member, Housing Plan Implementation Committee

Former Member and Chair, Arlington School Committee and Arlington Housing Authority

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Town of Arlington, Massachusetts

Review and Discussion: MA DHCD Draft Guidelines for MBTA Communities

Summary:

Jennifer Raitt, Director, Department of Planning and Community Development

Kelly Lynema, Assistant Director, Department of Planning and Community Development

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	MBTA_multifamily_Mar_2022_-_Select_Board.pdf	Presentation
▢	Reference Material	Draft_Guidelines_for_MBTA_Communities.pdf	Draft Guidelines for MBTA

MBTA COMMUNITIES

Zoning Requirements, Timelines, Eligibility



Arlington, MA

MBTA COMMUNITIES

1

Legislation

2

Funding and
compliance

3

Draft Guidelines

4

Timeline

5

Possible ideas
for compliance



To be eligible for funding from MassWorks, Local Capital Projects Fund, or Housing Choice Initiative, an MBTA Community shall have...

“at least one zoning district of reasonable size
in which multi-family housing is permitted
as of right.”

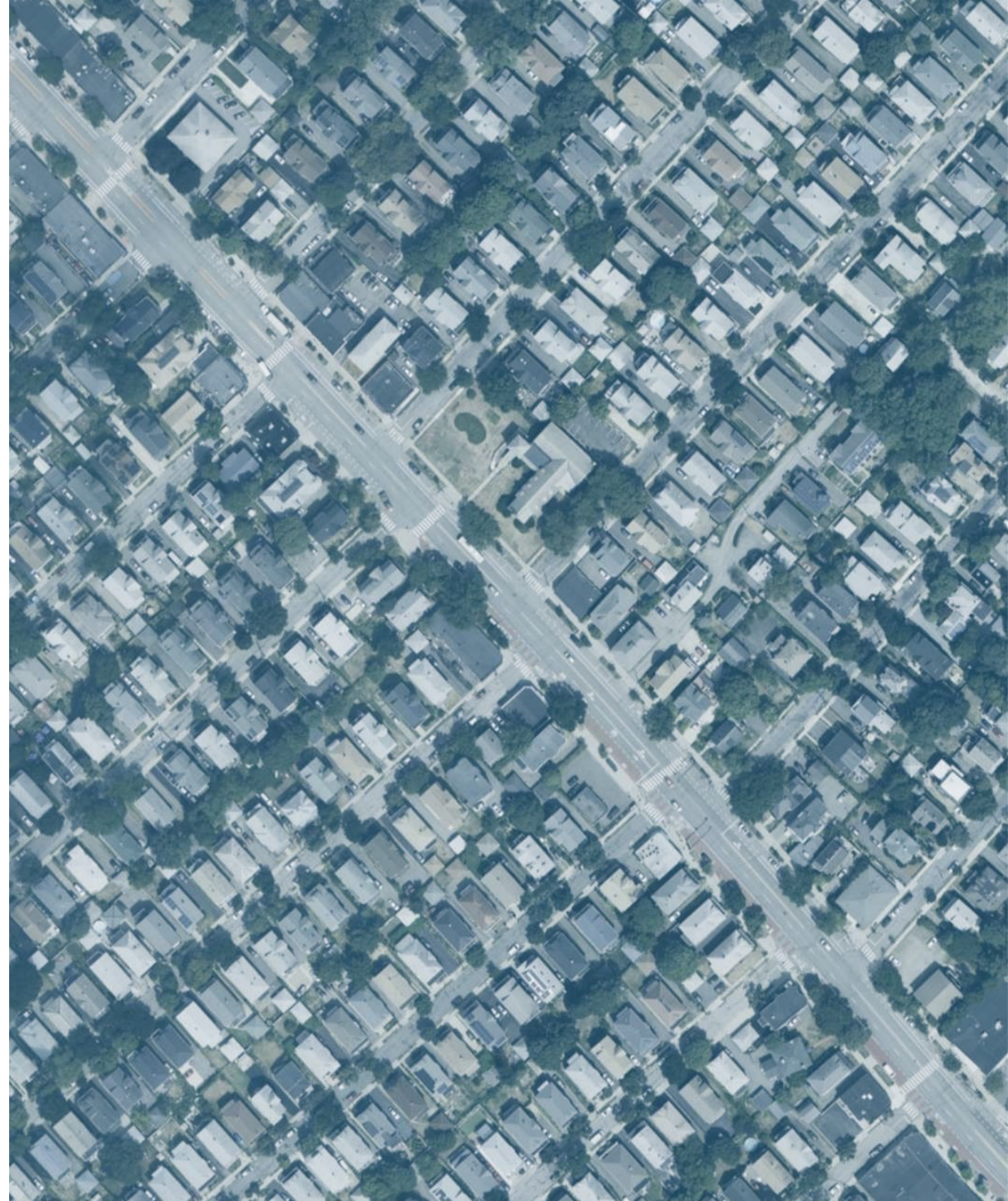
— ECONOMIC DEVELOPMENT BOND BILL (PARTNERSHIPS FOR GROWTH), JANUARY 2021

Multi-Family Zoning Requirement

codified in Section 3A of MGL c. 40A

- At least one district *of reasonable size*
- Multifamily housing permitted as of right
- No age restrictions; suitable for families with children
- Minimum gross density of 15 units/acre
- Not more than ½ miles from a subway station or bus station*

* As applicable to Arlington



MGL C. 40A SECTION 3A

- At least one district *of reasonable size*
- Multifamily housing permitted as of right
- No age restrictions; suitable for families with children
- Minimum gross density of 15 units/acre
- Not more than ½ miles from a subway station or bus station*

* As applicable to Arlington

DRAFT GUIDELINES

- At least 50 acres total
- Building with 3+ residential dwelling units
- No age restrictions or bedroom limits in zoning
- Capacity for 5,115 units**
- At least ½ of the land area of the district is within ½ miles of the station

** This number is based on current housing units and community type; Arlington is categorized as a Rapid Transit Community; this number is 25% of total housing units

**By complying with MBTA
Communities legislation,
Arlington would remain
eligible for funding from...**

**\$ MassWorks Infrastructure
Program**

\$ Housing Choice Initiative

\$ Local Capital Projects Fund



2

HOW COULD WE USE THIS FUNDING?

MassWorks, Housing Choice Initiative, or Local Capital Projects Fund

2

How could Arlington use this funding?

MassWorks, Housing Choice Initiative, or Local Capital Projects Fund

Design and construction funding for public infrastructure (roads, utilities, biking and pedestrian facilities, and improvements to public properties

Community capital grants for infrastructure upgrades, updating Master Plan, zoning amendments/studies

2

How could Arlington use this funding?

MassWorks, Housing Choice Initiative, or Local Capital Projects Fund

In Last 5 Years

\$0 Awarded

In Near Future

Applying for MassWorks funding for Mass Ave/Appleton project

MassWorks 2021 awards averaged \$1.1 M per project in 51 communities

May be eligible for Housing Choice Initiative Grants in 1-2 years

Not eligible for Local Capital Projects Fund

In Outyears

State may funnel more state funding through these programs like these that are tied to incentive-based standards



3

DRAFT GUIDELINES

Massachusetts Department of Housing & Community Development
released *DRAFT* Guidelines regarding the Multi-Family Zoning Requirement
for MBTA Communities

www.mass.gov/mbtacomunities

3

How does Arlington comply now with the *draft* guidelines?

Suitable for children – no limits on:

- ☒ Age
- ☒ Size of units
- ☒ Number of bedrooms
- ☒ Size of bedrooms
- ☒ Number of occupants

As of right

- ☒ At least 3 units on a parcel*
- ☒ Without discretionary permits

*Currently only allow two units per lot by right. Special permits are required for three-family structures even in the R3 zoning district.

Reasonable Size

- ☒ 50 acres
- ☒ Within ½ mile of MBTA stations
- ☒ At least 15 residential units/acre

3

How does Arlington comply now with the *draft* guidelines?

Suitable for children – no limits on:

- ☒ Age
- ☒ Size of units
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- ☒ Size of bedrooms
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- ☒ At least 3 units on a parcel*
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*Currently only allow two units per lot by right. Special permits are required for three-family structures even in the R3 zoning district.

Reasonable Size

- ☒ 50 acres
- ☒ Within ½ mile of MBTA stations
- ☒ At least 15 residential units/acre
- ☒ Capacity for 5,115 residential units



4

TIMELINE

to remain in compliance as a MBTA Community

4

Timeline to remain in compliance

TASK	STATUS
By 3/31: Provide comments to DHCD on draft guidelines	In progress
By May 2, 2022: Submit MBTA Community Info Form – includes requirement for Select Board briefing	In progress
By December 31, 2022: Notify DHCD of lack of full compliance	
By March 31, 2023: Create and submit our action plan with compliance timeline and receive approval.	
By December 31, 2023: Implement the Action Plan by adopting Zoning Bylaw amendments that meet the requirements and receive DH D determination of full compliance	

4

Next Steps

- Please copy staff on any comments on draft guidelines – comments due by March 31st
- Once DHCD Final Guidelines are issued, DPCD will return to ARB with an update and discussion on how to move forward (end of summer/ early fall 2022)



mass.gov/mbtacomunities

5

IDEAS FOR COMPLIANCE

Massachusetts Department of Housing & Community Development
released DRAFT Guidelines regarding the Multi-Family Zoning Requirement for
MBTA Communities

5

Ideas for compliance with draft guidelines

Reduce Development Subject to Special Permit

3 or more residential units

Structures along or immediately
behind Mass Ave

Structures in R3 – R7 and some
Business Districts

Increase Dwelling Unit Flexibility

Create a very large 40R District (150 to
300 acres)

Permit 2 accessory dwelling units in
single-family zones

Transit loci

— ½ mile radius

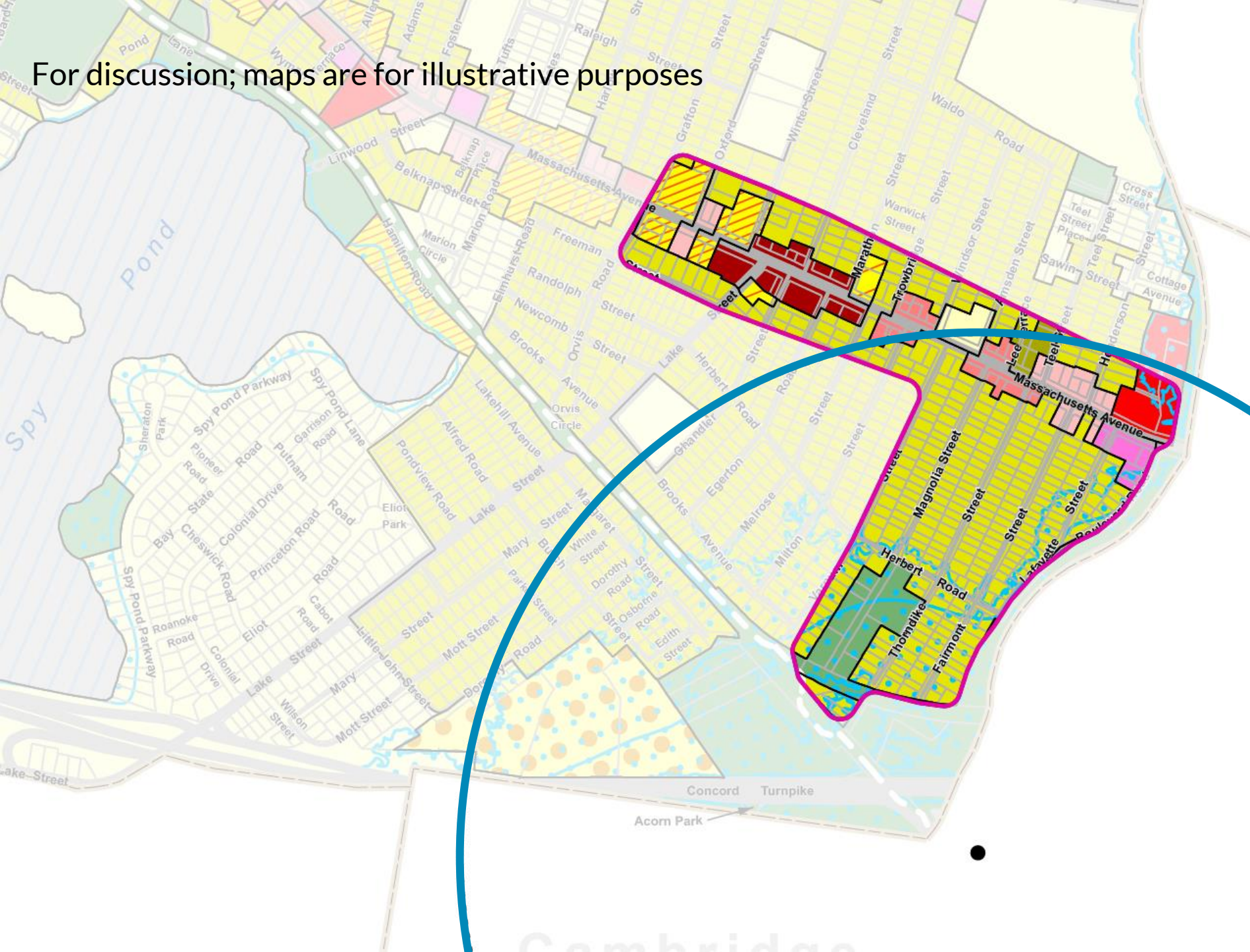


For discussion; maps are for illustrative purposes

East Arlington

Approximately
65-70 acre district,
primarily within $\frac{1}{2}$
mile of Alewife
Station

— $\frac{1}{2}$ mile radius

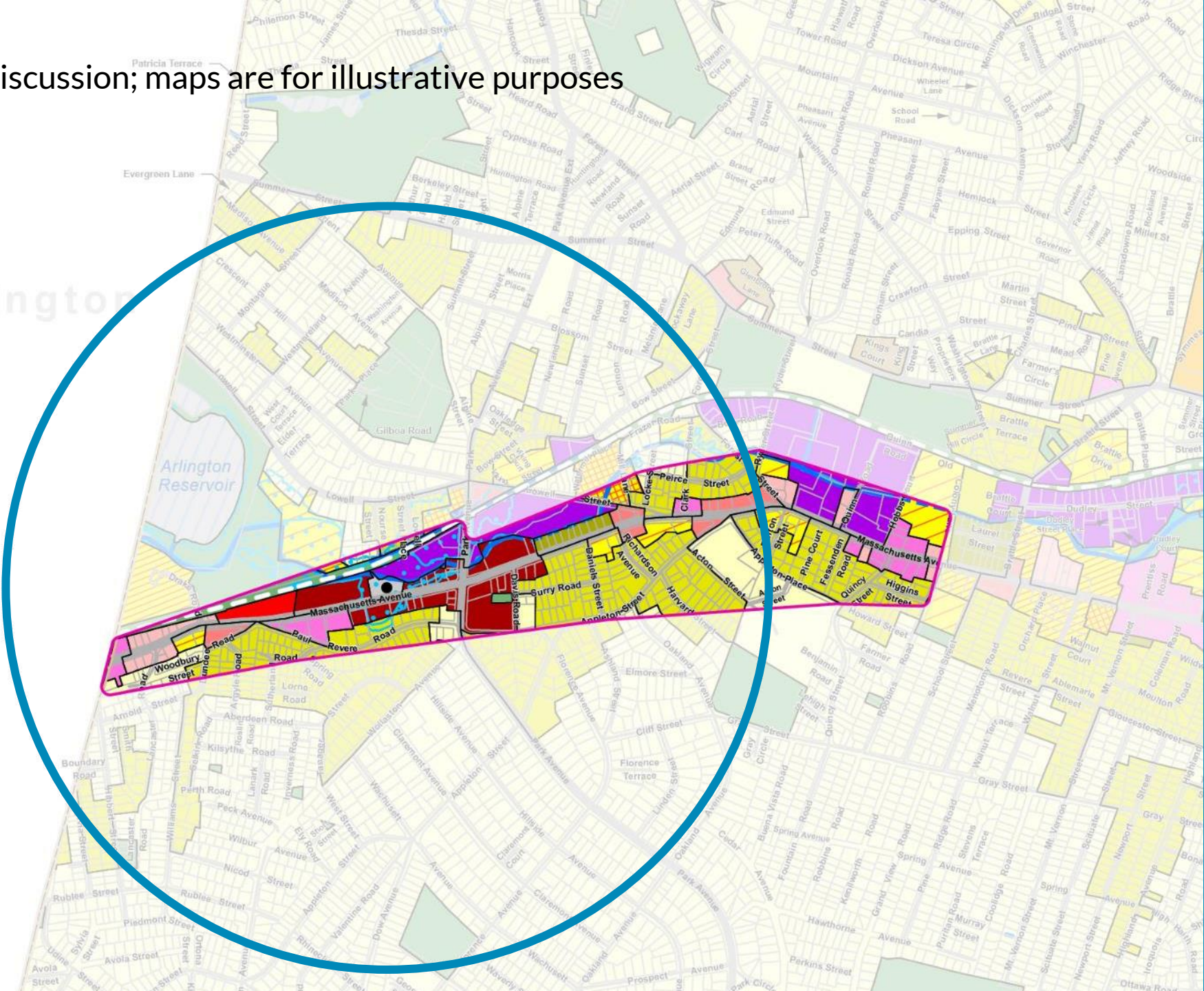


For discussion; maps are for illustrative purposes

Arlington Heights

Approximately
50-55 acre district,
primarily within ½
mile of Heights Bus
Depot

— ½ mile radius



For discussion; maps are for illustrative purposes

Business Districts

Three districts
totaling roughly
140-145 acres, one
located in each
business district

— ½ mile radius



For discussion; maps are for illustrative purposes

Corridor overlay

Establishing an overlay a set distance from the Mass Ave corridor (1/10th and 2/10th mile distances shown). Total district size between 200 and 450 acres.

— ½ mile radius



MBTA COMMUNITIES

Zoning Requirements, Timelines, Eligibility



Arlington, MA

Presented to the Arlington Select Board: 03/30/22



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

DRAFT Compliance Guidelines for Multi-family Districts
Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as “Section 3A”). Subsection (a) of Section 3A provides:

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community with no transit station within its border or within 0.5 mile of its border.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring occupancy by at least one person age 55 or older.

“Bus service community” means an MBTA community with a bus station within its borders or within 0.5 miles of its border, or an MBTA bus stop within its borders, and no subway station or commuter rail station within its border, or within 0.5 mile of its border.

“Bus station” means a building located at the intersection of two or more public bus lines, within which services are available to bus passengers; provided that a bus station does not include a shelter or other structure without walls and a foundation.

“Chief executive officer” means the mayor in a city, and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

“Commonwealth’s sustainable development principles” means the principles set forth at <https://www.mass.gov/files/documents/2017/11/01/sustainable%20development%20principles.pdf> as such principles may be modified and updated from time to time.

“Commuter rail community” means an MBTA community with a commuter rail station within its borders, or within 0.5 mile of its border, and no subway station within its borders, or within 0.5 mile of its border.

“Developable land” means land on which multi-family housing units have been or can be permitted and constructed. Developable land shall not include land under water, wetland resource areas, areas lacking adequate water or wastewater infrastructure or capacity, publicly owned land that is dedicated to existing public uses, or privately owned land encumbered by any kind of use restriction that prohibits residential use.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no legal restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.” A list of MBTA communities is attached, including the designation of each MBTA community as a rapid transit community, a bus service community, a commuter rail community or an adjacent community for purposes of these compliance guidelines.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family district” means a zoning district, including an overlay district, in which multi-family uses are allowed by right.

“Rapid transit community” means an MBTA community with a subway station within its borders, or within 0.5 mile of its border. An MBTA community with a subway station within its borders, or within 0.5 mile of its border, shall be deemed to be a rapid transit community even if there is one or more commuter rail stations or MBTA bus lines located in that community.

“Reasonable size” means not less than 50 contiguous acres of land with a unit capacity equal to or greater than the unit capacity specified in section 5 below.

“Residential dwelling unit” means a dwelling unit equipped with a full kitchen and bathroom.

“Unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within the multi-family district, made in accordance with the requirements of section 5.b below.

3. General Principles of Compliance

a. These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to permit multi-family housing “as of right”;
- The metrics that determine if a multi-family district is “of reasonable size”;
- How to determine if a multi-family district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code;
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children”; and
- The extent to which MBTA communities have flexibility to choose the location of a multi-family district.

b. The following general principles have informed the more specific compliance criteria that follow:

- All MBTA communities should contribute to the production of new housing stock.
- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries nonetheless benefit from being close to transit stations in nearby communities.
- MBTA communities should adopt multi-family districts that will lead to development of multi-family housing projects of a scale, density and character that are consistent with a community’s long-term planning goals.

- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family district that is “reasonable” in one city or town may not be reasonable in another city or town. Objective differences in community characteristics must be considered in determining what is “reasonable” for each community.
- To the maximum extent possible, multi-family districts should be in areas that have safe and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need to obtain any discretionary permit or approval. Site plan review and approval may be required for multi-family uses allowed as of right. Site plan review is a process by which a local board reviews a project’s site layout to ensure public safety and convenience. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it infeasible or impractical to proceed with a multi-family use that is allowed as of right.

5. Determining “Reasonable Size”

In making determinations of “reasonable size,” DHCD will take into consideration both the area of the district and the district’s multi-family unit capacity (that is, the number of units of multi-family housing that can be developed as of right within the district).

a. Minimum land area

Section 3A’s requirement that a multi-family district be a “reasonable size” indicates that the purpose of the statute is to encourage zoning that allows for the development of a reasonable amount of multi-family housing in each MBTA community. A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. A district should not be a single development site on which the municipality is willing to permit a particular multi-family project. To comply with Section 3A’s “reasonable size” requirement, multi-family districts must comprise at least 50 acres of land—or approximately one-tenth of the land area within 0.5 mile of a transit station.

An overlay district is an acceptable way to achieve compliance with Section 3A, provided that such an overlay district should not consist of a collection of small, non-contiguous parcels. At least one portion of the overlay district land areas must include at least 25 contiguous acres of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement.

b. Minimum multi-family unit capacity

A reasonably sized multi-family district must also be able to accommodate a reasonable number of multi-family housing units as of right. MBTA communities seeking a determination of compliance with Section 3A must provide to DHCD an accurate assessment of the number of multi-family housing units that can be developed as of right within the multi-family district, referred to as the district’s unit capacity.

A compliant district's multi-family unit capacity must be equal to or greater than a specified percentage of the total number of housing units within the community. The required percentage will depend on the type of transit service in the community, as follows:

Category	Minimum multi-family units as a percentage of total housing stock
Rapid transit community	25%
Bus service community	20%
Commuter rail community	15%
Adjacent community	10%

The minimum unit capacity applicable to each MBTA community is determined by multiplying the number of housing units in that community by 0.25, 0.20, 0.15 or 0.10, depending on the type of service in that community. For example, a rapid transit community with 7,500 housing units is required to have a multi-family district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. When calculating the minimum unit capacity, each MBTA community should use 2020 census data to determine the number of total housing units, unless another data source has been approved by DHCD.

When determining the unit capacity for a specific multi-family district, each MBTA community must estimate how many units of multi-family housing could be constructed on each parcel of developable land within the district. The estimate should take into account the amount of developable land in the district, as well as the height limitations, lot coverage limitations, maximum floor area ratio, set back requirements and parking space requirements applicable in that district under the zoning ordinance or bylaw. The estimate must also take into account the restrictions and limitations set forth in any other municipal bylaws or ordinances; limitations on development resulting from inadequate water or wastewater infrastructure, and, in areas not served by public sewer, any applicable limitations under Title 5 of the state environmental code or local septic regulations; known title restrictions on use of the land within the district; and known limitations, if any, on the development of new multi-family housing within the district based on physical conditions such the presence of waterbodies, and wetlands.

If the estimate of the number of multi-family units that can be constructed in the multi-family district is less than the minimum unit capacity, then the MBTA community must change the boundaries of the multi-family district or make changes to dimensional regulations applicable to that district (or to other local ordinances or bylaws) to allow for the development of a greater number of multi-family units as of right.

It is important to understand that a multi-family district's unit capacity is not a mandate to construct a specified number of housing units, nor is it a housing production target. Section 3A requires only that each MBTA community has a multi-family zoning district of reasonable size. The law does not require the production of new multi-family housing units within that district. There is no requirement nor expectation that a multi-family district will be built out to its full unit capacity.

In some communities, there may be a significant number of multi-family units already existing in the multi-family district; those communities should generally expect fewer new units to be produced in the district, because it is more fully built out. Conversely, there may be some communities with relatively little multi-family housing in its multi-family district; there generally will be more opportunity for new

housing production in those districts in which there is a large gap between unit capacity and the number of existing multi-family units.

6. Minimum Gross Density

Section 3A states that a compliant multi-family district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. DHCD will deem a zoning district to be compliant with Section 3A's minimum gross density requirement if the following criteria are met.

a. District-wide gross density

Section 3A expressly requires that a multi-family district—not just the individual parcels of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. To comply with this requirement, the zoning must legally and practically allow for a district-wide gross density of 15 units per acre. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

To meet the district-wide gross density the municipality must demonstrate that the zoning for the district permits a gross density of 15 units per acre of land within the district, “include[ing] land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.” By way of example, to meet that requirement for a 50-acre multi-family district, the municipality must show at least 15 existing or potential new multi-family units per acre, or a total of at least 750 existing or potential new multi-family units.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and bylaws typically limit the unit density on individual parcels of land. To comply with the statute's density requirement, an MBTA community may establish sub-districts within a multi-family district, with different density requirements and limitations for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre.

7. Determining Suitability for Families with Children

Section 3A states that a compliant multi-family district must be without age restrictions and must be suitable for families with children. DHCD will deem a multi-family district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions and does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants.

8. Location of Districts

Section 3A states that a compliant multi-family district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” DHCD will interpret that requirement consistent with the following guidelines.

a. General rule for measuring distance from a transit station.

To maximize flexibility for all MBTA communities, the distance from a transit station may be measured from the boundary of any parcel of land owned by a public entity and used for purposes related to the transit station, such as an access roadway or parking lot.

b. MBTA communities with some land area within 0.5 miles of a transit station

An MBTA community that has a transit station within its boundaries, or some land area within 0.5 mile of a transit station located in another MBTA community, shall comply with the statutory location requirement if a substantial portion of the multi-family district is located within the prescribed distance. Absent compelling circumstances, at least [one half] of the land area of the multi-family district should be located within 0.5 mile of the transit station. The multi-family district may include land areas that are further than 0.5 mile from the transit station, provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections.

In unusual cases, the most appropriate location for a multi-family district may be in a land area that is further than 0.5 miles of a transit station. Where none of the land area within 0.5 mile of transit station is appropriate for development of multi-family housing—for example, because it comprises wetlands or land publicly owned for recreation or conservation purposes—the MBTA community may propose a multi-family use district that has less than one-half of its land area within 0.5 miles of a transit station. To the maximum extent feasible, the land areas within such a district should be easily accessible to the transit station based on existing street patterns, pedestrian connections, and bicycle lanes.

c. MBTA communities with no land area within 0.5 miles of a transit station

When an MBTA community has no land area within 0.5 mile of a transit station, the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth’s sustainable development principles—for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

9. Determinations of Compliance

DHCD will make determinations of compliance with Section 3A upon request from an MBTA community, in accordance with the following criteria and schedule. An MBTA community may receive a determination of full compliance when it has a multi-family district that meets all of the requirements of Section 3A. An MBTA community may receive a determination of interim compliance for a limited duration to allow time to enact a new multi-family district or amend an existing zoning district in order to achieve full compliance with Section 3A.

a. Requests for determination of compliance

When an MBTA community believes it has a multi-family district that complies with the requirements for Section 3A, as set forth in these guidelines, it may request a determination of compliance from DHCD. Such a request may be made for a multi-family district that was in existence on the date that Section 3A became law, or for a multi-family district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on a form required by DHCD and shall include, at a minimum, the following information, which shall be provided in a format or on a template prescribed by DHCD:

General district information

- i. A map showing the municipal boundaries and the boundaries of the multi-family district;
- ii. A copy of those provisions in the municipal zoning code necessary to determine the uses permitted as of right in the multi-family district and the dimensional limitation and requirements applicable in the multi-family district;
- iii. A plan showing the boundaries of each parcel of land located within the district, and the area and ownership of each parcel as indicated on current assessor records;

Location of districts

- iv. A map showing the location of the nearest transit station and how much of the multi-family district is within 0.5 miles of that transit station;
- v. In cases where no portion of the multi-family district is located within 0.5 miles of a transit station, a statement describing how the development of new multi-family housing within the district would be consistent with the Commonwealth's sustainable development principles;

Reasonable size metrics

- vi. A calculation of the total land area within the multi-family district;
- vii. A calculation of the multi-family district's unit capacity, along with a statement describing the methodology by which unit capacity was determined, together with;
 - a. A description of the water and wastewater infrastructure serving the district, and whether that infrastructure is sufficient to serve any new multi-family units included in the unit capacity;
 - b. A description of any known physical conditions, legal restrictions or regulatory requirements that would restrict or limit the development of multi-family housing within the district;
 - c. The number and age of multi-family housing units already existing within the multi-family district, if any.

District gross density

- viii. The gross density for the multi-family district, calculated in accordance with section 6 of these guidelines.

Housing suitable for families

- ix. An attestation that the zoning bylaw or ordinance does not place any limits or restrictions on the size of the units, the number of bedrooms, the size of bedrooms, or the number of occupants in multi-family housing units within the multi-family district.

Attestation

- x. An attestation that the application is accurate and complete, signed by the MBTA community's chief executive officer.

As soon as practical after receipt of a request for determination of compliance, DHCD will either send the requesting MBTA community a notice that it has provided all of the required information, or identify the additional information that is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family use district complies with Section 3A, or identifying the reasons why the multi-family use district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community shall be deemed to be in compliance with Section 3A for the period of time during which a request for determination of compliance, with all required information, is pending at DHCD.

b. Action plans and interim compliance—New or amended district

Many MBTA communities do not currently have a multi-family district of reasonable size that complies with all of the requirements set out in Section 3A and these guidelines. These MBTA communities must take affirmative steps towards the creation of a compliant multi-family district within a reasonable time. To achieve interim compliance, the MBTA community must, by no later than the dates specified in section 9.c, send to DHCD written notice that a new multi-family district, or amendment of an existing multi-family district, must be adopted to come into compliance with Section 3A. The MBTA community must then take the following actions to maintain interim compliance:

- i. *Creation of an action plan.* Each MBTA community must provide DHCD with a proposed action plan and timeline for any planning studies or community outreach activities it intends to undertake in order to adopt a multi-family district that complies with Section 3A. DHCD may approve or require changes to the proposed action plan and timeline by sending the MBTA community written notice of such approval or changes. Rapid transit communities and bus service communities must obtain DHCD approval of an action plan by no later than March 31, 2023. Commuter rail communities and adjacent communities must obtain DHCD approval of a timeline and action plan by no later than July 1, 2023.
- ii. *Implementation of the action plan.* The MBTA community must timely achieve each of the milestones set forth in the DHCD-approved action plan, including but not limited to the drafting of the proposed zoning amendment and the commencement of public hearings on the proposed zoning amendment.

- iii. *Adoption of zoning amendment.* An MBTA community must adopt the zoning amendment by the date specified in the action plan and timeline approved by DHCD. For rapid transit communities and bus service communities, DHCD will not approve an action plan with an adoption date later than December 31, 2023. For commuter rail communities and adjacent communities, DHCD will not approve an action plan with an adoption date later than December 31, 2024.
- iv. *Determination of full compliance.* Within [90] days after adoption of the zoning amendment, the MBTA community must submit to DHCD a complete application requesting a determination of full compliance. The application must include data and analysis demonstrating that a district complies with all of the compliance criteria set forth in these guidelines, including without limitation the district's land area, unit capacity, gross density and location.

During the period that an MBTA community is creating and implementing its action plan, DHCD will endeavor to respond to inquiries about whether a proposed zoning amendment will create a multi-family district that complies with Section 3A. However, DHCD will issue a determination of full compliance only after final adoption of the proposed zoning amendment and receipt of a complete application demonstrating the unit capacity.

c. Timeframes for submissions by MBTA communities

To remain in interim compliance with Section 3A, an MBTA community must take one of the following actions by no later than December 31, 2022:

- i. Submit a complete request for a determination of compliance as set forth in section 9.a above; or
- ii. Notify DHCD that there is no existing multi-family district that fully complies with these guidelines, and submit a proposed action plan as described in section 9.b above.

10. Renewals and Rescission of a Determination of Compliance

a. Term and renewal of a determination of compliance

A determination of compliance shall have a term of 10 years. Each MBTA community shall apply to renew its certificate of compliance at least 6 months prior to its expiration. DHCD may require, as a condition of renewal, that the MBTA community report on the production of new housing within MBTA community, and in the multi-family district that was the basis for compliance. Applications for renewal shall be made on a form proscribed by DHCD.

b. Rescission of a determination of compliance

DHCD reserves the right to rescind a determination of compliance if DHCD determines that (i) the MBTA community submitted inaccurate information in its application for a determination of compliance, (ii) the MBTA community amended its zoning or enacted a general bylaw or other rule or regulation that materially alters the Unit capacity in the applicable multi-family use district.

11. Effect of Noncompliance

If at any point DHCD determines that an MBTA community is not in compliance with Section 3A, that MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A. DHCD may, in its discretion, take non-compliance into consideration when making other discretionary grant awards.



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 21 Vote/Extension of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee
Article 24 Home Rule Legislation/Financial Estimates & Budget Documents
Article 7 Bylaw Amendment/Youth and Young Adult Advisory Board
Article 13 Bylaw Amendment/Prohibit the Use of Face Surveillance
Article 14 Vote/Establish a Committee on Insurance Costs and Issues
Article 15 Bylaw Amendment/ Noise Abatement
Article 18 Bylaw Amendment/Phase Out of Certain Toxic Rodenticides on Public/Private Property, with Reporting Requirement and Public Education
Article 23 Vote/Board of Youth Services Updates
Article 27 Revolving Funds
Article 47 Endorsement of Parking Benefit District Expenditures
Article 75 Resolution/Commitment to Increase Diversity in Town Appointments
Article 77 Resolution/Establishing an Integrated Pest Management Policy for Town Land, Prohibitions, and Public Education about Rodenticide Hazards

ATTACHMENTS:

Type	File Name	Description
Reference Material	Warrant_Article_Text.docx	Warrant Article Text
Reference Material	TC_Memo_#7__18__27__47__75__and_77.pdf	Memo from Town Counsel W.A. #7, 18, 27, 47, 75, 77
Reference Material	TC_Memo_ATM_Articles_11__12__13__14__15__16__21_and_26.pdf	Memo from Town Counsel W.A. #11, 12, 13, 14, 15, 16, 21, 26
Reference Material	Article_7_-_L._Diggins.pdf	Article 7 - Reference
Reference Material	Article_13_-_E._Fischer_Face_Surveillance.pdf	Article 13 - Reference
Reference Material	Article_14_-_A._Fischer_PowerPoint.pdf	Article 14 - Power Point Presentation
Reference Material	Article_14_-_A._Fischer_Reference.docx	Article 14 - Reference
Reference Material	Article_14_-_A._Fischer_Letter_of_Support.pdf	Article 14 - Letter of Support
Reference Material	Article_15_-_noise_abatement.pdf	Article 15 - Reference
Reference Material	E._Crowder_Articles_18_and_77.pdf	Article 18 and 77 Reference
Reference Material	Article_18_and_77_Presentation.pdf	Article 18 and 77 Presentation
Reference	Article_18_and_77_Letter_of_Support.pdf	Article 18 and 77

	Material		Letter of Support
▢	Reference Material	Article_18_and_77_Letter_of_Support_#2.pdf	Article 18 and 77 Letter of Support #2
▢	Reference Material	FY23_Revolving_Funds_-_Article_27.pdf	Article 27 - Reference
▢	Reference Material	Arlington_Parking_Benefit_District_Report_FY23.pdf	Article 47 - Reference
▢	Reference Material	Article_75_-_E._Dray_Increase_Diversity.pdf	Article 75 - Reference
▢	Reference Material	Updated_Article_75_Resolution.docx	Article 75 - Resolution
▢	Reference Material	W.A._75_Letter_of_Support.docx	Article 75 - Letter of Support

ARTICLE 21 **VOTE/ EXTENSION OF YOUTH AND YOUNG ADULT
ADVISORY BOARD, COMMISSION, OR COMMITTEE
STUDY COMMITTEE**

To see if the Town will vote to extend the timeframe of the Youth and Young Adult Advisory Board Study Committee from the 2022 Annual Town Meeting until the 2023 Annual Town Meeting; maintain such Committee's duties and responsibilities; and allow it to report its recommendation to the 2023 Annual Town Meeting; or take any action related thereto.

(Inserted at the request of the Youth and Young Adult Advisory Board, Commission or Committee Study Committee)

ARTICLE 24 **HOME RULE LEGISLATION/FINANCIAL ESTIMATES &
BUDGET DOCUMENTS**

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

(Inserted by the Select Board)

ARTICLE 7 **BYLAW AMENDMENT/YOUTH AND YOUNG ADULT
ADVISORY BOARD**

To see if the Town will vote to amend Title II of the Town Bylaws to establish a new Youth and Young Adult Advisory Board, establish its membership, duties and responsibilities; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 13 **BYLAW AMENDMENT/PROHIBIT THE USE OF FACE
SURVEILLANCE**

To see if the Town will vote to amend Title I of the Town Bylaws to prohibit the use of face surveillance by the Town of Arlington, including departments and officials; or take any action related thereto.

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

ARTICLE 14 **VOTE/ESTABLISH A COMMITTEE ON INSURANCE
COSTS AND ISSUES**

To see if the Town will vote to establish a committee to examine current issues related to insurance, and undertake a survey of the costs of auto and property insurance premiums and claims of Arlington residents. These issues shall include, but not be limited to, cost and efficiency, the possibility of consolidation, and timely public access to information; or take any action related thereto.

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

ARTICLE 15 **BYLAW AMENDMENT/NOISE ABATEMENT**

To see if the town will vote to amend the Town Bylaws by replacing Title V Article 12 Noise Abatement with Title VIII Article 11 Noise Abatement, and to further regulate non-

emergency work by the Arlington Department of Public Works, public utilities, and/or their contractors, or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

**ARTICLE 18 BYLAW AMENDMENT/PHASE OUT OF CERTAIN TOXIC
RODENTICIDES ON PUBLIC/PRIVATE PROPERTY, WITH
REPORTING REQUIREMENT AND PUBLIC EDUCATION**

To see if the Town will vote to amend Title VIII of the Town Bylaws to add a new Article that 1) by January 1, 2024 phases out the use and application of certain rodenticides, including second generation anticoagulant rodenticides (SGARs), either by Town employees or by private contractors on all private and public property in the Town of Arlington except as allowed by the Board of Health to remediate a public health condition; 2) requires all licensed certified applicators of rodenticides to provide written notification to the Board of Health whenever certain rodenticides, including SGARs, are used within the Town; provides for both waivers and penalties for compliance; 3) provides for educating the public about Integrated Pest Management (IPM) best practices and the hazards of rodenticides to human health and the ecosystem during but not limited to licensing, permitting, and inspectional activities; and further establishes such definitions and provisions necessary to effectuate such a bylaw; or take any action related thereto.

(Inserted at the request of Elaine Crowder and ten registered voters)

ARTICLE 23 VOTE/BOARD OF YOUTH SERVICES UPDATES

To see if the Town Will vote to amend the Board of Youth Services' organization, name, mission, and terms, including, but not limited to, changing its name, removing residency restrictions for members and updating board operations; or take any action related thereto.

(Inserted at the request of Board of Youth Services)

ARTICLE 27 REVOLVING FUNDS

To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Select Board)

**ARTICLE 47 ENDORSEMENT OF PARKING BENEFIT DISTRICT
EXPENDITURES**

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2023 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 75 RESOLUTION/COMMITMENT TO INCREASE DIVERSITY
IN TOWN APPOINTMENTS**

To see if the Town will vote to deepen Arlington's commitment to diversity, equity and inclusion by resolving that it is the desire of Town Meeting that the Town's appointing authorities priorities and center the communal goal of increasing the diversity of Town

boards and committees by intentionally identifying, inviting and appointing qualified applicants from underrepresented groups to fill openings, such that these public bodies reflect racial, economic and other forms of diversity; or take any action related thereto.

(Inserted at the request of Elizabeth Dray and ten registered voters)

ARTICLE 77

RESOLUTION/ ESTABLISHING AN INTEGRATED PEST MANAGEMENT POLICY FOR TOWN LAND, PROHIBITIONS, AND PUBLIC EDUCATION ABOUT RODENTICIDE HAZARDS

To see if the Town will vote to encourage adoption of a unified Integrated Pest Management (IPM) Policy for the Town that in part prohibits the use of certain rodenticides on Town properties, including second generation anticoagulant rodenticides (SGARs); provides for waivers; provides for educating the public about rodenticide hazards to human health and the ecosystem and IPM alternatives; and further establishes such definitions and provisions necessary to effectuate a policy to protect Arlington's citizens, children, wildlife, and ecosystem.

(Inserted at the request of Elaine Crowder and ten registered voters)



**Town of Arlington
Legal Department**

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To: Arlington Select Board

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel; Michael Cunningham, Deputy Town Counsel

Date: March 24, 2022

Re: Annual Town Meeting Warrant Articles: 7, 18, 27, 47, 75, and 77

We write to provide the Select Board a summary of the above-referenced warrant articles to assist in your consideration of these articles at your upcoming hearing on March 24, 2022.

**ARTICLE 7 BYLAW AMENDMENT/YOUTH AND YOUNG ADULT
ADVISORY BOARD**

To see if the Town will vote to amend Title II of the Town Bylaws to establish a new Youth and Young Adult Advisory Board, establish its membership, duties and responsibilities; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article seeks to establish a new advisory body within the Town Bylaws covering youth and young adult issues based on the recommendations of the Study Committee formed under Article 17 of the 2021 Annual Town Meeting. This Office expects that members of the Youth and Young Adult Advisory Board, Commission, or Committee Study Committee Youth and Young Adult Advisory Board, Commission, or Committee to present their proposal to the

Select Board, but as a reminder for the Board and public, the charge of the Study Committee is as follows:

II. Committee Charge & Reporting

A. The Study Committee shall study the need, value, and options for the creation and operation of a permanent board or committee aimed towards fostering youth and young adult involvement in governance and youth and young adult input on all issues facing the town.

B. The Study Committee shall be encouraged to examine and compare models for obtaining youth and young adult input and feedback as well as the overall structures and functions of a Youth and Young Adult Advisory Board or similar entity.

C. The Study Committee shall report its recommendations to the 2022 Annual Town Meeting

The Board should also note that a successful vote under this article would likely obviate the need for action under Article 21, which would extend the life of the Study Committee to issue its recommendation to the next Annual or Special Town Meeting.

ARTICLE 18

**BYLAW AMENDMENT/PHASE OUT OF CERTAIN TOXIC
RODENTICIDES ON PUBLIC/PRIVATE PROPERTY,
WITH REPORTING REQUIREMENT AND PUBLIC
EDUCATION**

To see if the Town will vote to amend Title VIII of the Town Bylaws to add a new Article that 1) by January 1, 2024 phases out the use and application of certain rodenticides, including second generation 4 anticoagulant rodenticides (SGARs), either by Town employees or by private contractors on all private and public property in the Town of Arlington except as allowed by the Board of Health to remediate a public health condition; 2) requires all licensed certified applicators of rodenticides to provide written notification to the Board of Health whenever certain rodenticides, including SGARs, are used within the Town; provides for both waivers and penalties for compliance; 3) provides for educating the public about Integrated Pest Management (IPM) best practices and the hazards of rodenticides to human health and the ecosystem during but not limited to licensing, permitting, and inspectional activities; and further establishes such definitions and provisions necessary to effectuate such a bylaw; or take any action related thereto.

(Inserted at the request of Elaine Crowder and ten registered voters)

We expect the petitioner will present further information on this Article, but to our understanding it contemplates a Town Bylaw with three categories of provisions to reduce or eliminate the use of Second Generation Anticoagulant Rodenticides (“SGARs”) rat poisons which can be deadly to wildlife and pets and harmful to human health:

- 1) Prohibiting the application of rodenticides by the Town and/or private contractors with certain exceptions to be granted by the Board of Health;
- 2) Requiring licensed applicators of rodenticides (pest management companies) to notify the Board of Health whenever rodenticides (including SGARs) are deployed; and/or
- 3) Requiring or promoting Integrated Pest Management as a best practice and providing for educational opportunities regarding same.

While this article contemplates a range of potential regulations, there are several issues of particular note for the Board’s attention. Foremost, the Attorney General’s Office has rejected attempts to prohibit use of specific pesticides, because herbicide, rodenticide and pesticide standards are set forth by G.L. c. 132B sec. 2 (incorporating the Federal Insecticide, Fungicide, and Rodenticide Act). As such, the Town should expect that any outright ban on SGARs would be pre-empted by State Law.

Additionally, without disagreeing with the laudable goals of the proponents, it should be understood there are variety of entities which to varying degrees manage municipal property in Arlington. Chief among entities charged with managing the Town’s property is the Town Manager,¹ who is charged with the general supervision and administration of Town Departments and the maintenance and care of Town buildings. *Arlington Town Manager Act sec. 15(a) and (g)*. As noted relative to other articles this Town Meeting season, the Manager Act is akin to the Town’s “constitution” and sets forth duties and powers of differing arms of the Town’s government, including who supervises and directs the Health and Human Services Department, Facilities Department, and/or Recreation Department’s efforts mitigate rodent infestations on Town property. On the positive side, the same policy goals relative to Town properties could be

¹ The Park and Recreation Commission, Conservation Commission, School Committee, and Redevelopment Board, are among other Town entities with statutory authority to regulate municipal properties in Arlington in varying manner and degrees.

achieved (and indeed have been in other municipalities) via a Town Policy promulgated by the Manager or a Town Department under their supervision. A Town Bylaw specific to management of Town resources and department however raises close questions about whether or not Town Meeting may direct Town Departments to implement a specific pest management strategy through the bylaws.

Conversely, this Office believes that the notification and registration requirements contemplated by the Article are likely to be upheld under Attorney General scrutiny as they add to, but do not contradict provisions of state and federal law regarding SGARs.

ARTICLE 27 REVOLVING FUNDS

To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

This Article represents our standard annual warrant article under which revolving funds are examined by Town Meeting. The Board should receive proposed votes from the Comptroller. If it is inclined toward positive action, a draft motion and comment (including the approved amounts in the table provided by the Comptroller) would read as follows:

VOTED: *The Town does hereby reauthorize the following Revolving Funds for*
FY 2022:

[INSERT TABLE PROVIDED BY THE COMPTROLLER]

COMMENT: The above summary represents the annual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law. These funds must be reauthorized annually in order to enable expenditures from them, and as such, must be included in our abbreviated Town Meeting session. Additional materials regarding the Revolving Funds have also been included in the Appendix to this report for further consideration.

ARTICLE 47 ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2023 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto.

(Inserted at the request of the Town Manager)

Pursuant to Title I, Article 11 of the Town Bylaws, “Parking Benefit District Expenditures,” proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Manager and the Parking Implementation Governance Committee before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. Your review of proposed expenditures with the Manager constitutes the first step in this process. If the Select Board is inclined towards positive action, a motion (and comment) could be as follows:

VOTED: That the Select Board approves the operating and capital expenditures proposed by the Town Manager and Parking Implementation Governance Committee, and recommends Town Meeting’s endorsement of the votes of the Finance and Capital Planning Committee’s respectively.

COMMENT: Pursuant to Title I, Article 11 of the Town Bylaws, “Parking Benefit District Expenditures,” proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Town Manager and the Parking Implementation Governance Committee (“PICG”) before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. The Select Board approves the Manager and PICG’s proposal to the Capital Planning and Finance Committees and urges Town Meeting’s support as well.

ARTICLE 75 RESOLUTION/COMMITMENT TO INCREASE DIVERSITY IN TOWN APPOINTMENTS

To see if the Town will vote to deepen Arlington’s commitment to diversity, equity and inclusion by resolving that it is the desire of Town Meeting that the Town’s appointing authorities priorities and center the communal goal of increasing the diversity of Town boards and committees by intentionally identifying, inviting and appointing qualified applicants from underrepresented groups to fill openings, such that these public bodies reflect racial, economic and other forms of diversity; or take any action related thereto.

(Inserted at the request of Elizabeth Dray and ten registered voters)

This Article was developed and drafted by Elizabeth Dray. It is expected that Ms. Dray will provide further details on the rationale for the proposal. As stated above, the Article seeks to have the Town resolve to deepen its commitment to diversity, equity and inclusion by resolving that it is the goal of the Town and its appointing authorities to identify, invite and appoint qualified applicants from underrepresented groups to fill openings so that the Town's public bodies reflect racial, economic and other forms of diversity.

**ARTICLE 77 RESOLUTION/ ESTABLISHING AN INTEGRATED PEST
MANAGEMENT POLICY FOR TOWN LAND, PROHIBITIONS,
AND PUBLIC EDUCATION ABOUT RODENTICIDE HAZARDS**

To see if the Town will vote to encourage adoption of a unified Integrated Pest Management (IPM) Policy for the Town that in part prohibits the use of certain rodenticides on Town properties, including second generation anticoagulant rodenticides (SGARs); provides for waivers; provides for educating the public about rodenticide hazards to human health and the ecosystem and IPM alternatives; and further establishes such definitions and provisions necessary to effectuate a policy to protect Arlington's citizens, children, wildlife, and ecosystem.

(Inserted at the request of Elaine Crowder and ten registered voters)

This Article is a companion to Article 18, and seeks to urge the Town to adopt a policy of unified Integrated Pest Management ("IPM") to mitigate rodent infestations and promote IPM as a best practice. I expect the proponents will highlight the many hazards SGARs pose to the environment and animal and human health and safety, including high profile incidents of unintended harm to wildlife which may consume SGAR-laden rodent carcasses. The resolution may include a specific recommended policy for Town Meeting's endorsement and Town officials' future consideration.



**Town of Arlington
Legal Department**

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To: Arlington Select Board

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel; Michael Cunningham, Deputy Town Counsel

Date: March 3, 2022

Re: Annual Town Meeting Warrant Articles: 11, 12, 13 14, 15, 16, 21 and 26

We write to provide the Select Board a summary of the above-referenced warrant articles to assist in your consideration of these articles at your upcoming hearing on March 21, 2022. Articles are presented in their order on the Annual Town Meeting Warrant.

ARTICLE 11

BYLAW AMENDMENT/DOMESTIC PARTNERSHIPS

To see if the Town will vote to amend Title I Article 23 of the Town Bylaws to define the parameters of domestic partnerships in Arlington; modify the process for registering, amending, withdrawing from, and 3 terminating a domestic partnership in Arlington; specify employment benefits with relation to domestic partnerships; or take any action related thereto.

(Inserted at the request of the LGBTQIA+ Rainbow Commission)

This Article is inserted at the request of the LGBTQIA+ Rainbow Commission. It is expected that a representative or member of the LGBTQIA+ Rainbow Commission will provide further details on the rationale for the proposal. As indicated above, the Article seeks to amend the Domestic Partnership Bylaw that was passed by the Town at its 2021 Annual Town Meeting. Specifically, as outlined above, the current proposal seeks to further define

the domestic partnerships in Arlington, modify the process for registering, amending, withdrawing from or terminating a domestic partnership, as well as specify employment benefits related to domestic partnerships. It is the opinion of this office that the proposed amendments will likely result in further review by the Attorney General's Municipal Law Unit for compliance with existing with state law. In particular, proposed sections 2(A)(4), Section 3(A)(1)(c), Section 3(B)(3), Section 5(C)(3) and Section 7(B). The outcome of that expected review is difficult to project based on the novel nature of the legal issues these proposed changes present.

If the Board is inclined to endorse this article, an appropriate motion to amend the bylaw would be as follows:

VOTED: That Title I, Article 23 of the Town Bylaws (Domestic Partnerships) be and hereby is amended as follows:

*TITLE I
ARTICLE 23
DOMESTIC PARTNERSHIPS
(ART. 15, ATM – 04/26/21)*

Section 1. Purpose and Intent

The Town of Arlington ("Town") recognizes the diverse composition of its citizenry and realizes that a perpetuation of the traditional meaning of "family" can exclude a segment of the Town's population by: (1) depriving them of recognition and validation; and (2) denying them certain rights and responsibilities that should be afforded to persons who share their ~~homes~~, hearts and lives. Recognizing its commitment to fair treatment of its citizens, the Town adopts this Bylaw that acknowledges domestic partnerships. People in committed relationships who meet the criteria established by the Town as constituting a domestic partnership are provided an opportunity by this Bylaw to register at the office of the Town Clerk, obtain a certificate attesting to their status, and share in certain rights and benefits conferred under this Bylaw.

Section 2. Definitions

A. "Domestic partnership" shall mean two or more persons who meet all of the following requirements and who register their domestic partnership in accordance with Title I, Article 23, Section 3.

(1) They have made a commitment of mutual support and caring for their domestic partners;

~~(2) They reside together and intend to do so indefinitely;~~

~~(3) They share basic living expenses;~~

(2) They are at least eighteen (18) years of age;

(3) They are competent to enter into a contract; and

(4) They are not ~~married to anyone or related to each other~~ by blood closer than would bar marriage in the Commonwealth of Massachusetts.

B. "Dependents" shall mean a child or step-child of any domestic partner.

Section 3. Registration, Amendment and Termination

A. Registration

(1) Statement of Domestic Partnership

(a) Domestic partners who meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw may make an official record of their domestic partnership by completing, signing and submitting to the Town Clerk a statement of domestic partnership. Persons submitting a statement of domestic partnership must declare under penalty of perjury that they meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw.

(b) The domestic partnership statement shall be on a form prescribed by the Town Clerk, which form shall include, but shall not be limited to, the names of the domestic partners and the date on which they became each other's domestic partners:-

~~(c) and The~~ the names and dates of birth of any dependents of the domestic partnership.

(c) If any member of the prospective domestic partnership is married or in another domestic partnership, a notarized Affidavit of Consent is needed from all other current domestic partners or spouses

B. Amendments

(1) To change an address, Domestic partners may file a Domestic Partnership Amendment Form, with the Town Clerk. ~~The to add or delete dependents or change an address.~~ Any amendment shall be signed, under the pains and penalties of perjury, by ~~both~~ all of the domestic partners whose addresses are changing.

(2) To add or remove dependents, domestic partners may file a Domestic Partnership Amendment Form with the Town Clerk. The amendment shall be signed, under the pains and penalties of perjury, by all of the domestic partners.

(3) To add domestic partners, the prospective domestic partners may file a Domestic Partnership Amendment Form with the Town Clerk. If any member of the prospective domestic partnership is married or in another domestic partnership, a notarized Affidavit of Consent is needed from all other current domestic partners or spouses in order to add additional partners to an already established domestic partnership. The amendment shall be signed, under the pains and penalties of perjury, by all of the current and new domestic partners.

C. Withdrawal and Termination

(1) Any member of a domestic partnership may withdraw from the domestic partnership by filing a withdrawal statement with the Town Clerk. Withdrawal from a domestic partnership shall become effective immediately when the withdrawal statement is filed with the Town Clerk. Any person filing a withdrawal statement must declare under the pains and penalties of perjury that they have withdrawn and that all other domestic partners have been notified of such withdrawal either personally or by mailing a copy of the withdrawal statement to the other domestic partner's last and usual address by certified mail.

~~(2) (1) If only one or zero domestic partner(s) remain(s) after a withdrawal goes into effect, then the domestic partnership is considered terminated immediately. If there are two or more persons remaining in a domestic partnership after a withdrawal goes into effect, then the withdrawal does not terminate the domestic partnership as to the remaining persons in the domestic partnership. Domestic partners shall notify the Town Clerk of the termination of their domestic partnership. Any member of a domestic partnership may terminate the domestic partnership by filing a termination statement with the Town Clerk. Termination of a domestic partnership shall become effective ninety days (90) days after the termination statement is filed with the Town Clerk. Any person filing a termination statement must declare under the pains and penalties of perjury that the domestic partnership is thereby terminated and that the other domestic partner has been notified of such termination either personally or by mailing a copy of the termination statement to the other domestic partner's last and usual address by certified mail.~~

~~(3) (2) The death of a domestic partner functions as an automatic withdrawal from the domestic partnership as to that partner, but not as to the remaining persons in the domestic partnership. Such automatic withdrawal will be effective immediately. No person may file a new statement of domestic partnership until any previous domestic partnership of which he or she was a member has been effectively terminated.~~

Section 4. Town Clerk

- A. The Town Clerk shall maintain records of the registration, amendment, withdrawal and termination of domestic partnerships as permanent records. The Town Clerk shall provide appropriate forms for a Statement of Domestic Partnership, for the registration of the Statement and for the amendment, withdrawal and termination of a domestic partnership.
- B. The Town Clerk shall charge a fee for filing a domestic partnership equal to the fee charged to file a marriage license. Payment of the filing fee shall entitle the person filing the statement on behalf of the domestic partnership to receive one copy of the statement certified by the Town Clerk. The fee for additional certified copies of the statement, or for copies of amendment, withdrawal, or termination statements, shall be the same fee charged for additional certified copies of a marriage license.

Section 5. Rights of Domestic Partners

Persons who have registered their domestic partnership with the Town Clerk pursuant to Title I, Article 23, Section 3 are entitled to the following rights:

A. Visitation at health-care facilities.

- (1) A domestic partner shall have the same visitation rights as a spouse or parent of a patient at all health-care facilities operated and maintained by the Town, except to the extent that doing so would conflict with federal or state law. A dependent shall have the same visitation rights as a patient's child.

- (2) *The term "health care facilities" includes hospitals, convalescent facilities, mental health care facilities, nursing homes, and other short and long term care facilities operated and maintained by the Town.*

B. Visitation at correctional facilities.

- (1) *A domestic partner shall have the same visitation rights at all correctional facilities operated and maintained by the Town—as a spouse or parent of a person in custody, except to the extent that doing so would conflict with federal or state law. A dependent shall have the same visitation rights afforded to the child of a person in custody.*
- (2) *The term "correctional facilities" includes, but is not limited to, holding cells, jails and juvenile correction centers operated and maintained by the Town.*

C. Access to children's school records and personnel.

- (1) *A domestic partner who is also the custodial parent or legal guardian of a child may file a school authorization form at, or send a letter to, the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's existing parent or guardian, except to the extent that doing so would conflict with federal or state law.*
- (2) *When a domestic partnership is withdrawn or terminated pursuant to Title I, Article 23, Section 3(C), it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.*
- (3) *As used herein, the term "school" shall ~~only~~ include facilities owned and operated by the Town and shall include, but shall not be limited to, high schools, vocational schools, junior high and middle schools, elementary schools, preschools and preschool programs, after-school programs and day-care programs, ~~provided that such are owned and operated by the Town~~.*

SECTION 6. Employment Benefits

- A. Employees shall be granted bereavement leave, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.*

- B. Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.
- C. Employees in domestic partnerships shall be entitled to take parental leave, as provided for under the Town's by-laws, to the same extent as married employees.

SECTION 67. Interpretation and Limitation of Liability

- A. *It is the intention of this Bylaw that its provisions shall be enforceable to the maximum extent permitted by law.*
- B. *Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of their domestic partner, with the sole exception of the medical insurance contributions assumed by a City or School Department employee who is a member of a domestic partnership.*
- C. *Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.*

SECTION 78. Reciprocity

All rights, privileges and benefits shall be extended to domestic partnerships registered pursuant to ~~similar laws enacted~~ in other jurisdictions.

SECTION 89. Non-Discrimination

No person who seeks the benefit of this Bylaw, registers pursuant to its provisions, or assists another person in obtaining the benefits of this Bylaw shall be discriminated against in any way for doing so.

SECTION 910. Severability

The provisions of this Bylaw are severable. If any of its provisions are held invalid by the Attorney General, a court of competent jurisdiction or other reviewing authority, all other provisions shall continue in full force and effect.

ARTICLE 12

BYLAW AMENDMENT/SINGLE USE PLASTIC WATER BOTTLE REGULATION

To see if the Town will vote to amend Title VIII of the Town Bylaws by adding a new section to prohibit the sale of bottled water in single-use plastic bottles, establish criteria for such prohibition, and provide for enforcement of and exemptions from such a bylaw; or take any action related thereto.

(Inserted at the request of the Zero Waste Arlington Committee)

This Article is inserted at the request of the Zero Waster Arlington Committee. It is expected that a representative or member of the Zero Waster Arlington Committee will provide further details on the rationale for the proposal. As indicated above, the Article seeks to ban the sale of single use plastic water bottles at retail establishments in the Town of Arlington, as well as in any Town owned building. The proposed ban would apply only to single serving containers of non-carbonated, unflavored drinking with a volume of one liter or less, that is made in whole or in part of plastic material, excluding the cap, with any designated resin codes 1 through 6. As set forth in the draft motion set out below, an exception would apply when a declaration of an emergency has been made. It is noted that as of November, 2021, 25 communities in Massachusetts had established single use bottled water bans of varying types (retail, municipal or both).

If the Board is inclined to endorse this article, an appropriate motion would be:

VOTED: That Title VIII of the Town Bylaws ("Public Health and Safety") be and hereby is amended to add a new Article 11 "Single Use Plastic Water Bottle Regulation" as set forth below:

*TITLE VIII
ARTICLE 11
SINGLE USE PLASTIC WATER BOTTLE REGULATION
(ART. ___, ATM – 04/25/22)*

SECTION 1. Purpose and Intent

The Town of Arlington (“Town”) recognizes that the use and disposal of single use plastic water bottles have significant negative impacts on the marine and land environment, and to public health, including but not limited to:

- 1. Contributing to the plastic pollution of the land environment, waterways and oceans;*
- 2. Contributing to the harm and premature death of marine animals through ingestion of microplastics;*
- 3. Posing a health risk to humans, including through ingestion of hormone disruptors such as phthalates that leach into plastic water bottles, inhalation of toxic emissions from burning plastic bottles in incinerators, and ingestion of microplastics in the food chain;*
- 4. Exacerbating climate change through the use of millions of gallons of oil every year for the manufacture of single use water bottles in the U.S.*

The purpose of this bylaw is to protect the environment and public health through reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town’s carbon footprint and climate change impacts, preserving local waterways, and protecting the health of Arlington residents and visitors by reducing the sale and disposal of single use plastic water bottles.

SECTION 2. Definitions

A. “Single use plastic water bottle”: Any single serving container, whether sold individually or in bulk, containing non-carbonated, unflavored drinking water with a volume of one liter or less, that is made in whole or in part of plastic material, excluding the cap, with any designated resin codes 1 through 6.

B. “Department”: The Arlington Department of Health and Human Services.

C. “Director”: The Director of the Arlington Department of Health and Human Services.

D. “Retail Establishment”: Any commercial enterprise, whether for or not for profit, including but not limited to the following: restaurants, pharmacies, convenience stores, grocery stores, gas stations, liquor stores, seasonal and temporary businesses, retail stores, and any other businesses that sell single use plastic water bottles to the public.

SECTION 3. Regulation of Single Use Plastic Water Bottles

A. No retail establishment, as defined in Section 2, shall sell any single use plastic water bottle, as defined in Section 2. The sale of single use plastic water bottles is unlawful and any such sale is subject to the enforcement and penalties set forth in Section 4 of this Article.

B. No person shall sell single use plastic water bottles, as defined in Section 2, in any Town owned building.

SECTION 4. Enforcement and Penalties

A. Each retail establishment, as defined in Section 2, located in the Town, and every person using a Town owned building, shall comply with this bylaw.

1. *If it is determined that a violation has occurred, the Director or their designee shall first issue a warning notice to the retail establishment for a first time violation.*

2. *If, after 14 days from receipt of the warning notice, the retail establishment continues to violate this bylaw or commits a second violation, the Director or their designee shall issue a notice of violation and shall impose a penalty against the retail establishment.*

3. *The penalty for each violation that occurs after the issuance of the warning notice shall be: no more than:*

- (i) \$100 for the first offense;*
- (ii) \$150 for the second offense;*
- (iii) \$200 for the third and all subsequent offenses.*

4. *Retail establishments shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.*

B. *The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.*

SECTION 5. Exemptions for Emergencies

Sales occurring subsequent to a declaration of an emergency adversely affecting the availability or quality or drinking water to Town residents by the Town's Emergency Management Director or other duly authorized Town, Commonwealth of Massachusetts, or United States official shall be exempt from the bylaw until seven days after such declaration has expired.

SECTION 6. Effective Date

The provisions of this bylaw shall take effect on November 1, 2022.

SECTION 7. Severability

The provisions of this bylaw are severable. If any of provision or section is held to be invalid by the Attorney General, a court of competent jurisdiction or other reviewing authority, all other provisions and sections shall continue in full force and effect.

ARTICLE 13

BYLAW AMENDMENT/PROHIBIT THE USE OF FACE SURVEILLANCE

To see if the Town will vote to amend Title I of the Town Bylaws to prohibit the use of face surveillance by the Town of Arlington, including departments and officials; or take any action related thereto.

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

This article aims to prohibit the use of facial recognition technologies by the Arlington officials and personnel, most likely the Arlington Police Department. I expect that the article's proponent will present the rationale for same as well as a detailed proposed bylaw for the Board's review.

To this Office's understanding, the proposed bylaw is informed by a similar bylaw passed in the Town of Brookline,¹ which was approved prior to the passage Chapter 253 of the Acts of 2020, of the Justice, Equity, and Accountability in Law Enforcement Act ("JEALE" Act). The JEALE Act regulates law enforcement personnel's use of computerized facial recognition searches for the purpose of identifying "unidentified persons," setting forth the standards for obtaining approval to conduct such searches and requests for such searches from varying entities. Chapter 253 of the Acts of 2020, Sec. 26 at *passim*.² While the JEALE Act post-dates Brookline's Bylaw, and therefore raises some concern that the subject matter is pre-empted by state law, the proponent has taken care to draft a proposal which seeks to address use of facial recognition technology to gather data for purposes other than identifying and unknown person. Whether or not the proposed bylaw would impermissibly contravene State Law (specifically the JEALE Act) is a close question.

An additional question for the Board's concern and the public's information is whether or not the use of Town Bylaws as a vehicle to make policy decisions for Town Departments and staff is consistent with Arlington's form of government. Unlike Brookline, which features a

¹ A copy of Brookline Town Bylaws Article 8.39 is provided in the Reference Materials Section for the Board's convenience. It bears noting that the bylaw was approved by the Municipal Law Unit of the Attorney General's Office, including some provisions for enforcement of same.

² An excerpt from the JEALE Act covering regulations upon the use of facial recognition technology is provided in the Reference Materials for the Board's convenience.

“Town Administrator” form of government, Arlington vests significant authority in the Town Manager under its version of a municipal charter: the “Town Manager Act.”³ As the Board will recall from this Office’s Memorandum to the Board in advance of your March 7, 2022 Warrant Article Hearings, this Article joins a series of articles on a wide variety of subjects which seeks to specifically to prohibit activities by or limit authorities if Town personnel, officials and departments. However, the considerable powers and duties of the Town Manager reflect the choice to vest much of the supervision over Town Department policies within the Manager. As Section 15(a) of the Manager Act notes:

The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Select Board, the School Committee, Moderator, Town Clerk, Town Treasurer and Collector, Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

Without substantively commenting on the important issues the proponent seeks to address, it bears noting there is little precedent in the Town Bylaws for setting a policy specifically oriented towards the Town’s personnel without being tied to a specific responsibility and authority of Town Meeting (i.e. the disposition of land).

Finally, the enforcement section of the proponent’s proposal present issues which bear deliberation. The majority of such provisions were already approved by the Municipal Law Unit previously in Brookline, while others include additions or modifications large (providing for attorney’s fees) and small (clarifying the types of proceedings in which unlawfully acquired information may not be utilized). The scope of the applicability of such provisions may require future interpretation. Should the Board move positive action, your comment should carefully outline the parameters of such enforcement powers as a local municipal ordinance to aid in the cultivation of a legislative history.

³ The Manager Act itself is a collection of Special Acts passed by Town Meeting as well as the State Legislature outlining the structure of the Town’s government and the powers and duties of its respective branches and bodies.

ARTICLE 14 VOTE/ESTABLISH A COMMITTEE ON INSURANCE COSTS AND ISSUES

To see if the Town will vote to establish a committee to examine issues related to insurance, and undertake a survey of the costs of auto and property insurance premiums and claims of Arlington residents. These issues shall include, but not be limited to, cost and efficiency, the possibility of consolidation, and timely public access to information; or take any action related thereto.

This article returns to Town Meeting following a vote of “no action” on a similar article in the 2021 Annual Town Meeting cycle. I expect Mr. Fischer will again provide further detail on his proposal, including any updates or changes to his prior proposal. However, to my understanding, this article seeks to create a Town commission to survey residents about costs of their insurance and claims, but is not necessarily proposing to start a Town insurance program for residents, which was discussed at the 2009 Town Meeting.

ARTICLE 15 BYLAW AMENDMENT/NOISE ABATEMENT

To see if the town will vote to amend the Town Bylaws by replacing Title V Article 12 Noise Abatement with Title VIII Article 11 Noise Abatement, and to further regulate non-emergency work by the Arlington Department of Public Works, public utilities, and/or their contractors, or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

The Board requested options to codify a “notice requirement” for the exercise of Department of Public Works exceptions to the Noise Abatement Bylaw’s general prohibition on roadway and public utility projects outside of permitted day-time hours. Title V, Article 12, Section 3 currently provides in relevant parts:

Section 3. Daytime-Only Activities.

The following acts are specifically prohibited...

3. Authorized Exemptions for Public and Private Way Projects
(ART. 3, STM – 04/12/18)

a. Arlington Department of Public Works, public utilities, and/or their contractors may perform non-emergency work in and/or on public and private ways within the Town of Arlington outside of the operating hours set forth in this Section with the permission of the Town Manager.

A notice requirement could be inserted into Section 3(A)(3)(a) to read as follows:

3. Authorized Exemptions for Public and Private Way Projects

a. Following transmission of an “abutter notice” as set forth herein Arlington Department of Public Works, public utilities, and/or their contractors may perform non-emergency work in and/or on public and private ways within the Town of Arlington outside of the operating hours set forth in this Section with the permission of the Town Manager.

i. “Abutter notice,” shall be required for non-emergency public works or utility projects in or on public or private ways outside of allowed day-time hours under this bylaw, and may be satisfied by a mail, hand, or electronic delivery of a notice setting forth the date, time, and expected nature of work being permitted by the Town Manager under this section to each residential unit within [REDACTED] feet of anticipated work, [REDACTED] days in advance of such work commencing.

As noted by Vice Chair Mahon at your prior hearing, a similar effect could also be achieved by Town Manager policy. However in either case, the inherent powers of the Manager would enable him or her to revoke or withhold permission if abutter objections or concerns served as a basis in their judgment to require the project be conducted during daytime hours. Under the suggested language, DPW or utilities could transmit notices before the Manager ultimately determined whether or not to allow work to proceed, or a determination could be made or revisited based upon abutter response following notifications.

**ARTICLE 16 BYLAW AMENDMENT TO NOISE BYLAW REGARDING GAS
POWERED LEAF BLOWERS**

To see if the Town will vote to amend Title V, Article 12 (“Noise Abatement”) to further regulate or prohibit the use of internal combustion powered leaf blowers; or take any action related thereto.

(Inserted at the request of Anne Goodwood, Alicia Russell and ten registered voters)

This resident petition article seeks to amend Title V, Article 12 of the Town Bylaws to provide for further restriction of the use of gas powered leaf blowers. It is our understanding that the proposed bylaw amendment would restrict use of gas powered leaf blowers by commercial landscape companies, property manager, Town employees working on Town property and private property owners on a phased basis, with a proposed transition period to take place from May 31, 2022 to March 30, 2024. It is our further understanding that the proposal seeks to establish that the use of all gas powered leaf blowers would be prohibited as of March 30, 2024. It is expected that Anne Goodwood and Alicia Russell will present the rationale for this article.

At present, the section Title V, Article 12 that pertains to leaf blowers, Section 3(D) reads as follows:

“D. Use of Leaf Blowers Powered By Internal Combustion Engines

1. For purposes of Paragraphs 1-5 of this subsection, the term, “leaf blowers” shall mean “gas-powered leaf blowers used for commercial or municipal purposes.”

2. The use of leaf blowers is prohibited between June 15th and September 15th except in accordance with the following restrictions, which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like:

(a) The use of leaf blowers is prohibited on:

(i) Sundays and legal holidays;

(ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and

(iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.

(b) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

(c) Leaf blowers may be used for no more than 30 minutes at a time with shut down time of 15 minutes in between operation.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at 50 feet at full throttle.

(ART. 2, STM – 4/24/13)

6. The restrictions set forth herein shall not apply to homeowners and residents using leaf blowers to perform private home and yard repair, clean-up, and maintenance on residential property they own or control. Such residential use of leaf blowers of any kind shall be subject to Section 3(A) of this Bylaw (“Daytime-Only Activities”).”

There are no expected legal impediments to the proposed bylaw amendment, as it is understood at this time. If the Board is inclined to endorse this Article, this office will work with the Article proponents to prepare a draft motion to amend the bylaw set out above so that it is consistent with the proposed Article.

ARTICLE 21

VOTE/ EXTENSION OF YOUTH AND YOUNG ADULT ADVISORY BOARD, COMMISSION, OR COMMITTEE STUDY COMMITTEE

To see if the Town will vote to extend the timeframe of the Youth and Young Adult Advisory Board Study Committee from the 2022 Annual Town Meeting until the 2023 Annual Town Meeting; maintain such Committee’s duties and responsibilities; and allow it to report its recommendation to the 2023 Annual Town Meeting; or take any action related thereto.

(Inserted at the request of the Youth and Young Adult Advisory Board, Commission or Committee Study Committee)

This Office anticipates that a representative from the Youth and Young Adult Advisory Board, Commission or Committee Study Committee will provide further information regarding this article. However, in short, to our understanding the Study Committee, created under Article 17 of the 2021 Annual Town Meeting⁴ was unable to begin its work until midway through the year and as such requires more time to continue its work and report to Town Meeting. If the Board is inclined towards positive action, a recommended vote could be as follows

VOTED:

That Town Meeting hereby extends and revises the charge and service of the Youth and Young Adult Advisory Board, Commission or Committee Study Committee until the 2023 Annual Town Meeting, wherein it shall report and make its recommendations and dissolve following the close of same; unless the Study Committee shall complete its work at a prior, Special Town Meeting, at which point it shall dissolve.

ARTICLE 26

ENDORSEMENT OF CDBG APPLICATION

To see if the Town will vote to endorse the application for Federal Fiscal Year 2023 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

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

This article presents the annual vehicle for consideration and endorsement of Community Development Block Grant expenditures. Should the Board approve the CDBG proposal, a draft vote and comment have been prepared for your review below.

VOTED: *That the Town hereby endorses the application for Federal Fiscal Year 2023 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.*

COMMENT: *This article represents the annual vote to endorse the annual application for Community Development Block Grant funds, a summary of which Town Meeting may find attached to this report.*

⁴ A copy of the text of the vote under Article 17 of the 2021 Annual Town Meeting is provided in the Reference Materials.

REFERENCE MATERIAL

ARTICLE 13

Town of Brookline Face Surveillance Bylaw

Article 8.39 BAN ON TOWN USE OF FACE SURVEILLANCE

SECTION 8.39.1 DEFINITIONS

1. “Face surveillance” shall mean an automated or semiautomated process that assists in identifying an individual, or in capturing information about an individual, based on the physical characteristics of an individual’s face.
2. “Face surveillance system” shall mean any computer software or application that performs face surveillance.
3. “Brookline” shall mean any department, agency, bureau, and/or subordinate division of the Town of Brookline.
4. “Brookline official” shall mean any person or entity acting on behalf of Brookline, including any officer, employee, agent, contractor, subcontractor, or vendor.

SECTION 8.39.2 BAN ON TOWN USE OF FACE SURVEILLANCE

1. It shall be unlawful for Brookline or any Brookline official to:
 - a. obtain, possess, access, or use any face surveillance system;
 - b. enter into a contract or other agreement with any third party for the purpose of obtaining, possessing, accessing, or using, by or on behalf of Brookline or any Brookline official any face surveillance system; or
 - c. issue any permit or enter into a contract or other agreement that authorizes any third party to obtain, possess, access, or use
 - (i) any face surveillance system, or
 - (ii) information derived from a face surveillance system based on photographic, video or other images originally captured within the Town of Brookline.
2. Nothing in Section 8.39.2(1) shall prohibit Brookline or any Brookline official from:

- a. using evidence relating to the investigation of a specific crime that may have been generated from a face surveillance system; or
- b. obtaining or possessing
 - (i) an electronic device, such as a cell phone or computer, for evidentiary purposes, or
 - (ii) an electronic device, such as a cell phone or tablet, that performs face surveillance for the sole purpose of user authentication;
- c. using face recognition on an electronic device, such as a cell phone or tablet, owned by Brookline or by such official, for the sole purpose of user authentication;
- d. using social media or communications software or application for communicating with the public, provided such use does not include the affirmative use of any face surveillance;
- e. using automated redaction software, provided such software does not have the capability of performing Face surveillance; or
- f. complying with the National Child Search Assistance Act.

SECTION 8.39.3 ENFORCEMENT

1. Face surveillance data collected or derived in violation of this By-Law shall be considered unlawfully obtained and shall be deleted upon discovery, subject to applicable law.
2. No data collected or derived from any use of face surveillance in violation of this By-Law and no evidence derived therefrom may be received in evidence in any Town proceeding.
3. Any violation of this By-Law constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this ByLaw. An action instituted under this paragraph shall be brought against the respective Town department, and the Town and, if necessary to effectuate compliance with this By-Law, any other governmental agency with possession, custody, or control of data subject to this By-Law.
4. Violations of this By-Law by a Town employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and provisions of collective bargaining agreements.
5. Nothing in this Article shall be construed to limit any individual's rights under state or federal law.

SECTION 8.39.4 SEVERABILITY

1. If any portion or provision of this By-Law is declared invalid or unenforceable by a court of competent jurisdiction or by the Office of the Attorney General, the remaining provisions shall continue in full force and effect.

Section 26 of the Chapter 253 of the Acts of 2020: The JEALE Act

SECTION 26. Said chapter 6 is hereby further amended by adding the following section:-

Section 220. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Biometric surveillance system”, any computer software that performs facial recognition or other remote biometric recognition.

“Facial recognition”, an automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on the physical characteristics of an individual’s face, head or body, that uses characteristics of an individual’s face, head or body to infer emotion, associations, activities or the location of an individual; provided, however, that “facial recognition” shall not include the use of search terms to sort images in a database.

“Facial recognition search”, a computer search using facial recognition to attempt to identify an unidentified person by comparing an image containing the face of the unidentified person to a set of images of identified persons; provided, however, that a set of images shall not include moving images or video data.

“Law enforcement agency”, as defined in section 1 of chapter 6E.

“Other remote biometric recognition”, an automated or semi-automated process that assists in identifying or verifying an individual or capturing information about an individual based on an individual’s gait, voice or other biometric characteristic or that uses such characteristics to infer emotion, associations, activities or the location of an individual; provided, however, that “other remote biometric recognition” shall not include the identification or verification of an individual using deoxyribonucleic acid, fingerprints, palm prints or other information derived from physical contact.

“Public agency”, any: (i) agency, executive office, department, board, commission, bureau, division or authority of the commonwealth; (ii) political subdivision thereof; or (iii) authority established by the general court to serve a public purpose.

“Public official”, any officer, employee, agent, contractor or subcontractor of any public agency.

(b) Any law enforcement agency performing or requesting a facial recognition search using facial recognition technology shall only do so through a written request submitted to the registrar of motor vehicles, the department of state police or the Federal Bureau of Investigation. A law enforcement agency may perform such a facial recognition search for the following purposes: (i) to execute an order, issued by a court or justice authorized to issue warrants in criminal cases, based upon specific and articulable facts and reasonable inferences therefrom that provide reasonable grounds to believe that the information sought would be relevant and material to an ongoing criminal investigation or to mitigate a substantial

risk of harm to any individual or group of people; or (ii) without an order to identify a deceased person or if the law enforcement agency reasonably believes that an emergency involving substantial risk of harm to any individual or group of people requires the performance of a facial recognition search without delay. Any emergency request shall be narrowly tailored to address the emergency and shall document the factual basis for believing that an emergency requires the performance of a facial recognition search without delay.

This subsection shall not apply to the department of state police when performing investigatory functions related to the issuance of identification documents by the registrar of motor vehicles.

(c) Law enforcement agencies shall document each facial recognition search performed and shall provide such documentation quarterly to the executive office of public safety and security. Such documentation shall include: (i) a copy of any written request made for a facial recognition search; (ii) the date and time of the request; (iii) the number of matches returned, if any; (iv) the database searched; (v) the name and position of the requesting individual and employing law enforcement agency; (vi) the reason for the request, including, but not limited to, any underlying suspected crime; (vii) the entity to which the request was submitted; and (viii) data detailing the individual characteristics included in the facial recognition request. Such documentation shall not be a public record, except for as provided for in (d).

(d) Annually, not later than September 1, the executive office of public safety and security shall publish on its website documentation received from law enforcement agencies under subsection (c) and the following data for the previous calendar year: (i) the total number of facial recognition search requests made by other law enforcement agencies to the department of state police, disaggregated by law enforcement agency; (ii) the total number of facial recognition searches performed by the department of state police, disaggregated by law enforcement agency on whose behalf the search was performed; (iii) the total number of facial recognition searches requested and performed by the state police; (iv) the total number of facial recognition search requests made by the department of state police to the Federal Bureau of Investigation, disaggregated by law enforcement agency on whose behalf the requests were made; and (v) the total number of facial recognition searches performed by the Federal Bureau of Investigation on behalf of Massachusetts law enforcement agencies, disaggregated by law enforcement agency on whose behalf the search was performed. For each category of data and each law enforcement agency, the published information shall specify the number of requests made or searches performed pursuant to a court order, the number of emergency requests made or searches performed, and the reason for requesting the search, including, but not limited to, any underlying suspected crime.

(e) Notwithstanding subsection (b), a law enforcement agency may: (i) acquire and possess personal electronic devices, such as a cell phone or tablet, that utilizes facial recognition technology for the sole purpose of user authentication; (ii) acquire, possess and use automated video or image redaction software; provided, that such software does not have the capability of performing facial recognition or other remote biometric recognition; and (iii) receive evidence related to the investigation of a crime derived from a biometric surveillance system; provided, that the use of a biometric surveillance system was not knowingly solicited by or obtained with the assistance of a public agency or any public official in violation of said subsection (b).

ARTICLE 21

2021 Annual Town Meeting Article 17 Vote

ARTICLE 17 VOTE/ ESTABLISHMENT OF YOUTH AND YOUNG ADULT
ADVISORY BOARD, COMMISSION, OR COMMITTEE STUDY
COMMITTEE

VOTED: That Town Meeting hereby establishes a “Youth and Young Adult Advisory Board Study Committee” to be structured, organized, and charged as follows:

Youth and Young Adult Advisory Board Study Committee

I. Committee Membership and Organization

A. The Committee shall consist of the following eleven (11) members:

- Four (4) Arlington students appointed by the Town Moderator, two (2) of whom shall be currently enrolled Arlington Public Schools students; and two (2) of whom shall be Arlington residents presently enrolled in any middle school or high school;
- One (1) member of the Select Board, or their designee;
- One (1) member of the School Committee, or their designee;
- One (1) member of the Library Board of Trustees as determined by such commission;
- The Director of Diversity, Equity and Inclusion or their designee from the Health and Human Services Department,
- One (1) member of the Board of Youth Services; as determined by such Board;
- One (1) member of the Park & Recreation Commission; as determined by such commission; and
- One (1) member of Envision Arlington Standing Committee or their designee; as determined by such committee.

B. Quorum

A majority of voting members shall constitute a quorum, and decisions shall be based on the vote of a simple majority of those committee members present and voting.

C. Organization and First Meeting

The initial meeting of the Study Committee shall be convened by the designee of the Select Board, and the first order of business shall be the self-organization of the study committee through the election of one or

more chairs, whose responsibility shall be to convene and preside over all future meetings, as well as a clerk, whose duties shall include the proper posting of meeting agendas and minutes. The Study Committee shall designate any other officers as it sees fit.

II. Committee Charge & Reporting

- A.** The Study Committee shall study the need, value, and options for the creation and operation of a permanent board or committee aimed towards fostering youth and young adult involvement in governance and youth and young adult input on all issues facing the town.
- B.** The Study Committee shall be encouraged to examine and compare models for obtaining youth and young adult input and feedback as well as the overall structures and functions of a Youth and Young Adult Advisory Board or similar entity.
- C.** The Study Committee shall report its recommendations to the 2022 Annual Town Meeting.

III. Dissolution

The study committee will be dissolved concurrent with the dissolution of the 2022 Annual Town Meeting, unless there is a vote of Town Meeting to effectuate an earlier dissolution or other amendment.

ARTICLE 7:

BYLAW AMENDMENT FOR THE CREATION OF A YOUTH AND YOUNG ADULT ADVISORY BOARD KNOWN AS “THE YOUNG ARLINGTON COLLABORATIVE”

Section 1. Establishment and Purpose of the Young Arlington Collaborative

A. The Young Arlington Collaborative shall strive to engage with all of the youth and young adults that reside, attend school, or work in Arlington with the purpose of increasing their awareness of their local government and their participation in all aspects of it. The Young Arlington Collaborative shall also act as a conduit of issues and concerns of the youth and young adult population to Town Meeting, the Select Board, the School Committee, and the Town Manager.

B. The Young Arlington Collaborative shall be composed of a “Standing Committee” which shall serve as the coordinating and policy-making body and any number of working groups which will work with and report to the Standing Committee. The working groups, as well as any necessary ad hoc committees, may be established and disbanded by a vote of the majority of the Standing Committee members (or as consistent with Section 2 of this bylaw).

Section 2. Standing Committee Membership, Quorum, Administration & Organization

A. The Standing Committee shall consist of up to twenty-one (21) voting members appointed pursuant to subsection (1) below and a liaison from the Select Board who is the Secretary and non-voting member. A quorum shall consist of a majority of the current voting Standing Committee Members, and all actions shall be made pursuant to a majority vote of members in attendance. The Committee shall organize for the conduct of its affairs and shall elect its own officers.

1. Standing Committee Membership

a. Two (2) Standing Committee members shall be selected from each of the town’s twenty-one (21) precincts by its Town Meeting Members, and these two (2) members shall reside in the respective precincts of the Town Meeting Members

i. One (1) Standing Committee member from each precinct shall range in age from twelve (12) years through twenty (20) years (21 years minus 1 day). That Standing Committee member shall be recognized as the “Youth Member” for that precinct.

ii. One (1) Standing Committee member from each precinct shall range in age from twenty-one (21) years through thirty-nine (39) years (40 years minus 1 day). That Standing Committee member shall be recognized as the “Young Adult Member” for that precinct.

b. The first selection of representatives from each precinct shall be conducted by lottery from all names submitted directly to the Select Board office by any youth or young adult from their respective precinct or by any Town Meeting Member on their behalf.

- c. Terms shall be for two (2) years.
- d. Within eighteen (18) months of the first meeting of the Standing Committee, a presentation will be made to the Select Board seeking its approval for the process determined by the Standing Committee for selecting its subsequent cohort of members
- e. For one (1) year of a Standing Committee member's term that member will be designated as the alternate, and that member shall vote in the Standing Committee meeting only when the other Standing Committee from the same precinct is absent.
- f. Voting members of the Standing Committee
 - i. In odd-numbered years, the voting members for Standing Committee shall include the "Youth" representatives from precincts 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and the "Young Adult" representatives from precincts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20.
 - ii. In even-numbered years, the voting members for Standing Committee shall include the "Youth" representatives from precincts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 and the "Young Adult" representatives from precincts 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21.
- g. Only the voting members are required to attend Standing Committee meetings.
- h. The Select Board liaison, which need not be a member of the Select Board, shall be chosen by the Select Board by September 1 after the passage of this Bylaw
- i. If Town Meeting Members of a given precinct fail to present candidates by September 1 after the passage of this Bylaw, the Secretary shall work with the Select Board staff to fill the vacancies with a residents from the respective precinct(s).
- j. If no representative from a precinct attends a Standing Committee for six (6) months, the Secretary shall notify the Town Meeting Members from the respective precinct and being the process of replacing the absent representatives with two (2) other representatives for either the rest of the term, if over one (1) year, or for two (2) years plus the remainder of the term, if under one (1) year

2. Standing Committee Quorum

A quorum requires eleven (11) representatives from eleven (11) of the twenty-one (21) precincts. Only one (1) representative from each precinct may participate in the meeting as a voting member of the Standing Committee. Both representatives may attend any Standing Committee meeting, and both may speak when called upon by the Chair.

3. Voting

At a Standing Committee meeting, each precinct shall have only one vote that is cast by the either representative of that precinct.

4. Chair and Vice Chair

- a. Upon convening the first meeting and on the anniversary of that meeting, thereafter, the first order of business shall be the selection of two (2) Co-Chairs
- b. One (1) chair shall be a Youth representative, and one (1) chair shall be a Young Adult representative.
- c. The term for each Co-Chair shall be one (1) year.

5. Required Meetings

For the first two (2) years, the Standing Committee shall meet at least six (6) times per year at the dates of its choosing.

6. Open Meeting Law

Standing Committee Meetings shall comply with Massachusetts' Open Meeting Law

Section 3. Task Groups

- A. The Standing Committee may authorize the creation of Task Groups on any subject at any time of its choosing.
- B. Members of Tasks Groups shall range in age between 12-39.
- C. Members of Task Groups may or may not be members of the Standing Committee and may or may not be Youth or Young Adult representatives from the precincts.
- D. One (1) Youth and one (1) Young Adult member of the Standing Committee shall function as Co-Chairs for the first three (3) meetings of a Task Group, and they shall administer the election of the first Chair or Co-Chairs of Task Group at the Task Group's fourth meeting.
- E. Eligibility to vote on administrative and procedural matters shall require a minimum attendance at three (3) meetings within the previous twelve (12) months or since the inception of the task group (whichever is shorter).
- F. With no requirement of a formal membership, Task Groups are not subject to the Open Meeting Law. Nonetheless, Task Groups shall:
 - 1. Post announcements (agendas are optional) of their meeting at least two (2) business days before the meeting
 - 2. Keep minutes of their meetings for presentation to the Standing Committee.
- G. Votes on non-administrative or non-procedural matters by a Task Group shall require review by the Standing Committee or an Ad Hoc Committee of the Standing Committee. Examples of such votes include endorsements of warrants articles, candidates, and letters presented by other parties.

H. At least annually, following the election of its Co-Chairs, one or both Co-Chairs shall submit a report that includes the minutes and anything else of note to the Standing Committee.

I. If a Task Group does not meet for twelve (12) consecutive months and does not submit a report to the Standing Committee, it shall be considered inactive and defunct.

Section 4. Ad Hoc Committees

A. The Standing Committee may authorize the creation of Ad Hoc Committees on any subject at any time of its choosing.

B. Members of Ad Hoc Committees shall range in age between 12-39.

C. Members of Ad Hoc Committees are determined by the Standing Committee and shall not consist of more than 10 members of the Standing Committee

D. Members of Ad Hoc Committees may or may not be members of the Standing Committee and may or may not be Youth or Young Adult representatives from the precincts.

E. One (1) Youth and/or one (1) Young Adult member of the Standing Committee shall function as the Chair of Co-Chairs of an Ad Hoc Committee.

F. Since the number of Standing Committee members on an Ad Hoc Committee is less than a quorum, Ad Hoc Committees are not subject to the Open Meeting Law. Nonetheless, Ad Hoc Committees shall:

1. Post announcements (agendas are optional) of their meeting at least two (2) business days before the meeting
2. Keep minutes of their meetings for presentation to the Standing Committee.

G. Ad Hoc Committees are charged with specific tasks and are expected to complete their tasks within a predetermined amount of time.

H. Upon the completion of their tasks, Ad Hoc Committees are disbanded.

Section 5. Duties and Responsibilities

The Arlington Youth and Young Adult Young Arlington Collaborative shall endeavor to:

A. Make its existence and purpose known to all youth and young adults in Arlington;

B. Create a welcoming environment that celebrates diversity, embraces inclusiveness, and provides equitable opportunities for participation by all youth and young adults in all aspects of Arlington;

C. Survey all youth and young adults on a regular basis;

D. Advise the town and its other Boards, Commissions, Committees, and task groups on issues pertaining to youth and young adults by means of a report to Annual Town Meeting presented by the Standing Committee; and

E. Take all actions which in its judgment will further the purposes for which it was established consistent with the above.

Section 6. Contributions to the Young Arlington Collaborative

The Young Arlington Collaborative may accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policies, practices, and goals of this Bylaw.

Section 7. Construction of Bylaw

The provisions of this Bylaw shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal or state law.

Section 8. Effect of State and Federal Law

A. Nothing in this Bylaw shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the Commonwealth of Massachusetts or the United States of America.

B. Any remedies provided by this Bylaw shall be cumulative with any other remedies provided by local, state or federal law.

Section 9. Severability

Should any section, provision, paragraph, sentence or word of this Bylaw be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Bylaw as a whole, or any part thereof, which shall remain in full force and effect, other than the portion so declared to be invalid.

Article 13: Bylaw Amendment/Prohibit the Use of Face Surveillance

Proposed Warrant Article

To see if the Town will vote to amend Title I of the Town Bylaws to prohibit the use of face surveillance by the Town of Arlington, including departments and officials; or take any action related thereto.

SECTION 1. DEFINITIONS

- a) "Face surveillance" or "facial recognition" shall mean an automated or semi-automated process that assists in identifying or verifying an individual, or in capturing information about an individual, based on the physical characteristics of an individual's face.
- b) "Face surveillance system" shall mean any computer software or application that performs face surveillance or facial recognition.
- c) Arlington shall mean any department, agency, bureau, and/or subordinate division of the Town of Arlington
- d) "Arlington official" shall mean any person or entity acting on behalf of the Arlington, including any officer, employee, agent, contractor, subcontractor, or vendor.

SECTION 2. BAN ON TOWN USE OF FACE SURVEILLANCE

- a) It shall be unlawful for Arlington or any Arlington official to:
 - i) obtain, retain, possess, access, or use (1) any face surveillance system, or (2) information derived from a face surveillance system;
 - ii) enter into an agreement with any third party for the purpose of obtaining, retaining, possessing, accessing, or using, by or on behalf of Arlington or any Arlington official any face surveillance system; or
 - iii) issue any permit or enter into any other agreement that authorizes any third party, on behalf of Arlington or any Arlington official, to obtain, retain, possess, access, or use (1) any face surveillance system, or (2) information derived from a face surveillance system
- b) Nothing in (a) shall prohibit Arlington Police Department from requesting facial recognition searches in accordance with Section 220 of Chapter 6 of the Massachusetts General Laws, as amended, restated, supplemented or otherwise modified from time to time.
- c) Nothing in (a) shall prohibit Arlington or any Arlington official from:
 - i) obtaining or possessing (1) an electronic device, such as a cell phone or computer, for evidentiary purposes, or (2) an electronic device, such as a cell phone or tablet, that performs facial recognition for the sole purpose of user authentication;
 - ii) using facial recognition on an electronic device, such as a cell phone or tablet, owned by Arlington or by any Arlington official, for the sole purpose of user authentication;

- iii) using social media or communications software or applications for communicating with the public, provided such use does not include the affirmative use of any facial recognition; or
- iv) using automated redaction software, provided such software does not have the capability of performing facial recognition.

SECTION 3. ENFORCEMENT

- a) Facial recognition data collected or derived in violation of this bylaw shall be considered unlawfully obtained and shall be deleted upon discovery, subject to applicable law.
- b) No data collected or derived from any use of facial recognition in violation of this bylaw and no evidence derived therefrom may be received in evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or authority subject to the jurisdiction of the Arlington.
- c) Any violation of this bylaw constitutes an injury, and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this bylaw.
 - i) An action instituted under this paragraph shall be brought against the respective Town department, and the Town and, if necessary, effectuate compliance with this bylaw, any other governmental agency with possession, custody, or control of data subject to this bylaw.
 - ii) A court shall award costs and reasonable attorneys' fees for a plaintiff who is the prevailing party in such proceeding.
- d) Violations of this bylaw by a Town employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and provisions of collective bargaining agreements.
- e) Nothing in this section shall be construed to limit any individual's rights under state or federal law.

SECTION 4. SEVERABILITY

- a) If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Background Material

This article preemptively bans the use of face surveillance by the Town of Arlington. Face surveillance is facial recognition software, similar to the technology smartphone users have become familiar with, used passively to identify people from video. It is primarily deployed by some of the most authoritarian governments in the world. Governmental use of such technology violates the spirit of the Fourth Amendment, which prevents "unreasonable searches and seizures." Just as the government cannot require people in the United States to carry or produce identification unless they are reasonably suspected of having committed a crime, it should not be able to identify people simply because they walk past a surveillance camera.

This is not an abstract debate. The effects could be significant. Face surveillance would discourage people from exercising their First Amendment rights of free speech and free assembly. Worse, it would disproportionately impact those who are already most at risk in our criminal justice system: people of color, the homeless, and undocumented residents. In fact, current face surveillance technology is less accurate at identifying the faces of Black people, which has led to wrongful arrests or prosecutions.

While our town government does not currently use face surveillance it is much easier to prevent the use of a rights-violating government tactic than it is to stop it once it has become commonplace. When government assumes a power, it rarely gives it back. This is a dangerous technology that is not in line with our values or conducive to the well-being of our community as a whole. Its use should be banned.

Other Local Legislation

Similar laws or bylaws have been passed unanimously in [Somerville in June, 2019](#), [Boston in June, 2020](#) and 179 to eight in [Brookline in December, 2019](#). Brookline's Bylaw is included in [this committee report](#).

Resources Advocating for the Ban of Facial Recognition or Face Surveillance

- [The Electronic Frontier Foundation](#)
- [ACLU Massachusetts](#)

Articles about How Facial Recognition Technology is Biased

- [Five Fast Facts from the Federal Study of Demographic Bias in Facial Recognition](#)
- [Wrongfully Accused by an Algorithm](#)
- [Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match](#)

Frequently Asked Questions

Why not form a committee or achieve this goal through policy?

Town Meeting created a Surveillance Study Group in 2017 which completed its work by recommending a Surveillance Technology Policy. This group was focused on thinking through the use of cameras and other recording devices by the town and did not make recommendations about Face Surveillance. The policy they recommended is by and large not being followed. The study group recommended:

- That a database be maintained with all surveillance equipment listed
- For the town to provide an annual public summary of surveillance equipment and its uses
- To create specific guidelines for when to deploy new surveillance equipment and for who should have access to them.

None of these things are being done. To be clear, I am not criticizing the Town Manager or members of Town Government for this - the policy recommendations were not binding and they have a lot of important things to work on! That said, it's not a strong argument for pursuing the committee to recommendation pathway again.

Does Town Meeting have the power to make this decision? Will the state rule against us?

Our Town Counsel thought that this was borderline, so I reached out to the staff of State Attorney General Maura Healey. They referred me to their review of a similar Brookline Warrant Article in July, 2020 which they approved. Here are some of the relevant parts of that decision (emphasis added by me):

The new by-law makes it unlawful for the Town of Brookline and Brookline officials to obtain, possess, access, or use face surveillance systems. This decision briefly describes the by-law amendments adopted under Article 25; discusses the Attorney General's limited standard of review of town by-laws under G.L. c. 40, § 32; and explains why, governed as we are by that standard, we approve the new by-law.

*Pursuant to G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that **every presumption is to be made in favor of the validity of municipal by-laws.**" ...in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. *Id.* at 796. "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid."*

Based both on the text of that decision and the fact that the Attorney General's staff referred me to it, it is my strong belief that any Article passed by our Town Meeting will have a high chance of success when reviewed at the state level.

How does this relate to the Massachusetts State law passed in July, 2021?

The Massachusetts law sets parameters for how and when our government can request facial recognition searches. This is when they have an image of a person's face but don't know who the person is. In that case, if they have a warrant or can document some immediate danger that necessitates the identification, they can request that the RMV do a facial recognition search using their database. What it doesn't do is constrain the government's use of facial recognition on an everyday basis, on surveillance cameras for example. The law allows for a state or local government to constantly track its resident's movements using facial recognition but just not to identify specific people through a search without meeting the conditions described above. We believe that the use of this technology, even if not paired with specific identification, does not match with the values of our community or our country.

What about serious crimes like murder or a missing person? Don't we want to be able to use Face Surveillance in those situations?

Of course we want serious crimes to be solved as quickly as possible. There are already any number of tactics that we prohibit our government from using to do so. Everyone knows the "right to remain silent" and there are countless other protections from government overreach built into the investigative and criminal justice systems. Think of the warrants needed to perform wiretaps or the rules against entrapment. Banning Face Surveillance can easily be thought of as updating our existing Constitutional protections against unlawful searches and seizures as well as solidifying our existing First Amendment rights. From a practical perspective, we have full faith in town investigators to solve serious crimes. Nothing in this article would change the town's existing use of surveillance equipment - the video would simply continue to be reviewed by trained, unionized professionals instead of machine algorithms.

Haven't I read something in the news about Face Surveillance lately?

Several governmental agencies on the state and federal level have recently backed away from their plans to use facial recognition software as a required form of identification in order to access government services. We believe that the current political and cultural trends are in our favor.

Self-Insuring Arlington: First Steps

Andrew Fisher

February 23, 2022

We Need New Revenue Sources

- The Arlington Town Manager's Fiscal Year Budget message for FY 2020, 21, 22 and for next year each include a commitment to "Pursue new revenue sources."
- Our structural deficit is now about \$4 million dollars.
- The Town Manager's latest projections for Fiscal Years 2024, 25, and 26 show deficits of \$9.1 million, 21 million, and \$25.6 million.

LETS CONSIDER THE ASTONISHING ESTIMATES, AND LACK OF REAL FACTS, REGARDING OUR INSURANCE COSTS:

Actual Property Losses in Arlington (*)

Year	Reported Property Loss**	# Car Accidents Reported to Police	# Car Accidents Fire Dept Responded to	% Accidents w/ Fire Response
2020	\$3,144,632	364	107	29%
2019	\$2,896,766	750	146	19%
2018	\$4,860,367	740	167	23%
2017	\$3,186,677	756	168	22%
2016	\$3,186,677	807	174	22%
2015	\$9,048,556	942	160	17%
2014	\$3,971,417	778	148	19%
2013	\$4,362,840	825	168	20%
2012	\$3,553,696	730	161	22%
2011	\$1,244,200	829	106	13%
Average	\$3,945,583	752	151	

* Source: Arlington Fire Department

** includes structure fires, motor vehicle accidents, water hazard incidents, and hazardous conditions incidents

Arlington's Total Premiums

- Property insurance: **\$15.9 million** in 2019 (*)
- Auto insurance: **\$20 – 30 million**
 - About 32,000 motor vehicles in Arlington
 - Average auto premium for MA: \$1,180 per year
 - If Arlington averages only \$700, then each precinct pays \$1 million
- Total premiums: **\$35 million**
- AFD incident reports: **Only \$3.9 million**
- Actual loss only 10%-15% of Premiums??? Who knows?

* Massachusetts Division of Insurance

Why do we know so little with certainty?

- We have a right to know the facts
- In contrast, Self-insurance operates as a community service:
 - To keep the community informed
 - To Prevent hazards such as oil leaks or termite damage, instead of merely excluding coverage of such hazards
 - To document return on investment in prevention
 - Savings accrue to the community

Sophisticated Organizations Self-insure

- State of Massachusetts self-insures its fleet of cars and trucks
- Town of Arlington self-insures its employees for workers comp
- Large companies self-insure for liability, workers comp, and health benefits – usually using third party administrators
- British Columbia, Manitoba and Saskatchewan operate single payer auto insurance
 - The British Columbia program has 3.2 million motor vehicles

Advantages of Self-Insurance

A state-wide network of community-based plans:

- Unified design provides transparency for financial and loss data
 - Consolidated administration provides efficiency and economy of scale
 - Insurance budget could provide revenue for prevention, including a substantial part of police and fire budgets
-
- A survey is necessary to begin to learn if this is possible

First Steps

- Recruit subcommittee under aegis of Citizens Engagement Committee
- Pilot survey in a single precinct
- if results warrant further work, survey other precincts
- Learn how much Arlington residents have paid in premiums vs. how much they have collected in insurance claims.
- Compare results with self-insured plans of Manitoba, Saskatchewan, British Columbia self-insured systems
- Return to Select Board with this data.

Conclusion

- Arlington could play a pioneering role by investigating our insurance institution from the bottom up. Perhaps we will confirm the worth of the existing system, perhaps we will come up with a great leap forward.
- Let's find out if the current system has so much redundant overhead, the total premium of a consolidated system would yield enough savings to provide revenue for police and fire departments

Conducting a survey is necessary to know if a re-design is warranted

Dear Select Board,

March 16, 2022

Thank you for hearing this article - again. My current thinking is that there is no need to establish a new committee to undertake a survey. I will be able to say more about this Monday. The main question now is whether or not to submit a substitute motion in the form of a resolution asking Town Meeting to endorse conducting a survey to learn the total cost of Arlington residents' auto and property insurance premiums and claims.

The immediate impetus for this warrant article is to seek a new source of revenue to reduce the burden on the property tax. For the last four years, our financial reports have included a commitment to finding new sources of revenue. The cashflow of our total auto and property insurance premiums is so large it is baffling. For example, the National Association of Insurance Commissioners reports the average cost to insure a motor vehicle in Massachusetts is \$1180. With 32,000 cars now in Arlington, even if our average car insurance is only \$700, it translates to about \$1 million per precinct.

If this is true, clearly something is amiss. Could it be that we are just conditioned to expect this kind of cost, and the incremental increases over the years have been so consistent, no one has questioned it? Is there enough waste in the existing system, that a consolidated program could yield revenue to help pay for prevention services, such as a substantial part of the police and fire budget?

I have to tell you, what excites people about this warrant article is both the possibility of learning the answers to these questions about cost, and also the potential to change insurance so people would choose the local public plan, feeling proud to contribute to a local town service.

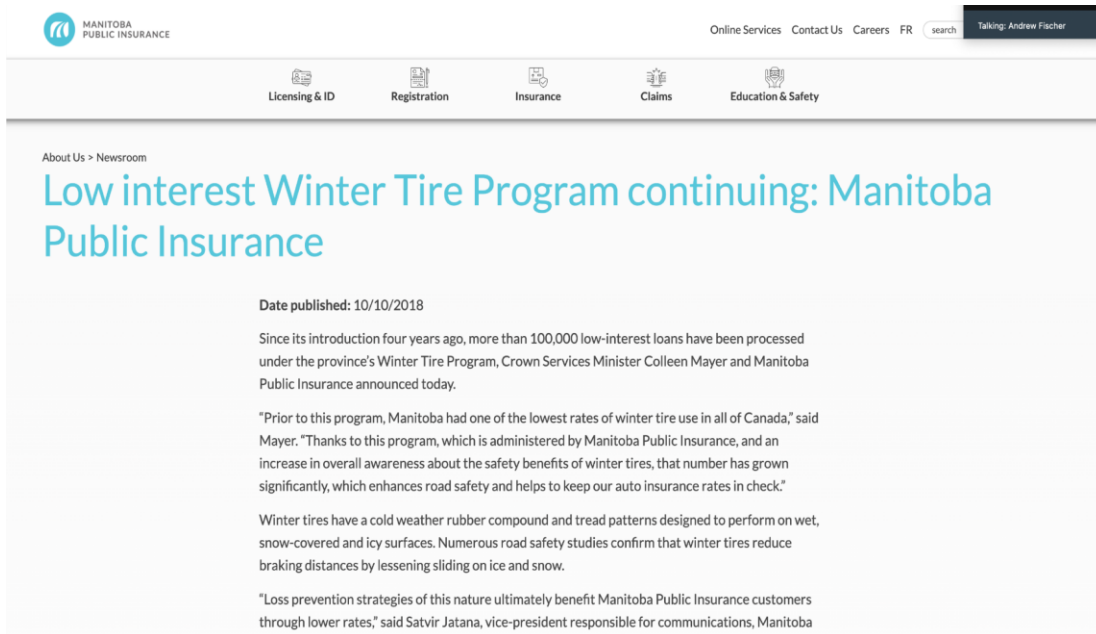
Here is an example of insurance as a community service in Manitoba, one of the three provinces in Canada that feature public auto insurance plans. The pattern here is the plan administrators can measure a hazard, and subsequently take action to reduce the hazard. Manitoba documented that it had the lowest rate of winter tire usage of all the provinces, so they established a winter tire lending program, with 650 participating tire dealers.

<https://www.mpi.mb.ca/Pages/nr2018oct10.aspx>

I include the first link above for its brief and clear description.
Below is a more detailed, up to date link:

https://www.mpi.mb.ca/Pages/winter-tire-program.aspx?utm_uptracs=dealer-paidsearch-makegeo

here is a paste of another page from the Manitoba website:



It appears here the incentives of the insurance managers are aligned with those of customers.

Here is a contrast, from the front page of the Boston Globe 2/21/22. The Massachusetts Insurance Federation saw a hazard, and did not take action to reduce that hazard. Up to 2011, “comprehensive” homeowner insurance policies excluded damage from basement oil leaks. When the Massachusetts Legislature worked to require coverage of basement fuel oil leaks, the insurers A, opposed passage of this legal requirement – and B, after it was passed, evaded selling the coverage by not informing homeowners such coverage was available and advisable. As a result, only ten percent of the 650,000 homeowners who heat with fuel oil in Massachusetts are covered today, 11 years after our legislature made such coverage mandatory. {The costs of remediating these oil spills are in the hundreds of thousands of dollars.}

Termite damage, by the way, is also simply excluded from coverage. And I need no mention flood insurance, which is left to the public.

The sequence of the proposed survey would be to conduct a pilot survey on one precinct. Based on what is learned there, refine the questions and survey a number of other precincts. Ideally the survey will cover all precincts – an enormous project. The results - - data about the cost of Arlington’s total premiums compared to claims - - as well as other information we can glean from the Mass Division of Insurance - - may inform a proposal for how a new model of insurance.

Please support this effort to survey our insurance costs, and see if a new model is warranted.

Thank you,

Andrew Fischer

781 439 2600

From: Adam MacNeill <adamjamesmacneill@gmail.com>
To: Ashley Maher <amaher@town.arlington.ma.us>
Date: 03/15/2022 11:19 PM
Subject: Letter in Support of Article 14

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. Maher,

If you could please make sure that the following letter is properly included in the Select Board package for draft warrant article 14, which I believe is scheduled to be heard next Monday, I would greatly appreciate it.

Thank you,
Adam MacNeill

Dear Members of the Select Board,

I am writing to you to explain my support for Article 14 in our draft warrant, to "Establish a Committee on Insurance Costs and Issues".

In its best form, insurance is a manifestation of the social contract - otherwise crippling costs encruded by a subset are spread across a larger population, much in the same way that someone might bring their sick neighbor a home cooked meal. And there are a few examples that meet that goal, usually on the community or corporation self-insurance level. Large-scale examples include the German universal healthcare system or, especially relevant to this article, the public auto insurer *Insurance Corporation of British Columbia*. These are aspirational and well-established institutions, but smaller-scale self-insurance backed by reinsurance for disaster management is not just theoretical. The self-insurance model seems much more radical than it is in part because we are now used to massive insurance conglomerates, like a more extreme version of how credit unions have become rarer as megabanks have grown.

Unfortunately, our auto insurance, like the vast majority of American insurance systems, is external and for-profit, dragging money out of town coffers and constituents' pockets (some deserved for logistics, of course, but plenty more lost to inefficient overhead, bloated executive packages, and corporate profits). Without proper data, it is impossible to determine if the town and constituents would benefit enough for it to be an efficient use of energy and time to pursue a

self-insurance model, and getting that data is the point of this article. It is my opinion that forming a committee to explore this is both fiscally smart and an opportunity to exemplify the social contract basis of good government.

Thank you,
Adam MacNeill
12 Wellington St., Unit 3
Arlington, MA 02476

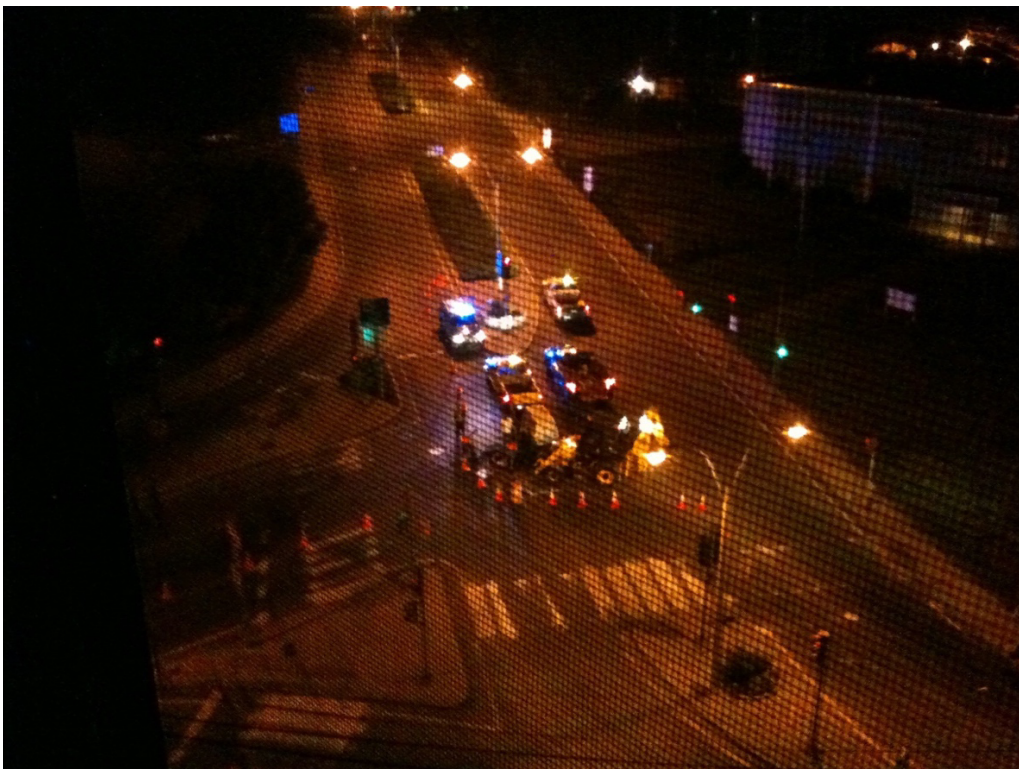
ARTICLE 15: BYLAW AMENDMENT/NOISE ABATEMENT

Submitted by Paul Schlichtman

To see if the town will vote to amend the Town Bylaws by replacing Title V Article 12 Noise Abatement with Title VIII Article 11 Noise Abatement, and to further regulate non-emergency work by the Arlington Department of Public Works, public utilities, and/or their contractors, or take any action related thereto.

Rationale: On July 14, 2021, Deputy Town Manager James Feeney wrote that “‘Article 12: Noise Abatement’ falls within ‘Title V - Regulations Upon the Use of Private Property’” which had historically ruled out its application to work taking place on public property, it was still amended at the 2018 STM to specifically note that it did not apply to work within the public right of way, even on a non-emergency basis.”

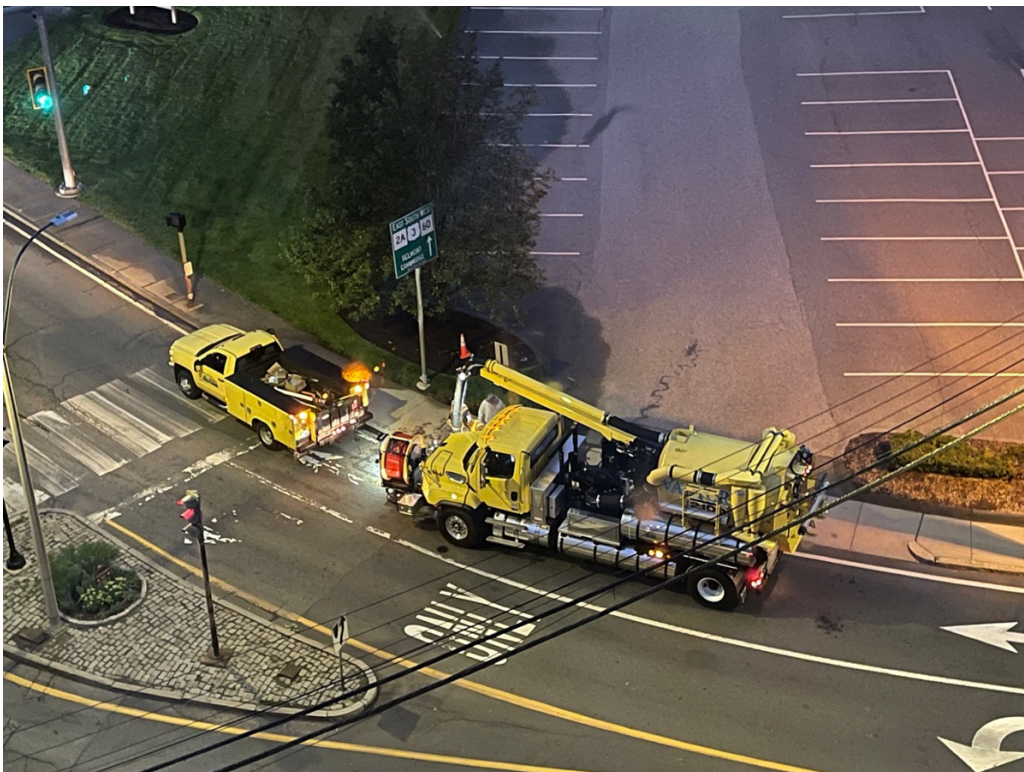
Moving this bylaw to Title VIII (Public Health and Safety), and establishing a new Article 11, places the bylaw in a position where its placement within the bylaws doesn’t exclude public property or rights of way. In addition to moving the bylaw, I also seek to define the type of non-emergency work may be scheduled after 9:00 p.m. and before 8:00 a.m. (routine maintenance such as street sweeping and line painting) and may not be conducted (such as the use of jackhammers and sewer jetting trucks).



Use of jackhammers to excavate and replace manhole. August 4, 2011 5:26 a.m.



Use of sewer jetting truck. May 9, 2019 4:30 a.m.



Use of sewer jetting truck. July 14, 2021 4:57 a.m.

Warrant Articles 18 & 77 for 2022 Town Meeting:

Rodenticide Reduction and Integrated Pest Management (IPM) in Arlington

Submitted to Select Board March 24, 2022 for March 28, 2022 Meeting
by Elaine Crowder, Town Meeting Member Precinct 19
elaine-tmm19@communication-exchange.com

Article 18/ Phase Out of Certain Toxic Rodenticides on Public/private Property, with Reporting Requirement and Public Education

To see if the Town will vote to amend Title VIII of the Town Bylaws to add a new Article that 1) by January 1, 2024 phases out the use and application of certain rodenticides, including second generation anticoagulant rodenticides (SGARs), either by Town employees or by private contractors on all private and public property in the Town of Arlington except as allowed by the Board of Health to remediate a public health condition; 2) requires all licensed certified applicators of rodenticides to provide written notification to the Board of Health whenever certain rodenticides, including SGARs, are used within the Town; provides for both waivers and penalties for compliance; 3) provides for educating the public about Integrated Pest Management (IPM) best practices and the hazards of rodenticides to human health and the ecosystem during but not limited to licensing, permitting, and inspectional activities; and further establishes such definitions and provisions necessary to effectuate such a bylaw; or take any action related thereto.

PROPONENT'S STATEMENT for Article 18:

A YES vote on this Article will move the bylaw to the Attorney General's Office for review of ALL sections: 1) a phase out of certain rodenticides (e.g, SGARs) in order to exercise local control over local pesticide use to protect local resources (in the spirit of H. Bill 910 An Act Empowering Towns and Cities to Protect Residents and the Environment from Harmful Pesticides (in Committee), 2) a reporting requirement directing pesticide applicators to report all use within Arlington of rodenticides identified by Town policy, including SGARs, and 3) the provision for educating the public (residents, contractors, businesses) about the hazards of rodenticides, and non-toxic IPM alternatives. **These latter two sections can survive as a town bylaw regardless of the AG's decision about Section 1, since a disallowed Section 1 can be severed from the bylaw leaving the remainder in force.**

Supporting Materials:

1. **Letter of Support:** Heather Miller, Esq., General Counsel & Policy Director, Charles River Watershed Association (CRWA)
The CRWA values Arlington's efforts to reduce toxic rodenticides in support of its mission to protect, preserve, and enhance the wider Charles River and its watershed. (Mailed to SB office)

2. **Letter of Support:** [Elana Varner](#) MA in Pest Mgmt., Rodent Ecology. Ms Varner cites 2015 research that reveals Pest Control Professionals (PMPs) may not be the best source of public education about Integrated Pest Management (IPM). MA PMPs preferred chemical rodenticides to other methods whereas IPM states to use the least toxic yet effective options first: sanitation, exclusion, mechanical/biological. MA-based PMPs further “are not aware of or underestimate the environmental harms of rodenticide use.” She cites literature dating to Boston’s Big Dig that backs the long-term and cost-effective efficacy of controlling rodents by preventing rodent access to primary needs: food, water, and shelter. IPM effected an 87% reduction of rodent populations over 3 years in a Big Dig construction area.
3. **Integrated Pest Management (IPM) Continuum Charts**
Two charts describe a common issue surrounding IPM – that different people and stakeholders may define IPM differently. A common misconception is that IPM is prevention, and if you see a rat use poison. The [EPA](#) and [CDC](#) IPM Manual stress that IPM offers a complete continuum to try depending on circumstances. “A vital IPM “rule” for selecting rodenticides or other pesticides is that the product chosen should be the least toxic product that will be effective on a target pest.” ([CDC](#) IPM Manual) A unified Town IPM policy will help to converge on a single definition of IPM, and unify treatment approaches across town properties. **See #3**
4. **Interview from the Field: A Pest Professional’s Perspective on the Integrated Pest Management (IPM) Continuum**
This professional starts from the basics: identification, food/water removal and exclusion. He importantly features red-tail hawks as a biological control and affirms minimizing environmental harm in supporting natural ecosystem controls for rodent pests: “...**part of proper IPM is to *not diminish* the natural enemies of the target pest ... why would you use a product that you know harms the allies in your goal?**”
The practical experience he details for treatment options along the continuum can inform decisions during policy development and treatment choices for rodent infestations. (see #4 below)
5. **Who knew? Rodent education can be FUN!**
Rodent Control & Public Education Initiative – Somerville:
<https://youtu.be/wEYzKq9YZQI>



Article 77 / Resolution/ Establishing an Integrated Pest Management Policy for Town Land, Prohibitions, and Public Education about Rodenticide Hazards

To see if the Town will vote to encourage adoption of a unified Integrated Pest Management (IPM) Policy for the Town that in part prohibits the use of certain rodenticides on Town properties, including second generation anticoagulant rodenticides (SGARs); provides for waivers; provides for educating the public about rodenticide hazards to human health and the ecosystem and IPM alternatives; and further establishes such definitions and provisions necessary to effectuate a policy to protect Arlington's citizens, children, wildlife, and ecosystem.

PROPONENT'S STATEMENT for Article 77:

A YES Vote on this Article voices agreement with the importance of a unified Integrated Pest Policy for the Town to protect Arlington's citizens, children, wildlife, and ecosystem and to align pest management practices across all town properties and departments. Having a public IPM policy in place is foundational to the by-law proposed in Article 18 and to the success of our goal: reducing toxic rodenticides in Arlington, with a particular focus on the second generation anticoagulant rodenticides that wreak havoc on natural food chains and the predators offering environmental services. We intentionally drafted both articles to create flexibility for the Town, now and in the future as it crafts pest policies and procedures to meet both current needs and those of the future. We named only the pesticide (SGARs) responsible for threatening the Arlington resource in most need of protection - nesting bald eagles and other valued predators. This flexible language critically requires the specificity a pest policy would provide. For this reason we urge the approval of a pest policy as soon as possible (before January 2024 at the latest, the date of the phase-out), and are willing to help by providing a draft for consideration and revision.

Supporting Materials: Model Policies

6. **Arlington Housing Authority [Request for Proposals](#): Integrated Pest Management**
In their IPM RFP, the Housing Authority includes a very clear definition of Integrated Pest Management and adherence to the principal of exhausting non-toxic options before using more toxic chemicals.
7. **Letter of Appreciation** from Elaine Crowder, on behalf of No-RAT Force to Jack Nagle, Interim Executive Director, Arlington Housing Authority
8. **Organic Integrated Pest Management Policy for Land Owned by the Town of Wellesley, Massachusetts (2002)**

This [document](#) demonstrates that other Massachusetts towns have decided to regulate pesticides on town land to protect important resources. It models major sections for a policy, including a lead-in values section. Their goal is not Arlington's, however, as they focused on insecticide and herbicide restrictions on town land. Our policy might be similar in form if not in content.

9. **EPA Brochure:** Model Pesticide Safety and IPM Guidance Policy for School Districts (2015). EPA [Publication #730-K-15-001](#), February 2015

This document offers sample language for an IPM policy focused on building management. Although written originally for School Districts, the information is sufficiently focused on general best practices that the EPA itself pointed hospital administrators to this document as a model for drafting hospital IPM policies.

#7 Letter from NO-RATForce to AHA

Mr. Jack Nagle, Interim Executive Director
Arlington Housing Authority

Nov. 2021

Dear Mr. Nagle:

As members of No-RATForce Arlington (No Rodenticide Anticoagulants Task Force), we were happy to see that your recent IPM RFP for the Arlington Housing Authority included such a clear definition of best practices in IPM rodent control (<https://www.arlingtonhousing.org/Integrated-Pest-Management-RFP.pdf>). Your focus is truly commendable: first targeting the conditions that "promote infestation," followed by "long-term environmentally sound pest suppression and prevention" that emphasizes "least hazardous material," "non-chemical measures," and traps as "primary tools."

Given that some pest companies use the language of IPM while relying primarily on poisons, especially second generation anticoagulant rodenticides (SGARs), to eliminate rodent pests found on properties, we encourage you to dive beyond surface language in received proposals to determine a company's true poison-as-a-last-resort practices.

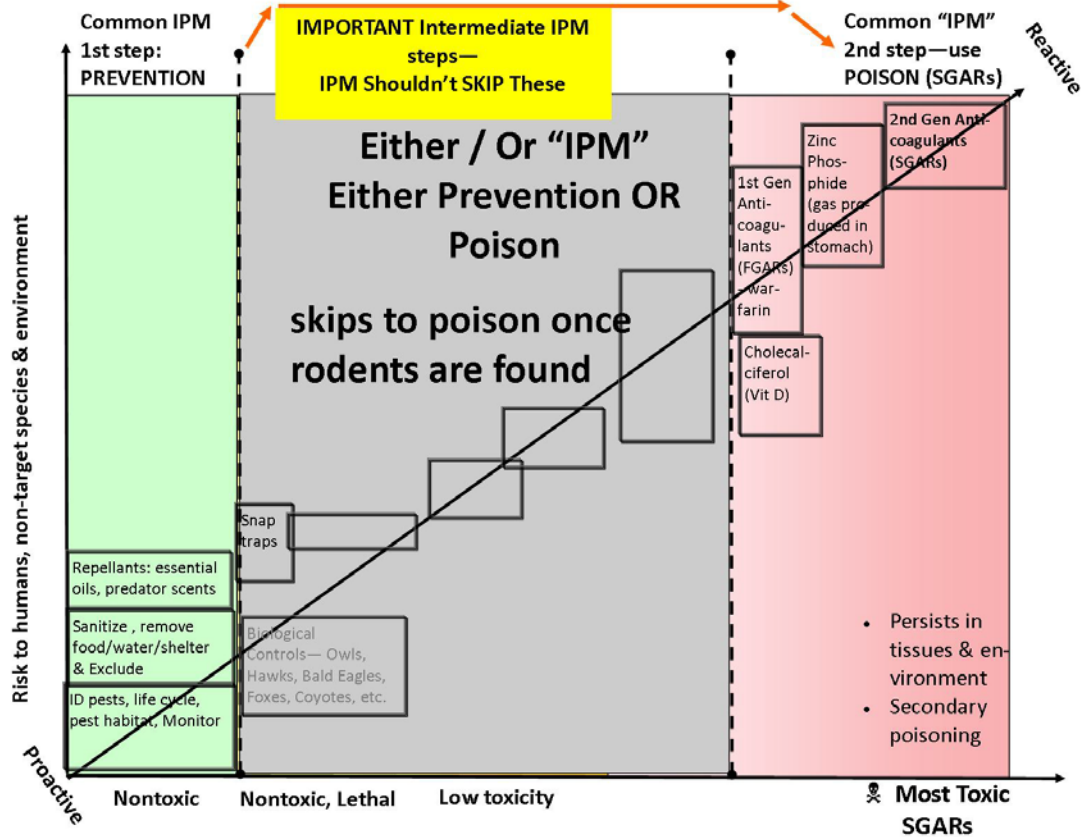
We further encourage you, since we are aware that non-toxic rodent solutions can be more labor intensive and costly -- please be willing to invest a bit more to preserve the health of Arlington's most vulnerable families and surrounding wildlife. Contrapest contraception, dry ice in external burrows, and multi-kill A24 rat and mice traps are additional non-poison tools which might be profitably added to your list of allowed pest control products. Also please be willing to make a full commitment to finding solutions other than SGARs, especially on properties hosting many families with vulnerable children and pets.

We recently experienced the loss of an Arlington born and bred eaglet in the cemetery near Housing Authority property. Deputy Town manager Jim Feeney assured us that SGARs have not been used on the Town cemetery property. We look forward to the day when AHA can assure Arlington residents of the same.

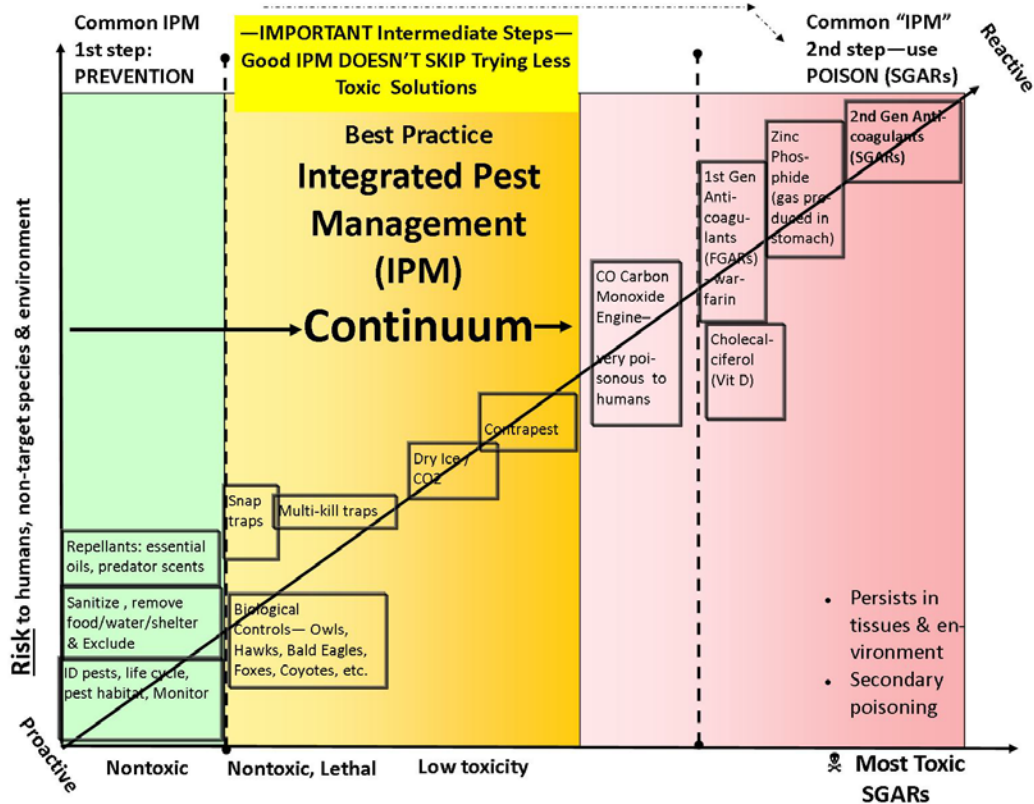
Sincerely,

Members of No-RATForce Arlington

- Elaine Crowder, TMM Pct. 19
- Maria Moyser, Arlington Conservation Land Steward
- Luchy Roa, Arlington Resident
- Gary C. Menin Sr., Raptor Advocate



3 IPM Charts



4 Interview From the Field: A Pest Professional's Perspective on the Integrated Pest Management (IPM) Continuum

After creating the IPM continuum from a variety of sources, the Article 18/77 proponent ran it by a pest control professional for feedback. Only professionals have day to day experience with the various substances. Based on comments received, the proponent adjusted the placement of certain options. For example, the order of the toxic end of the continuum got rearranged to reflect how dangerous non-SGAR zinc phosphide is. It turns into a poison gas upon contact with stomach acid and has no antidote. This poison is extremely toxic when directly consumed, but has a low chance of causing secondary poisoning up the food chain. So it poses a greater threat to pets and children, but a lesser threat to top predators.

The professional affirmed that the continuum defined IPM accurately and shared his opinions, formed from experience, about available options.

His descriptions provide clarity to residents who when faced with an in-house mouse or rat turn to social media forums like NextDoor for advice. Proponents monitored these forums and discovered that questionably effective or human options, such as essential oils, sticky traps, and water buckets often carry equal weight or over power best practice suggestions, such as removal of bird seed, exclusion, and snap traps.

J: "The chart is accurate, as far as describing the steps of Integrated Pest Management. When I teach the subject the order I give is: **1. identification 2. sanitation/exclusion 3. mechanical/biological controls 4. chemical controls 5. monitoring and evaluation.** Step 5 is to keep pesticide applicators from just dumping chemicals into a location where the pests have already been eliminated."

1. Identification

J: "Don't try to poison rats if you don't have them. Surveying the property for signs of rodent activity is the first step."

2. Food/Water Removal & Exclusion from Dwellings

J: "Most of my job is inspecting buildings and writing work orders for repairs. Our ancient New England infrastructure contributes--old rotting wood, holes in foundations, doors with big gaps at the bottom, and so on. People should be careful about feeding the birds (or, god help us, the raccoons) which I have seen leads directly to rodent problems. Bags of trash should never be stored on the ground. Businesses that generate a lot of edible waste like food stores and restaurants need to make sure that their trash removal systems are pest-resistant. I had my company request a new dumpster because an old one had rust holes at the base allowing rats in.

Conclusion: Sanitation and exclusion are very effective when it's possible to cut rats and mice off from all food and water in the area you are trying to protect. (See examples from the *Success Stories Survey p. X*)

3a. Mechanical Controls aka Traps

J: **Snap traps:** "Are effective if the proper non-toxic attractant bait is used to lure rats and mice into the trap. Downsides are, once tripped they can catch no more rodents until emptied and replaced or reset. Snap traps are best used for small populations. The kill rate is not robust, since rats learn to avoid them, so might best be used to monitor.

J: **Multi-catch traps:** "There are multi-catch traps, where many mice or rats can be caught at once, then the whole trap is put into a chamber in which CO₂ is gradually fed, euthanizing the pests humanely.

Less effective or inhumane mechanical controls

J: "the **bucket drowning traps** that some people use for mice: In my practice all my controls have to be approved by a veterinarian, and drowning is not an acceptable euthanasia method. I've used dry bucket traps and they just don't work.

3b. Biological Controls – Raptors are not the *Total Solution*, but they are a part of it

J: "When I teach IPM to my coworkers, the biological control component is mainly for stable flies and mosquitoes. However I do include an image of a **red-tailed hawk**, since we have seen these animals feeding on rats on our property, and **part of proper IPM is to not diminish the natural enemies of the target pest** If I was arguing with others in my industry about the need to regulate SGAR, this would probably be the best rhetorical point. I see that many of the groups hoping to regulate these products are taking that approach. The counter argument is that predators of rats, even at their most efficient, could never keep up with a well-fed rat colony (the more food they get, the better their breeding success--more babies arrive faster).

J: "Since rats are an invasive species from Eurasia, we can't expect native North American species to achieve effective control ... but **why would you use a product that you know harms the allies in your goal?**"

Chemical Controls: Options in the Continuum that Work in This Professional's Experience

J: "**Dry ice** is revolutionary. <Place it in all burrow entrances> and it sublimates <changes state to CO₂ gas> for many hours. The EPA requires that you use it the same as any pesticide: follow the label to the letter, including not using it next to a building, or where other animals can get to it. It does have limitations however. It's not for indoor use, but rather for when burrows are present. It doesn't work on burrow systems that go uphill, because the CO₂ gas follows gravity. And it's impossible to store, so anyone wanting to use it has to use it the same day they buy it."

J: **Burrow Rx:** "The carbon monoxide engine device is called BurrowRx. It's better than dry ice in uphill burrows because the gas is being forced into the burrows so it can travel uphill. There is an oil-vapor smoke machine built into it, so you can see where the gas is travelling. Yes CO is far more lethal than CO₂, <it binds strongly with hemoglobin, and doesn't let go, taking up the normal slots for oxygen, causing suffocation> but with the machine, it starts dissipating the moment you turn it off. I've only been using the BurrowRx for a few months but it is by far the most effective control I've obtained. The worst thing about it is the cost (over \$2000) and the fact that I don't like burning gasoline. But you only need to run it for a few minutes to get the carbon monoxide gas throughout even a huge burrow system.

Less effective non-toxic chemical controls

J: **"Contrapest** <rat birth control> is a cool sounding idea, but I can't get the rats to drink it. It is not yet approved for mice. It might be a good option in a place where the rats have difficulty getting to water, as it is a liquid bait. Their marketing team sure is something, I think everyone at my company has been contacted by them. I have a few more months supply of it, then I am going to quit using it."

Conclusion: More information is needed for this option. It has been piloted in places like LA, Washington DC and Somerville and produced 80-96% reductions in rat populations over time (LA), characterized by an initial reduction in observed juveniles within 3 months of 25-56% (LA) and in DC, when combined with lethal rodenticides, sites achieved a 94% reduction in total rat activity with 98% reduction in juveniles. The combined treatment most likely accounts for the larger percentage reductions in DC vs. LA. Most of the pilots for which data is available were conducted by Senestech, the manufacturer. A Seattle Pilot will be producing a "Playbook" Guide for treatment that might assist PMP's in getting good intake of ContraPest liquid.

J: **Repellent oils and predator urine:** This might work "if you were protecting a low-pressure area--a place with not much to offer to the pests." HOWEVER, "If there is a good food source, good harborage (a convenient earthen space under concrete or a berm with a good angle for creating a burrow), or if the pests have the habit and memory of a place, **no repellent will keep them out.**"

J: "I personally have never had a repellent have any positive effect. Peppermint oil, predator urine, what have you."

Conclusion: This solution might be non-toxic, but it may have a very limited set of conditions under which it is effective.

Chemical Controls: Toxic rodenticides

J: "One of the things professional pest control operators like about rodenticides is that they serve as activity monitors. If you check a bait station regularly, you can make inferences about what is eating the bait, and how many there are. Mice, rats, shrews, and squirrels all bite on the bait in distinct ways.

However, this same information can be gleaned from using non-poisonous bait instead. Stocking bait stations with blocks of non-poisonous bait is a good way to monitor for types and numbers of rodent pests.

J: "Many pest control operators will use bait stations that contain bait that doesn't contain rodenticide, and only swap it out for rodenticide bait when they can see that the target pest is taking the non-rodenticide bait."

Non-anticoagulant rodenticides: J: "Besides Cholecalciferol, there are non-anticoagulant rodenticides that use a chemical called **Bromethalin**. I know many facilities that keep animals are using Bromethalin bait, and probably some are using **Cholecalciferol**. The drawback to both is that they have no antidote ... There is only supportive care available for Cholecalciferol toxicity. I haven't used Bromethalin so I don't know how doctors or veterinarians intervene in that case.

Second Generation Anticoagulant Rodenticides (SGARs) are highly toxic poisons that accumulate in tissues and poison predators up the food chain, from target mice & rats or non-target squirrels, and song birds to cats, birds of prey, foxes, coyotes, and scavengers like crows and dogs.

J: "As a nature lover who does pest control for a living, I do agree that SGARs need better regulation. However, SGAR toxicity is easily reversed (when detected--in pets, other captive animals, or children) <by providing vitamin K as an antidote.>

J: "Zinc phosphide is scary stuff. This is the only product on your list that has caused human deaths. Very easy to make a very bad mistake with this fumigant. I would never use it, and I think it should only be used by specialists fumigating industrial spaces and products, like in an import warehouse, where the tolerance for pests and invasive species is zero.

J: "first generation rodenticides - I don't know anyone using first generation rodenticides. When I took a course on pest management in endangered species collections, a researcher told me that in the UK, essentially the entire rat population is resistant to Warfarin.

J: As a nature lover who does pest control for a living, I do agree that SGARs need better regulation. I also think that people should look into behaviors like feeding the birds (or, god help us, the raccoons) which I have seen leads directly to rodent problems. Businesses that generate a lot of edible waste like food stores and restaurants need to make sure that their trash removal systems are pest-resistant. I had my company request a new dumpster because an old one had rust holes at the base allowing rats in. Bags of trash should never be stored on the ground. Et cetera et cetera. Our ancient New England infrastructure contributes--old rotting wood, holes in foundations, doors with big gaps at the bottom, and so on. Most of my job is inspecting buildings and writing work orders for repairs.

Rodenticide Articles #18, 77

Elaine Crowder, TMM Pct. 19
Carey Thiel, Arlington
Resident

Arlington Resources Worth Protecting

◆ Human Health



E. Arlington squirrel tampered w/ & distributed difethialone bait in nearby yards

◆ Wildlife & Environment



Photo: Laura Kiesel



Photo Elaine Crowder



Photo: McInerney, CC BY-SA 4.0



Photo Maria Moyser

East Arlington squirrel stole bait from “tamper proof” box

Dec. 2021/Jan. 2022 Resident Testimony:

- ◆ “I found about eight bait bags of FirstStrike soft bait (difethialone) on my lawn.”
- ◆ “I worry about the neighbor kids”



News about the eaglet death

Young bald eagle dies in Massachusetts after consuming rodent poison

By Emily Sweeney Globe Staff, Updated August 13, 2021, 11:27 a.m.



A bald eagle is perched on a rock in the Blackstone River on April 21. JOHN TILIMACRI/GLOBE STAFF

A young bald eagle in Massachusetts died in late July after consuming rodent poison, according to MassWildlife officials and veterinarians from Tufts University's Cummings Veterinary Medical Center.

The female fledgling eaglet was in "obvious distress" when she was found on the ground in Middlesex County and was taken to Tufts Wildlife Clinic in North Grafton where she died, MassWildlife officials said in a statement. Results from a necropsy and toxicology test showed the cause of death was due to "lethal levels of anticoagulant rodenticides," officials said.

Anticoagulant rodenticides are a type of rodent poison that prevents blood from clotting normally, and wildlife can consume them by eating the bait directly or eating prey that consumed the bait.

Eaglet dies from rodenticide poisoning

Officials from MassWildlife and wildlife veterinarians from Tufts Wildlife Clinic confirmed that in late July, a young bald eagle succumbed to second-generation anticoagulant rodenticide poisoning.

8/11/2021

Division of Fisheries and Wildlife
MassWildlife's Natural Heritage & Endangered Species
Program





















Officials from MassWildlife and wildlife veterinarians from Tufts Wildlife Clinic at Cummings Veterinary Medical Center at Tufts University confirmed that in late July, a young bald eagle succumbed to second-generation anticoagulant rodenticide (SGAR) poisoning. In late July, a female fledgling eaglet in obvious distress on the ground in Middlesex County was transported to and admitted by Tufts Wildlife Clinic in North Grafton. Unfortunately, upon admission to the clinic, the young bird died. A necropsy was performed at the clinic and liver










[Emily Sweeney](#), Boston Globe 8/13/2021

[Marion Larson](#), MassWildlife, mass.gov
8/11/2021

Second generation anticoagulants threaten the health of children, pets, and non-target birds & mammals

SGAR Toxicity

2nd-Generation Rodenticides	Types	Acute Oral Toxicity	Animals Affected	Primary Poisoning Risk	2 nd -ary Poisoning Risk
Brodifacoum	Anticoagulant, lethal after single dose	High 		High	High
			 	High	High
Difethialone	Anticoagulant, lethal after single dose	High 		High	High
			 	Mod.	Mod
Bromadiolone	Anticoagulant, lethal after single dose	High 		Mod	Mod.
			   	High	Mod.
Difenacoum	Anticoagulant, lethal after single dose	High 		Mod.	Mod.
			 	High	Data gap (mammals)

 = birds high risk
  = mammals high
 = mod  = low
  = mod   = low



Issue: Inadequate regulatory safeguards & limited awareness put the public at risk

- ◆ EPA protections for the public (e.g. tamper-proof boxes) are not doing the job
- ◆ Awareness GAP- Building Managers and Public don't know alternatives to poison



What Articles 18 and 77 are not

- ◆ NOT a complete poison ban in Arlington
 - Focus on Second Generation Anticoagulant Rodenticides (SGARs) – highest risk
 - Other tools can remain in the arsenal if needed & desired (e.g., Dry Ice CO₂, cholecalciferol-Vit. D overdose)

- ◆ NOT an inflexible recipe
 - Language provides flexibility
 - Can add and remove options
 - ◆ now and in the future
 - ◆ as the science evolves and health/environmental effects become better known.

What 18 & 77 ARE – A Mechanism to Exert Local Control

- ◆ **Phase-out of Second Generation Anticoagulant Rodenticides (SGARs)**
 - Would prevent future squirrel tampering and other release of poison into the environment (Article 18, 77)
 - Provides safety valve waivers if needed
- ◆ **Reporting requirement** improves tracking of poison issues back to root cause (Art.18)
 - Saying "certain rodenticides, including SGARs" provides flexibility both now and in the future
- ◆ **Educating consumers & contractors** about IPM & rodenticide hazards will encourage proactive prevention and the spread of pest control practices that protect the public, pets, wildlife, AND entire habitats (18 & 77)



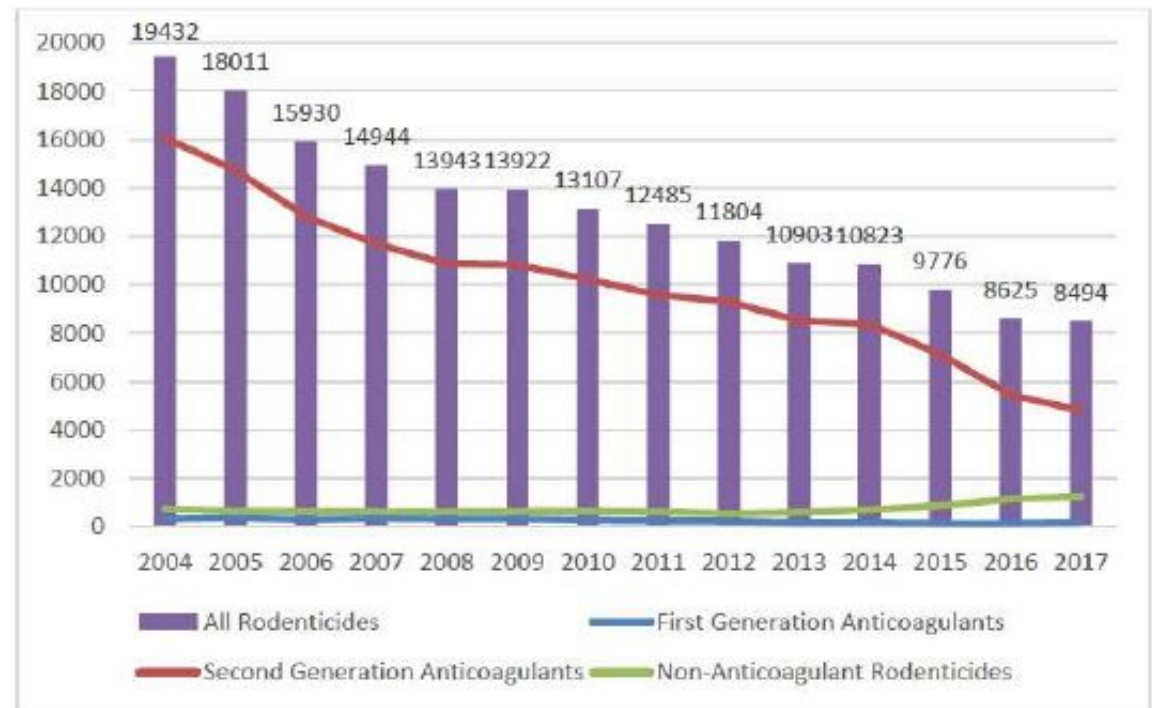
Why a focus on SGAR reduction?

- ◆ Second Generation Anticoagulant Rodenticides (SGARs) are highly toxic
- ◆ SGARs continue to threaten human health
- ◆ Rodents are beginning to develop resistance to SGARs, so alternatives will be required soon anyway
- ◆ They pose the greatest risk of secondary poisoning of wildlife
 - First nibble is deadly but a delayed death allows more intake
 - Rodents become poison bombs delivering much higher doses to predators concentrated from multiple feedings
 - SGARs persist a long time– up to nearly 1 year in tissues vs. about 1 month or less for older anticoagulants

SGARs continue to threaten human health

- ◆ EPA's Human Health Risk Assessment Shows Risk of Poisonings
- ◆ 5 x higher for SGARs than non-anticoagulants in 2017

Figure 2. Total Rodenticide Incidents, FGARs, SGARs, and Non-Anticoagulant Rodenticides Reported to AAPCC from 2004 to 2017.



Second Generation Anticoagulant Rodenticides (SGARs) are the pest industry's go-to Rx for rodent control

Precedents for limiting pesticides exist in Arlington



- ◆ Schools can't use pesticides as preventative or go-to Rx
 - Protects our children!



- ◆ Conservation Commission bans ALL poisons in the areas it controls along water bodies
 - Protects riparian habitat, fish, muskrats, bald eagles, osprey

From the field ... a pest profession speaks

Speaking to biological controls ...

- ◆ "Part of proper IPM is to *not diminish* the natural enemies of the target pest"
- ◆ "why would you use a product that you know harms allies in your goal?"
 - hawks, owls, and eagles

PART 2: Article 77

Article 77: A Resolution

- ◆ Promote unified Integrated Pest Management (IPM) Policy in Arlington
- ◆ Take a stand on SGAR use
- ◆ Can't get enough education



A clear pest management policy for Arlington is critical

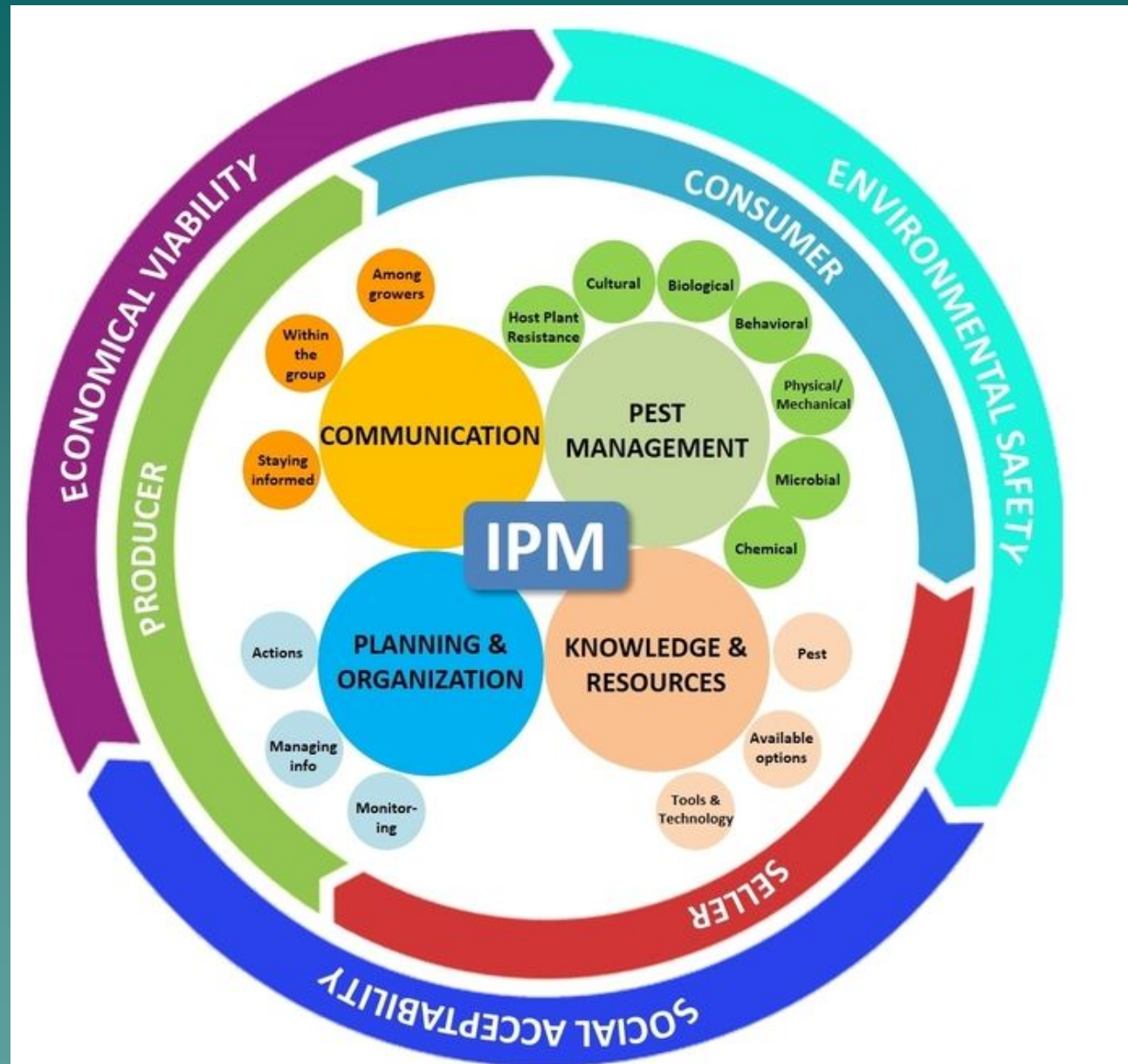
- ◆ Importantly, a clear, unified & public Integrated Pest Management policy undergirds Article 18
- ◆ This is why we urge the town to develop such a policy in Resolution Article #77



An IPM focused Resolution 77 puts alternatives in place

- ◆ **Emphasize IPM Tools** by...
 - **Creating a Unified IPM Policy** for all Arlington properties (Art. 77)
 - **Refrain from SGAR poison** use on town property (Art. 77)
 - **Preserving public health** by providing for waivers if needed
- ◆ **Educate consumers** proactively, during natural intersection points (18 & 77)
 - Permit issuance, inspections, licensing
 - Proactively widen education beyond folks reporting issues, restaurants & schools
 - Increase transparency – make rodent sighting data publically available so public can respond before issues become entrenched

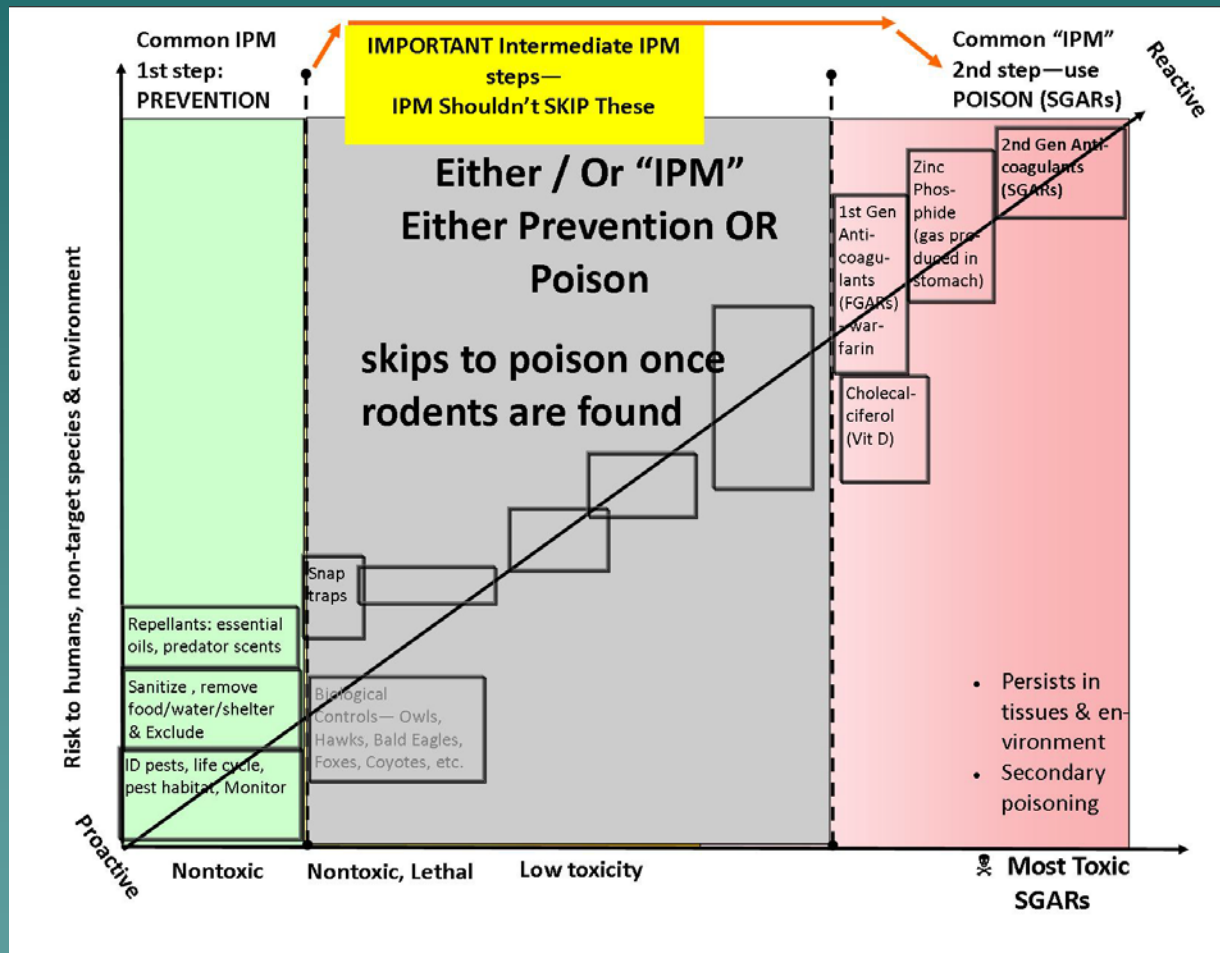
What is IPM?



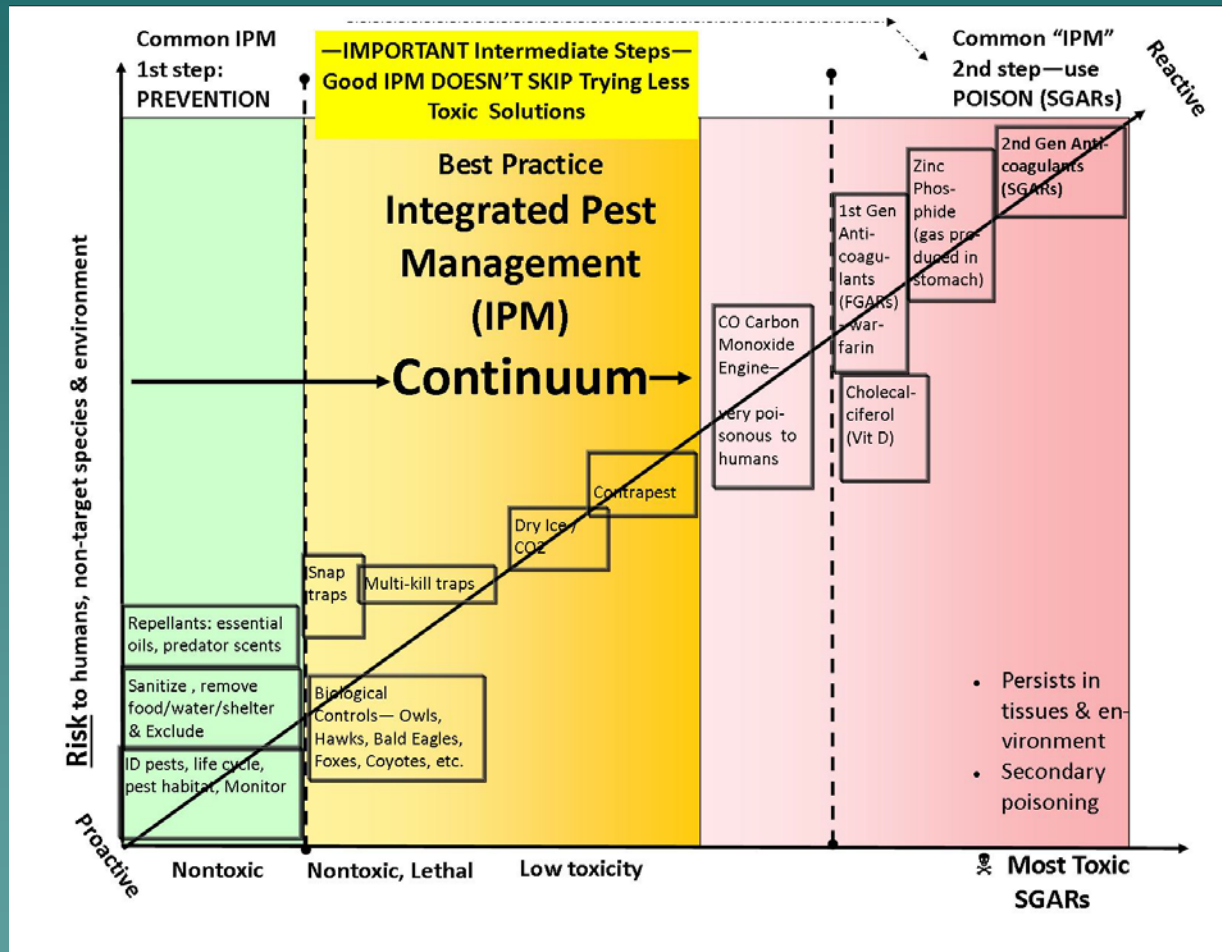
Clear IPM messages from an environmental pest professional

- ◆ "As a pest control professional, toxicants are a tool of last resort.
 - ◆ "Sanitation and exclusion should be your first steps to rodent control--separate the pest from the food source. Those solve a lot of rodent problems on their own.
 - ◆ "From there you might escalate to mechanical traps to thin the population.
 - ◆ "Rodenticide should be considered only in a case where it is physically impossible to prevent the rodents from accessing the food source, and only after you have tried mechanical trapping."
- Survey respondent #20

Good IPM doesn't skip from prevention to SGAR Poison



IPM employs the least poisonous yet effective option from the continuum first



Who knew? Rodent control education can be fun!

◆ City of Somerville



Massachusetts Approved Alternative to Anticoagulant Rodenticides

Executive Summary

Massachusetts and Federal government endorse Integrated Pest Management (IPM):

Definition: IPM “is an environmentally friendly, common-sense approach to controlling pests” (U.S. EPA).

Methods: Rodents require food, water, and shelter. IPM modifies the environment to be inhospitable to rodents¹ (i.e. storing trash properly and sealing up holes and building access points).

Efficacy: IPM addresses the root of the problem, creates a long-term solution and prevents reinfestation with the **last resort being chemical rodenticides**²⁻⁵.

IPM Implementation and Cost Savings

Implementation: Numerous Massachusetts government-funded organizations specialize in IPM, including:

- [*Northeastern IPM Center*](#) (USDA funded)
- [*UMass Extension IPM Program*](#)
- *Mass. Dep. of Food and Ag.* (see their [*IPM for buildings*](#) here)
- *Mass. Dep. of Public Health* (see their [*IPM toolkit*](#) here)

Cost Savings of IPM: “There are cost savings associated with using IPM... [IPM] may require more up-front resources. However, costs are generally lower over time because the underlying cause of the pest problem has been addressed” (U.S. EPA).

Rodenticide Overuse & Massachusetts Pest Management Professionals (PMPs):

A 2015 study showed “the preferred rodent control method among PMP companies [in Massachusetts] was chemical rodenticides”⁶.

PMPs Lack Knowledge: A 2015 survey showed many MA-based Pest Management Professionals (PMPs) are not aware of or underestimate the environmental harms of rodenticide use⁶.

Harmful Consequences: “Large-scale use of anticoagulants may pose a global risk to vertebrate wildlife” (U.N. Environmental Convention on Migratory Species).

TOP RECOMMENDATION:

Support the implementation of Integrated Pest Management in Arlington to protect wildlife in and beyond the town boundaries.

Massachusetts Approved Alternative to Anticoagulant Rodenticides

Integrated Pest Management: A proven rodent control method: Integrated Pest Management (IPM), as defined by the U.S. Environmental Protection Agency (EPA), “is an environmentally friendly, common sense approach to controlling pests”⁷. In brief, all animals require access to food, water, and shelter; through sanitation and exclusion measures, IPM modifies the environment to be inhospitable to rodents ¹. This is often as simple as storing trash properly or sealing up holes and access points of a building. A Boston-based IPM study demonstrated an 87% reduction of the rodent population over 3 years in a ‘Big Dig’ construction area^{8,9}. By addressing the root of the problem, IPM creates a long-term solution and prevents reinfestation, even in construction sites, with the last resort being chemical pesticides²⁻⁵. This long-term solution also means “there are cost savings associated with using IPM... [IPM] may require more up-front resources. However, costs are generally lower over time because the underlying cause of the pest problem has been addressed” ⁷.

Massachusetts and Federal governments endorse Integrated Pest Management

(IPM): The Massachusetts government has endorsed Integrated Pest Management, as the Massachusetts Legislature views IPM as “a comprehensive strategy of pest control... to achieve desired levels of pest control in an environmentally responsible manner by combining multiple pest control measures to reduce the need for reliance on chemical pesticides” ¹⁰. Executive order No. 403, in 1998, required IPM contracts be utilized in all Massachusetts state agencies and established the Commonwealth’s IPM program¹⁰. The United States Department of Agriculture (USDA) also promotes IPM by establishing Regional IPM Centers including the Northeastern IPM center to “promote integrated pest management for environmental, human health, and economic

benefits”¹¹. Additionally, the USDA funds the University of Massachusetts Extension IPM Program¹², another great Massachusetts-based resource.

Implementation of IPM: All of the above organizations have specific directives to advise stakeholders in IPM implementation. Furthermore, the Massachusetts Department of Food and Agriculture and the Massachusetts Department of Public Health have both compiled IPM toolkits to help guide implementation of IPM measures^{13,14}.

Rodenticide overuse in Massachusetts by Pest Management Professionals

(PMPs): Despite Integrated Pest Management (IPM) being a well-established and sustainable approach to rodent control, where pesticides are used only as a last resort, a 2015 survey of Massachusetts PMPs showed “the preferred rodent control method among PMP companies was chemical rodenticides, specifically the [second generation anticoagulant rodenticide (SGARs)] bromadiolone”⁶. This study also revealed that MA PMPs “varied in their level of concern regarding the impact of chemical rodenticides on non-target species and [PMPs] showed a low level of awareness regarding SGAR potency and half-life”⁶.

This short-term rodent control solution focuses on poisoning rodents rather than removing attractants, which almost guarantees subsequent reinfestations. Furthermore, permanent AR poison stations are commonly used when there are no signs of rodent activity, but marketed and used as a ‘preventative measure’^{4,5}. It is difficult to find a business, housing complex, or public building whose perimeter is not lined with permanent AR poison stations. This heavy reliance on

AR pesticides has disastrous environmental consequences as “it is now recognized that large-scale use of anticoagulants may pose a global risk to vertebrate wildlife” as acknowledged by international agencies and conventions (e.g., United Nations Environmental Convention on Migratory Species 2014)”⁵. This discrepancy between science and industry practices is putting ecosystems at risk and is why Arlington must reevaluate the use of anticoagulant rodenticides.

In conclusion, Massachusetts Pest Management Professionals are often not knowledgeable about the environmental hazards of rodenticides and frequently use them as their primary tool for rodent control. With well-established and environmentally friendly IPM methods of rodent control, it is imperative that Arlington implement Integrated Pest Management on both public and private lands.

Regarding anticoagulant rodenticide risks and IPM rodent control methods, please do not hesitate to contact me with any questions or concerns.

Sincerely,

Elana Varner

Elana Varner
Master of Pest Management
PhD candidate
[LinkedIn](#)

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March 10, 2022

Via email

Stephen DeCoursey, Chair
Arlington Select Board
730 Mass Ave
Arlington, MA 02476
SDeCoursey@town.arlington.ma.us

Re: Support for warrant articles that will reduce the use of toxic rodenticides

Dear Chair DeCoursey and Members of the Arlington Select Board:

On behalf of Charles River Watershed Association (CRWA), I write in support of Article 18, which would amend Town By-laws to prohibit the use of the most environmentally-threatening rodenticides (second generation anticoagulant rodenticides, or SGARs) on public and private property town-wide, and Article 77, a non-binding resolution to encourage drafting a unified Integrated Pest Management Policy (IPM) for all Town properties that would in part prohibit SGAR use on all Town property.

As one of the country's oldest watershed organizations, CRWA's mission is to protect, preserve, and enhance the Charles River and its watershed through science, advocacy, and the law. Our initiatives over the last five decades have dramatically improved the quality of water in the watershed, fundamentally changed approaches to water resource management, and protected the Charles River as a public resource for current and future generations. As a science-based organization, we are concerned about the impact of rodenticides on our rivers and streams, fish and wildlife, and human health.

In March of 2021, a female bald eagle was found dead in her nest on the Charles River. Mass Wildlife officials confirmed that the eagle had suffered a fatal hemorrhage after consuming smaller animals who had themselves consumed rat poison. This eagle was the victim of second-generation anticoagulant rodenticide poisoning. Hundreds of other raptors across the state have suffered similar poisonings. As explained by Mass Audubon, "Second-generation anticoagulants don't kill rodents immediately. While these rodenticides can kill rats with a single dose (which is why many consumers prefer them), poisoned rats can still live for a few days and continue eating poisoned bait. This delay means that rats can ingest enough poison to kill a much larger animal by the time they finally succumb. While any rodenticide can kill a raptor, second-generation anticoagulants are the most dangerous."

Charles River Watershed Association

41 West Street, Suite 800 Boston, MA 02111 t 617 540 5650 www.crwa.org

The use of these pesticides is already banned in Massachusetts for personal use, but licensed pest companies are still allowed to use them when hired to deal with rodent problems. This has dire implications for the health of ecosystems within our watershed. Raptors play an important ecological role by controlling populations of rodents and other small mammals. If we don't poison them, they will actually help to control rat populations. Further, once a rodenticide is used, its effects reach far beyond rats, mice, or other pests. The poison becomes an artificial, often lethal part of the food chain and can irreversibly harm delicate ecosystems as well as domestic animals and even children.

We urge you to support these two warrant articles that will reduce the use of toxic rodenticides Arlington.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Miller".

Heather Miller, Esq.
General Counsel & Policy Director

Revolving Fund Balances

	FY2018	FY2019	FY2020
3210 Ambulance/Life Support	\$493,507	\$525,833	\$385,824
4120 Board of Health	\$137,142	\$151,784	\$165,954
5290 Conservation Commission	\$2,623	\$1,523	\$1,343
3840 Council on Aging Program	\$29,156	\$30,081	\$19,337
5275 Field User Fees	\$31,570	\$72,800	\$106,942
3990 Fox Library	\$1,345	\$1,345	\$1,221
2790 Gibbs School Energy	\$8,402	\$10,925	\$4,814
4220 Library PC Vendor	\$11,068	\$7,042	\$6,260
3410 Private Way Repair	\$59,606	\$93,000	\$62,223
3400 Public Way Repair	\$14,715	\$14,715	\$14,715
4060 Robbins House Rental	\$7,865	\$12,160	\$19,435
4250 Robbins Library Rental	\$29,409	\$34,930	\$38,380
4150 Town Hall Rental	\$84,578	\$106,050	\$105,902
2440 Uncle Sam	\$1,526	\$1,526	\$1,526
3510 White Good Recycling	\$65,180	\$60,137	\$42,567
3215 COVID TESTING 53 E1/2			
TOTAL	\$977,692	\$1,123,853	\$976,443

Urban Renewal Fund Balance

	FY2018	FY2019	FY2020
2770 Urban Renewal Fund	\$341,816	\$202,954	\$121,047

REVOLVING FUNDS FOR WARRANT ARTICLE

Private Way Repairs (3410): Originally established under Article 46, 1992 Annual Town Meeting expenditures not to exceed \$300,000

Beginning Balance,	7/1/2020	\$62,223.01
Receipts		25,290.04
Expenditures		32,000.00
Ending Balance, 6/30/21		\$55,513.05

Public Way Repairs (3400): Originally established under Article 45, 1992 Annual Town Meeting expenditures not to exceed \$5,000

Beginning Balance,	7/1/2020	\$14,715.06
Receipts		0.00
Expenditures		0.00
Ending Balance, 6/30/21		\$14,715.06

Fox Library Community Center Rentals (3990): Originally established under Article 49, 1996 Annual Town Meeting expenditures not to exceed \$20,000

Beginning Balance,	7/1/2020	\$1,221.47
Receipts		0.00
Expenditures		0.00
Ending Balance, 6/30/21		\$1,221.47

Robbins House Rentals (4060): Originally established under Article 77, 1997 Annual Town Meeting expenditures not to exceed \$75,000

Beginning Balance,	7/1/2020	\$19,435.94
Receipts		100.00
Expenditures		15,651.66
Ending Balance, 6/30/21		\$3,884.28

Conservation Commission Fees (5290): Originally established under Article 44, 1996 Annual Town Meeting expenditures not to exceed \$10,000

Beginning Balance,	7/1/2020	\$1,343.03
Receipts		0.00
Expenditures		931.00
Ending Balance, 6/30/21		\$412.03

Uncle Sam Fees (2440): Originally established under Article 31, 2000 Annual Town Meeting expenditures not to exceed \$2,000

Beginning Balance,	7/1/2020	\$1,526.31
Receipts		0.00
Expenditures		0.00
Ending Balance, 6/30/21		\$1,526.31

REVOLVING FUNDS FOR WARRANT ARTICLE

Life Support Services (Ambulance) Fees (3210): Originally established under Article 37, 2001 Annual Town Meeting
Expenditures not to exceed \$800,000

Beginning Balance,	7/1/2020	\$385,824.16
Receipts		325,691.02
Expenditures		462,886.53
Ending Balance, 6/30/21		\$248,628.65

Board of Health Fees (4120): Originally established under Article 30, 2005 Annual Town Meeting
expenditures not to exceed \$100,000

Beginning Balance,	7/1/2020	\$165,953.52
Receipts		59,216.71
Expenditures		71,080.41
Ending Balance, 6/30/21		\$154,089.82

Field User Fees (5275): Originally established under Article 78, 2004 Annual Town Meeting
expenditures not to exceed \$80,000

Beginning Balance,	7/1/2020	\$106,942.01
Receipts		29,119.25
Expenditures		100,841.73
Ending Balance, 6/30/21		\$35,219.53

***Includes FY20 encumbrance \$28,680

Robbins Library Rentals (4250): Originally established under Article 35, 2006 Annual Town Meeting
expenditures not to exceed \$8,000

Beginning Balance,	7/1/2020	\$38,379.82
Receipts	(REFUND)	(600.00)
Expenditures		1,037.00
Ending Balance, 6/30/21		\$36,742.82

Town Hall Rentals (4150): Originally established under Article 35, 2006 Annual Town Meeting
expenditures not to exceed \$175,000

Beginning Balance,	7/1/2020	\$105,902.38
Receipts	(REFUNDS)	(13,754.46)
Expenditures		28,877.23
Ending Balance, 6/30/21		\$63,270.69

White Goods Recycling Fees (3510): Originally established under Article 35, 2006 Annual Town Meeting
expenditures not to exceed \$80,000

Beginning Balance,	7/1/2020	\$42,567.12
Receipts		38,560.96
Expenditures		38,119.26
Ending Balance, 6/30/21		\$43,008.82

REVOLVING FUNDS FOR WARRANT ARTICLE

Library Vending Fees (4220): Originally established under Article 34, 2009 Annual Town Meeting expenditures not to exceed \$25,000

Beginning Balance,	7/1/2020	\$6,259.76
Receipts		311.25
Expenditures		2,019.04
Ending Balance, 6/30/21		\$4,551.97

Gibbs School Energy Fees (2790): Originally established under Article 45, 2010 Annual Town Meeting expenditures not to exceed \$120,000

Beginning Balance,	7/1/2020	\$4,814.41
Receipts		0.00
Expenditures		0.00
Ending Balance, 6/30/21		\$4,814.41

Cemetery Chapel Rentals (3435): Originally established under Article 52, 2011 Annual Town Meeting Expenditures not to exceed \$15,000

Beginning Balance,	7/1/2020	\$0.00
Receipts		0.00
Expenditures		0.00
Ending Balance, 6/30/21		\$0.00

Council On Aging Program Fees (3840): Originally established under Article 28, 2013 Annual Town Meeting Expenditures not to exceed \$100,000

Beginning Balance,	7/1/2020	\$19,337.36
Receipts		50.00
Expenditures		16,014.21
Ending Balance, 6/30/21		\$3,373.15

FY2021 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Ways Repairs:</u>	
Contracted Services	\$ 32,000.00
Total Expenditures	\$ 32,000.00
<u>Public Way Repairs:</u>	
Contracted Services	\$ -
Total Expenditures	\$ -
<u>Fox Library Community Center Rentals:</u>	
Maintenance	\$ -
Total Expenditures	\$ -
<u>Robbins House Rentals:</u>	
Personnel	
Supplies	
Maintenance	
Utilities	\$ 6,907.90
Contracted Services	\$ 8,743.76
Total Expenditures	\$ 15,651.66
<u>Conservation Commission Fees:</u>	
Other Expense	\$ 931.00
Total Expenditures	\$ 931.00
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees:</u>	
General Fund Offset (Personnel)	\$ 248,531.00
Contracted Services	\$ 214,355.53
Emergency Vehicle	\$ -
Capital Offset	\$ -
Total Expenditures	\$ 462,886.53
<u>Board of Health Fees:</u>	
Personnel	\$ 19,859.21
Supplies	\$ 2,668.52
Contracted Services	\$ 18,502.86
Other Expenses	\$ 30,049.82
Total Expenditures	\$ 71,080.41

Revolving Fund	Amount
<u>Field User Fees:</u>	
Contracted Services	\$ 21,553.52
Maintenance	\$ 79,288.21
Total Expenditures	\$ 100,841.73
<u>Robbins Library Rentals:</u>	
Personnel	\$ -
Contracted Services	\$ 1,037.00
Total Expenditures	\$ 1,037.00
<u>Town Hall Rentals:</u>	
Supplies	\$ 2,726.40
Personnel	\$ 2,875.00
Utilities	\$ 6,068.39
Contracted Services	\$ 17,207.44
Total Expenditures	\$ 28,877.23
<u>White Good Recycling Fees:</u>	
Transfer to General Fund	\$ 35,000.00
Equipment and Materials	\$ 3,119.26
Total Expenditures	\$ 38,119.26
<u>Library Vending Fees:</u>	
Supplies	\$ -
Equipment	\$ -
Contracted Services	\$ 2,019.04
Total Expenditures	\$ 2,019.04
<u>Gibbs School Energy Fees:</u>	
Utilities	\$ -
Total Expenditures	\$ -
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees:</u>	
Supplies	\$ 1,057.74
Contracted Services	\$ 14,956.47
Total Expenditures	\$ 16,014.21

Arlington Parking Fund and Arlington Center Parking Benefit District Statement of Revenues & Expenditures

Expenditures

	Projected FY22
Maintenance and Operation	
IPS,CC, Coin Collection	\$115,188
Lease Payments	\$29,280
Share of Parking Enforcement	\$104,660
Multi-Space Meters	\$50,070
Multi-Space Meters	
Parking Benefit District	\$20,000
Total	\$319,198

Projected FY23
\$111,800
\$6,000
\$105,000
\$64,740
\$200,000
\$487,540

Revenues

	Projected FY22	FY22 Actual 3/23/22	Projected FY23
Single Space Meters	\$59,166.67	\$44,375	\$60,350
Multi-Space Meters	\$147,945.53	\$110,959	\$150,904
Charging Station	\$8,013.33	\$6,010	\$8,174
Pay by Phone	\$83,793.33	\$62,845	\$85,469
Interest	\$4,320.00	\$3,240	\$4,363
Total	\$303,239	\$227,429	\$309,260

Proposed FY22 Parking Benefit District Budget

FY 23 Parking Benefit District

Arlington Center Sidewalk and Broadway Plaza Improvements		Chestnut Street Safety Improvements	\$50,000
Russell Common Lot Improvements		Russell Common Lot	\$65,000
Snow Removal	\$10,000		
Seasonal Planting in Center	\$20,000	Seasonal Plantings	\$20,000
Planter and Tree Watering		Sidewalk on Old Mystic St. west of Mystic/Pleasant St.	\$40,000
Sidewalk Cleaning		RR Lot Blue Bike Station	\$25,000
Total	\$30,000	Total	\$200,000

Revenue History

	FY20 Actual	FY21 Actual	FY22 Actual YTD March 23, 2022
Single Space Meters	\$259,798.57	\$64,725.93	\$44,375
Multi-Space Meters	\$139,985.67	\$31,037.24	\$110,959
Charging Station	\$5,317.92	\$6,124.22	\$6,010
Pay by Phone		\$28,738.18	\$62,845
Interest	\$11,824.39	\$10,998.61	\$3,240
Total	\$416,927	\$141,624	\$227,429

Carry Forward SOY 7.1.21

\$472,723

Article 75 Resolution/Commitment to Increase Diversity in Town Appointments

To see if the Town will vote to deepen Arlington's commitment to diversity, equity and inclusion by resolving that it is the desire of Town Meeting that the Town's appointing authorities prioritize and center the communal goal of increasing the diversity of Town boards and committees by intentionally identifying, inviting and appointing qualified applicants from underrepresented groups to fill openings, such that these public bodies reflect racial, economic and other forms of diversity; or take any action related thereto.

DRAFT MOTION:

VOTED: That Town Meeting hereby resolves as follows:

Whereas, Arlington is deeply committed to the principles of diversity, equity and inclusion (DEI) and building a community where everyone is heard, respected, and protected; and

Whereas, the Select Board has shown its commitment to identifying and eliminating barriers to access and engagement with the goal of bringing unheard voices to the table by creating a DEI department and by voting to approve a Community Equity Audit: and

Whereas, the Select Board recently voted to approve a reprecincting map with the specific goal of increasing the diversity of Town Meeting; and

Whereas, the Diversity, Equity and Inclusion Division has identified barriers of outreach, engagement and education that inhibit applicants from underrepresented groups from applying for open position on our public bodies: and

Whereas, the Town is committed to being more welcoming and an important component of that is making the Town's public bodies more accessible to, and representative of, the full diversity of Arlington's residents; and

Whereas, increasing the diversity in teams adds new perspectives and experiences that have been shown to increase problem solving, innovation, productivity and personal growth;

Be it therefore resolved, that the Arlington Town Meeting votes to deepen Arlington's commitment to diversity, equity and inclusion; and

Be it further resolved that Town Meeting urges and invites the Town's appointing authorities to prioritize and center the communal goal of increasing the diversity of Town boards and committees by intentionally working to identify and break down barriers, such as education, engagement and outreach, that inhibit applicants from underrepresented groups from applying for positions on Arlington's public bodies and to commit to appointing qualified applicants from underrepresented groups to fill openings such that the Town's Boards and Committees reflect the diversity of Arlington residents including race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, housing tenure, military status and other forms of diversity.

Rationale:

Arlington is committed to building a community where everyone is heard, respected, and protected however our public bodies do not yet represent the wide diversity of residents that live here. This is not a problem unique to Arlington, nor does it reflect a lack of commitment to diversity, equity and inclusion (DEI). Arlington has taken many important steps to develop the tools needed to deepen our commitment to DEI. These tools include, but are not limited to, the hiring of a DEI Director, voting to approve an Equity Audit, in part to identify barriers to access and engagement, and voting to significantly redraw precinct boundaries to create a political landscape with the specific goal of increasing the diversity of Town Meeting membership.

Arlington's appointing authorities are uniquely positioned to most quickly move Arlington towards the goal of more diverse and representational public bodies. This resolution asks appointing authorities to work to identify and actively break down the barriers that maintain the status quo and prevent us from benefiting from the rich diversity of experiences, perspectives and ideas found in our community. Furthermore, it intentionally creates space on our public bodies for people from typically underrepresented groups by asking that when appointing authorities have two qualified candidates, that they consider diversity and representation of underrepresented residents, in making their decision.

This resolution is another tool that we can use to create committees and boards that more accurately reflect the diversity of Arlington residents including their race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, housing tenure, military status and other forms of diversity.

Diversity in our public bodies will benefit Arlington in many ways. It will make Arlington more welcoming and inclusive to a broader swath of residents, which may lead to increased diversity of those who choose to live, work and own a business here. In addition, research shows that diverse teams are often more innovative, productive, engaged and are better problem solvers due to the addition of new perspectives and experiences.

There will likely be long term benefits to engaging a wider group of residents to serve on our public bodies. Membership on those Boards and Committees is often an on-ramp to further political engagement - today's committee members may be tomorrow's Town Meeting members, thus helping to achieve the Select Board's reprecinting goals of a more diverse town meeting. This engagement is especially important as long serving TMMS decide not to run for reelection as reflected in the large number who made that decision this year.

This resolution is supported by the Town of Arlington's Diversity, Equity and Inclusion Division, Envision Arlington's Standing Committee and the Envision Arlington Diversity Task Group.

Article 75 Resolution/Commitment to Increase Diversity in Town Appointments

To see if the Town will vote to deepen Arlington's commitment to diversity, equity and inclusion by resolving that it is the desire of Town Meeting that the Town's appointing authorities prioritize and center the communal goal of increasing the diversity of Town boards and committees by intentionally working to identify and break down barriers, such as education, engagement and outreach, that have inhibited applicants from underrepresented groups from applying for these positions, and to commit to appointing qualified applicants from underrepresented groups to fill openings so that these public bodies reflect the diversity of Arlington residents including race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship, age, sexual orientation, disability, housing tenure, military status and other forms of diversity, or take any action related thereto.

DRAFT MOTION:

VOTED: That Town Meeting hereby resolves as follows:

Whereas, Arlington is deeply committed to the principles of diversity, equity and inclusion (DEI) and building a community where everyone is heard, respected, and protected; and

Whereas, the Select Board has shown its commitment to identifying and eliminating barriers to access and engagement with the goal of bringing unheard voices to the table by creating a DEI division and by voting to approve a Community Equity Audit: and

Whereas, the Select Board recently voted to approve a reprecincting map with the specific goal of increasing the diversity of Town Meeting; and

Whereas, the Diversity, Equity and Inclusion Division has identified barriers of outreach, engagement and education that inhibit applicants from underrepresented groups from applying for open position on our public bodies: and

Whereas, the Town is committed to being more welcoming and an important component of that is making the Town's public bodies more accessible to, and representative of, the full diversity of Arlington's residents; and

Whereas, increasing the diversity in teams adds new perspectives and experiences that have been shown to increase problem solving, innovation, productivity and personal growth;

Be it therefore resolved, that the Arlington Town Meeting votes to deepen Arlington's commitment to diversity, equity and inclusion; and

Be it further resolved that Town Meeting urges and invites the Town's appointing authorities to prioritize and center the communal goal of increasing the diversity of Town boards and committees by intentionally working to identify and break down barriers, such as education, engagement and outreach, that inhibit applicants from underrepresented groups from applying for positions on Arlington's public bodies and to commit to appointing qualified applicants from underrepresented groups to fill openings such that the Town's Boards and Committees reflect the diversity of Arlington residents including race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship, age, sexual orientation, disability, housing tenure, military status and other forms of diversity.

Rationale:

Arlington is committed to building a community where everyone is heard, respected, and protected however our public bodies do not yet represent the wide diversity of residents that live here. This is not a problem unique to Arlington, nor does it reflect a lack of commitment to diversity, equity and inclusion (DEI). Arlington has taken many important steps to develop the tools needed to deepen our commitment to DEI. These tools include, but are not limited to, the hiring of a DEI Director, voting to approve an Equity Audit, in part to identify barriers to access and engagement, and voting to significantly redraw precinct boundaries to create a political landscape with the specific goal of increasing the diversity of Town Meeting membership.

Arlington's appointing authorities are uniquely positioned to most quickly move Arlington towards the goal of more diverse and representational public bodies. This resolution asks appointing authorities to work to identify and actively break down the barriers that maintain the status quo and prevent us from benefiting from the rich diversity of experiences, perspectives and ideas found in our community. Furthermore, it intentionally creates space on our public bodies for people from typically underrepresented groups by asking that when appointing authorities have two qualified candidates, that they consider diversity and representation of underrepresented residents, in making their decision.

This resolution is another tool that we can use to create committees and boards that more accurately reflect the diversity of Arlington residents including their race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship,

age, sexual orientation, disability, housing tenure, military status and other forms of diversity.

Diversity in our public bodies will benefit Arlington in many ways. It will make Arlington more welcoming and inclusive to a broader swath of residents, which may lead to increased diversity of those who choose to live, work and own a business here. In addition, research shows that diverse teams are often more innovative, productive, engaged and are better problem solvers due to the addition of new perspectives and experiences.

There will likely be long term benefits to engaging a wider group of residents to serve on our public bodies. Membership on those Boards and Committees is often an on-ramp to further political engagement - today's committee members may be tomorrow's Town Meeting members, thus helping to achieve the Select Board's reprecincting goals of a more diverse town meeting. This engagement is especially important as long serving TMMS decide not to run for reelection as reflected in the large number who made that decision this year.

This resolution is supported by the Town of Arlington's Diversity, Equity and Inclusion Division, Envision Arlington's Standing Committee and the Envision Arlington Diversity Task Group.

Dear Honorable Select Board Members,

On behalf of the Envision Arlington Diversity Task Group, I am writing to register our strong support for Warrant Article 75 Resolution/Commitment to Increase Diversity in Town Appointments.

We believe that this resolution will be an important tool in the Town of Arlington's on-going efforts around diversity, equity, and inclusion. Arlington's appointing authorities are uniquely positioned to identify and eliminate the barriers that prevent the full breadth of Arlington residents from being represented in Arlington's public bodies--this resolution addresses this opportunity, particularly calling out the breadth of diversity of our residents, including but not limited to: race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, housing tenure, military status. We also want to add that diversity in teams has been shown to provide perspectives and experiences that increase problem solving, innovation, and productivity of said teams, all for the benefit of our town. The Envision Arlington Diversity Task Group strongly believes that increasing diversity on our boards and committees is important to our town's meeting its commitment to building a community where everyone is welcomed, heard, respected, and protected.

The Envision Arlington Diversity Task Group urges the Select Board to vote its approval for Warrant Article 75 Resolution/Commitment to Increase Diversity in Town Appointments.

Sincerely,
Rebecca Gruber
Chair of the Envision Arlington Diversity Task Group







Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 6 Bylaw Amendment/ Updating Human Rights Commission Bylaw
Article 8 Bylaw Amendment/Civilian Police Advisory Commission
Article 9 Bylaw Amendment/Achieving Net Zero Greenhouse Gas Emissions from Town Facilities Consistent with the Town of Arlington's Net Zero Action Plan
Article 11 Bylaw Amendment/Domestic Partnerships
Article 12 Bylaw Amendment/Single Use Plastic Water Bottle Regulation
Article 17 Bylaw Amendment/Conversion of Gas Station Dispensing Pumps to Self Service Operation
Article 19 Vote/Street Name - "Magliozzi Boulevard"
Article 20 Vote/Code Enforcement
Article 22 Vote/Establishment of Town committee to Examine Budgetary Impact of Overnight Parking
Article 25 Home Rule Legislation/Early Voting to Town Elections
Article 26 Endorsement of CDBG Application
Article 73 Resolution/True Net Zero Opt-In Code for Cities and Towns

ATTACHMENTS:

Type	File Name	Description
 Reference Material	2022_ATM_Draft_Final_Votes_and_Comments_re_Articles_6__8__9__17__19__20__22__25__and_73.pdf	Final Votes and Comments Memo
 Reference Material	2022_ATM_Draft_Final_Votes_and_Comments_re_Articles_12_and_26.pdf	Supplemental Final Votes & Comments 12 and 26
 Reference Material	Final_Votes_Comments_Helmuth-Article8.pdf	Final Votes and Comments - Helmuth
 Reference Material	Final_Votes_and_Comments_-_Diggins.pdf	Final Votes and Comments - Diggins



**Town of Arlington
Legal Department**

Douglas W. Heim
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To: Select Board

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel; Deputy Town Counsel Michael C. Cunningham

Date: March 18, 2022

Re: Draft Votes and Comments re: Articles 6, 8, 9, 17, 19, 20, 22, 25 and 73

Members of the Board, this Office writes to provide the Board Draft Votes and Comments regarding the above-referenced 2022 Annual Town Meeting Warrant Articles, based upon your prior hearings for same. Where existing bylaws are amended by a vote, please note that deleted language will be denoted using "strike-through," while, revised or added language is denoted with underlined text.

ARTICLE 6

**BYLAW AMENDMENT/UPDATING HUMAN RIGHTS
COMMISSION BYLAW**

VOTED: That Title II, Article 9 of the Town Bylaws ("Human Rights Commission") be and hereby is amended for the purposes of updating the substance and language of its mission, definitions, organization, policy and processes as follows:

FIRST, that Section 1 (“Preamble”) be stricken in its entirety and replaced with a simplified statement reflecting the origins of the Commission so to read as follows:

Section 1. Preamble

~~*The Town of Arlington has formed Vision 2020, a long range planning vehicle; and Vision 2020 has established the Diversity Task Group; and the goal statement of the Diversity Task Group provides:*~~

~~*"We value the diversity of our population. Our Town's mix of race, color, race, ethnic, religious` and cultural backgrounds, as well as economic and personal circumstances, enriches us all. We will be known for the warm welcome and respect we extend to all;"*~~

~~*One of the Diversity Task Group's recommendations is the formation of a Human Rights Commission;*~~

~~*The Vision 2020 Standing Committee, the Fair Housing Advisory Committee, the Affirmative Action Advisory Committee, and others support the creation of such a Commission to foster the policies described in Section 2 below;*~~

~~*The Town of Arlington does hereby create a Human Rights Commission as provided for in this Bylaw.*~~

Growing out of the original Vision 2020 effort and the Diversity Task Group's vision, the Town of Arlington created a Human Rights Commission as provided for in this Bylaw."

SECOND, that Section 2 (“Policy of the Town of Arlington”) be amended to update and clarify terms by substituting the words “equal” with “equitable” throughout, clarifying the bylaw applies to all persons in Arlington, and making further administrative changes so as to read as follows:

Section 2. Policy of the Town of Arlington

A. It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equal equitable treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.

B. It is the policy of the Town to protect every individual in the enjoyment and exercise of their human and civil rights and to encourage and bring about mutual understanding and respect among all people who live, work, visit, and travel within the Town.

C. It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, bias, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military or veteran

~~status, and the disorder occasioned thereby. Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.~~

D. It shall be considered an unlawful practice under this Bylaw for any person to withhold, deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal equitable access to and/or discrimination in employment, housing, education, recreation, services, public access and accommodation and public areas where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military or veteran status.

THIRD, that Section 3 (“Establishment of a Human Rights Commission”) be amended to clarify the Commission’s ability to self-initiate programs and investigations of incidents, add diversifying Town staff to its goals, and making further administrative changes so as to read as follows:

Section 3. Establishment of a Human Rights Commission

A. Scope: There is hereby established a Town board to be known as the Arlington Human Rights Commission ("Commission") which may implement the policy of this Bylaw by:

1. Improving the life of the Town by developing on its own and enlisting community based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community by all;

2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity in the Town and among those employed by the Town, as well as awareness and sensitivity to those human and civil rights issues which may arise within our Town while Town employees fulfill the duties of their positions ;

3. Responding to incidents and complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;

4. Initiating investigations into circumstances which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town.

B. Appointment & Terms of Office of Commission Members

1. The Commission shall consist of thirteen (13) members, five of whom will be appointed by the School Committee, four by the Town Manager subject to the approval of the Select Board and four by the Town Moderator. The term of office shall be for three years. ~~except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.~~

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There may be an Executive Director, who may also be known as the Diversity, Equity and Inclusion Director, if determined necessary by the Commission, appointed by the Town Manager with consultation by the Commission.

2. The Commission shall include among its membership individuals publicly solicited by the appointing authorities ~~and~~ be and representative of the diversity of the Town.

3. If a member shall fail to attend three or more consecutive meetings of the eCommission, the eCommission by vote, may so advise the appropriate appointing authority, who may remove such member, and appoint a successor for the unexpired term of the member so removed.

C. Residency Requirement: All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure. A Commissioner who is no longer a resident of the Town shall promptly notify the Chair(s) of the Commission who shall then notify the appointing authority.

D. Executive Director: Before appointing an Executive Director, the Town Manager shall consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.

At the request ~~Subject to the direction~~ of the Commission, the Executive Director shall be ~~responsible for~~ support the overall administration of the Commission's activities ~~and shall serve as its executive officer~~. The Executive Director shall have the power and duty to initiate activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry; to receive and/or initiate complaints and investigations of discriminatory practices as defined by local, state, and federal law; to report their findings to the Commission; and to attempt mediation of any complaint alleging discrimination under applicable local, state, and federal law when there is cause for such complaint.

E. Officers, Quorum, and Adoption of Rules and Regulations

1. The Commission shall elect a Chairperson or two from among its members at the first meeting each year in January. The Commission shall endeavor to rotate the election of a Chairperson(s) each year thereafter. The Chairperson(s) shall preside over the meetings of the Commission.

2. Seven (7) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by a majority vote of the Commission members present and voting.

3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the powers and duties of the Commission in connection therewith. The rules shall ensure the

due process rights [as defined by state law] of all persons involved in investigations and hearings.

4. Members of the Commission shall serve without compensation.

5. Members of the Commission may be removed by the appointing authority for just cause [after notice and opportunity to be heard].

FOURTH, amending Section 4 (“Definitions”) to amend the term “military status” in subpart “G” to add the words “or veteran” between “military” and “status,” and further to add new definitions for “incident” and “complaint” as subparts “H” and “I” so as to read in relevant parts as follows:

G. The term "military or veteran status" refers to the actual or supposed condition being, not being, having been or not having been in the service of the military.

H. The term “incident” refers to as an occurrence within the Town which the reporter alleges is motivated, in whole or in part, by prejudice, bias, intolerance, and/or with the intent to threaten, harm, coerce, or intimidate. Incidents may include, but are not limited to: removal or stealing of items promoting diversity, equity and inclusion; the placement of signs or graffiti promoting prejudice, intolerance or bigotry; biased statements or slurs; acts with animus to a protected class.

I. The term “complaint” refers to a formal written report filed with the Commission in which the complainant seeks a formal investigation of allegation(s) over which the Commission may exercise jurisdiction.

FIFTH, that Section 5 (“Functions, Powers, & Duties of the Commission) be amended to include updated definitions and terms consistent with the foregoing, clarify the Commission’s duties and ability to engage in proactive incident responses (as well as complaints), further clarify the informal nature of Commission mediations, and remove references to the administration of oaths in testimony, so as to read as follows:

Section 5. Functions, Powers & Duties of the Commission

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

A. To initiate activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry through the following actions:

1. To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, ~~or~~ military or veteran status.

2. Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to identifying, educating, eliminating prejudice, bias, intolerance, bigotry and discrimination and showing the need for mutual respect and fair and equitable treatment in the Town ~~and the achievement of harmonious relations among various groups in the Town.~~

3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy ~~and goals~~ of this Bylaw.

4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy and goals of this Bylaw.

5. Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees.

6. Render each year to the Select Board, Town Manager, School Committee and Superintendent of Schools a full written report of all the Commission's activities and recommendations regarding this Bylaw for inclusion the Town Report.

B. To receive and investigate incidents and complaints of and to initiate its own complaints and/or investigations of any incidents as that term is defined and other violations of this Bylaw.

C. To attempt by informal mediation to resolve any complaint over which it has jurisdiction and to recommend to the Town Manager, the Select Board, the Superintendent of Schools or the School Committee, as appropriate, such action as it feels will resolve any such complaint.

D. In the case of any unresolved complaint or in the case of any investigation which would be aided thereby, to hold hearings, ~~administer oaths, take the testimony of any person under oath~~ and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before the Commission.

SIXTH, that Section 6(D) ("Relations with Town Agencies") be amended in relevant part to emphasize that Commission members are entitled to representation and indemnification for claims arising from the discharge of their duties:

Section 6. Relations with Town Agencies

D. The Town Counsel shall provide for representation of the Commission or a Commissioner upon the Commission's request. For liability issues, Commissioners shall be considered as Town employees and not liable personally for actions undertaken in their role of Commissioner.

SEVENTH, that Section 7. ("Complaint Resolution Procedures") parts D and E be amended in relevant parts to add "report of an incident" as a prompt for an investigation, strike the term "Executive Director" throughout, provide for "co-chairs" of the Commission, and add the term "informal" before "mediation" where such term appears, so to read as follows:

D. After the report of an incident or the filing of any complaint, the Chairperson the chairs or co-chairs of the Commission shall designate ~~the Executive Director or~~ one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

E. After such investigation, ~~the Executive Director or~~ the designated Commissioner(s), as the case may be, shall promptly file a report of such findings with the Commission, which shall determine whether ~~or not whether~~ to dismiss the complaint. The Commission shall, within ten working days from such determination, notify the complainant in writing of such determination.

The Commission and its staff shall not disclose the terms of informal mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process.

2. In the case of such a finding under Section VII.E.1., as part of the informal mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public, pursuant to G.L. c.233 Section 23C.

AND, EIGHTH, that Section 8 (“Contributions to the Commission”) be amended to explicitly authorize the Commission to apply for grants and to add the words “and goals” as set forth below to as to read as follows:

Section 8. Contributions to the Commission

The Commission may apply for and accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policy and goals of this Bylaw.

(5 – 0)

COMMENT: The Select Board unanimously urges Town Meeting to support and adopt the suite of updates to the Human Rights Commission Bylaw as developed and requested by the Commission itself. The proposed amendments do not alter the mission or orientation of the Commission. Rather, the amendments reflect administrative and modest substantive alterations primarily aimed toward three goals:

1. Simplifying language and/or eliminating unnecessary provisions;
2. Adding definitions and/or clarifying Commission processes for receiving, investigating, and resolving complaints as well as initiating proactive responses to incidents; and
3. Updating provisions regarding the Commissions’ purpose, powers, roles, and resources to better reflect and aid the Commission with modernized presentation of equity concerns.

The Board trusts the Commission's recommendations for these updates welcomes the tenor of same, which not critiques of the Commission or the original bylaw, but rather reflect an effort to strengthen the Commission and reinforce its operations using the experience of its members over the last several years.

ARTICLE 8 BYLAW AMENDMENT/CIVILIAN POLICE ADVISORY COMMISSION

VOTED: That Title II of the Town Bylaws ("Committees and Commissions") be and hereby is amended by inserting a new article to provide for the creation of the Arlington Civilian Police Advisory Commission under Article 15 as follows:

Article 15: Arlington Civilian Police Advisory Commission

Section 1. Arlington Civilian Police Advisory Commission Established

There is hereby established an Arlington Civilian Police Advisory Commission, charged with serving as a civilian resource and forum for Arlington residents and visitors and members of the public, the Arlington Police Department, and other appropriate Town personnel.

Section 2. Purpose

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

Section 3. Commission Composition, Eligibility, Qualification & Terms

A. Appointment of the Commission

The Commission shall consist of nine (9) members, appointed by the Town Manager. To be considered for appointment members shall be nominated by the following public bodies, persons, or community entities:

- 1. One (1) member nominated by the Arlington Human Rights Commission;**
- 2. One (1) member nominated by the LGBTQIA+ Rainbow Commission;**
- 3. One (1) member nominated by the Disability Commission;**
- 4. One (1) member nominated by the Board of Youth Services;**
- 5. One (1) member nominated by the Envision Arlington Diversity Task Group co-chairs;**
- 6. One (1) member nominated by the Council on Aging;**

7. One (1) member nominated by the Menotomy Manor Tenants Association;
and
8. Two (2) members nominated by the Select Board

Nominating authorities are not required to nominate a member of their own body. The Manager shall notify the above “nominating bodies” of vacancies and expiring terms. If any nominating body fails to act upon a notification from the Manager within ninety (90) days or in the event a nominating body is inactive, the Manager may request the Select Board to make a nomination in their place.

B. Eligibility to Serve

1. All members of the Commission shall be Arlington Residents and as a total body, shall reflect racial, ethnic, gender, sexual, age, and other forms of diversity in Arlington. Additionally, the Town Manager shall appoint at least one member respectively with experience in following areas:
 - a. Criminal defense or civil rights relative to police searches, arrests, or detainments;
 - b. Data Analysis; and
 - c. Working with underserved communities such as, but not limited to social workers, mental health counselors, or civil forms of legal aid.
2. The following persons are not eligible to serve on the Commission:
 - a. Current compensated employees of the Town, including Arlington Police Department police officers and employees;
 - b. **Actively employed *municipal police officers* (defined herein as “peace officers” employed by a municipal police department subject to certification under Massachusetts Law, including “An Act Relative to Justice, Equity and Accountability in Law Enforcement”**
 - c. Former Arlington Police Department law enforcement officers; and
 - d. Immediate family members of current or former Arlington Police Department employees.

C. Qualifications for Service

1. In addition to all other requirements for appointment on the Commission under the general laws of the Commonwealth, members must receive initial and continuing training in the following subjects:
 - a. Arlington Police Department complaint and discipline procedures;
 - b. Arlington Police Department policy and operations;
 - c. Relevant State Laws regarding law enforcement accountability including “An Act Relative to Justice, Equity and Accountability in Law Enforcement;”

- d. Filing civilian complaints and commendations about police conduct with the Commonwealth of Massachusetts and the Arlington Police Department;
 - e. Data handling and privacy;
 - f. Analysis of policing data;
 - g. Other topics the Commission deems relevant
- 2. Commission members, as deemed appropriate by the Commission may also be required to participate in the Citizen Police Academy when offered, and participate in Arlington Police Department ride-along opportunities at intervals established by the Commission.
 - 3. The Commission shall affix a reasonable period of time for appointed members to complete initial and follow-up training. Failure to meet training requirements within such period shall be grounds for removal.
 - 4. The original Commission appointees shall be deemed qualified upon completion of requirements for all committees and commissions under the laws of the Commonwealth, and be afforded a reasonable time period to establish and complete training requirements for the Commission consistent with the foregoing.

D. Initial & Subsequent Terms

Member terms shall be for three (3) years, except that initial appointment terms of members shall be staggered such that three (3) initial appointees shall serve a one (1) year term; three (3) a two (2) year term; and three (3) a three (3) year term as designated by the Town Manager.

Members shall serve until their successors have completed training and been sworn in to service.

E. Removal of Members

At the request of the Manager, members may be removed for cause by a vote of the nominating body.

Section 4. Administration and Operation

The Arlington Civilian Police Advisory Commission shall not meet or conduct business without the presence of a quorum, which shall require a majority of the members of the Commission at any given time. The Commission shall approve its actions by majority vote of the quorum, but in no event shall action be approved by fewer than 4 members.

Section 5. Duties and Responsibilities

A. General Duty

It shall be the duty of the Arlington Civilian Police Advisory Commission to serve as qualified advisors to the general public, the Arlington Police Department, and other Town staff with respect to policing in Arlington from a civilian perspective. The Commission shall serve as a technical resource for persons wishing to file specific complaints against or commendations of Arlington Police Department personnel, a forum for both positive and negative feedback about police conduct and policy in Arlington, and collaboratively engage the Arlington Police Department in its development or revision of police policies.

B. Specific Responsibilities

To fulfill its duties, the Commission shall specifically be charged with:

- 1. Establishing a process for community members to provide information about police interactions, both positive and negative, to the commission anonymously and non-anonymously;**
- 2. Guiding community members through the civilian complaint or commendation process, including:**
 - a. Providing education to a community member about options for filing complaints and commendations about police conduct;**
 - b. Providing complaint and commendation forms to a community member;**
 - c. Connecting a community member with appropriate town officials and committees;**
 - d. Accompanying a community member to meetings**
 - e. Following up with both the APD and the community member on any resultant investigation;**
 - f. Providing periodic updates to a community member;**
 - g. Collecting information about a community member's satisfaction with complaint processes'**
 - h. However, at no point in time shall Commission members individually or as a public body provide legal advice or representation, mental health counseling, or social services advocacy to community members engaging commission members for the purpose of filing complaints;**
- 3. Working with the Arlington Police Department to regularly publish and analyze data which can offer insight into the quality and effectiveness of the department, especially in its interactions with the public, including but not limited to:**
 - a. Complaints, including their nature, status and disposition;**
 - b. Police use of force incidents, including all use of firearms;**
 - c. Vehicle pursuits and traffic collisions;**
 - d. Injuries and deaths in custody;**
 - e. Stops, searches, citations and arrests, including demographic data;**
 - f. Civil lawsuits and other claims brought against the town or department**
 - g. Database of training; and**
 - h. Database of awards and commendations;**

- 4. Regularly reviewing Arlington Police Department complaint, investigation, and discipline policies and procedures, comparing them with the latest practices in other communities locally and nationally;**
- 5. Regularly reviewing other Arlington Police Department policies and procedures, especially new or changing policies, and make recommendations to the Chief of Police, Town Manager, and the public;**
- 6. Regularly reviewing the by-law creating this commission and make recommendations to Town Meeting;**
- 7. Providing a yearly report to Town Meeting covering the work and findings of the commission as well as priorities for the upcoming year; and**
- 8. Providing education to the public about policing and the Arlington Police Department, their options for filing complaints and commendations, the complaint process and the various data they are charged with analyzing.**

Section 6. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect upon the approval by the Attorney General of the Commonwealth and compliance with bylaw advertising and notice requirements.

(5 – 0)

COMMENT: The Select Board unanimously supports the thoroughly researched and carefully developed recommendation of the Police Civilian Advisory Board Study Committee to establish a standing commission which will serve as a civilian resource for the public to file complaints, raise concerns, or recommend commendations about Arlington police officers, as well as a forum examine Arlington policing policies and practices. The purpose of the recommended commission bears highlighting:

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

The Board agrees with the Study Committee that a Civilian Police Advisory Commission with this purpose (and the recommended commission composition, duties and responsibilities of the proposed bylaw to achieve such a purpose) is well-customized to fit the needs of Arlington. Generally, the Arlington Police Department, including its internal investigation of complaints against its officers, has provided very high quality, modern, community-centric policing throughout the Town. However, the Study Committee identified specific areas of community concern, including unfamiliarity with how to file complaints (or commend exemplary officer

conduct), confidentiality questions, anxiety about filing complaints against the police with the police, and specific stories where personal trust in the police department was eroded. Germane to these sometimes competing data points, in at least one compelling story relayed to the Study Committee in one of its fourteen (14) listening sessions, the same person reported both highly positive and highly negative experiences with APD officers under differing circumstances.

The Select Board believes that the proposed Civilian Police Advisory Commission will provide a resource for the public and for APD to help reinforce and cultivate confidence, trust, and communication such that the excellent conduct of Arlington police officers is recognized, acknowledged, and encouraged; and the negative conduct of Arlington police officers is conveyed, heard, and addressed. Finally, the Board strongly recommends Town Meeting members and interested parties read the report of the Police Civilian Advisory Study Committee provided to the Select Board and supporting materials both from the Chief of Police and the Director Diversity Equity and Inclusion, both of whom support this recommended bylaw, which is provided as reference material in this report to Town Meeting.

**ARTICLE 9 BYLAW AMENDMENT ACHIEVING NET ZERO GREENHOUSE
GAS EMISSIONS FROM TOWN FACILITIES CONSISTENT
WITH THE TOWN OF ARLINGTON'S NET ZERO ACTION PLAN**

VOTED: That no action be taken under Article 9.

(5 – 0)

COMMENT: The Select Board supports the goals of this article inserted at the request of the Clean Energy Future Committee (“CEFC”): to update and replace Title I, Article 16, Section 4 of the Town Bylaws (“LEED”) (Leadership in Energy and Environmental Design) to effectuate a policy of eliminating gas emissions from municipal buildings consistent with the Town’s Net Zero Action Plan. However, additional time is needed for the CEFC, Permanent Town Building Committee, and Town Manager to work out details of appropriate standards and expected processes to meet them. The Board’s hope and expectation is that this article will return for further discussion at the 2023 Annual Town Meeting.

**ARTICLE 17 BYLAW AMENDMENT/CONVERSION OF GAS STATION
DISPENSING PUMPS TO SELF SERVICE OPERATION**

To amend the existing bylaw requiring gas station owners to have an attendant pump gasoline to a self-service gas station operation without the need for a gas station attendant to do so; or take any action related thereto.

(Inserted at the request of Elias Elkhaouli and ten registered voters)

VOTED: That Title 5, Article 5 (“Self-Service Gas Dispensing”), be stricken in its entirety and to note its removal so as to read as follows:

ARTICLE 5

This Article Removed **SELF SERVICE GAS DISPENSING**

~~Section 1. Restriction on Sale~~

~~No filling station shall allow the pumping of gasoline for retail sale by any person other than an authorized attendant employee of said filling station.~~

~~Section 2. Customer Pumping Prohibited~~

~~No attendant at any gasoline station shall permit any non-employee to pump gasoline or engage in any distribution of gasoline within the station.~~

(5 – 0)

COMMENT: The Select Board recommends termination of Arlington’s prohibition on self-serve gasoline with interest in Town Meeting’s collective perspective. Arlington is the only community in the area which *prohibits* self-serve gasoline service (gas stations may continue as full-service), which poses a variety of challenges for Arlington station operators, including maintaining adequate staffing, providing security for all potential staff, and providing competitive operating hours. The proponent of the article noted that attracting and retaining attendants has been a persistent challenge.

In the past, the primary concerns expressed by Town Meeting were pump operation safety, expansion of the number of pumps (or “service bays”) at gas stations, and sufficient access for disabled and elderly customers. With respect to safety concerns, the Board is satisfied that a common sense assessment of the current state of gas pump technology renders stations far safer than they were in 1975 when the prohibition passed. With regard to the number of pumps, gasoline stations on Massachusetts Ave and Broadway typically operate under special permits which limit the number of service bays and place further conditions on operation. Similarly, special permits can provide an avenue for requiring full-service call buttons and setting hours of operations where attendants must be on site to assist customers, which are also generally required by the Americans with Disabilities Act. The Board believes that modern technology, in which call buttons are standard on many pumps and pump fail-safes prevent prior safety concerns merits reconsideration of this Town policy, which could expand hours of operation for local stations and ease hiring and retention challenges as well.

ARTICLE 19

VOTE/STREET NAME “MAGLIOZZI BOULEVARD”

VOTED: That the unnamed public way located between 49 Spring Street and Route 2 Frontage Road in Arlington, Massachusetts be designated as Magliozzi Boulevard. It is further voted that the Department of Public Works shall create and install on said road a sign that reads, “Magliozzi Boulevard” consistent with the designation.

(3-2)

Mrs. Mahon and Mr. DeCoursey voted in the negative.

COMMENT: The majority of the Board requests favorable action on this resident petition article to have the Town designate the unnamed public way that runs between 49 Spring Street and the Route 2 Frontage Road as “Magliozzi Boulevard,” in honor of the Magliozzi brothers, Tom and Ray, one of whom was a longtime Arlington resident. The Magliozzi brothers hosted the nationally broadcast automobile and auto repair radio talk show, “Car Talk” on NPR from approximately 1977 – 2012. The majority supported recognition of the national impact of the Magliozzi-hosted program as appropriate and celebratory. The minority of the Board noted that naming a previously undesignated portion of a public way can likely be accomplished by the Select Board without a Town Meeting discussion, and preferred referral to the Town’s Public Memorial Committee.

ARTICLE 20

VOTE/CODE ENFORCEMENT

VOTED: That no action be taken on Article 20.

(5 – 0)

COMMENT: The Select Board appreciates the concerns and frustrations of the proponent of this article regarding Code Enforcement. It is important to acknowledge both such frustrations but also that enforcement and collection on enforcement actions often requires significant time and resources. Even more significantly, the Board is concerned about creating a position of this nature through a Town bylaw. The Manager is empowered and charged under the Town Manager Act with creating and dissolving positions and departments. If there are insufficient resources, the Manager addresses advance staffing needs and concerns through the budget process whenever possible, rather than having Town Meeting create new positions via bylaw, or re-assign duties and then fund such positions in a subsequent Town Meeting Cycle. Still further, some members expressed concern about creating a new position or office with an operating override on the horizon.

ARTICLE 22

VOTE/ESTABLISHMENT OF TOWN COMMITTEE TO EXAMINE BUDGETARY IMPACT OF OVERNIGHT PARKING

VOTED: That no action be taken on Article 22.

(5 – 0)

COMMENT: While the Select Board agrees that many of the issues identified in this article require study, the Board is already engaged in much of the same work through a pilot program. Further, any study committee would be likely working across purposes with other entities (such as the Parking Advisory Committee) and projects, all of which would be making recommendations to the Select Board as the authority over parking, public and private ways. Lastly, it also bears noting that the same professional staff would likely be tasked with supporting an additional committee engaged in the same or similar work as an existing committee.

ARTICLE 25

HOME RULE LEGISLATION/EARLY VOTING FOR TOWN ELECTIONS

VOTED: *That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:"*

“AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO OFFER EARLY VOTING IN TOWN ELECTIONS”

Section 1: Notwithstanding any general or special law to the contrary, the Town of Arlington shall allow any qualified voter, as defined in section 1 of chapter 51 of the general laws, to vote early in person for any regular or special town election. Any voter wishing to vote early in person may do so at the time, manner, and location prescribed in this section.

- (a) The early voting period shall be set by the Select Board in consultation with the Arlington Town Clerk. The early voting period shall include a minimum of three business days during the regular hours of the Arlington Town Clerk’s office, and may include additional days, so long as it ends no later than the date determined by the Town Clerk as necessary to prepare a final voting list for the polls on Election Day. At least one early voting weekday shall extend until at least 7 p.m. For any Town Election held on a weekday, at least one weekend day shall be included in the Early Voting Period.*
- (b) The Select Board, in consultation with the Town Clerk, shall establish an early voting site for early in-person voting under this section that is centrally-located, suitable, and in a convenient public building. The early voting site shall be accessible to persons with disabilities. The designation of an early voting site shall be made not less than 14 days prior to the beginning of the voting period established in section (a). Notice of the early voting location, dates, and hours shall be posted in the office of the Town Clerk and on the Town’s website not less than 7 days before the early voting period begins.*
- (c) The voting, processing, and counting procedures for early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and the regulations*

promulgated by the State Secretary for the administration of early voting appearing at 950 CMR 47.00, to the extent practicable.

Section 2: This act shall take effect upon its passage.

(5 – 0)

COMMENT: The Select Board requests Town Meeting’s support for this authorization to file Home Rule Legislation permitting early voting options for Town of Arlington elections as recommended by the Election Modernization Committee (“EMC”). If approved by the Commonwealth, this legislation would permit registered voters in Arlington to vote early in any regular or special Town election on terms to be set by the Select Board, in consultation with the Town Clerk.

Per the EMC’s recommendation, at a *minimum*, early voting hours would include:

- Three (3) business days during the Town Clerk’s regular office hours;
- At least one (1) early voting day extended to at least 7 p.m.; and
- At least one (1) weekend day.

The Board notes that efforts on the State level to pass a local option statute to a similar effect appear to have stalled for the time being. As such, the Board strongly supports this measure to enhance voting access and convenience in Town elections as soon as possible which should not preclude the Town from taking advantage of any local option early voting legislation at some point in the future.

ARTICLE 73 RESOLUTION/TRUE NET-ZERO OPT-IN CODE FOR CITIES AND TOWNS

VOTED: That Town Meeting hereby resolves as follows:

A True Net Zero Opt-In Code for Massachusetts Towns and Cities

WHEREAS,

- A. Global warming is an existential planetary crisis.**
- B. On June 2, 2021, Arlington’s Town Meeting adopted a resolution declaring a climate emergency and calling for an immediate urgent mobilization to protect the climate, reducing the pace of warming and slowing down ecological collapse to the maximum extent possible. Among other things, the resolution committed the town to use all of its influence to encourage climate action by other government authorities including the state in order to support rapid greenhouse gas reductions. This is important not just for the environment but the economy as well. In December 2021, the U.S. Financial**

Stability Council reported to Congress that climate change was an “emerging threat” to the United States financial system.

- C. Global warming is not only an environmental issue, or even an economic one. It is also a profound moral issue. Almost every disaster brought about or exacerbated by climate change disproportionately affects the poor and marginalized. This is true on a global scale, but also within countries, and states, and towns and cities. As the Climate Emergency Resolution approved by Town Meeting in 2021 stated: “the marginalized populations in Arlington, the Commonwealth of Massachusetts and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, homeless persons, and people with disabilities, are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase.”**
- D. There is no time to lose. Global warming is not a future catastrophe. It is here already. It is causing hurricanes, fires, floods, and droughts. The sea is rising as polar ice melts. Massachusetts is not immune from any of this. Indeed, reports in early 2022 suggest that the consequences of global warming are more severe in New England than they are elsewhere in the United States. As science writer Bill McKibbin puts it, “If we don’t act quickly, and on a global scale, then the problem will literally become insoluble.” Or, more simply, “winning slowly is the same as losing.”**
- E. The fight against global warming requires action at every level. We must act globally, but we must also act locally.**
- F. Massachusetts has adopted legally binding policies for achieving net zero greenhouse gas emissions by 2050. This target is unattainable without a radical reduction in fossil fuel use in the Massachusetts building sector. Emissions from buildings account for 27% of greenhouse gas emissions in the Commonwealth, a contribution that is second only to the transportation sector.**
- G. In March 2021, the Massachusetts Legislature enacted the Next Generation Road Map on Climate Change, reasserting the Commonwealth’s commitment to leadership in the fight against global warming. Among the many features of that legislation was the requirement that the Department of Energy Resources (DOER) develop an opt-in specialized stretch building code aimed at achieving net-zero greenhouse gas emissions in buildings. This provision was passed by a large majority in the legislature, despite an earlier veto. A strong code will give towns and cities that choose to adopt it – hopefully the great majority - the tools they need to achieve their own net-zero objectives in a timely way. A weak code, however, will not only be ineffective in itself but also stand in the way of stronger actions at the local level. The “net zero stretch code” provided for in the Road Map is a critical step in the Commonwealth’s strategy to meet net zero by 2050.**
- H. DOER must promulgate an opt in specialized stretch code by late December 2022. It is required to engage in extensive public consultation, including at least 5 hearings within 18 months after the Roadmap becomes effective. The hearings must be held in**

various locations in the state, including urban, suburban, and rural settings, and at least one hearing must be held in an underserved community or one with a high percentage of low income households. As of January 2022, DOER had not published a draft code or conducted any of the required hearings.

- I. Arlington has been a leader in the fight against global warming. In December 2020, it became the second town in the Commonwealth to enact a “Clean Heat” Bylaw limiting the adoption of fossil-fuel infrastructure in newly constructed buildings and major renovations. That bylaw requires approval by the state legislature through a “home rule petition” because it is thought to be preempted by the existing state building code. The necessary legislation has been filed and subjected to a hearing, but it has not been reported out of committee. In the absence of the Clean Heat bylaw approved by Town Meeting, new construction and major renovations in the town have continued to install fossil fuel infrastructure, usually for natural gas, frustrating the Town’s net zero policy
- J. In early 2021, the town adopted a comprehensive Net Zero Action Plan that called for strong action to control building emissions in the town and ensure that the town will achieve net-zero in the building sector by 2050. And in November 2021, Arlington was a leader in organizing 30 Massachusetts municipalities to encourage DOER to adopt a strong, true net-zero stretch code.
- K. Adoption of a strong opt-in specialized net zero stretch code is essential if Arlington is to achieve the net zero objectives that its residents need and demand.

THEREFORE BE IT RESOLVED BY TOWN MEETING OF THE TOWN OF ARLINGTON, MASSACHUSETTS,

- 1. Town Meeting calls upon the DOER to promulgate a true net-zero opt-in building code that will allow towns that are willing to do so to pursue aggressive policies in controlling greenhouse gas emissions in the building sector in order to achieve net zero emissions by 2050 or before. In this connection, Town Meeting considers a net-zero building to be an all-electric, highly energy-efficient building that uses renewable sources to generate at least as much energy as it uses each year, so that operations are carbon neutral and emissions of embodied carbon are minimized.
- 2. The Net Zero Opt-In Code must cover both commercial and residential construction and both new construction and major renovations.
- 3. The Net Zero Opt-In Code must --
 - a. Achieve energy efficiency by prescribing leading standards, such as Passive House, New Buildings Institute, or Living Building standards, to reduce greenhouse gas emissions operational expenses, and grid load.
 - b. Require primary heating/cooling and other systems to be 100% electric.

- c. **Require buildings to be powered by 100% renewable energy, which can be on- or off-site, generated or purchased, providing associated grid and other emissions are fully offset.**
- d. **Effectively address the challenge of minimizing embodied carbon in the use, production and transportation of building materials.**
- e. **Require appropriate monitoring, disclosure, and correction to ensure that buildings systems are operating as designed.**
- f. **Require the selection of low-impact refrigerants and refrigerant recycling (prohibiting disposal) to limit ozone depletion and carbon emissions.**
- g. **Ensure that any exemptions are narrowly defined, fully justified and last only as long as the justification exists. Waivers, if any, should be available in limited instances, based on a clearly defined process.**

(5 – 0)

COMMENT: The Select Board joins the Clean Energy Future Committee (“CEFC”) in seeking Town Meeting’s support for support for a Resolution that would call for the Massachusetts Department of Energy Resources (“DOER”) to promulgate a true Net-Zero Opt-In Code that will better allow municipalities, like the Town of Arlington, to aggressively pursue policies to control greenhouse gas emission in the building sector related to projects involving new construction or significant renovation. The Board looks forward to a member of CEFC providing further education for the Meeting and the public about forward-thinking ways our community and state can take action on climate change.



**Town of Arlington
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel; Deputy Town Counsel Michael C. Cunningham

Date: March 25, 2022

Re: Additional Draft Votes and Comments re: Articles 12 and 26

Members of the Board, this Office writes to provide the Board Draft Votes and Comments regarding the above-referenced 2022 Annual Town Meeting Warrant Articles, based upon your prior hearings for same.

**ARTICLE 12 BYLAW AMENDMENT/SINGLE USE PLASTIC WATER BOTTLE
REGULATION**

VOTED: That Title VIII, Article 9 of the Town Bylaws (“Public Health and Safety”) be and hereby is amended to add a new Article 10, “Single Use Plastic Water Bottle Regulation” as set forth below:

**TITLE VIII
ARTICLE 10
SINGLE USE PLASTIC WATER BOTTLE REGULATION
(ART 12, ATM – 04/25/22)**

SECTION 1. Purpose and Intent

The Town of Arlington (“Town”) recognizes that the use and disposal of single use plastic water bottles have significant negative impacts on the marine and land environment, and to public health, including but not limited to:

- 1. Contributing to the plastic pollution of the land environment, waterways and oceans;**
- 2. Contributing to the harm and premature death of marine animals through ingestion of microplastics;**
- 3. Posing a health risk to humans, including through ingestion of hormone disruptors such as phthalates that leach into plastic water bottles, inhalation of toxic emissions from burning plastic bottles in incinerators, and ingestion of microplastics in the food chain;**
- 4. Exacerbating climate change through the use of millions of gallons of oil every year for the manufacture of single use water bottles in the U.S.**

The purpose of this bylaw is to protect the environment and public health through reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town’s carbon footprint and climate change impacts, preserving local waterways, and protecting the health of Arlington residents and visitors by reducing the sale and disposal of single use plastic water bottles.

SECTION 2. Definitions

A. “Single use plastic water bottle”: Any single serving container, whether sold individually or in bulk, containing non-carbonated, unflavored drinking water with a volume of one liter or less, that is made in whole or in part of plastic material, excluding the cap, with any designated resin codes 1 through 6.

B. “Department”: The Arlington Department of Health and Human Services.

C. “Director”: The Director of the Arlington Department of Health and Human Services.

D. “Retail Establishment”: Any commercial enterprise, whether for or not for profit, including but not limited to the following: restaurants, pharmacies, convenience stores, grocery stores, gas stations, liquor stores, seasonal and temporary businesses, retail stores, and any other businesses that sell single use plastic water bottles to the public.

SECTION 3. *Regulation of Single Use Plastic Water Bottles*

A. No retail establishment, as defined in Section 2, shall sell any single use plastic water bottle, as defined in Section 2. The sale of single use plastic water bottles is unlawful and any such sale is subject to the enforcement and penalties set forth in Section 4 of this Article.

B. No person shall sell single use plastic water bottles, as defined in Section 2, in any Town owned building.

SECTION 4. *Enforcement and Penalties*

A. Each retail establishment, as defined in Section 2, located in the Town, and every person using a Town owned building, shall comply with this bylaw.

1. If it is determined that a violation has occurred, the Director or their designee shall first issue a warning notice to the retail establishment for a first time violation.

2. If, after 14 days from receipt of the warning notice, the retail establishment continues to violate this bylaw or commits a second violation, the Director or their designee shall issue a notice of violation and shall impose a penalty against the retail establishment.

3. The penalty for each violation that occurs after the issuance of the warning notice shall be: no more than:

- (i)** \$100 for the first offense;
- (ii)** \$150 for the second offense;
- (iii)** \$200 for the third and all subsequent offenses.

4. Retail establishments shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.

B. The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

(5 – 0)

COMMENT: The Select Board unanimously supports this recommended addition to the Town’s Public Health and Safety Bylaws brought forth by the Zero Waster Arlington Committee to prohibit the sale of single use plastic water bottles, as defined in the recommended amendment.

The Board expressed support for the concept of state wide legislation on this issue as a way to minimize any potential impact on small businesses. However, in light of the stalled efforts at the

state level, the Board supports this local measure as a necessary means of protecting the environment and public health through reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town's carbon footprint and climate change impacts, preserving local waterways, and protecting the health of Arlington residents and visitors by reducing the sale and disposal of single use plastic water bottles.

ARTICLE 26

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2023 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(6 – 0)*

COMMENT: This article represents the annual vote to endorse the annual application for Community Development Block Grant funds, a summary of which Town Meeting may find attached to this report.

*Includes vote of Town Manager for CDBG purposes.

ARTICLE 8

BYLAW AMENDMENT/CIVILIAN POLICE ADVISORY COMMISSION

VOTED: That Title II of the Town Bylaws (“Committees and Commissions”) be and hereby is amended by inserting a new article to provide for the creation of the Arlington Civilian Police Advisory Commission under Article 15 as follows:

Article 15: Arlington Civilian Police Advisory Commission

Section 1. Arlington Civilian Police Advisory Commission Established

There is hereby established an Arlington Civilian Police Advisory Commission, charged with serving as a civilian resource and forum for Arlington residents and visitors and members of the public, the Arlington Police Department, and other appropriate Town personnel.

Section 2. Purpose

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

Section 3. Commission Composition, Eligibility, Qualification & Terms

A. Appointment of the Commission

The Commission shall consist of nine (9) members, appointed by the Town Manager. To be considered for appointment members shall be nominated by the following public bodies, persons, or community entities:

1. One (1) member nominated by the Arlington Human Rights Commission;
2. One (1) member nominated by the LGBTQIA+ Rainbow Commission;
3. One (1) member nominated by the Disability Commission;
4. One (1) member nominated by the Board of Youth Services;
5. One (1) member nominated by the Envision Arlington Diversity Task Group co-chairs **with the approval of the Envision Arlington Standing Committee;**
6. One (1) member nominated by the Council on Aging;
7. One (1) member nominated by the Menotomy Manor Tenants Association;
- and
8. Two (2) members nominated by the Select Board

Nominating authorities are not required to nominate a member of their own body. The Manager shall notify the above “nominating bodies” of vacancies and expiring terms. If any nominating body fails to act upon a notification from the Manager within ninety (90) days or in the event a nominating body is inactive, the Manager may request the Select Board to make a nomination in their place.

B. Eligibility to Serve

1. All members of the Commission shall be Arlington Residents and as a total body, shall reflect racial, ethnic, gender, sexual, age, and other forms of diversity in Arlington. Additionally, the Town Manager shall appoint at least one member respectively with experience in following areas:
 - a. Criminal defense or civil rights relative to police searches, arrests, or detainments;
 - b. Data Analysis; and
 - c. Working with underserved communities such as, but not limited to social workers, mental health counselors, or civil forms of legal aid.
2. The following persons are not eligible to serve on the Commission:
 - a. Current compensated employees of the Town, including Arlington Police Department police officers and employees;
 - b. Actively employed *municipal police officers* (defined herein as “peace officers” employed by a municipal police department subject to certification under Massachusetts Law, including “An Act Relative to Justice, Equity and Accountability in Law Enforcement”
 - c. Former Arlington Police Department law enforcement officers; and
 - d. Immediate family members of current or former Arlington Police Department employees.

C. Qualifications for Service

1. In addition to all other requirements for appointment on the Commission under the general laws of the Commonwealth, members must receive initial and continuing training in the following subjects:
 - a. Arlington Police Department complaint and discipline procedures;
 - b. Arlington Police Department policy and operations;
 - c. Relevant State Laws regarding law enforcement accountability including “An Act Relative to Justice, Equity and Accountability in Law Enforcement;”
 - d. Filing civilian complaints and commendations about police conduct with the Commonwealth of Massachusetts and the Arlington Police Department;

- e. Data handling and privacy;
 - f. Analysis of policing data;
 - g. Other topics the Commission deems relevant
- 2. Commission members, as deemed appropriate by the Commission may also be required to participate in the Citizen Police Academy when offered, and participate in Arlington Police Department ride-along opportunities at intervals established by the Commission.
 - 3. The Commission shall affix a reasonable period of time for appointed members to complete initial and follow-up training. Failure to meet training requirements within such period shall be grounds for removal.
 - 4. The original Commission appointees shall be deemed qualified upon completion of requirements for all committees and commissions under the laws of the Commonwealth, and be afforded a reasonable time period to establish and complete training requirements for the Commission consistent with the foregoing.

D. Initial & Subsequent Terms

Member terms shall be for three (3) years, except that initial appointment terms of members shall be staggered such that three (3) initial appointees shall serve a one (1) year term; three (3) a two (2) year term; and three (3) a three (3) year term as designated by the Town Manager.

Members shall serve until their successors have completed training and been sworn in to service.

E. Removal of Members

At the request of the Manager, members may be removed for cause by a vote of the nominating body.

Section 4. Administration and Operation

The Arlington Civilian Police Advisory Commission shall not meet or conduct business without the presence of a quorum, which shall require a majority of the members of the Commission at any given time. The Commission shall approve its actions by majority vote of the quorum, but in no event shall action be approved by fewer than 4 members.

Section 5. Duties and Responsibilities

A. General Duty

It shall be the duty of the Arlington Civilian Police Advisory Commission to serve as qualified advisors to the general public, the Arlington Police Department, and other Town staff with respect to policing in Arlington from a civilian perspective. The

Commission shall serve as a technical resource for persons wishing to file specific complaints against or commendations of Arlington Police Department personnel, a forum for both positive and negative feedback about police conduct and policy in Arlington, and collaboratively engage the Arlington Police Department in its development or revision of police policies.

B. Specific Responsibilities

To fulfill its duties, the Commission shall specifically be charged with:

1. Establishing a process for community members to provide information about police interactions, both positive and negative, to the commission anonymously and non-anonymously;
2. Guiding community members through the civilian complaint or commendation process, including:
 - a. Providing education to a community member about options for filing complaints and commendations about police conduct;
 - b. Providing complaint and commendation forms to a community member;
 - c. Connecting a community member with appropriate town officials and committees;
 - d. Accompanying a community member to meetings
 - e. Following up with both the APD and the community member on any resultant investigation;
 - f. Providing periodic updates to a community member;
 - g. Collecting information about a community member's satisfaction with complaint processes'
 - h. However, at no point in time shall Commission members individually or as a public body provide legal advice or representation, mental health counseling, or social services advocacy to community members engaging commission members for the purpose of filing complaints;
3. Working with the Arlington Police Department to regularly publish and analyze data which can offer insight into the quality and effectiveness of the department, especially in its interactions with the public, including but not limited to:
 - a. Complaints, including their nature, status and disposition;
 - b. Police use of force incidents, including all use of firearms;
 - c. Vehicle pursuits and traffic collisions;
 - d. Injuries and deaths in custody;
 - e. Stops, searches, citations and arrests, including demographic data;
 - f. Civil lawsuits and other claims brought against the town or department
 - g. Database of training; and
 - h. Database of awards and commendations;

4. Regularly reviewing Arlington Police Department complaint, investigation, and discipline policies and procedures, comparing them with the latest practices in other communities locally and nationally;
5. Regularly reviewing other Arlington Police Department policies and procedures, especially new or changing policies, and make recommendations to the Chief of Police, Town Manager, and the public;
6. Regularly reviewing the by-law creating this commission and make recommendations to Town Meeting;
7. Providing a yearly report to Town Meeting covering the work and findings of the commission as well as priorities for the upcoming year; and
8. Providing education to the public about policing and the Arlington Police Department, their options for filing complaints and commendations, the complaint process and the various data they are charged with analyzing.

Section 6. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect upon the approval by the Attorney General of the Commonwealth and compliance with bylaw advertising and notice requirements.

(5 – 0)

COMMENT: The Select Board unanimously supports the thoroughly researched and carefully developed recommendation of the Police Civilian Advisory Board Study Committee to establish a standing commission which will serve as a civilian resource for the public to file complaints, raise concerns, or recommend commendations about Arlington police officers, as well as a forum examine Arlington policing policies and practices. The purpose of the recommended commission bears highlighting:

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

The Board agrees with the Study Committee that a Civilian Police Advisory Commission with this purpose (and the recommended commission composition, duties and responsibilities of the proposed bylaw to achieve such a purpose) is well-customized to fit the needs of Arlington. Generally, the Arlington Police Department, including its internal investigation of complaints against its officers, has provided very high quality, modern, community-centric policing throughout the Town. However, the Study Committee identified specific areas of community concern, including unfamiliarity with how to file complaints (or commend exemplary officer conduct), confidentiality questions, anxiety about filing complaints against the police with the police, and specific stories

where personal trust in the police department was eroded. Germane to these sometimes competing data points, in at least one compelling story relayed to the Study Committee in one of its fourteen (14) listening sessions, the same person reported both highly positive and highly negative experiences with APD officers under differing circumstances.

The Select Board believes that the proposed Civilian Police Advisory Commission will provide a resource for the public and for APD to help reinforce and cultivate confidence, trust, and communication such that the excellent conduct of Arlington police officers is recognized, acknowledged, and encouraged; and the negative conduct of Arlington police officers is conveyed, heard, and addressed. Finally, the Board strongly recommends Town Meeting members and interested parties read the report of the Police Civilian Advisory Study Committee provided to the Select Board and supporting materials both from the Chief of Police and the Director Diversity Equity and Inclusion, both of whom support this recommended bylaw, which is provided as reference material in this report to Town Meeting.



**Town of Arlington
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel; Deputy Town Counsel Michael C. Cunningham

Date: March 18, 2022

Re: Draft Votes and Comments re: Articles 6, 8, 9, 17, 19, 20, 22, 25 and 73

Members of the Board, this Office writes to provide the Board Draft Votes and Comments regarding the above-referenced 2022 Annual Town Meeting Warrant Articles, based upon your prior hearings for same. Where existing bylaws are amended by a vote, please note that deleted language will be denoted using "strike-through," while, revised or added language is denoted with underlined text.

ARTICLE 6

**BYLAW AMENDMENT/UPDATING HUMAN RIGHTS
COMMISSION BYLAW**

VOTED: That Title II, Article 9 of the Town Bylaws ("Human Rights Commission") be and hereby is amended for the purposes of updating the substance and language of its mission, definitions, organization, policy and processes as follows:

FIRST, that Section 1 (“Preamble”) be stricken in its entirety and replaced with a simplified statement reflecting the origins of the Commission so to read as follows:

Section 1. Preamble

~~*The Town of Arlington has formed Vision 2020, a long range planning vehicle; and Vision 2020 has established the Diversity Task Group; and the goal statement of the Diversity Task Group provides:*~~

~~*"We value the diversity of our population. Our Town's mix of race, color, race, ethnic, religious` and cultural backgrounds, as well as economic and personal circumstances, enriches us all. We will be known for the warm welcome and respect we extend to all;"*~~

~~*One of the Diversity Task Group's recommendations is the formation of a Human Rights Commission;*~~

~~*The Vision 2020 Standing Committee, the Fair Housing Advisory Committee, the Affirmative Action Advisory Committee, and others support the creation of such a Commission to foster the policies described in Section 2 below;*~~

~~*The Town of Arlington does hereby create a Human Rights Commission as provided for in this Bylaw.*~~

Growing out of the original Vision 2020 effort and the Diversity Task Group's vision, the Town of Arlington created a Human Rights Commission as provided for in this Bylaw."

SECOND, that Section 2 (“Policy of the Town of Arlington”) be amended to update and clarify terms by substituting the words “equal” with “equitable” throughout, clarifying the bylaw applies to all persons in Arlington, and making further administrative changes so as to read as follows:

Section 2. Policy of the Town of Arlington

A. It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equal equitable treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.

B. It is the policy of the Town to protect every individual in the enjoyment and exercise of their human and civil rights and to encourage and bring about mutual understanding and respect among all people who live, work, visit, and travel within the Town.

C. It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, bias, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military or veteran

~~status, and the disorder occasioned thereby. Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.~~

D. It shall be considered an unlawful practice under this Bylaw for any person to withhold, deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal equitable access to and/or discrimination in employment, housing, education, recreation, services, public access and accommodation and public areas where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military or veteran status.

THIRD, that Section 3 (“Establishment of a Human Rights Commission”) be amended to clarify the Commission’s ability to self-initiate programs and investigations of incidents, add diversifying Town staff to its goals, and making further administrative changes so as to read as follows:

Section 3. Establishment of a Human Rights Commission

A. Scope: There is hereby established a Town board to be known as the Arlington Human Rights Commission ("Commission") which may implement the policy of this Bylaw by:

1. Improving the life of the Town by developing on its own and enlisting community based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community by all;

2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity in the Town and among those employed by the Town, as well as awareness and sensitivity to those human and civil rights issues which may arise within our Town while Town employees fulfill the duties of their positions ;

3. Responding to incidents and complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;

4. Initiating investigations into circumstances which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town.

B. Appointment & Terms of Office of Commission Members

1. The Commission shall consist of thirteen (13) members, five of whom will be appointed by the School Committee, four by the Town Manager subject to the approval of the Select Board and four by the Town Moderator. The term of office shall be for three years. ~~except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.~~

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There may be an Executive Director, who may also be known as the Diversity, Equity and Inclusion Director, if determined necessary by the Commission, appointed by the Town Manager with consultation by the Commission.

2. The Commission shall include among its membership individuals publicly solicited by the appointing authorities ~~and~~ be and representative of the diversity of the Town.

3. If a member shall fail to attend three or more consecutive meetings of the eCommission, the eCommission by vote, may so advise the appropriate appointing authority, who may remove such member, and appoint a successor for the unexpired term of the member so removed.

C. Residency Requirement: All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure. A Commissioner who is no longer a resident of the Town shall promptly notify the Chair(s) of the Commission who shall then notify the appointing authority.

D. Executive Director: Before appointing an Executive Director, the Town Manager shall consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.

At the request ~~Subject to the direction~~ of the Commission, the Executive Director shall be ~~responsible for~~ support the overall administration of the Commission's activities ~~and shall serve as its executive officer~~. The Executive Director shall have the power and duty to initiate activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry; to receive and/or initiate complaints and investigations of discriminatory practices as defined by local, state, and federal law; to report their findings to the Commission; and to attempt mediation of any complaint alleging discrimination under applicable local, state, and federal law when there is cause for such complaint.

E. Officers, Quorum, and Adoption of Rules and Regulations

1. The Commission shall elect a Chairperson or two from among its members at the first meeting each year in January. The Commission shall endeavor to rotate the election of a Chairperson(s) each year thereafter. The Chairperson(s) shall preside over the meetings of the Commission.

2. Seven (7) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by a majority vote of the Commission members present and voting.

3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the powers and duties of the Commission in connection therewith. The rules shall ensure the

due process rights [as defined by state law] of all persons involved in investigations and hearings.

4. Members of the Commission shall serve without compensation.

5. Members of the Commission may be removed by the appointing authority for just cause [after notice and opportunity to be heard].

FOURTH, amending Section 4 (“Definitions”) to amend the term “military status” in subpart “G” to add the words “or veteran” between “military” and “status,” and further to add new definitions for “incident” and “complaint” as subparts “H” and “I” so as to read in relevant parts as follows:

G. The term "military or veteran status" refers to the actual or supposed condition being, not being, having been or not having been in the service of the military.

H. The term “incident” refers to as an occurrence within the Town which the reporter alleges is motivated, in whole or in part, by prejudice, bias, intolerance, and/or with the intent to threaten, harm, coerce, or intimidate. Incidents may include, but are not limited to: removal or stealing of items promoting diversity, equity and inclusion; the placement of signs or graffiti promoting prejudice, intolerance or bigotry; biased statements or slurs; acts with animus to a protected class.

I. The term “complaint” refers to a formal written report filed with the Commission in which the complainant seeks a formal investigation of allegation(s) over which the Commission may exercise jurisdiction.

FIFTH, that Section 5 (“Functions, Powers, & Duties of the Commission) be amended to include updated definitions and terms consistent with the foregoing, clarify the Commission’s duties and ability to engage in proactive incident responses (as well as complaints), further clarify the informal nature of Commission mediations, and remove references to the administration of oaths in testimony, so as to read as follows:

Section 5. Functions, Powers & Duties of the Commission

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

A. To initiate activities designed to educate and inform the Town about the effects of prejudice, bias, intolerance, and bigotry through the following actions:

1. To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, ~~or~~ military or veteran status.

2. Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to identifying, educating, eliminating prejudice, bias, intolerance, bigotry and discrimination and showing the need for mutual respect and fair and equitable treatment in the Town and the achievement of harmonious relations among various groups in the Town.

3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy and goals of this Bylaw.

4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy and goals of this Bylaw.

5. Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees.

6. Render each year to the Select Board, Town Manager, School Committee and Superintendent of Schools a full written report of all the Commission's activities and recommendations regarding this Bylaw for inclusion the Town Report.

B. To receive and investigate incidents and complaints of and to initiate its own complaints and/or investigations of any incidents as that term is defined and other violations of this Bylaw.

C. To attempt by informal mediation to resolve any complaint over which it has jurisdiction and to recommend to the Town Manager, the Select Board, the Superintendent of Schools or the School Committee, as appropriate, such action as it feels will resolve any such complaint.

D. In the case of any unresolved complaint or in the case of any investigation which would be aided thereby, to hold hearings, ~~administer oaths, take the testimony of any person under oath~~ and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before the Commission.

SIXTH, that Section 6(D) (“Relations with Town Agencies”) be amended in relevant part to emphasize that Commission members are entitled to representation and indemnification for claims arising from the discharge of their duties:

Section 6. Relations with Town Agencies

D. The Town Counsel shall provide for representation of the Commission or a Commissioner upon the Commission's request. For liability issues, Commissioners shall be considered as Town employees and not liable personally for actions undertaken in their role of Commissioner.

SEVENTH, that Section 7. (“Complaint Resolution Procedures”) parts D and E be amended in relevant parts to add “report of an incident” as a prompt for an investigation, strike the term “Executive Director” throughout, provide for “co-chairs” of the Commission, and add the term “informal” before “mediation” where such term appears, so to read as follows:

D. After the report of an incident or the filing of any complaint, the Chairperson the chairs or co-chairs of the Commission shall designate ~~the Executive Director or~~ one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.

E. After such investigation, ~~the Executive Director or~~ the designated Commissioner(s), as the case may be, shall promptly file a report of such findings with the Commission, which shall determine whether ~~or not whether~~ to dismiss the complaint. The Commission shall, within ten working days from such determination, notify the complainant in writing of such determination.

The Commission and its staff shall not disclose the terms of informal mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process.

2. In the case of such a finding under Section VII.E.1., as part of the informal mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public, pursuant to G.L. c.233 Section 23C.

AND, EIGHTH, that Section 8 (“Contributions to the Commission”) be amended to explicitly authorize the Commission to apply for grants and to add the words “and goals” as set forth below to as to read as follows:

Section 8. Contributions to the Commission

The Commission may apply for and accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policy and goals of this Bylaw.

(5 – 0)

COMMENT: The Select Board unanimously urges Town Meeting to support and adopt the suite of updates to the Human Rights Commission Bylaw as developed and requested by the Commission itself. The proposed amendments do not alter the mission or orientation of the Commission. Rather, the amendments reflect administrative and modest substantive alterations primarily aimed toward three goals:

1. Simplifying language and/or eliminating unnecessary provisions;
2. Adding definitions and/or clarifying Commission processes for receiving, investigating, and resolving complaints as well as initiating proactive responses to incidents; and
3. Updating provisions regarding the Commissions’ purpose, powers, roles, and resources to better reflect and aid the Commission with modernized presentation of equity concerns.

The Board trusts the Commission's recommendations for these updates welcomes the tenor of same, which not critiques of the Commission or the original bylaw, but rather reflect an effort to strengthen the Commission and reinforce its operations using the experience of its members over the last several years.

ARTICLE 8 BYLAW AMENDMENT/CIVILIAN POLICE ADVISORY COMMISSION

VOTED: That Title II of the Town Bylaws ("Committees and Commissions") be and hereby is amended by inserting a new article to provide for the creation of the Arlington Civilian Police Advisory Commission under Article 15 as follows:

Article 15: Arlington Civilian Police Advisory Commission

Section 1. Arlington Civilian Police Advisory Commission Established

There is hereby established an Arlington Civilian Police Advisory Commission, charged with serving as a civilian resource and forum for Arlington residents and visitors and members of the public, the Arlington Police Department, and other appropriate Town personnel.

Section 2. Purpose

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

Section 3. Commission Composition, Eligibility, Qualification & Terms

A. Appointment of the Commission

The Commission shall consist of nine (9) members, appointed by the Town Manager. To be considered for appointment members shall be nominated by the following public bodies, persons, or community entities:

- 1. One (1) member nominated by the Arlington Human Rights Commission;**
- 2. One (1) member nominated by the LGBTQIA+ Rainbow Commission;**
- 3. One (1) member nominated by the Disability Commission;**
- 4. One (1) member nominated by the Board of Youth Services;**
- 5. One (1) member nominated by the Envision Arlington Diversity Task Group co-chairs;**
- 6. One (1) member nominated by the Council on Aging;**

7. One (1) member nominated by the Menotomy Manor Tenants Association;
and
8. Two (2) members nominated by the Select Board

Nominating authorities are not required to nominate a member of their own body. The Manager shall notify the above “nominating bodies” of vacancies and expiring terms. If any nominating body fails to act upon a notification from the Manager within ninety (90) days or in the event a nominating body is inactive, the Manager may request the Select Board to make a nomination in their place.

B. Eligibility to Serve

1. All members of the Commission shall be Arlington Residents and as a total body, shall reflect racial, ethnic, gender, sexual, age, and other forms of diversity in Arlington. Additionally, the Town Manager shall appoint at least one member respectively with experience in following areas:
 - a. Criminal defense or civil rights relative to police searches, arrests, or detainments;
 - b. Data Analysis; and
 - c. Working with underserved communities such as, but not limited to social workers, mental health counselors, or civil forms of legal aid.
2. The following persons are not eligible to serve on the Commission:
 - a. Current compensated employees of the Town, including Arlington Police Department police officers and employees;
 - b. **Actively employed *municipal police officers* (defined herein as “peace officers” employed by a municipal police department subject to certification under Massachusetts Law, including “An Act Relative to Justice, Equity and Accountability in Law Enforcement”**
 - c. Former Arlington Police Department law enforcement officers; and
 - d. Immediate family members of current or former Arlington Police Department employees.

C. Qualifications for Service

1. In addition to all other requirements for appointment on the Commission under the general laws of the Commonwealth, members must receive initial and continuing training in the following subjects:
 - a. Arlington Police Department complaint and discipline procedures;
 - b. Arlington Police Department policy and operations;
 - c. Relevant State Laws regarding law enforcement accountability including “An Act Relative to Justice, Equity and Accountability in Law Enforcement;”

- d. Filing civilian complaints and commendations about police conduct with the Commonwealth of Massachusetts and the Arlington Police Department;
 - e. Data handling and privacy;
 - f. Analysis of policing data;
 - g. Other topics the Commission deems relevant
- 2. Commission members, as deemed appropriate by the Commission may also be required to participate in the Citizen Police Academy when offered, and participate in Arlington Police Department ride-along opportunities at intervals established by the Commission.
 - 3. The Commission shall affix a reasonable period of time for appointed members to complete initial and follow-up training. Failure to meet training requirements within such period shall be grounds for removal.
 - 4. The original Commission appointees shall be deemed qualified upon completion of requirements for all committees and commissions under the laws of the Commonwealth, and be afforded a reasonable time period to establish and complete training requirements for the Commission consistent with the foregoing.

D. Initial & Subsequent Terms

Member terms shall be for three (3) years, except that initial appointment terms of members shall be staggered such that three (3) initial appointees shall serve a one (1) year term; three (3) a two (2) year term; and three (3) a three (3) year term as designated by the Town Manager.

Members shall serve until their successors have completed training and been sworn in to service.

E. Removal of Members

At the request of the Manager, members may be removed for cause by a vote of the nominating body.

Section 4. Administration and Operation

The Arlington Civilian Police Advisory Commission shall not meet or conduct business without the presence of a quorum, which shall require a majority of the members of the Commission at any given time. The Commission shall approve its actions by majority vote of the quorum, but in no event shall action be approved by fewer than 4 members.

Section 5. Duties and Responsibilities

A. General Duty

It shall be the duty of the Arlington Civilian Police Advisory Commission to serve as qualified advisors to the general public, the Arlington Police Department, and other Town staff with respect to policing in Arlington from a civilian perspective. The Commission shall serve as a technical resource for persons wishing to file specific complaints against or commendations of Arlington Police Department personnel, a forum for both positive and negative feedback about police conduct and policy in Arlington, and collaboratively engage the Arlington Police Department in its development or revision of police policies.

B. Specific Responsibilities

To fulfill its duties, the Commission shall specifically be charged with:

- 1. Establishing a process for community members to provide information about police interactions, both positive and negative, to the commission anonymously and non-anonymously;**
- 2. Guiding community members through the civilian complaint or commendation process, including:**
 - a. Providing education to a community member about options for filing complaints and commendations about police conduct;**
 - b. Providing complaint and commendation forms to a community member;**
 - c. Connecting a community member with appropriate town officials and committees;**
 - d. Accompanying a community member to meetings**
 - e. Following up with both the APD and the community member on any resultant investigation;**
 - f. Providing periodic updates to a community member;**
 - g. Collecting information about a community member's satisfaction with complaint processes'**
 - h. However, at no point in time shall Commission members individually or as a public body provide legal advice or representation, mental health counseling, or social services advocacy to community members engaging commission members for the purpose of filing complaints;**
- 3. Working with the Arlington Police Department to regularly publish and analyze data which can offer insight into the quality and effectiveness of the department, especially in its interactions with the public, including but not limited to:**
 - a. Complaints, including their nature, status and disposition;**
 - b. Police use of force incidents, including all use of firearms;**
 - c. Vehicle pursuits and traffic collisions;**
 - d. Injuries and deaths in custody;**
 - e. Stops, searches, citations and arrests, including demographic data;**
 - f. Civil lawsuits and other claims brought against the town or department**
 - g. Database of training; and**
 - h. Database of awards and commendations;**

4. Regularly reviewing Arlington Police Department complaint, investigation, and discipline policies and procedures, comparing them with the latest practices in other communities locally and nationally;
5. Regularly reviewing other Arlington Police Department policies and procedures, especially new or changing policies, and make recommendations to the Chief of Police, Town Manager, and the public;
6. Regularly reviewing the by-law creating this commission and make recommendations to Town Meeting;
7. Providing a yearly report to Town Meeting covering the work and findings of the commission as well as priorities for the upcoming year; and
8. Providing education to the public about policing and the Arlington Police Department, their options for filing complaints and commendations, the complaint process and the various data they are charged with analyzing.

Section 6. Effective Date

Following Town Meeting approval of this bylaw, this Title shall take effect upon the approval by the Attorney General of the Commonwealth and compliance with bylaw advertising and notice requirements.

(5 – 0)

COMMENT: The Select Board unanimously supports the thoroughly researched and carefully developed recommendation of the Police Civilian Advisory Board Study Committee to establish a standing commission which will serve as a civilian resource for the public to file complaints, raise concerns, or recommend commendations about Arlington police officers, as well as a forum examine Arlington policing policies and practices. The purpose of the recommended commission bears highlighting:

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints, concerns, or commendations about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

The Board agrees with the Study Committee that a Civilian Police Advisory Commission with this purpose (and the recommended commission composition, duties and responsibilities of the proposed bylaw to achieve such a purpose) is well-customized to fit the needs of Arlington. Generally, the Arlington Police Department, including its internal investigation of complaints against its officers, has provided very high quality, modern, community-centric policing throughout the Town. However, the Study Committee identified specific areas of community concern, including unfamiliarity with how to file complaints (or commend exemplary officer

conduct), confidentiality questions, anxiety about filing complaints against the police with the police, and specific stories where personal trust in the police department was eroded. Germane to these sometimes competing data points, in at least one compelling story relayed to the Study Committee in one of its fourteen (14) listening sessions, the same person reported both highly positive and highly negative experiences with APD officers under differing circumstances.

The Select Board believes that the proposed Civilian Police Advisory Commission will provide a resource for the public and for APD to help reinforce and cultivate confidence, trust, and communication such that the excellent conduct of Arlington police officers is recognized, acknowledged, and encouraged; and the negative conduct of Arlington police officers is conveyed, heard, and addressed.

Of note: though the Study Committee recommended that no retired law enforcement officers from Arlington or elsewhere be eligible to serve on the Commission, by a vote of 4-1 (with Mr. Diggins in the negative), the Board amended the article to allow retired Police Department law enforcement officers from elsewhere (i.e., not from Arlington) to be eligible to serve on the Commission.

Finally, the Board strongly recommends Town Meeting members and interested parties read the report of the Police Civilian Advisory Study Committee provided to the Select Board and supporting materials both from the Chief of Police and the Director Diversity Equity and Inclusion, both of whom support this recommended bylaw, which is provided as reference material in this report to Town Meeting.

**ARTICLE 9 BYLAW AMENDMENT ACHIEVING NET ZERO GREENHOUSE
GAS EMISSIONS FROM TOWN FACILITIES CONSISTENT
WITH THE TOWN OF ARLINGTON'S NET ZERO ACTION PLAN**

VOTED: That no action be taken under Article 9.

(5 – 0)

COMMENT: The Select Board supports the goals of this article inserted at the request of the Clean Energy Future Committee (“CEFC”): to update and replace Title I, Article 16, Section 4 of the Town Bylaws (“LEED”) (Leadership in Energy and Environmental Design) to effectuate a policy of eliminating gas emissions from municipal buildings consistent with the Town’s Net Zero Action Plan. However, additional time is needed for the CEFC, Permanent Town Building Committee, and Town Manager to work out details of appropriate standards and expected processes to meet them. The Board’s hope and expectation is that this article will return for further discussion at the 2023 Annual Town Meeting.

ARTICLE 17

BYLAW AMENDMENT/CONVERSION OF GAS STATION DISPENSING PUMPS TO SELF SERVICE OPERATION

To amend the existing bylaw requiring gas station owners to have an attendant pump gasoline to a self-service gas station operation without the need for a gas station attendant to do so; or take any action related thereto.

(Inserted at the request of Elias Elkhaouli and ten registered voters)

VOTED: That Title 5, Article 5 (“Self-Service Gas Dispensing”), be stricken in its entirety and to note its removal so as to read as follows:

ARTICLE 5

This Article Removed ~~SELF SERVICE GAS DISPENSING~~

~~Section 1. Restriction on Sale~~

~~No filling station shall allow the pumping of gasoline for retail sale by any person other than an authorized attendant employee of said filling station.~~

~~Section 2. Customer Pumping Prohibited~~

~~No attendant at any gasoline station shall permit any non-employee to pump gasoline or engage in any distribution of gasoline within the station.~~

(5 – 0)

COMMENT: The Select Board recommends termination of Arlington’s prohibition on self-serve gasoline with interest in Town Meeting’s collective perspective. Arlington is the only community in the area which *prohibits* self-serve gasoline service (gas stations may continue as full-service), which poses a variety of challenges for Arlington station operators, including maintaining adequate staffing, providing security for all potential staff, and providing competitive operating hours. The proponent of the article noted that attracting and retaining attendants has been a persistent challenge.

In the past, the primary concerns expressed by Town Meeting were pump operation safety, expansion of the number of pumps (or “service bays”) at gas stations, and sufficient access for disabled and elderly customers. With respect to safety concerns, the Board is satisfied that a common sense assessment of the current state of gas pump technology renders stations far safer than they were in 1975 when the prohibition passed. With regard to the number of pumps, gasoline stations on Massachusetts Ave and Broadway typically operate under special permits which limit the number of service bays and place further conditions on operation. Similarly, special permits can provide an avenue for requiring full-service call buttons and setting hours of operations where attendants must be on site to assist customers, which are also generally required by the Americans with Disabilities Act. The Board believes that modern technology, in which call buttons are standard on many pumps and pump fail-safes prevent prior safety concerns merits

reconsideration of this Town policy, which could expand hours of operation for local stations and ease hiring and retention challenges as well.

ARTICLE 19 VOTE/STREET NAME “MAGLIOZZI BOULEVARD”

VOTED: That the unnamed public way located between 49 Spring Street and Route 2 Frontage Road in Arlington, Massachusetts be designated as Magliozzi Boulevard. It is further voted that the Department of Public Works shall create and install on said road a sign that reads, “Magliozzi Boulevard” consistent with the designation.

(3-2)

Mrs. Mahon and Mr. DeCoursey voted in the negative.

COMMENT: The majority of the Board requests favorable action on this resident petition article to have the Town designate the unnamed public way that runs between 49 Spring Street and the Route 2 Frontage Road as “Magliozzi Boulevard,” in honor of the Magliozzi brothers, Tom and Ray, one of whom was a longtime Arlington resident. The Magliozzi brothers hosted the nationally broadcast automobile and auto repair radio talk show, “Car Talk” on NPR from approximately 1977 – 2012. The majority supported recognition of the national impact of the Magliozzi-hosted program as appropriate and celebratory. The minority of the Board noted that naming a previously undesignated portion of a public way can likely be accomplished by the Select Board without a Town Meeting discussion, and preferred referral to the Town’s Public Memorial Committee.

ARTICLE 20 VOTE/CODE ENFORCEMENT

VOTED: That no action be taken on Article 20.

(5 – 0)

COMMENT: The Select Board appreciates the concerns and frustrations of the proponent of this article regarding Code Enforcement. It is important to acknowledge both such frustrations but also that enforcement and collection on enforcement actions often requires significant time and resources. Even more significantly, the Board is concerned about creating a position of this nature through a Town bylaw. The Manager is empowered and charged under the Town Manager Act with creating and dissolving positions and departments. If there are insufficient resources, the Manager addresses advance staffing needs and concerns through the budget process whenever possible, rather than having Town Meeting create new positions via bylaw, or re-assign duties and then fund such positions in a subsequent Town Meeting Cycle. Still further, some members

expressed concern about creating a new position or office with an operating override on the horizon.

ARTICLE 22 **VOTE/ESTABLISHMENT OF TOWN COMMITTEE TO
EXAMINE BUDGETARY IMPACT OF OVERNIGHT
PARKING**

VOTED: That no action be taken on Article 22.

(5-0)

COMMENT: While the Select Board agrees that many of the issues identified in this article require study, the Board is already engaged in much of the same work through a pilot program. Further, any study committee would be likely working across purposes with other entities (such as the Parking Advisory Committee) and projects, all of which would be making recommendations to the Select Board as the authority over parking, public and private ways. Lastly, it also bears noting that the same professional staff would likely be tasked with supporting an additional committee engaged in the same or similar work as an existing committee.

ARTICLE 25 HOME RULE LEGISLATION/EARLY VOTING FOR TOWN ELECTIONS

VOTED: *That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:"*

“AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO OFFER EARLY VOTING IN TOWN ELECTIONS”

Section 1: Notwithstanding any general or special law to the contrary, the Town of Arlington shall allow any qualified voter, as defined in section 1 of chapter 51 of the general laws, to vote early in person for any regular or special town election. Any voter wishing to vote early in person may do so at the time, manner, and location prescribed in this section.

- (a) *The early voting period shall be set by the Select Board in consultation with the Arlington Town Clerk. The early voting period shall include a minimum of three business days during the regular hours of the Arlington Town Clerk's office, and may include additional days, so long as it ends no later than the date determined by the Town Clerk as necessary to prepare a final voting list for the polls on Election Day. At least one early voting weekday shall extend until at least 7 p.m. For any Town Election held on a weekday, at least one weekend day shall be included in the Early Voting Period.*
- (b) *The Select Board, in consultation with the Town Clerk, shall establish an early voting site for early in-person voting under this section that is centrally-located, suitable, and in a convenient public building. The early voting site shall be accessible to persons with*

disabilities. The designation of an early voting site shall be made not less than 14 days prior to the beginning of the voting period established in section (a). Notice of the early voting location, dates, and hours shall be posted in the office of the Town Clerk and on the Town's website not less than 7 days before the early voting period begins.

- (c) The voting, processing, and counting procedures for early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and the regulations promulgated by the State Secretary for the administration of early voting appearing at 950 CMR 47.00, to the extent practicable.*

Section 2: This act shall take effect upon its passage.

(5 – 0)

COMMENT: The Select Board requests Town Meeting's support for this authorization to file Home Rule Legislation permitting early voting options for Town of Arlington elections as recommended by the Election Modernization Committee ("EMC"). If approved by the Commonwealth, this legislation would permit registered voters in Arlington to vote early in any regular or special Town election on terms to be set by the Select Board, in consultation with the Town Clerk.

Per the EMC's recommendation, at a *minimum*, early voting hours would include:

- Three (3) business days during the Town Clerk's regular office hours;
- At least one (1) early voting day extended to at least 7 p.m.; and
- At least one (1) weekend day.

The Board notes that efforts on the State level to pass a local option statute to a similar effect appear to have stalled for the time being. As such, the Board strongly supports this measure to enhance voting access and convenience in Town elections as soon as possible which should not preclude the Town from taking advantage of any local option early voting legislation at some point in the future.

ARTICLE 73 RESOLUTION/TRUE NET-ZERO OPT-IN CODE FOR CITIES AND TOWNS

VOTED: That Town Meeting hereby resolves as follows:

A True Net Zero Opt-In Code for Massachusetts Towns and Cities

WHEREAS,

- A. Global warming is an existential planetary crisis.**

- B. On June 2, 2021, Arlington’s Town Meeting adopted a resolution declaring a climate emergency and calling for an immediate urgent mobilization to protect the climate, reducing the pace of warming and slowing down ecological collapse to the maximum extent possible. Among other things, the resolution committed the town to use all of its influence to encourage climate action by other government authorities including the state in order to support rapid greenhouse gas reductions. This is important not just for the environment but the economy as well. In December 2021, the U.S. Financial Stability Council reported to Congress that climate change was an “emerging threat” to the United States financial system.**
- C. Global warming is not only an environmental issue, or even an economic one. It is also a profound moral issue. Almost every disaster brought about or exacerbated by climate change disproportionately affects the poor and marginalized. This is true on a global scale, but also within countries, and states, and towns and cities. As the Climate Emergency Resolution approved by Town Meeting in 2021 stated: “the marginalized populations in Arlington, the Commonwealth of Massachusetts and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, homeless persons, and people with disabilities, are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase.”**
- D. There is no time to lose. Global warming is not a future catastrophe. It is here already. It is causing hurricanes, fires, floods, and droughts. The sea is rising as polar ice melts. Massachusetts is not immune from any of this. Indeed, reports in early 2022 suggest that the consequences of global warming are more severe in New England than they are elsewhere in the United States. As science writer Bill McKibbin puts it, “If we don’t act quickly, and on a global scale, then the problem will literally become insoluble.” Or, more simply, “winning slowly is the same as losing.”**
- E. The fight against global warming requires action at every level. We must act globally, but we must also act locally.**
- F. Massachusetts has adopted legally binding policies for achieving net zero greenhouse gas emissions by 2050. This target is unattainable without a radical reduction in fossil fuel use in the Massachusetts building sector. Emissions from buildings account for 27% of greenhouse gas emissions in the Commonwealth, a contribution that is second only to the transportation sector.**
- G. In March 2021, the Massachusetts Legislature enacted the Next Generation Road Map on Climate Change, reasserting the Commonwealth’s commitment to leadership in the fight against global warming. Among the many features of that legislation was the requirement that the Department of Energy Resources (DOER) develop an opt-in specialized stretch building code aimed at achieving net-zero greenhouse gas emissions in buildings. This provision was passed by a large majority in the legislature, despite an earlier veto. A strong code will give towns and cities that choose to adopt it – hopefully the great majority - the tools they need to achieve their own net-zero objectives in a timely way. A weak code, however, will not only be ineffective**

in itself but also stand in the way of stronger actions at the local level. The “net zero stretch code” provided for in the Road Map is a critical step in the Commonwealth’s strategy to meet net zero by 2050.

- H. DOER must promulgate an opt in specialized stretch code by late December 2022. It is required to engage in extensive public consultation, including at least 5 hearings within 18 months after the Roadmap becomes effective. The hearings must be held in various locations in the state, including urban, suburban, and rural settings, and at least one hearing must be held in an underserved community or one with a high percentage of low income households. As of January 2022, DOER had not published a draft code or conducted any of the required hearings.
- I. Arlington has been a leader in the fight against global warming. In December 2020, it became the second town in the Commonwealth to enact a “Clean Heat” Bylaw limiting the adoption of fossil-fuel infrastructure in newly constructed buildings and major renovations. That bylaw requires approval by the state legislature through a “home rule petition” because it is thought to be preempted by the existing state building code. The necessary legislation has been filed and subjected to a hearing, but it has not been reported out of committee. In the absence of the Clean Heat bylaw approved by Town Meeting, new construction and major renovations in the town have continued to install fossil fuel infrastructure, usually for natural gas, frustrating the Town’s net zero policy
- J. In early 2021, the town adopted a comprehensive Net Zero Action Plan that called for strong action to control building emissions in the town and ensure that the town will achieve net-zero in the building sector by 2050. And in November 2021, Arlington was a leader in organizing 30 Massachusetts municipalities to encourage DOER to adopt a strong, true net-zero stretch code.
- K. Adoption of a strong opt-in specialized net zero stretch code is essential if Arlington is to achieve the net zero objectives that its residents need and demand.

THEREFORE BE IT RESOLVED BY TOWN MEETING OF THE TOWN OF ARLINGTON, MASSACHUSETTS,

- 1. Town Meeting calls upon the DOER to promulgate a true net-zero opt-in building code that will allow towns that are willing to do so to pursue aggressive policies in controlling greenhouse gas emissions in the building sector in order to achieve net zero emissions by 2050 or before. In this connection, Town Meeting considers a net-zero building to be an all-electric, highly energy-efficient building that uses renewable sources to generate at least as much energy as it uses each year, so that operations are carbon neutral and emissions of embodied carbon are minimized.
- 2. The Net Zero Opt-In Code must cover both commercial and residential construction and both new construction and major renovations.
- 3. The Net Zero Opt-In Code must --

- a. **Achieve energy efficiency by prescribing leading standards, such as Passive House, New Buildings Institute, or Living Building standards, to reduce greenhouse gas emissions operational expenses, and grid load.**
- b. **Require primary heating/cooling and other systems to be 100% electric.**
- c. **Require buildings to be powered by 100% renewable energy, which can be on- or off-site, generated or purchased, providing associated grid and other emissions are fully offset.**
- d. **Effectively address the challenge of minimizing embodied carbon in the use, production and transportation of building materials.**
- e. **Require appropriate monitoring, disclosure, and correction to ensure that buildings systems are operating as designed.**
- f. **Require the selection of low-impact refrigerants and refrigerant recycling (prohibiting disposal) to limit ozone depletion and carbon emissions.**
- g. **Ensure that any exemptions are narrowly defined, fully justified and last only as long as the justification exists. Waivers, if any, should be available in limited instances, based on a clearly defined process.**

(5 – 0)

COMMENT: The Select Board joins the Clean Energy Future Committee (“CEFC”) in seeking Town Meeting’s support for support for a Resolution that would call for the Massachusetts Department of Energy Resources (“DOER”) to promulgate a true Net-Zero Opt-In Code that will better allow municipalities, like the Town of Arlington, to aggressively pursue policies to control greenhouse gas emission in the building sector related to projects involving new construction or significant renovation. The Board looks forward to a member of CEFC providing further education for the Meeting and the public about forward-thinking ways our community and state can take action on climate change.



Town of Arlington, Massachusetts

Request for Memorial for Julia Miller

Summary:

Dorothy Commons

Mark Miller

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	D._Commons_CR.pdf	Reference

From: Dorothy Commons <dorothycommons@gmail.com>
To: dianemahon@verizon.net, ehelmuth@town.arlington.ma.us, JHurd@town.arlington.ma.us, ldiggins@gmail.com, SDeCoursey@town.arlington.ma.us
Cc: Mark Miller <mark@goodharborpartners.com>
Date: Sun, 27 Mar 2022 14:47:11 -0400
Subject: Proposal for area of reflection in memory of Julia Miller at Menotomy Rocks Park

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "<>" brackets) and you know the content is safe.

Please accept this proposal for an area of reflection in memory of Julia Miller, who was a wonderful and kind 19 year old girl from Arlington. She grew up in the neighborhood of Menotomy Rocks Park and she loved the park with all her heart. Julia was also an environmentalist.

In her memory, we would like to create a natural setting at her favorite area of the park, where people can sit and reflect or have a conversation. We propose having three small pieces of granite (similar to the attached photo) that look like they should be there naturally, placed in a sort of triangle with room between, so that one person or a few people could sit in reflection or conversation.

The area we propose is well suited for this. It is located a short distance from the path that leads to Eastern Avenue - near the bench dedicated to Foscett's dog and just past where the flags were put up last year. I have attached a photo of the proposed area. There is room and the area is visible and accessible from the Eastern Ave path as well as a path through the woods.

A neighbor of the park, Cliff Hakim, has offered to donate his [artistry](#) and the granite. Mark Miller, Julia's dad, is on the Board of Friends of Menotomy Rocks Park and together with a group of friends, will do whatever is necessary to work with the town to make this happen.

To note, there will be no need for any building or installation help from the Town and there is no cost to the Town. Cliff has done projects like this before off of the bike path. He can have the company that he has worked with, that is insured, use a small lift to bring in the granite pieces and place them on the ground and we will be sure to work with the town to arrange this and for permission.

Thank you very much.

Dorothy Commons
Mark Miller







Town of Arlington, Massachusetts

NEW BUSINESS