



## **Town of Arlington Board of Selectmen**

### **Meeting Agenda**

July 16, 2018

7:15 PM

Selectmen's Chambers, 2nd Floor, Town Hall

1. Appeal of Tree Warden Decision re Non-Removal of Black Pine Tree in the Town Hall Garden  
Tim Lecuire, Tree Warden

#### **CONSENT AGENDA**

2. Minutes of Meetings: June 11, 2018; June 25, 2018

#### **APPOINTMENTS**

3. Commission for Arts and Culture  
Aneleise Ruggles (term to expire 6/30/2019)  
(tabled from 6/25/18 meeting)
4. Park and Recreation Commission, Associate Member  
Henry Brush (no expiration date)
5. Vote: Appointment of Deputy Treasurer/Deputy Collector

#### **LICENSES & PERMITS**

6. For Approval: Food Vendor License  
Domino's Pizza, 671 Massachusetts Avenue, Aslan Zadeh
7. For Approval:
  - a) Annual Seasonal Floating Dock Rules and Regulations with Memo from Town Counsel  
Douglas W. Heim, Town Counsel
  - b) Spy Pond Dock Permit  
Douglas W. Heim, Town Counsel

#### **CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF OPEN FORUM**

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

## **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

8. Discussion: James Street Repaving, #25 - #47  
John Griffin and Residents of 25 - 47 James Street  
(tabled from 6/25/18 meeting)
9. Vote: Fiscal Year 2019 Water & Sewer Rate Increase  
Adam W. Chapdelaine, Town Manager
10. Vote: Formation & Approval of Mission & Membership of Clean Energy Future Committee  
Adam W. Chapdelaine, Town Manager
11. Selectmen Awards Committee  
Kevin F. Greeley, Selectman  
(tabled from 6/25/18 meeting)
12. Discussion: Future BoS Meetings

## **CORRESPONDENCE RECEIVED**

Request for a Residential Overnight Parking System  
John Sanbonmatsu and Tenants for a Livable Arlington

Request Change to Arlington's Overnight Parking Ban  
Josh Pioccone

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

Next Scheduled Meeting of Bos August 13, 2018



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## Town of Arlington, Massachusetts

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### Appeal of Tree Warden Decision re Non-Removal of Black Pine Tree in the Town Hall Garden

#### Summary:

Tim Lecuivre, Tree Warden

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Friends_of_the_Robbins_Town_Gardens_appeal.pdf	Letter of Appeal from Friends of the Robbins Town Gardens
▢	Reference Material	Robbins_Garden_Tree_Plan.pdf	Tree Installation Plan

RECEIVED  
SELECT BOARD OFFICE  
ARLINGTON, MA 02476

2018 JUL 10 PM 12:11

friends of the **ROBBINS**  
Town Gardens

P.O. Box 69  
Arlington, MA 02476

BOARD OF DIRECTORS  
Robert Cuniff

Chuck Eisenhardt

Jan Ford

Ingrid Gallagher

Cynthia Hamilton

D. Heidi Hample

Christine Harris

Jane Howard

Patsy Kraemer

JoAnn Robinson

Carol Tee

July 7, 2018

Town of Arlington Select Board  
c/o Marie Krepelka  
730 Massachusetts Avenue  
Arlington, MA 02474

Dear Members of Arlington's Select Board:

The Friends of Robbins Town Gardens wish to appeal the decision reached at the tree hearing held on Monday, June 4, 2018. Three trees in the town hall gardens— a Linden, a Bradford Pear, and a Black Pine were the subject of that hearing where both written and in-person objectors were filed. In response to these objections, Tim LeQuivre determined that the three trees could not be removed from the garden.

The Friends are appealing this decision and requesting permission to remove the Black Pine located on the northeast corner of Town Hall directly off the Assessor's office. We seek to remove this tree as part of our ongoing restoration of the Winfield Robbins Memorial Garden.

As you know, this garden was designed in 1939 by the Olmsted Brothers firm, headed by John Charles Olmsted and Frederick Law Olmsted, Jr., sons of Frederick Law Olmsted. Using the original plans and plant lists for the Town Gardens from the Olmsted firm, the Friends' goal is to restore this very mature garden to its 1939 design, as much as is possible.

Our first project is to restore the plantings along the side of Town Hall, from the front corner outside the Assessor's office to the back corner of the Hall outside the Planning Department office. Some of the plantings there are part of the original design and will remain, including some lilacs, a cherry tree, and a crab tree. The other shrubs and trees that were not part of this plan will be removed and replaced by more lilacs, mock orange, viburnums, hostas, an elm and a juniper tree.



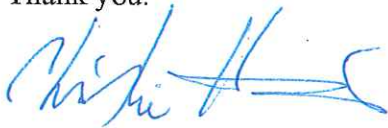
All the trees and shrubs slated for removal are either not part of the original plantings or are diseased and overgrown.

The specific tree we are appealing is not part of the original Olmsted Brothers design. It is a tall tree that has not been allowed to grow into its full natural shape, usually 30-40 feet wide. At the side of Town Hall, it has been pruned so that it only has branches near the top. It occupies an area where three native Eastern Redcedars (*Juniperus virginiana* var. *virginiana*) should be planted. Correctly planted and spaced, the three new trees with a columnar growth habit were selected by the Olmsted Brothers for their narrow shape, cones, and blue green foliage and berries that attract birds. The new shrubs planned for this area are lilacs and spirea.

This project is being funded by money from three sources: the Town events account, the DPW trees account, and the Friends of the Robbins Town Gardens fundraising efforts.

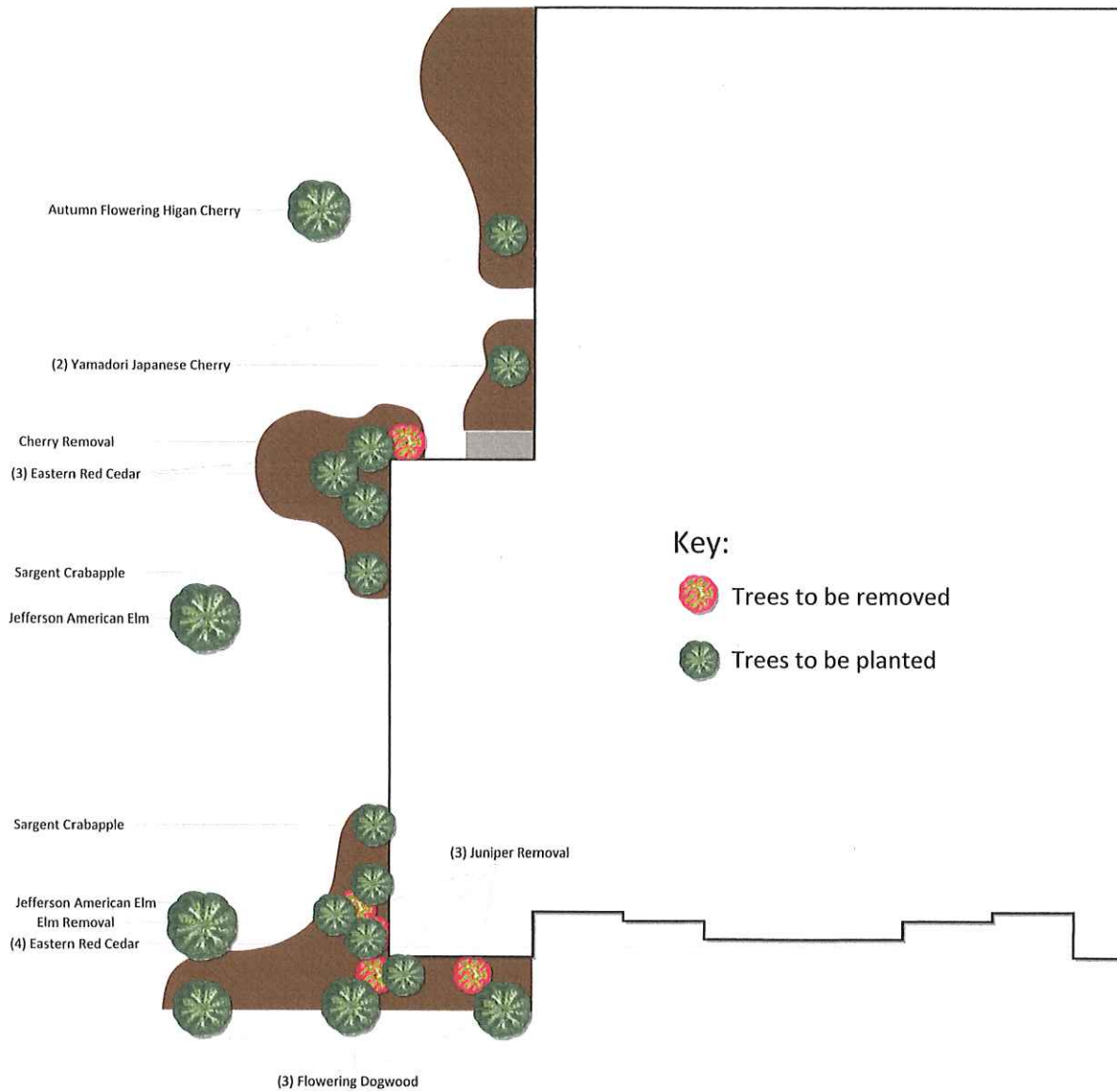
We hope you will support this grand project of restoring a very beautiful garden in Arlington Center to its original design.

Thank you.



Christine Harris  
President  
Friends of Robbins Town Gardens

Robbins Garden Area 7  
Tree Removal and Tree Installation Plan





## **Town of Arlington, Massachusetts**

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### **Minutes of Meetings: June 11, 2018; June 25, 2018**

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	6.11.18_draft_minutes.docx	Draft Minutes 6.11.18
▢	Reference Material	6.25.18_draft_minutes.docx	Draft Minutes 6.25.18

TOWN OF ARLINGTON  
BOARD OF SELECTMEN

Meeting Minutes  
Monday, June 11, 2018  
7:15 PM

Present: Mr. Dunn, Chair, Mrs. Mahon, Vice Chair, Mr. Greeley, Mr. Curro and Mr. Hurd  
Also Present: Mr. Chapdelaine, Mr. Heim, Mrs. Krepelka and Ms. Maher

1. Presentation & Discussion: AHS Design Concepts  
Adam W. Chapdelaine, Town Manager  
Lori Cowles, HMFH Architects

Mr. Chapdelaine briefed the Board on the four options that they have designed for the Arlington High School rebuild project. The committee will pick their preferred option by the end of this month, and it will then be forwarded to the MSPA. At the end of the summer they will meet to determine if they agree with our preferred option and it will move into the schematic design process. Ms. Cowles discussed the four alternative overview options to the Board where she explained the space over programs.

Mr. Greeley moved receipt.

SO VOTED (5-0)

**CONSENT AGENDA**

2. Minutes of Meetings: May 21, 2018
3. Request: Special (One Day) Beer & Wine License, 6/15/18 @ Robbins Memorial Town Hall for ACMI Awards Dinner Event  
Norm McLeod, ACMI Director
4. Request: Special (One Day) Beer & Wine License, 6/23/18 @ Robbins Memorial Town Hall for a Private Event  
Christina Allain
5. For Approval: Three Sandwich Board Signs through 7/2 for the Arlington Cultural District's 'Call for Ideas' Initiative  
Andrea Nicolay, Director of Libraries

6. For Approval: Arlington International Film Festival Banners  
April Ranck, Executive Director, AIFF

Mr. Greeley moved approval

SO VOTED (5-0)

**APPOINTMENTS**

7. Park and Recreation Commission, Associate Member  
Phil Lasker (no expiration date)

Mr. Lasker appeared before the Board and expressed his interest on becoming an Associate Member of the Parks and Recreation Commission. He stated that he has been an Arlington

resident for 13 years and specializes in track and athletic fields. Mr. Lasker is excited to work with the Board and give back to the community.

Mrs. Mahon moved approval.

SO VOTED (5-0)

### **LICENSES & PERMITS**

8. Rehearing for Abutter Notification: Sidewalk Cafe and Alteration of Premise  
Acitron, 473 Massachusetts Avenue, Prakash Hule

Mr. Hule appeared before the Board to explain that his restaurant is adding an outside patio and appeared before the Board at an earlier meeting. Mr. Hule stated that he was unaware that he needed to provide an abutter notification so he is back with proof of the notification.

Mr. Curro moved approval.

SO VOTED (5-0)

9. For Approval: Bike Share Operator Licenses

a) Neutron Holdings, LLC d/b/a LIME

b) Skinny Labs Inc. d/b/a Spin

Douglas W. Heim, Town Counsel

Mr. Heim stated that the Board approved regulations for bike share operators. This program is a pilot program so it is only scheduled to last a year and it was part of a collected procurement. The applicants submitted their licenses, and provided their insurances. Contingent on them executing their indemnification agreements Mr. Heim feels confident in granting their licenses.

Mr. Curro moved approval with all conditions set forth.

SO VOTED (5-0)

### **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

10. Discussion: Regis Road Repaving

Elizabeth Gottlieb and Residents of Regis Road

Many residents of Regis Road expressed their concern regarding the condition of their street. They explained that the street is used more as a through way than a private way, and over the time of the Thompson School rebuild their street was degraded and destroyed. They stated that they have many concerns for the safety of their children along with many people parking and driving on their front lawns to avoid the potholes in the street. The residents are looking for some guidance on how to go forward with this procedure. Mr. Heim explained that most streets in Arlington are statutory private ways; meaning they were approved by the Board of Survey but they were not accepted by the Town.

Mr. Greeley moved to refer to Town Manager for consideration.

SO VOTED (5-0)

11. Discussion: Proposal to Hold Weekend Beer Garden at Whittemore Park

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine briefed the Board about the proposed beer garden that will be help in Whittemore Park on Saturday's and Sunday's July through September. The idea is to attract not only Arlington residents to Arlington Center during the summer to enjoy some beer with Aeronaut Brewery and to also patronize other local businesses in Arlington Center. The purpose of tonight is to discuss with the Board the proposal as well as answer some questions or concerns and to come back to another meeting for approval. The beer garden will feature live music and performances by local bands and musicians, food vendors at tents featuring local cuisine, cider and beer.

Mrs. Mahon moved receipt.

SO VOTED (5-0)

12. For Approval: Process for Filling CPAC Vacancy

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine stated that there are two openings for the CPAC and he is asking for approval from the Board to authorize him to post two vacancies that would be posted for a month. Mr. Chapdelaine would then collaborate with the Chair of the Board and the CPA to screen resumes and come back to the Board with two recommended appointments to the Selectmen.

Mrs. Mahon moved approval.

SO VOTED (5-0)

13. For Approval: Process for Recruitment of Treasurer/Collector

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine briefed the Board on Mrs. Malloy's memorandum regarding the proposed process and recruitment for Town Treasurer and Collector. This position also serves as the Parking Clerk as appointed by the Board of Selectmen.

Mrs. Mahon moved approval.

SO VOTED (5-0)

14. Discussion: Board of Selectmen Awards

Kevin F. Greeley, Selectman

Mr. Greeley explained the process of the awards and how in years past each Selectmen appoints someone to a committee, that accepts applications for each of the five awards which then they recommended to the Board.

Mrs. Greeley moved that each Selectman come in with a nomination for the committee.

SO VOTED (5-0)

15. Discussion: Goal Setting Meeting Date

The Board decided to move the Goal Setting Meeting to a Thursday night instead of Saturday morning.

The Board set the meeting date for Thursday, July 26, at 6p.m. – 9p.m.

**CORRESPONDENCE RECEIVED**

Safety Concerns and Recommendations @ Intersection of Gray Street, Quincy Street and Fountain Road

Elisabeth Carr-Jones, One Lehigh Street

Mrs. Mahon moved to refer correspondence to the Town Manager.

Police Response to Aggressive Dog Complaint @ 72 Ronald Road

Captain Jim Curran, APD

Mrs. Mahon moved receipt of correspondence

SO VOTED (5-0)

**NEW BUSINESS**

Mrs. Krepelka asked the Board if they were attending the ACMI awards night Friday at 6p.m. at the Town Hall, and asked if they would notify her by Tuesday, June 12<sup>th</sup>.

Mr. Chapdelaine stated that the Town received a \$399,000 grant for improvements along the Mill Brook specifically at Wellington Park. He also noted that Porchfest seemed to be a tremendous success, and credited the Arlington Center for the Arts and all the participants for their work.

Mr. Chapdelaine attended the Mass Management Association Annual Spring Conference which presented specifically racial equity in our local communities.

Mr. Dunn wanted to commend Mr. Chunglo on a great Memorial Day. He wanted to congratulate the Arlington Rainbow Committee on Arlington's largest pride ceremony which included the coloring of the crosswalk and hanging of the flags, and thanked all parties involved.

### **EXECUTIVE SESSION**

To review the Executive Session Minutes of April 9, 2018; April 23, 2018; April 30, 2018 and May 7, 2018.

To conduct a strategy session in preparation for negotiations with non-union personnel - Town Manager.

Mrs. Mahon moved to adjourn to go into Executive Session at 9:26 p.m. SO VOTED (5-0)

Mrs. Krepelka took the roll call on the motion.

Mr. Hurd: yes

Mr. Curro: yes

Mr. Dunn: yes

Mrs. Mahon: yes

Mr. Greeley: yes

Mrs. Mahon moved to adjourn Executive Session. SO VOTED (5-0)

Next Scheduled Meeting of BoS June 25, 2018

A true record attest:

Ashley Maher

Selectmen's Office

6/11/18

Agenda Item	Documents Used
1	
2	Draft Minutes 5.21.18
3	ACMI Special Beer and Wine Application
4	Allain Special Beer and Wine Application
5	ACD Sandwich Board Sign Request Reference
6	AIFF Banner Request
7	Town Manager Recommendation, Meeting Notice, Lasker Appointment
8	Acitron Abutter Notification
9	LIME – Spin Bike Share Operator Application

10	Regis Road Petition
11	Memorandum to Board, Beer Garden Application
12	
13	Memorandum to Board, Treasurer/Collector Position Description
14	
15	July and August Calendar
Corr. Received	Gray Street, Quincy Street and Fountain Road Intersection Reference Aggressive Dog Complaint Reference



TOWN OF ARLINGTON  
BOARD OF SELECTMEN

Meeting Minutes  
Monday, June 25, 2018  
7:15 PM

Present: Mr. Dunn, Chair, Mrs. Mahon, Vice Chair, Mr. Greeley and Mr. Hurd  
Also Present: Mr. Chapdelaine, Mr. Heim, and Mrs. Krepelka  
Absent: Mr. Curro

1. Discussion: FY19 Water/Sewer Rates & MWRA Debt Shift  
Adam W. Chapdelaine, Town Manager  
Michael Rademacher, Director of Public Works

Mr. Rademacher, Director of Public Works, asked the Board if they would approve the FY19 Water/Sewer Billing Recommendations he is recommending. The recommended FY19 rates would increase Water Rates by 5% and Sewer Rates by 4.5%. Arlington has not had a rate increase for either water or sewer use since FY14. Despite annual increases in the MWRA's water and sewer assessments of approximately 4% as well as increases in Arlington Public Works operation costs, rates have remained level during that time.

Mr. Dunn made a motion to refer the Debt Shift Proposal to the Long Range Planning Committee for advice and recommendation.

Mrs. Mahon moved approval.

SO VOTED (4-0)

Mr. Greeley moved receipt of report.

SO VOTED (4-0)

**CONSENT AGENDA**

2. Request: Contractor/Drainlayer License  
G. Blais Construction LLC, 38 Maple Street, Bellingham, MA

Mrs. Mahon moved approval.

SO VOTED (4-0)

3. Request: Special (One Day) All Alcohol License, 7/14/18 @ Whittemore Robbins House  
for a Private Event/Kathleen Alderson

Mrs. Mahon moved approval.

SO VOTED (4-0)

**APPOINTMENTS**

4. Commission for Arts and Culture  
Aneleise Ruggles (term to expire 6/30/2019)

Ms. Ruggles did not appear before the Board and they asked that she come to a future meeting.

Tom Davison (term to expire 1/31/2020)

Mr. Greeley moved approval.

SO VOTED (4-0)

5. LGBTQIA + Rainbow Commission  
Julia Forsythe (term to expire 1/31/2021)

Mrs. Mahon moved approval.

SO VOTED (4-0)

## **LICENSES & PERMITS**

6. For Approval: Home Taste, 1312 Massachusetts Avenue, Kai Chen

a) Common Victualler License

Mrs. Mahon moved approval.

SO VOTED (4-0)

7. For Approval: Town Tavern, 193 Massachusetts Avenue, George Mullan

a) Common Victualler License

b) All Alcohol License

c) Sidewalk Café Permit

Mr. Greeley moved approval subject to all conditions as set forth.

SO VOTED (4-0)

## **CITIZENS OPEN FORUM**

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, or a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

Deborah Sirotkin Butler, 19 Ronald Road, asked the Board to please do something about the dangerous/brick sidewalks throughout the Town. She asked why they are not maintained. Mr. Chapdelaine stated that the Town had applied for a grant to replace all the sidewalks starting at Mass. Avenue/Mill Street and unfortunately, we did not receive said grant. Public Works is looking at different alternatives to correct the most dangerous ones.

## **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

8. Discussion: James Street Repaving, #25 - #47

John Griffin and Residents of 25 - 47 James Street

Town Counsel Heim stated that he would have to research Mr. Griffin's statements regarding what the Town is responsible for in maintaining a private way.

Mr. Greeley moved to table to a future meeting after Town Counsel has reviewed the private way laws.

SO VOTED (4-0)

9. For Approval: Beer Garden @ Jefferson Cutter House Lawn

Adam W. Chapdelaine, Town Manager

Aeronaut Brewing Company is proposing a series of outdoor beer gardens throughout the summer of 2018. These beer gardens will be located on Whittemore Park, utilize one parking space in the Russell Common lot to be staffed by seven Aeronaut Brewing Company employees, and have a maximum capacity of 250 people. The beer garden series will feature live music and performances by local bands and musicians and food vendors at tents featuring local cuisine, cider and beer. The Board voted to approve the beer garden proposal starting July 7th from 12 Noon to 7:00 p.m. for the month of July and August. In August, the Board will meet with Ali Carter, Economic Development Coordinator, to discuss how the beer garden is going and vote on dates for the proposed September weekends. Ms. Carter will provide the Board at said meeting with an economic impact report.

Mr. Hurd moved approval.

SO VOTED (4-0)

10. Selectmen Awards Committee

Kevin F. Greeley, Selectman

Mr. Greeley asked that all Board members submit their proposed appointees at the July 16th meeting.

**NEW BUSINESS**

Town Manager Chapdelaine informed the Board that Arlington is one of a dozen communities to enter a Memorandum of Understanding with the Mass. Dept. of Transportation to expand autonomous vehicle testing in their communities. He stated that communities which signed the memorandum will work together to develop an application program for autonomous vehicle companies. Once the program is developed, companies can begin applying and may begin testing on Arlington roadways. The development process would also allow communities to include their own local requirements in the application program, such as restricting testing sites to specific roadways and locations. Mr. Chapdelaine stated that just because Arlington is a member of this memorandum does not mean autonomous vehicles will ever be tested here. Roads in Arlington may not be conducive for autonomous vehicle testing.

Mrs. Mahon moved to adjourn at 9:50 p.m.

SO VOTED (4-0)

A true record: Attest

Marie A. Krepelka  
Board Administrator

Next Scheduled Meeting of BoS July 16, 2018.

6/25/18

Agenda Item	Documents Used
1	Discussion: FY2019 Water/Sewer Rates & MWRA Debt Shift Adam W. Chapdelaine, Town Manager Michael Rademacher, Director of Public Works
2	Request: Contractor/Drainlayer License- Blais Construction LLC, 38 Maple Street, Bellingham, MA
3	Request: Special (One Day) All Alcohol License, 7/14/18 @ Whittemore Robbins House for a Private Event – Kathleen Alderson
4	Appointment: Commission for Arts and Culture: Aneise Ruggles (term to expire 6/30/2019) Tom Davison (term to expire 1/31/2020)
5	Appointment: LGBTQIA+ Rainbow Commission: Julia Forsythe (term to expire 1/31/2021)
6	For Approval: Home Taste, 1312 Massachusetts Avenue, Kai Chen, a) Common Victualler License
7	For Approval: Town Tavern, 193 Massachusetts Avenue, George Mullan, a) Common Victualler License, b) All Alcohol License, c) Sidewalk Café Permit
8	Discussion: James Street Repaving, #25 - #47, John Griffin and Residents of 25 – 47 James Street

9	For Approval: Beer Garden @ Jefferson Cutter House Lawn, Adam W. Chapdelaine, Town Manager
10	Selectmen Awards Committee, Kevin F. Greeley, Selectman



## **Town of Arlington, Massachusetts**

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### **Commission for Arts and Culture**

#### **Summary:**

Aneleise Ruggles (term to expire 6/30/2019)  
(tabled from 6/25/18 meeting)

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Ruggles_Appt.pdf	Town Manager Recommendation: A. Ruggles Letter and Resume



Town of Arlington  
Office of the Town Manager

Adam W. Chapdelaine  
Town Manager

730 Massachusetts Avenue  
Arlington MA 02476-4908  
Phone (781) 318-3010  
Fax (781) 316-3019  
E-mail: [achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)

MEMORANDUM

DATE: June 20, 2018

TO: Board Members

SUBJECT: Appointment to the Commission for Arts and Culture

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This memo is to request the Board's approval of my appointment of Aneleise Ruggles, Arlington, MA, to the Commission for Arts and Culture.

*Adam Chapdelaine*  
Town Manager

**From:** "Adam Chapdelaine" <AChapdelaine@town.arlington.ma.us>  
**To:** "Kristen DeFrancisco" <KDeFrancisco@town.arlington.ma.us>  
**Date:** 01/08/2018 10:00 AM  
**Subject:** Fwd: Arlington Commission for Arts & Culture Commissioner Application

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-----Original Message-----

From: Aneleise Ruggles  
To: achapdelaine@town.arlington.ma.us  
Date: Sat, 6 Jan 2018 22:38:43 -0500  
Subject: Arlington Commission for Arts & Culture Commissioner Application

Dear Adam,

This letter is to express my interest in a Commissioner position with the Arlington Commission for Arts and Culture. I am an artist and arts administration professional specializing in visual arts programming and engagement with nearly a decade of experience in the nonprofit arts sector.

Throughout my career as an arts administrator, I have committed to provide the public with access to arts programming while providing opportunities for artists of all disciplines, levels, and trajectories to produce, interact, and develop. With almost a decade of work in nonprofit arts organizations, I have the capacity and experience to facilitate a variety of public programs and special events, oversee and maintain programming and operational budgets, administer grant writing and fundraising initiatives, and implement marketing strategies on digital and tangible platforms.

I also have a personal interest in seeing arts and culture programs thrive in Arlington. As a "part-time" resident (my partner has resided in Arlington for many years), I have engaged with the arts in many ways including Arlington Open Studios, Porch Fest, programs and events at the Arlington Center for the Arts, and more. I appreciate the efforts that have gone into creating these experiences for the town of Arlington and I would relish the opportunity to be a part of the commission responsible for expanding the opportunities and accessibility to arts and culture in this community.

The duality of my experiences as an artist and an administrator has provided me with a unique perspective on the needs surrounding the arts and its vitality in our culture. I feel confident that I would make an excellent addition to your commission. Attached is my resume with any and all contact information you may need. Thank you for your time and consideration.

Best,

Aneleise Ruggles

**Attachments:**

File: [ATT00003.txt](#)

Size: 2k Content Type: text/plain

Size: 4k Content Type: text/html

# Aneleise Ruggles

## EDUCATION

2015 | Master of Science, Arts Administration | Boston University  
2010 | Bachelor of Arts, Studio Art & Education | Stonehill College

## WORK EXPERIENCE

Program Manager | November 2016 - Present  
Metalwerx | Waltham, MA

- Facilitate all educational programming at a nonprofit community studio and school specializing in metal arts and jewelry making.
- Oversee resident artist program that provides 28 full and part time artist residents with studio access, education opportunities, and outreach.
- Pursue foundational support for the organization through successful grant writing and outreach for programmatic and operational support.

Adjunct Professor | September 2016 - Present  
Stonehill College | North Easton, MA

VPH 184-A Introduction to Arts Administration - 3 Credit Course

- This course introduces students to the many facets of arts administration in the visual and performing arts. Topics covered include: the role of arts in society; management strategies; best practices for development and fundraising; and legal and ethical issues in the arts.
- Utilize a variety of instructional methodologies to engage students and develop understanding through exercises, readings, discussions, and projects.

Assistant Program Director | March 2011 - November 2016  
Mosesian Center for the Arts | Watertown, MA

- Plan and implement an annual schedule of exhibitions and related programming for multiple gallery spaces from conception to reception.
- Development of language and guidelines for exhibition calls for entry, show statements, press releases, and other materials relating to exhibitions, education, and related events.
- Facilitate all educational programming including year-round art classes and workshops, family drop-in days, community outreach
- Maintain a commission-based artist retail space including selection, sales, budgeting and reporting, and marketing.

Education Intern | February 2011 - September 2011  
Boston Center for the Arts | Boston, MA

Project Assistant | September 2009 - July 2010  
Fuller Craft Museum | Brockton, MA

Program Development Intern | September 2009 - December 2009  
Fuller Craft Museum | Brockton, MA

REFERENCES | Available Upon Request

## SKILLS

Graduate Coursework:  
Arts Management  
Grant Writing  
Educational Programming  
Financial Management  
Capital Campaigns  
Program Evaluation  
Arts in the Community  
Legal Issues in Arts Administration

Technological Proficiency:  
Microsoft Office Suite  
Adobe InDesign and Photoshop  
WordPress, Drupal, and Squarespace  
ConstantContact  
Quickbooks Pro  
Donor Perfect  
Salesforce

Specialties:  
Exhibition management  
Education programming  
Program Evaluation  
Fundraising and grant writing  
Event planning  
Public speaking  
Staff/volunteer management

## EXHIBITIONS

Selected Group Exhibitions:  
*Postcards to Maud...Please Forward*  
Maud Morgan Arts | 2017  
*Emerging Artist Exhibition*  
Cambridge Art Association | 2017  
*Art on the Trails*  
Southborough Open Land Fund | 2017  
*Projections II*  
Jamaica Plain Arts Council | 2017  
*New England on Paper*  
Boston Athenæum | 2017

Public Art Installations:  
*The Window* | 2017  
Southborough Open Land Fund  
*Anamorphic "M"* | 2016  
with artist Matt Jatkola  
Mosesian Center for the Arts  
*Anamorphic Ice Cream* | 2016  
with artist Matt Jatkola  
Mosesian Center for the Arts  
*Anamorphic Lightbulb* | 2015  
with artist Matt Jatkola  
Mosesian Center for the Arts



# OFFICE OF THE BOARD OF SELECTMEN

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
KEVIN F. GREELEY  
JOSEPH A. CURRO, JR.  
JOHN V. HURD



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

June 27, 2018

Re: Appointment: Commission for Arts and Culture

Dear Ms. Ruggles:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2<sup>nd</sup> Floor, 730 Massachusetts Avenue, on Monday, July 16th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Fran or Ashley at the above number.

Thank you.

Very truly yours,  
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:fr



## Town of Arlington, Massachusetts

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### Park and Recreation Commission, Associate Member

#### Summary:

Henry Brush (no expiration date)

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Brush_Appt.pdf	Town Manager Recommendation; H. Brush Letter and Resume



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](mailto:achapdelaine@town.arlington.ma.us)

MEMORANDUM

DATE: May 29, 2018

TO: Board Members

SUBJECT: Appointment of Associate Member to the Park and Recreation Commission

This memo is to request the Board's approval of my appointment of Henry Brush, as an Associate Member of the Park and recreation Commission.

  
Town Manager

Henry T. Brush

Arlington, Mass. 02474

**April 3, 2018**

Adam Chapdelaine  
Arlington Town Manager  
730 Massachusetts Ave.  
Arlington, Mass. 02476

**Dear Adam Chapdelaine:**

I am writing this letter to express my interest in being appointed to the Park and Recreation Commission as an Associate Member. I have been a resident of Arlington for 18 years and during that time have been an active member of the community. I enjoy giving back to the community and am very interested in the opportunity to serve on the Commission.

I have included my resume to give you a better understanding of my professional and community service experience. I would also likely to briefly summarize my qualifications for the position of Associate Member.

I have been actively involved with the Arlington Soccer Club for 16 years, most recently serving as President. In this position I have demonstrated my ability to work cross functionally within the Town of Arlington through initiatives such as siting Portable restrooms on our athletic fields, implementing portable lights at Thorndike Field to extend hours of use, and working collaboratively with user groups to improve athletic fields in Arlington. I provided leadership and operations management to an all-volunteer Board as we successfully serve 1,900+ youth soccer players in Arlington.

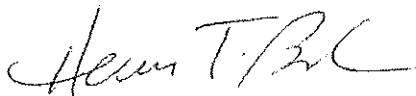
I have been an active member in the Magnolia Community Garden for over 10 years.

I manage an Arlington adult mens soccer team, and have coached youth soccer, basketball and lacrosse.

In my professional career I am employed as a senior leader in the biotech industry. I have managed technical groups of 15 people and directed capital projects of up to \$15 million, including construction of a biotech manufacturing facility in Chelsea, Mass.

Thank you for your consideration.

**Best Regards,**



**Henry T. Brush**

# HENRY T. BRUSH

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ARLINGTON, MASSACHUSETTS 02474

## SUMMARY

**Community:** Active member of Arlington community activities including youth sports (soccer, lacrosse, basketball), AHS Captain's parent (Soccer, Basketball, Lacrosse, 5 seasons total), Magnolia garden member, School Committee candidate campaign treasurer. Served as Town Meeting Member. Recipient of the George P. Faulkner Annual Citizen's Award For Outstanding Service to Youth Award (Arlington Boys and Girls Club).

**Professional:** Leader in bio/pharmaceutical manufacturing. Expertise in clinical and commercial manufacturing, cGMP operations, CMO management, validation, process scale-up, tech transfer, process engineering, analytical characterization, and facility design. Recognized for effective problem solving and ability to lead cross functional teams.

## EXPERIENCE

ARLINGTON SOCCER CLUB, Arlington, MA

2002–Present

**Board Member** (2002-Present)

**President** (2008-2018)

**Vice President** (2007-2008)

**BAYS Girls Director** (2007-2009)

**Grade K/1 Clinic Director** (2003-2007)

**Coach** (2002-Present)

The ASC is a volunteer organization that serves the Arlington youth soccer community. There are currently 1,900+ players aged 4-18, over 325 coaches, and 153 teams. There are 20 Board Members, 4 professional coaches, and operates with an annual budget of \$490,000. The ASC supports and develops players, coaches and referees.

- Provided overall leadership and direction for the ASC. Set organizational goals, ensured operational objectives were met on time. Developed and maintained successful cross functional relationships with town officials and organizations including the Recreation Department, Arlington Catholic High School, Arlington Public Schools, Department of Public Works.
- Worked with ASC Board member and the Recreation Department to develop a plan to locate portable restrooms on the athletic fields in Arlington. Collaborated on a mechanism for funding the units through a partnership between the youth athletic groups and the Recreation Department. This provided a significant improvement for our youth players, coaches and families, particularly our female players.
- Grew the ASC membership from 1,500 players to over 1,900 players.
- Recruited coaches and board members to serve as volunteers with the Arlington Soccer Club.
- Developed good working relationships with Arlington youth sports groups. Identified opportunities for collaboration including field sharing, Arlington athletic field development.

ZAFGEN, INC., Boston, MA

2015–Present

**Director, Drug Product Manufacturing** (2015-Present)

Hired to lead the late stage clinical manufacturing activities, and develop the commercial manufacturing operations for lyophilized, injectable products. Responsible for CMO relationship management in a completely virtual environment, with all development, manufacturing and testing operations taking place at external vendors.

- Directed the technical operations team in the development and optimization of robust drug product manufacturing processes. Led cross functional team through an FMEA to identify and prioritize risk areas in the manufacturing process. Collaborated with CMOs, vendors and contract technical resources to

optimize the manufacturing process. Identified process settings in a critical unit operation, the micro-fluidizer, that allowed for increased throughput and improved reliability.

- Conducted CMO selection process to identify a commercial manufacturing site for a technically challenging, injectable suspension product. Assembled a cross functional team comprised of internal and external resources. Developed a request for proposal and managed CMO bidding process. Conducted site visits to evaluate potential partners. Led team through ranking and selection process. Presented lead candidate to Executive Team for endorsement.
- Assumed responsibility for managing the CMC development team and associated CDMO. Identified opportunities for improving the CDMO relationship. Established a Program Management Team with regular meetings to more fully engage senior managers from the CDMO that were located at multiple sites. This led to improved communications, and more timely allocation of resources to address issues at the working team level. Worked with CMC team to develop a Project Governance document that better defined team structure and operations. Led to improved communications and information flow between the various organizations.

GENZYME, a SANOFI COMPANY, Allston and Cambridge, MA

2010–2015

**Director, Manufacturing Science and Technology (2010-2015)**

Recruited by Senior Director to be a change leader and enable Allston site, which manufactures \$690MM/yr of Cerezyme, to become a world class biologics manufacturing organization again. Inherited a team that was recovering from a major viral contamination in the plant and was being placed under consent decree by the FDA. Responsible for enhancing the technical capability of the organization, improving culture, and building new Quality Systems.

- Built the manufacturing sciences laboratory group. Led the facility design, equipment procurement and recruited staff. Successfully met aggressive timeline and managed project within budget. Operations included cell culture, purification, and analytical capabilities with a team of 16 BS/MS/PhD level staff members. New organization enabled effective lifecycle management and continuous improvement of the Cerezyme manufacturing operations.
- Set goals, managed budget, and provided overall leadership for the manufacturing sciences team. Coached staff members on career development. Recognized for creating strong employee engagement. Group turnover rate was less than 3%, significantly below the site average turnover rate of >20%.
- Led team that developed bench scale models for the commercial cell culture process. Transferred existing 12L bioreactor model from Development. Developed plan for utilizing bench models to increase productivity in the 2,000L commercial scale bioreactors. Implemented changes that improved bioreactor productivity by 30%.
- Directed team that transferred release assays and characterization assays into the MSAT group. Developed high throughput enzyme activity test that increased sample throughput by 90%.
- Managed team responsible for improving the downstream purification operations. Utilized small scale models to understand impact of critical process parameters. Identified process conditions that increased yield, and increased loading capacity to improve throughput in the commercial operation.
- Led a team of 15 providing overall scientific/technical support to Manufacturing and Quality in the areas of Protein Purification, Formulation, Buffer/Media Preparation and Fill Finish. Team provided on the floor technical support, conducted root cause investigations to close deviations, and implemented CAPA to improve manufacturing operations.
- Served on a 5 member cross functional team responsible for improving work practices on the manufacturing floor. Identified areas for improvement, developed solutions, training and metrics. Implemented across the manufacturing site. Program reduced deviation intake and decreased cycle times.
- Served on team responsible for revising commercial batch records. Established rules and format for standardizing the records across the manufacturing operations. Reduced the complexity and length of the records, leading to improved manufacturing operations and compliance with cGMPs.
- Supported document preparation for regulatory purposes and stayed current on regulatory requirements that impact manufacturing processes. Developed responses to manufacturing related questions from regulatory agencies. Responsible for ensuring manufacturing process is compliant with cGMPs.

ALKERMES, INC., Cambridge and Chelsea, MA

1998–2010

**Director, Manufacturing and Process Development** (2005–2010)

**Associate Director, Manufacturing and Process Development** (2003–2005)

**Manager, Process Development** (2000–2003)

**Senior Process Development Engineer** (1998–2000)

Joined as a Senior Process Engineer and developed into a leader in the manufacturing organization. Managed multiple projects in the pulmonary drug delivery platform, in addition to projects in the injectable and oral drug delivery platforms. Built manufacturing organization for late stage clinical production and commercial launch.

#### **cGMP Manufacturing Operations**

- Directed clinical production group responsible for manufacturing pulmonary insulin product for treatment of type II diabetes. Expanded and optimized the organizational structure to support a two-shift operation. Developed organization that promoted teamwork and commitment to results.
- Established standard operating procedures, master batch records. Manufactured clinical trial materials to supply Phase 3 clinical studies.
- Led technical team that identified and resolved microbial contamination in manufacturing plant. Successfully restarted operations and resumed supply of product to meet delivery timeline for critical clinical studies.

#### **cGMP Manufacturing Facility Design and Operation**

- Coordinated facility design, construction, start-up, validation and operations for pulmonary drug delivery commercial manufacturing site. Led process design team for 90,000ft<sup>2</sup>, \$40 million cGMP facility for producing late stage clinical and commercial supplies. *Facility was a finalist in the 2005 ISPE Facility of the Year Contest.*
- Led commissioning effort for all direct impact utility systems and drug product manufacturing equipment at pulmonary manufacturing site.
- Technical leader for manufacturing facility validation efforts. Developed and executed validation protocols for spray drying, capsule filling. Resulted in partner audit (Lilly) with no significant findings.
- Directed engineering group. Managed facility improvement projects, developed equipment specifications, interacted with engineering design firm and equipment vendors. Developed strategy for implementing new process tanks in operating facility while minimizing plant downtime.

#### **Process Development, Scale-Up, Technology Transfer**

- Led the process development group. Scaled dry powder production process from grams to over 12 kg batch size using spray drying. Scaled dry powder capsule filling process from thousands of capsules per batch to over one million capsules.
- Implemented commercial manufacturing operation for high volume pulmonary insulin product. Identified critical process parameters and utilized knowledge to optimize process. Increased yield and improved process robustness.

#### **Technical Leadership**

- Led pulmonary manufacturing site including quality investigations, operations improvements, facilities engineering. Directed process development group in technology transfer and scale-up efforts. Prioritized efforts and focused teams to build effective organization.
- Developed strategy to initiate scale up efforts prior to the completion of the manufacturing site. Identified key process parameters impacting the plant design. Saved over three months on the project timeline.
- Developed cross functional interactions with Quality, Formulations and Regulatory Affairs. Managed critical interactions and established collaborative environment relating to process development and manufacturing with partner, Lilly. Built environment that encouraged collaboration and innovation.
- Designed comparability protocols for demonstrating equivalency of critical product attributes to support implementation of process changes.

- Authored and reviewed sections of multiple INDs. Served as section leader for pulmonary insulin NDA. Co-authored Site Master File for manufacturing site.

**ACUSPHERE, INC.**, Cambridge, MA

1994–1998

**Staff Scientist, Process Research and Development Group**

Developed IV contrast agents for ultrasound imaging using biodegradable polymers and utilizing micro-encapsulation techniques. Coordinated scale-up and transfer of bench scale process to aseptic process. Process included homogenization, spray drying, sieving, vial filling and freeze-drying. Increased process scale 20 fold.

**PERSEPTIVE BIOSYSTEMS**, Cambridge, MA

1991–1994

**Applications Specialist, Technical Services Group (1994)**

Provided technical support for liquid chromatography product line, including media and instrumentation for the biopharmaceutical market. Worked with customers to optimize biomolecule purification applications.

**Research Engineer, Materials Development Group (1991–1994)**

Developed chromatography products for protein purification. Utilized suspension polymerization techniques to design chromatography media. Scaled and transferred process to manufacturing group.

**POLAROID CORPORATION**, Cambridge, MA

1988–1991

**Associate Scientist, Manufacturing Support and Development Group**

Designed holographic products based on photo polymer film. Supported and improved manufacturing process. Utilized designed experiments to evaluate key parameters in production process.

**E D U C A T I O N****NORTHEASTERN UNIVERSITY**, Boston, MA**Master of Science**, Chemical Engineering**MASSACHUSETTS INSTITUTE OF TECHNOLOGY**, Cambridge, MA**Bachelor of Science**, Materials Science and Engineering; concentration in Polymer Science



## PROFESSIONAL ORGANIZATIONS

ISPE, INTERNATIONAL SOCIETY FOR PHARMACEUTICAL ENGINEERING

**Director**, Boston Area Chapter (2004–2006)

Member, (2000–2012)

PDA, PARENTERAL DRUG ASSOCIATION

Member, (2004–present)

## PAPERS

Brush, Henry; Zoccolante, Gary. **Methods of Producing Water for Injection.** *Pharmaceutical Engineering* July/August 2009, 22–28.

## PRESENTATIONS

Brush, Henry. “**Case Study: Pulmonary Drug Delivery.**” *Presentation at the ISPE 2006 Washington Conference on Pharmaceutical Process Development.* June, 2006.

## PATENTS

Bernstein, Howard; Straub, Julie; Brush, Henry; Wing, Richard “**Synthetic Polymeric Microparticles Containing Fluorinated Gases for Diagnostic Imaging.**” *US Patent 5,611,344.*

Straub, Julie; Mathiowitz, Edith; Bernstein, Howard; Brush, Henry; Wing, Richard “**Method for Making Porous Microparticles by Spray Drying.**” *US Patent 5,853,698.*

Bernstein, Howard; Straub, Julie; Brush, Henry; Church, Charles “**Polymer-Lipid Microencapsulated Gases for use as Imaging Agents.**” *US Patent 5,837,221.*

Bernstein, Howard; Straub, Julie; Brush, Henry; Wing, Richard “**Microencapsulated fluorinated gases for use as imaging agents.**” *US Patent 6,132,699.*

Church, Charles; Bernstein, Howard; Straub, Julie; Brush, Henry “**Method for enhancing the echogenicity and decreasing the attenuation of microencapsulated gases.**” *US Patent 6,045,777.*

## POSTERS

Carberry, Rick; Brush, Henry; Tisdale, Vern. **Optimization of synthetic Peptide Reversed-Phase Separations Using Automated Pairing-Agent Mapping on Perfusive Chromatographic Supports.** *International symposium on HPLC of Proteins, Peptides and Polynucleotides (ISPPP)*, San Diego, California. July 12, 1994.

Kalghatgi, K.; Brush, Henry; Whitney, Duncan; Gordon, Neil; Afeyan, Noubar. **Development of New High Resolution POROS Columns. Demonstration of High Resolution and Speed for Separation of Proteins and Peptides.** *ISPPP*, San Francisco, California. December 3, 1993.

Fulton, Scott; Meys, Mike; Byers, Mike; Whitney, Duncan; Brush, Henry; Afeyan, Noubar. **Low Pressure HPLC Using Perfusion Chromatography Packings.** *HPLC '92.* Baltimore, Maryland. October, 1992.

Whitney, Duncan; Brush, Henry; Afeyan, Noubar. **Polymeric Support Matrices for Perfusion Chromatography.** *Tenth ISPPP.* Washington, D.C. October, 1991.

# OFFICE OF THE BOARD OF SELECTMEN

DANIEL J. DUNN, CHAIR  
DIANE M. MAHON, VICE CHAIR  
KEVIN F. GREELEY  
JOSEPH A. CURRO, JR.  
JOHN V. HURD



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

June 27, 2018

Henry T. Brush

Arlington, MA 02474

Re: Appointment: Park and Recreation Commission, Associate Member

Dear Mr. Brush:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2<sup>nd</sup> Floor, 730 Massachusetts Avenue, on Monday, July 16th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Fran or Ashley at the above number.

Thank you.

Very truly yours,  
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:fr



## Town of Arlington, Massachusetts

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### Vote: Appointment of Deputy Treasurer/Deputy Collector

#### Summary:

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Appt_DeputyTC_Memo_7_16_18.pdf	Town Counsel Memorandum to Board
▢	Reference Material	K._Reilly_ref..pdf	K. Reilly cover letter and resume



**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](mailto:achapdelaine@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

**To:** Members of the Board of Selectmen

**From:** Adam Chapdelaine, Town Manager

**RE:** Appointment of Deputy Treasurer/Deputy Collector

**Date:** July 13, 2018

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With the recent departure of Mike Morse, we not only have a Treasurer/Collector role to fill, but also the position of Deputy Treasurer/Deputy Collector. As the Board may recall, statute gives the Board confirmation authority over this appointment. I would like to ask for the Board's confirmation of the appointment of Karen Reilly, the current Cash Manager in the Treasurer/Collector's Office. She has also been serving as the interim Deputy Treasurer/Deputy Collector for the better part of the past year as part of the reorganization of the Treasurer/Collector's Office.

She's a long time employee of the Treasurer/Collector's Office, and is the consensus recommendation of Dean Carman, Sandy Pooler and Caryn Malloy. Mike Morse would support her appointment as well.

I'll be happy to answer any questions that the Board may have about this matter.

## **Karen G. Reilly**

Town of Arlington  
Human Resources Department  
730 Massachusetts Avenue  
Arlington, MA 02476

July 12, 2018

I am interested in applying for the position of Deputy Treasurer & Collector as posted internally by the Human Resources Department for the Town of Arlington.

I am currently in the position of Cash Manager and have been for over ten years. Prior to that, I have been fortunate to hold three other jobs within the Treasurer's Office; Principal Cashier, Head Cashier and Water Account Clerk. I have learned a lot from each job I have held, both on the Collector's side and the Treasurer's. Through these various positions I was able to gain significant experience, from dealing one-on-one with customers as Cashier, taking in payments and assisting with questions, all while assuring accurate and timely deposits to the bank.

Additionally, as Water Clerk, I was able to maneuver through many changes in rate structures, billing and collection changes. I also administered water liens while still being the point-person to assist tax payers with any issues that arose. I was very proud of the small amount of water lienied, that was a result from resolute collection methods.

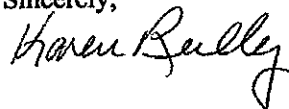
In my time as Cash Manager, I have worked closely with several Treasurers and Deputy Treasurers, even going through a three-year period without a Deputy Treasurer. It was during this three-year period that I learned the most by having to figure things out on my own. I currently perform various types of financial transactions from opening bank accounts to transacting wires and transfers. I reconcile accounts both with the bank and in Munis. I have first-hand experience with setting up the online payments, from tax bills to donations, on the Town's website. As Cash Manager I supervise the daily work of clerks, collectors and colleagues for accuracy, efficiency and timeliness.

One of my duties is to process all General Obligation Bonds, BANS and MWRA loans and grants when received by the bank. My biggest responsibility comes from the other end of this process: ensuring timely debt payments, which in turn helps maintain the Town's positive bond rating. Within the last year I have assisted in implementing the Munis Collection system within the Treasurers Office and other departments that collect monies. Through effective communication and teamwork and direct contact with many other departments, including the Comptroller's Office, the Cash Management position has allowed me to create and maintain positive professional relationships.

I am confident that my 27 years of progressive experience makes me a well-suited candidate for the position of Deputy Treasurer & Collector. I look forward to working closely with the Treasurer and am excited that the Town has established a new Finance Department.

Thank you for your consideration, and I look forward to hearing from you.

Sincerely,



# Karen G. Reilly

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## PROFESSIONAL EXPERIENCE

### **Town of Arlington – Arlington, MA**

Cash Manager

December 2007 - Present

- Prepare complex daily cash report of all revenue and expense activity.
- Transact direct payments of loans, taxes, and other debts via wire transfers, ACHs and EFTs.
- Review daily banking activity of incoming wire transfers, ACHs and EFTs for State & Federal revenue disbursements and grants as well as investment and Trust Fund activity.
- Handle vendor account manual issue checks, stop payments, and voids.
- Reconcile and compile monthly balance reports of all Town bank accounts and Trust Funds.
- Supervise and review daily work of office clerks and collectors
- Train town staff on Munis procedures and best practices
- Work closely with other departmental staff to ensure accurate and timely posting of all bank activity
- Reconcile and process Lockbox and Invoice Cloud payments daily

### **Town of Arlington – Arlington, MA**

Water Account Clerk

October 1994 – December 2007

- Processed all water/sewer commitments from Public Works Department.
- Processed and mailed out monthly bills and past due bills to property owners.
- Perform account adjustments as needed.
- Lien outstanding Water/Sewer bills onto Real Estate tax bills each fiscal year
- Handled collection of water/sewer bills.
- Contact with property owners at front counter as well as by telephone.
- Cross trained in other areas of collection such as property taxes and excise bills.

### **Town of Arlington – Arlington, MA**

Head Cashier

April 1992 – October 1994

- Handled customer service and payment transactions at Tax Collector's counter.
- Supervised the Principal Cashier.
- Balanced all transacted revenue with each area of collection.
- Prepared daily and monthly reports for Cash Manager.
- Prepared all deposits and transactions at bank.

## TECHNICAL SKILL AND EXPERTISE

MUNIS  
ICS  
MS Excel

MS Publisher  
MS PowerPoint  
MS Word

Invoice Cloud  
ACH/Tax Payments  
Debt Service Processing

## DISTINCTIVE EXPERIENCES

- Key member of Munis implementation for Real Estate Tax, Personal Property Tax, Motor Vehicle Excise Tax, Cash Management, Tyler Cashiering, and Accounts Receivable
- Participate in Arlington's Dollar for Scholars program to ensure funds are available and disbursed as intended by scholarship committee



## Town of Arlington, Massachusetts

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### For Approval: Food Vendor License

#### Summary:

Domino's Pizza, 671 Massachusetts Avenue, Aslan Zadeh

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Dominos_Reference.pdf	Domino's Pizza Inspection Reports and Application

## LICENSE APPLICATION REPORT

Type of License: Food Vendor License

Name of Applicant: Domino's Pizza – 671 Massachusetts Avenue

Address:

The following Departments have **no objections** to the issuance of said license:

- Police \_\_\_\_\_
- Fire \_\_\_\_\_
- Health \_\_\_\_\_
- Building \_\_\_\_\_
- Planning \_\_\_\_\_

The following Departments have **no objections** but have made comments or conditions regarding the issuance of said license: (see attached)

- Police \_\_\_\_\_x\_\_\_\_\_
- Fire \_\_\_\_\_x\_\_\_\_\_
- Health \_\_\_\_\_x\_\_\_\_\_
- Building \_\_\_\_\_x\_\_\_\_\_
- Planning \_\_\_\_\_x\_\_\_\_\_

The following Departments have **objections** to the issuance of said license:  
(see attached)

- Police \_\_\_\_\_
- Fire \_\_\_\_\_
- Health \_\_\_\_\_
- Building \_\_\_\_\_
- Planning \_\_\_\_\_



ARLINGTON POLICE DEPARTMENT

**Frederick Ryan**  
Chief of Police



POLICE HEADQUARTERS  
112 Mystic Street  
Telephone 781-316-3900

*Town of Arlington*  
MASSACHUSETTS 02474

June 27, 2018

On Wednesday, June 27, 2018 at 2:15 PM, I called and spoke with Aslan Zadeh regarding this application for a Change of Ownership for the Dominos, located at 671 Mass Ave. Mr. Zadeh stated that is just taking over the business and will be the new owner. Mr. Zadeh stated that he does see to the day to day operations. Me. Zadeh stated that nothing at all is changing within the restaurant.

I advised Mr. Zadeh that the Board of Selectmen may be conducting C.O.R.I and S.O.R.I checks during the application process.

Pending the checks conducted by the Board of Selectmen's Office, Arlington Police Dept. is not aware of any law enforcement or public safety reasons to object to the Change of Ownership for the Dominos.

Respectfully Submitted,

Detective Edward DeFrancisco

**APPLICANT'S SECTION:**

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: \_\_\_\_\_

Date: 6/12/18 \_\_\_\_\_

*"Proactive and Proud"*



## Arlington Fire Department Town of Arlington

Administrative Office

411 Massachusetts Ave, Arlington, MA 02474

Phone: (781) 316-3803 Fax: (781) 316-3808

Email: jkelly@town.arlington.ma.us

Kevin M Kelley  
Deputy Fire Chief

### Checklist for food sales ownership conversion.

- All exit signs and emergency lights must be tested and in good working order
- FACP **must** have annual test paperwork on hand and be free of trouble and alarm signals
- Sprinkler system (if present) shall have current inspection tag
- All extinguishers must be hung with signs and a current inspection tag
- "K" extinguisher mounted and tagged in the kitchen area if using fat to cook
- All exits and exit paths must be in proper working order and free from storage
- No storage of excess combustibles allowed inside building or near exit ways
- Hoods must have current inspection/cleaning sticker attached
- Kitchen extinguishing systems must have current inspection tags
- If Ansul or Sprinklers present FACP must report to monitoring company
- Address must be clearly visible from the street
- Electrical panels must be accessible from floor to ceiling for the entire width
- Call for inspection after all has been completed 781-316-3803

### APPLICANT'S SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: \_\_\_\_\_

Date: 7/12/18



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170  
Fax: (781) 316-3175

**MEMO**

To: Board of Selectmen  
From: Kylee Sullivan, Health Compliance Officer  
Date: July 11, 2018  
RE: Board of Health Comments for Selectmen's Meeting on July 16, 2018

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Please accept the following as comments from the Office of the Board of Health:

**Domino's (671 Massachusetts Avenue)  
Change of Ownership**

- This Establishment is in contact with the Health Department regarding a change in ownership and necessary Health Department requirements for this process. It is the owner's/manager's responsibility to ensure that the establishment complies with the Food Code.

---

**APPLICANT SECTION:**

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premise of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_ 7/12/18



**BOARD OF SELECTMEN  
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by, July 11, 2018  
**ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.**

Location: 671 Massachusetts Avenue  
Applicant's Name: Aslan Zadeh  
D/B/A: Domino's Pizza  
Telephone: 617-281-6859  
Department: Sent Via E-mail

Date: 6/27/2018

**MEETING DATE: July 16, 2018**

Inspected By:

**RE: FOOD VENDOR LICENSE**

Police  
Fire  
Board of Health  
Building  
Planning

**INSPECTION REPORT SECTION:**

**Building**

All building changes need permits.

All sign changes need approval and sign permit.

Window signs cannot exceed 25% of window or fine lines will be levied.

Certificate of Occupancy is needed - \$100 fee.

The Director of Inspectional Services has no objection to the issuance of this license as the applicant has been made aware of seating capacity and necessity for showing proof of ownership of sidewalk.

**Plumbing**

The Inspector of Plumbing and Gassfitting has no objection to the issuance of this license.

All Plumbing and Gasfitting work requires that the permits be obtained from this office for their respective trades by a licensed contractors.

**Electrical**

The Inspector of Wires has no objection to the issuance of this license

The applicant acknowledges that this is a conditional approval of the premises only and is not to be constructed as approval of the Inspector of Wires of concealed electrical wiring. Any new wiring must conform to the Mass. Electrical Code. Notify the Inspector of Wires in accordance with Chapter 143, Section 3L.

**APPLICANT SIGNATURE SECTION:**

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: \_\_\_\_\_

Date: 7/12/18

**BOARD OF SELECTMEN  
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by July 11, 2018  
**ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.**

Location: 671 Massachusetts Avenue  
Applicant's Name: Aslan Zadeh  
D/B/A: Domino's Pizza  
Telephone: 617-281-6859  
Department: Sent Via E-mail

Date: 6/27/2018

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**Meeting Date: July 16, 2018**

**Re: COMMON VICTUALLER LICENSE**

Police

Fire

Board of Health

Building

**Planning:** Ali Carter, Economic Development Coordinator

The application is for a simple transfer of license to a new owner of this Domino's franchise. The business operations will remain the same in terms of number of seats, hours of operation, and menu items. It is located in a B5 Central Business Zoning District and remains an appropriate use.

The Department has no objection to the issuance of a Common Victualler license to this business.

Any changes in signage, including signs in the window, and changes to the façade of the building may be subject to review by this Department. The Applicant is reminded that all signs, including re-lettering of the existing signs require a permit issued by the Building Department. Other provisions of the Zoning Bylaw may apply as determined by the Building Inspector.

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**APPLICANT SIGNATURE SECTION:**

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

7/12/18

**OFFICE OF THE BOARD OF SELECTMEN**

730 Massachusetts Avenue

Town of Arlington

Massachusetts 02476-4908

(781) 316-3020

(781) 316-3029 fax

**\$60.00 Filing Fee**

**Inspections Dept. at 51 Grove St. must review completed application before returning to this office.**

**APPLICATION**

*To the Licensing Authorities of the Town of Arlington*

The Undersigned hereby makes application for a

☒ **COMMON VICTUALLER LICENSE (Eat In)**

☒ **FOOD VENDOR LICENSE (Take Out Only)**

Location 671 Mass. Ave, Arlington 02476

Name of Applicant Dominos' Pizza, Aslan Zadeh

Corporate Name (if applicable) Arlington Pie Co.

D/B/A Dominos Pizza

Date 3/1/18

I/We hereby agree to conform in all respects to the conditions governing such License as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen may establish. With the signing of this application, the applicant acknowledges that:

(A) it is understood that the Board is not required to grant the license.

(B) no work is to commence at the premises of the proposed location which is the subject matter of this application until the license is approved by the Board of Selectmen, and, furthermore, any work done is done at the applicant's risk, and

(C) in the event of a proposed sale of a business requiring a Common Victualler License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Board of Selectmen a thirty day notice of his intention to sell same before such application will be acted upon by the Selectmen.

(D) that the license is subject to revocation if the holder of the license does not comply with Town By-Laws or the Rules and Regulations of the Board.

Signature Name Aslan Zadeh

Signature Name

Phone (Home) 617 281 6859 (Business) ~~Dominos Pizza~~  
781 643 2300



Note: (A) If a corporation, state full names and addresses of principal officers.

(B) If a co-partnership, information must be provided on each partner; if a corporation, information must be provided on corporate officer making application.

=====

Name <u>Aslan Zadeh</u>	Name _____
Address <u>130 Ewald Ave</u>	Address _____
City <u>Marlborough</u> Zip <u>01752</u>	City _____ Zip _____
DESCRIPTION OF APPLICANT	DESCRIPTION OF APPLICANT
Born in the U.S., Yes _____ No <u>X</u>	Born in the U.S., Yes _____ No _____
Born Where <u>Turkey</u>	Born Where _____
Date of Naturalization <u>2013</u>	Date of Naturalization _____
Male or Female <u>male</u>	Male or Female _____
Date of birth _____	Date of birth _____
Photo <u>1 inch by 1 inch</u>	



*The Establishment shall operate as:*

☒ Sole Ownership   ☐ Partnership   ☐ Total Number of Partners   ☐

Corporation Based in \_\_\_\_\_

**(Once approved, please go to Clerk's Office for Business Certificate)**

=====

*Corporate Information Required:*

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

Name

Address

Zip

=====

INFORMATION RELATIVE TO APPLICATION

Breakfast \_\_\_\_\_

Yes \_\_\_ No X \_\_\_\_\_

Lunch \_\_\_\_\_

Yes X No \_\_\_ \_\_\_\_\_

Dinner \_\_\_\_\_

Yes X No \_\_\_ \_\_\_\_\_

Do you own the property? Yes \_\_\_ No X Tenant At Will \_\_\_ Lease 1 (years)

Hours of Operation:

Day MON - thur Hours 10:30 - 11

Day Fri - sat Hours 10:30 - 12

Day Sun Hours 10:30 - 11

Floor Space \_\_\_\_\_ Sq. Ft. Seating Capacity (if any) 0

Parking Capacity (if any) 3 spaces Number of Employees 9

List Cooking Facilities (and implements)

Every food item sealed and stored to franchisee  
and health department standards.

Will a food scale be in use for sale of items to the public? Yes \_\_\_ No X

Will catering services be provided by you? Yes \_\_\_ No X

=====

**Eight copies of the following items must be submitted with the application:**

1. Layout Plan of Facility & Fixtures Date Received \_\_\_\_\_

2. Site Plan (obtained at Bldg. Dept., 51 Grove St.) Date Received \_\_\_\_\_

3. Outside Facade and Sign Plan (dimensions, color) Date Received \_\_\_\_\_

4. Menu Date Received \_\_\_\_\_

5. Maintenance Program Date Received \_\_\_\_\_

If the facilities are not yet completed, provide estimated cost of work to be done \$ \_\_\_\_\_

=====

**FOR OFFICE USE ONLY**

Scheduled Hearing when Application will be presented to Board of Selectmen for approval:

Date \_\_\_\_\_ Time \_\_\_\_\_

Board Action: Approved Yes \_\_\_ No \_\_\_\_\_



## APPLICANT'S RESUME

### *Food Business Experience of Applicant*

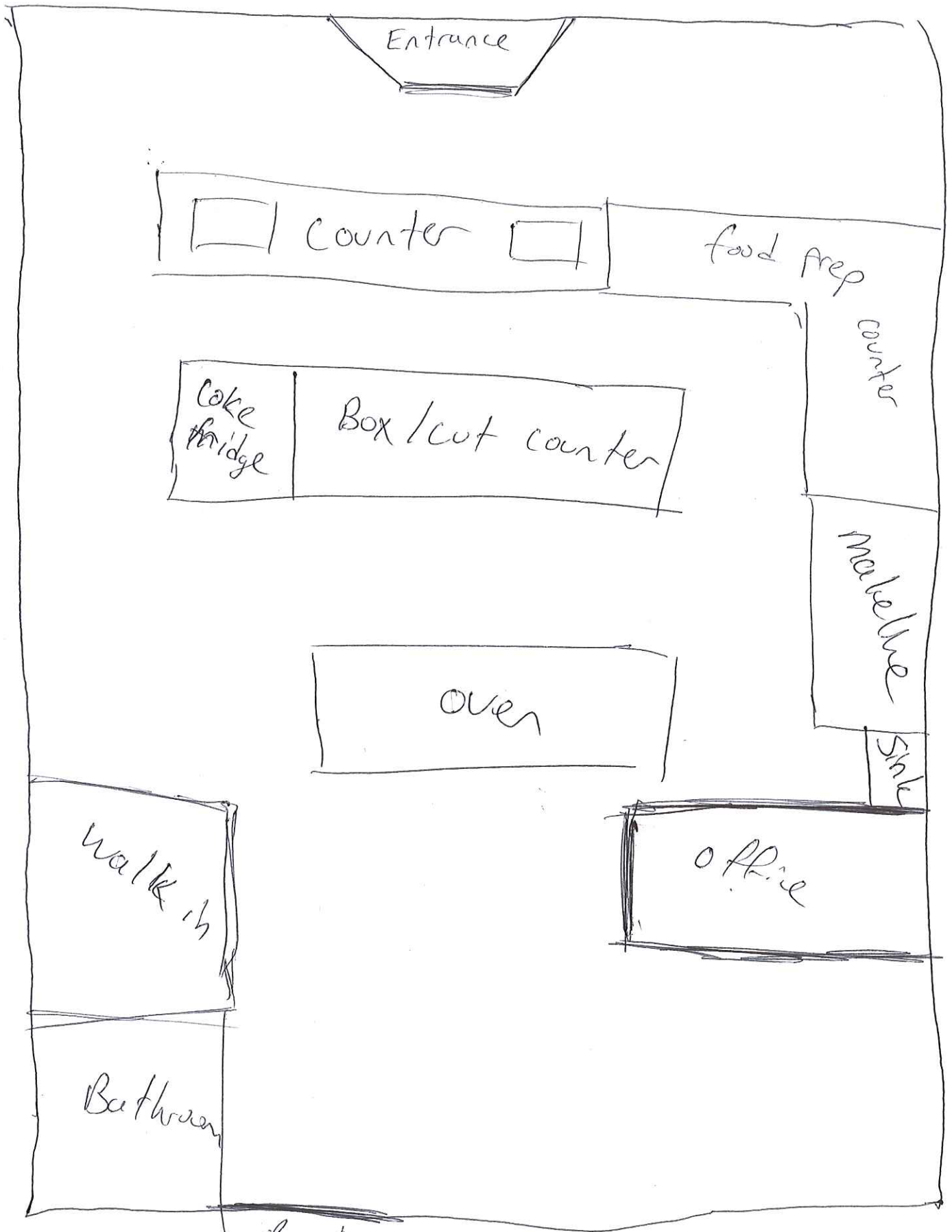
From 2012-2018 to     
Employee    D/B/A Cookin Cafe  
Sole Owner ✓ Location Boston  
Partnership    Type Food Fam-3am pizza/breakfast  
Corporation    Number of Employees 18

From    to     
Employee    D/B/A     
Sole Owner    Location     
Partnership    Type Food     
Corporation    Number of Employees   

List any other information that you feel will assist in the review of this application.

Graduate of Johnson and Wales for culinary  
arts and restaurant management, Graduate of  
Lexington High School, 08.

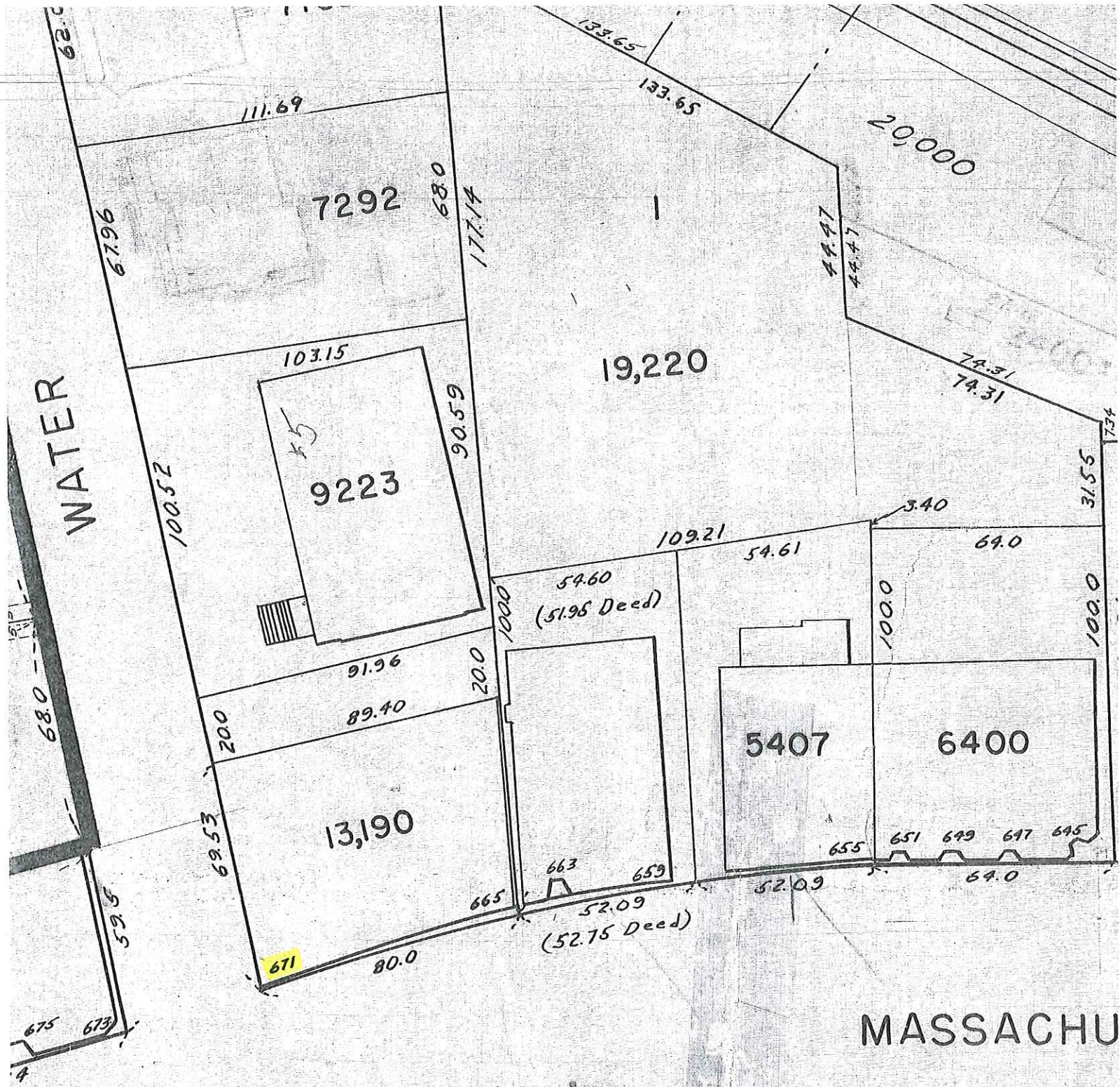
MASS AVE



WATER ST

Back  
Exit





7292

9223

13,190

5407

6400

19,220

20,000

WATER

MASSACHU

54.60  
(51.95 Deed)

52.09  
(52.75 Deed)

671

11

SCALE









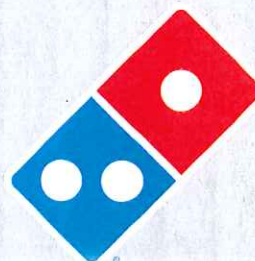
# MIX & MATCH



## CHOOSE ANY 2 OR MORE:

- MEDIUM 2-TOPPING PIZZAS\*
- 8PC BREAD TWISTS
- PENNE PASTA\*
- 8PC BONELESS CHICKEN\*
- SPECIALTY CHICKEN
- 9PC MARBLED COOKIE BROWNIE
- OVEN BAKED SANDWICHES
- STUFFED CHEESY BREAD
- SALADS

ORDER *at*  
**DOMINOS.COM**



2-Item Minimum. \*Handmade Pan Pizzas, Bread Bowl Pasta & Bone-In Wings Will Be Extra. Any delivery charge is not a tip paid to your driver. Drivers carry less than \$20. You must ask for this limited time offer. Minimum purchase required for delivery. Delivery charge and tax may apply. Prices, participation, delivery area and charges may vary. Returned checks, along with the state's maximum allowable returned check fee, may be electronically presented to your bank. ©2018 Domino's IP Holder LLC. Domino's®, Domino's Pizza® and the modular logo are registered trademarks of Domino's IP Holder LLC.



# BUILD YOUR OWN PIZZA

	Small	Medium	Large	X-Large
Cheese Pizza	\$8.99	\$9.99	\$11.99	\$13.99
Additional Topping	\$1.25	\$1.50	\$1.75	\$2.00
Handmade Pan Extra	N/A	\$1.00	N/A	N/A



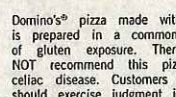
## CHOOSE YOUR CRUST



**Hand  
Tossed**



**Handmade  
Pan**  
Medium Only.



**Crunchy  
Thin**



**Brooklyn  
Style**



**Gluten  
Free**  
Small Only.  
Additional Charge.

Domino's® pizza made with a Gluten Free Crust is prepared in a common kitchen with the risk of gluten exposure. Therefore, Domino's® DOES NOT recommend this pizza for customers with celiac disease. Customers with gluten sensitivities should exercise judgment in consuming this pizza.



## CHOOSE YOUR TOPPINGS

### MEAT

Pepperoni  
Bacon  
Ham  
Beef  
Grilled Chicken  
Italian Sausage  
Philly Steak  
Salami

### VEGETABLES

Black Olives  
Fresh Mushrooms  
Jalapeño Peppers  
Fresh Green Peppers  
Roasted Red Peppers  
Banana Peppers  
Tomatoes  
Fresh Baby Spinach  
Fresh Onions

### OTHER

Pineapple  
Cheddar Cheese  
Shredded Provolone Cheese  
Feta Cheese  
Parmesan-Asiago Cheese  
Garlic  
American Cheese  
Extra Cheese

*Toppings may vary by location.*

## CHOOSE YOUR SAUCE

- ROBUST TOMATO
- GARLIC PARMESAN WHITE
- MARINARA
- BBQ
- ALFREDO

Any delivery charge is not a tip paid to your driver. Drivers carry less than \$20. You must ask for this limited time offer. Minimum purchase required for delivery. Delivery charge and tax may apply. Prices, participation, delivery area and charges may vary. Returned checks, along with the state's maximum allowable returned check fee, may be electronically presented to your bank. ©2018 Domino's IP Holder LLC. Domino's®, Domino's Pizza® and the modular logo are registered trademarks of Domino's IP Holder LLC.

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# SPECIALTY PIZZAS

small \$11.99 medium \$13.99 large \$16.99 x-large \$18.99

**ExtravaganZZa™** - Pepperoni, ham, Italian sausage, beef, fresh onions, fresh green peppers, fresh mushrooms and black olives, all sandwiched between two layers of cheese made with 100% real mozzarella.

**MeatZZa™** - Pepperoni, ham, Italian sausage and beef, all sandwiched between two layers of cheese made with 100% real mozzarella.

**Pacific Veggie** - Roasted red peppers, fresh baby spinach, fresh onions, fresh mushrooms, tomatoes, black olives, feta, provolone, cheese made with 100% real mozzarella and sprinkled with a garlic herb seasoning.

**Philly Cheese Steak** - Tender slices of steak, fresh onions, fresh green peppers, fresh mushrooms, provolone and American cheese.

**Honolulu Hawaiian** - Sliced ham, smoked bacon, pineapple, roasted red peppers, provolone and cheese made with 100% real mozzarella.

**Deluxe** - Pepperoni, Italian sausage, fresh green peppers, fresh mushrooms, fresh onions and cheese made with 100% real mozzarella.

**Cali Chicken Bacon Ranch** - Grilled chicken breast, Garlic Parmesan White Sauce, smoked bacon, tomatoes, provolone and cheese made with 100% real mozzarella.

**Buffalo Chicken** - Grilled chicken breast, fresh onions, provolone, American cheese, cheddar, cheese made with 100% real mozzarella and drizzled with a Kicker Hot Sauce.

**Ultimate Pepperoni** - Two layers of pepperoni sandwiched between provolone, Parmesan-Asiago and cheese made with 100% real mozzarella, then sprinkled with oregano.

**Memphis BBQ Chicken** - Grilled chicken breast, BBQ sauce, fresh onions, cheddar, provolone and cheese made with 100% real mozzarella.

**Wisconsin 6 Cheese** - Feta, provolone, cheddar and Parmesan-Asiago cheese made with 100% real mozzarella and sprinkled with oregano.

**Spinach & Feta** - Creamy Alfredo sauce, fresh baby spinach, fresh onions, feta, Parmesan-Asiago, provolone and cheese made with 100% real mozzarella.

## BREAD SIDES



**Parmesan Bread Twists** - Handmade from fresh buttery-tasting dough and baked to a golden brown. Crusty on the outside and soft on the inside. Drizzled with garlic and Parmesan cheese seasoning, and sprinkled with more Parmesan. Served with a side of marinara sauce for dipping. **8 for \$5.99**

**Garlic Bread Twists** - Handmade from fresh buttery-tasting dough and baked to a golden brown. Crusty on the outside and soft on the inside. Drizzled with buttery garlic and Parmesan cheese seasoning. Served with a side of marinara sauce for dipping. **8 for \$5.99**

**Cinnamon Bread Twists** - Handmade from fresh buttery-tasting dough and baked to a golden brown. Crusty on the outside and soft on the inside. Drizzled with a perfect blend of cinnamon and sugar, and served with a side of sweet icing for dipping or drizzling. **8 for \$5.99**

**Stuffed Cheesy Bread** - Indulge in cheesy perfection. Our oven-baked breadsticks are stuffed with cheese and covered in a blend of cheeses; made with 100% real mozzarella and cheddar. Seasoned with a touch of garlic and Parmesan. **8 for \$7.49**  
Try all 3: Cheese only, Spinach & Feta or Bacon & Jalapeño. Add marinara or your favorite dipping cup for an additional charge.

**Parmesan Bread Bites** - Oven-baked bread bites handmade from fresh buttery-tasting dough and seasoned with garlic and Parmesan. Available in 16-piece or 32-piece orders. Add marinara or your favorite dipping cup for an additional charge.  
**16 for \$4.50 • 32 for \$6.99**



# TASTY CHICKEN

Dipping Cups 50¢ Each

Ranch, Blue Cheese, Marinara, BBQ, Kicker Hot, Sweet Mango Habanero, Garlic & Sweet Icing

**Wings** - Marinated and oven-baked and then sauced with your choice of BBQ, Sweet Mango Habanero or Kicker Hot Sauce. 8 for **\$7.49** 14 for **\$11.99** 40 for **\$32.99**

**Boneless Chicken** - Lightly breaded with savory herbs, made with 100% whole white breast meat chicken. 8 for **\$7.49** 14 for **\$11.99** 40 for **\$32.99**

**Specialty Chicken** - A delicious combination of toppings, sauces and cheeses layered over 12 tender bites of lightly breaded, 100% whole breast white meat chicken. **\$6.99 each**

- **Crispy Bacon & Tomato** - Chicken topped with Garlic Parmesan White Sauce, a blend of cheese made with mozzarella and cheddar, crispy bacon and tomato.
- **Spicy Jalapeño – Pineapple** - Chicken topped with Sweet Mango Habanero Sauce, a blend of cheese made with mozzarella and cheddar, jalapeño and pineapple.
- **Classic Hot Buffalo** - Chicken topped with classic hot buffalo sauce, ranch, a blend of cheese made with mozzarella and cheddar, and feta.
- **Sweet BBQ Bacon** - Chicken topped with sweet and smoky BBQ Sauce, a blend of cheese made with mozzarella and cheddar, and crispy bacon.



# OVEN BAKED SANDWICHES

**Chicken Bacon Ranch** - Grilled chicken breast, smoked bacon, creamy ranch and provolone cheese. **\$7.49**

**Chicken Parm** - Grilled chicken breast, Tomato Basil Marinara, Parmesan-Asiago and provolone cheese. **\$7.49**



**Italian** - Pepperoni, salami and ham topped with banana peppers, fresh green peppers, fresh onions and provolone cheese. **\$7.49**

**Philly Cheese Steak** - Tender slices of steak, American and provolone cheeses, fresh onions, fresh green peppers and fresh mushrooms. **\$7.49**

**Buffalo Chicken w/ Blue Cheese** - Grilled chicken breast, creamy Blue Cheese Sauce, fresh onions, Kicker Hot Sauce, cheddar and provolone cheeses. **\$7.49**

**Mediterranean Veggie** - Roasted red peppers, banana peppers, diced tomatoes, fresh baby spinach, fresh onions, feta, provolone and American cheese. **\$7.49**

**Sweet & Spicy Chicken Habanero** - Grilled chicken breast, pineapple, jalapeños, Sweet Mango Habanero Sauce, provolone and cheddar cheeses. **\$7.49**

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# PENNE PASTAS

**Italian Sausage Marinara** - Penne pasta baked in a zesty Tomato Basil Marinara sauce with Italian sausage, a blend of Italian seasonings and provolone cheese. **\$7.49**

**Chicken Alfredo** - Grilled chicken breast and Alfredo sauce mixed with penne pasta and baked to creamy perfection. **\$7.49**

**Build Your Own Domino's® Penne Pasta** - Choose a sauce and up to 3 ingredients from more than a dozen meat or vegetable toppings. **\$7.49**

**Pasta Primavera** - Fresh spinach, diced tomatoes, fresh mushrooms and fresh onions, mixed with penne pasta and baked with a creamy Alfredo sauce. **\$7.49**

**Chicken Carbonara** - Grilled chicken breast, smoked bacon, fresh onions and fresh mushrooms mixed with penne pasta and baked to perfection with creamy Alfredo sauce. **\$7.49**

Available with a bread bowl for \$1 more.



# DESSERTS

**Cinnamon Bread Twists** - Handmade from fresh buttery-tasting dough and baked to a golden brown. Crusty on the outside and soft on the inside. Drizzled with a perfect blend of cinnamon and sugar, and served with a side of sweet icing for dipping or drizzling. **8 for \$5.99**

**Marbled Cookie Brownie** - An irresistibly warm and gooey blend of milk chocolate chunk cookie and fudge brownie. This sharable dessert is oven-baked at the time of order and cut into 9 pieces. **\$6.99**

**Chocolate Lava Crunch Cakes** - Oven-baked chocolate cakes, crunchy on the outside with molten chocolate fudge on the inside. Enjoy an order of two. **\$5.99**

# SALADS & DRINKS

**Classic Garden** - A crisp and colorful combination of grape tomatoes, red onion, carrots, red cabbage, cheddar cheese and brioche garlic croutons, all atop a blend of romaine and iceberg lettuce. **\$6.49**

**Chicken Caesar** - The makings of a classic: roasted white meat chicken, Parmesan cheese and brioche garlic croutons, all atop a blend of romaine and iceberg lettuce. **\$6.49**

**Chicken Apple Pecan** - Roasted white meat chicken, diced red and green apples, dried cranberries, praline pecans and cheddar cheese paired with a leafy spring mix. **\$6.49**

**Salad Dressing** - Select from Ranch, Balsamic or Caesar.

## DRINKS FLAVORS MAY VARY

### • 20oz. Bottle \$1.99

Choose from Coca-Cola®, Diet Coke®, Sprite®, Fanta® Orange, Coke Zero Sugar™, Ginger Ale, Vitamin Water®, Energy Drink or Dasani® Water

### • 2-Liter Bottle \$2.99

Choose from Coca-Cola®, Diet Coke®, Sprite®, Fanta® Orange, Ginger Ale or Barq's® Root Beer

Any delivery charge is not a tip paid to your driver. Drivers carry less than \$20. Minimum purchase required for delivery. Delivery charge and tax may apply. Prices, participation, delivery area and charges may vary. Returned checks, along with the state's maximum allowable returned check fee, may be electronically presented to your bank. ©2018 Domino's IP Holder LLC. Domino's®, Domino's Pizza® and the modular logo are registered trademarks of Domino's IP Holder LLC. ©2018 The Coca-Cola Company, all rights reserved. "Coca-Cola" is a registered trademark of The Coca-Cola Company.





## Dominos Pizza Maintenance Program

-Dominos Pizza has very clear standards and procedures when it comes to operating one of its franchises. These protocols are checked several times a year with sending corporate inspectors that determine the value of your store by the points you earn passing requirements. These include:

- Checking and maintaining the grease trap regularly
- Cleaning hood ventilation regularly, clean to the touch
- All fridges and makelines are maintaining proper temperatures
- All food is clearly labeled and dated, in seal tight containers
- Sanitizers and soaps meet the right PPM.
- All employees follow sanitation procedures.

These are just some of the few requirement Dominos mandates its franchisees to follow. Failure to do so will result in the loss of your franchise license.



## Town of Arlington, Massachusetts

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### For Approval:

#### Summary:

- a) Annual Seasonal Floating Dock Rules and Regulations with Memo from Town Counsel  
Douglas W. Heim, Town Counsel
- b) Spy Pond Dock Permit  
Douglas W. Heim, Town Counsel

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Town_Counsel_Memo_and_Draft_Rules_and_Regulations_for_Dock_Permits.pdf	Town Counsel memo; Draft regulations and permit application
▢ Reference Material	Spy_Pond_Dock_Application_by_Rec_Dept.pdf	Arlington Rec Dock Application
▢ Reference Material	Spy_Pond_Dock_Drawings.pdf	Dock Drawings
▢ Reference Material	Spy_Pond_Dock_Examples_of_Dock_and_Gangway.pdf	Dock Examples and Gangway



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager  
Jennifer Raitt, Planning Director  
John Marshall, Recreation Director  
Lela Shepherd, Environmental Planner/Conservation Agent

From: Douglas W. Heim, Town Counsel *DWH*

Date: July 12, 2018

Re: Seasonal Dock Regulations and Dock Permit Application for Spy Pond

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I write summarize the two matters before the Board relative to boat docks in Arlington. In brief, the Massachusetts Department of Environmental Protection ("MADEP") allow cities and towns to avail themselves and their residents of a simplified process for licensing limited activities on waterways via 310 CMR 9.07. Most relevant to Arlington, the "Annual Permit" scheme allows us to provide an annual license for floating boat docks (and associated gangways) on Spy Pond and portions of the Mystic Lakes within our jurisdiction, rather than requiring a more onerous, but long-term c. 91 License. In the absence of a harbormaster, the Board of

Selectmen or its designated town official, board or commission has the authority to grant these seasonal dock permits, but should first promulgate rules and regulations regarding same.

Accordingly, in conjunction with the Office of Planning and Community Development, this Office requests the Board:

1. Approve simple draft rules and regulations for private residential docks and community docks; and
2. Apply those rules to the Recreation Department's Application for a dock at Spy Pond Park.

With respect to the regulations, the following should be stressed:

- Local Dock Rules and Regulations for a so-called "§ 10A" permits do not supplant State and local wetlands laws and regulations. Any project which would trigger Conservation Commission review would also have to obtain their approval under such standards in addition to a dock permit.
- Additionally, Local Dock Rules and Regulations do not change what kinds of watercraft and activities are permitted at Spy Pond or in the lakes. For example, Title IV, Art. IV of the Town Bylaws prohibits both motor boats with more than 10 hp engines, and motor boats which create a wake within 50 feet of Spy Pond Park.
- §10A permits are only valid for up to one-year for seasonal, bottom-anchored docks capable for being removed from the water.
- §10A permits may be issue for a broader category of moorings and small, private residential structures, but at this juncture only "floating docks" are being requested from the Board.
- These regulations are limited in scope and consistent with other regulations regarding docks on Great Ponds and other similar water bodies, rather than coastal municipalities equipped with a harbormaster.
- Following adoption of rules and regulations, the Board may formally designate a Town official or public body to administer §10A permitting.

With respect to the Recreation Department's application for a dock permit:

- The proposed dock at Spy Pond Park is part of a larger erosion control project, which will allow for limited types of watercraft (kayaks, canoes, and sculls) to access the pond with lower impact on shoreline erosion and threatened plant species which inhabit the shoreline.
- The project is simultaneously being vetted by the Conservation Commission and other appropriate authorities.
- These other permitting timelines for the project require the Board's immediate attention with respect to the dock.
- Lela Shepherd, Environmental Planner and Conservation Agent will be available to answer any questions the Board may have about the project.

I look forward to further discussion of the draft rules and permit, as well as any questions the Board may have about the permit application by the Recreation Department.

## TOWN OF ARLINGTON



### ANNUAL FLOATING DOCK RULES & REGULATIONS

#### **I. Purpose & Authority**

These rules and regulations are hereby approved by the Board of Selectmen acting pursuant to MGL c. 91 § 10A, 310 CM 9.07, M.G.L. c. 43B §13 and Title IV Article IV of the Town Bylaws for the purposes of permitting and regulating qualifying seasonal, floating docks under 310 CMR 9.07 as an alternate, simplified means for registering such docks in lieu of obtaining a full c. 91 License from the Massachusetts Department of Environmental Protection ("DEP").

#### **II. Scope & Jurisdiction**

- A. These rules and regulations shall be limited in scope to permit bottom-anchored floating docks (and associated means of access) that serve either private residential use or non-commercial community docking facilities, capable of seasonal removal. These regulations shall specifically not allow for other types of mooring, buoy, or small-scale structures accessory to a residential use contemplated by c. 91 §10A.
- B. These rules and regulations apply only to structures located, or proposed to be located, on, within, or above any Great Pond, lake, or portion of any Great Pond or lake in the Town of Arlington.
- C. These rules and regulations and the annual permits shall not supplant Town or State wetlands and conservation laws and regulations, including, but not limited to Wetlands Protection Act Notice of Intent (NOI) or a Request for a Determination of Applicability (RDA) requirements, including accompanying plans, and either an Order of Conditions, a negative or conditional Determination of Applicability, or evidence of written request for action by the Conservation Commission and subsequent failure of the Conservation Commission to respond within 30 days. Failure of the Board of Selectmen to act on a request does not result in a permit. The Applicant can appeal any local failure to act to Massachusetts DEP and request a permit.

### **III. Definitions**

- A. "Floating dock" shall be defined as a seasonal floating structure and any appurtenant gangways or other appropriate means of access for the mooring of allowable watercraft on private residential property, or constituting a noncommercial community docking facility,
- B. "Non-commercial Community Docking Facility" shall be defined as a facility for berthing of recreational vessels accessory to residential or nonprofit seasonal use, including, but not limited to, the Town's Recreation Department.
- C. "Designee" shall be defined as a town official or body or commission designated and authorized by vote of the Board of Selectmen to administer §10A licenses under 310 CM 9.07 and these regulations.

### **IV. Application Requirements & Renewals**

- A. All applicants for an initial annual permit shall complete an application form provided by the Town of Arlington and in accordance with the fee schedule set by the Board of Selectmen.
- B. Applications shall be received and processed on a first-in time basis and applicants shall not be discriminated against race, color, religion, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.
- C. At a minimum, the application shall be accompanied by plans or related documentation that accurately shows the location and size of the structure.
- D. The location of the structure shall be clearly identified with dimensions with respect to the extended property lines (drawn to show length and width of extension into the water body).
- E. Each permit shall specify a term during which it is valid. No permit may be valid for a period longer than one year from the issue date.
- F. All permit holders will be required to annually renew a §10A permit certifying continued compliance with these regulations and paying a renewal fee as set by the Board of Selectmen, unless and until they permanently remove their dock or obtain another appropriate license under c. 91. All Town designees shall be exempt from paying a filing fee.



## **V. Dock Rules & Requirements**

- A. Only bottom-anchored, floating docks shall be eligible under these rules and regulations for permits.
- B. No dock shall be closer than 25 feet to the extended property line, except where there is less than 60 feet of waterfront or extended property lines converge, as in a cove. For these exceptions, the dock and associated boat(s) shall not interfere with a neighbor's access.
- C. Private Residential docks are limited to one per household.
- D. Floats or rafts must have the permit number displayed on 2 sides, opposite of each other, with a blank spot for renewal sticker. Numbers must be at least 3 inches high. Permits are for 1 year and must be renewed each year.
- E. Boats must be secured to an approved dock only.
- F. Each permit holder shall be solely responsible for the maintenance of their dock and must ensure that they are properly secured and remain in safe, usable condition while on the water.
- G. No materials previously used to contain any classified hazardous chemicals may be used in floating docks.
- H. All moorings, floats, and rafts shall be permitted annually by the Board of Selectmen or its designee, and shall be deemed a hazard if not permitted and subject to removal per M.G.L. c. 91, §10A and are not to be considered grandfathered in under any past regulations or laws.
- I. All docks must be removed prior to first freeze so as not to be damaged. Docks may be returned to water after seasonal ice thaw and after any applicable renewal fee has been paid.

## **VI. Enforcement**

- A. The provisions of this local permitting program under 310 CMR 9.07 shall be enforced by the Board of Selectmen or its designee, as applicable.
- B. Mass DEP may enforce the provisions of 310 CMR 9.07 upon the request of a local permitting program or upon a finding that the local enforcement is inadequate.
- C. Unless deemed a major health and/or safety hazard, property owners or violators of this local permitting program for water based structures shall be given 7 days after due notification by certified mail to correct the violation or have their dock removed.

TOWN OF ARLINGTON



ANNUAL FLOATING DOCK SCHEDULE OF FEES

	<u>First Time</u>	<u>Annual Renewal</u>
<i>Private Residential</i>	\$30.00	\$15.00
<i>Non-commercial Community Docking Facility</i>	<i>none</i>	<i>none</i>

TOWN OF ARLINGTON



c. 91 §10A FLOATING DOCK PERMIT

Name \_\_\_\_\_ IS HEREBY GRANTED A PERMIT  
UNDER M.G.L. c. 91 §10A TO PLACE A FLOATING DOCK

at Street Address \_\_\_\_\_, ARLINGTON, MA

IN OR UPON(Body of Water) \_\_\_\_\_ Telephone number \_\_\_\_\_

Permanent Address:

\_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City/Town)

\_\_\_\_\_  
(Telephone)

This annual permit is valid until \_\_\_\_.

This permit is valid when the fee is paid, signed by the Board of Selectmen (or its duly authorized designee) and installed in compliance with Board of Selectmen Regulations/Guidelines.

*\*This permit may be revoked at any time for failure to comply or when a hazard occurs from improper placement or maintenance of the dock.\**

DO NOT WRITE BELOW THIS LINE

\_\_\_\_\_  
(Fee Paid) (Date) (Owner)

\_\_\_\_\_  
(Location on Body of Water)

\_\_\_\_\_  
BOARD OF  
SELECTMEN/DESIGNEE

\_\_\_\_\_  
(Permit No.)

TOWN OF ARLINGTON



c. 91 §10A FLOATING DOCK PERMIT

Name Town of Arlington, Recreation IS HEREBY GRANTED A PERMIT  
UNDER M.G.L. c. 91 §10A TO PLACE A FLOATING DOCK

at Street Address Pond Lane, ARLINGTON, MA

IN OR UPON (Body of Water) SPY POND Telephone number 781 316 3880

Permanent Address:

422 Summer Street  
(Street)

Arlington  
(City/Town)

781 316 3880  
(Telephone)

This annual permit is valid until \_\_\_\_.

This permit is valid when the fee is paid, signed by the Board of Selectmen (or its duly authorized designee) and installed in compliance with Board of Selectmen Regulations/Guidelines.

*\*This permit may be revoked at any time for failure to comply or when a hazard occurs from improper placement or maintenance of the dock.\**

DO NOT WRITE BELOW THIS LINE

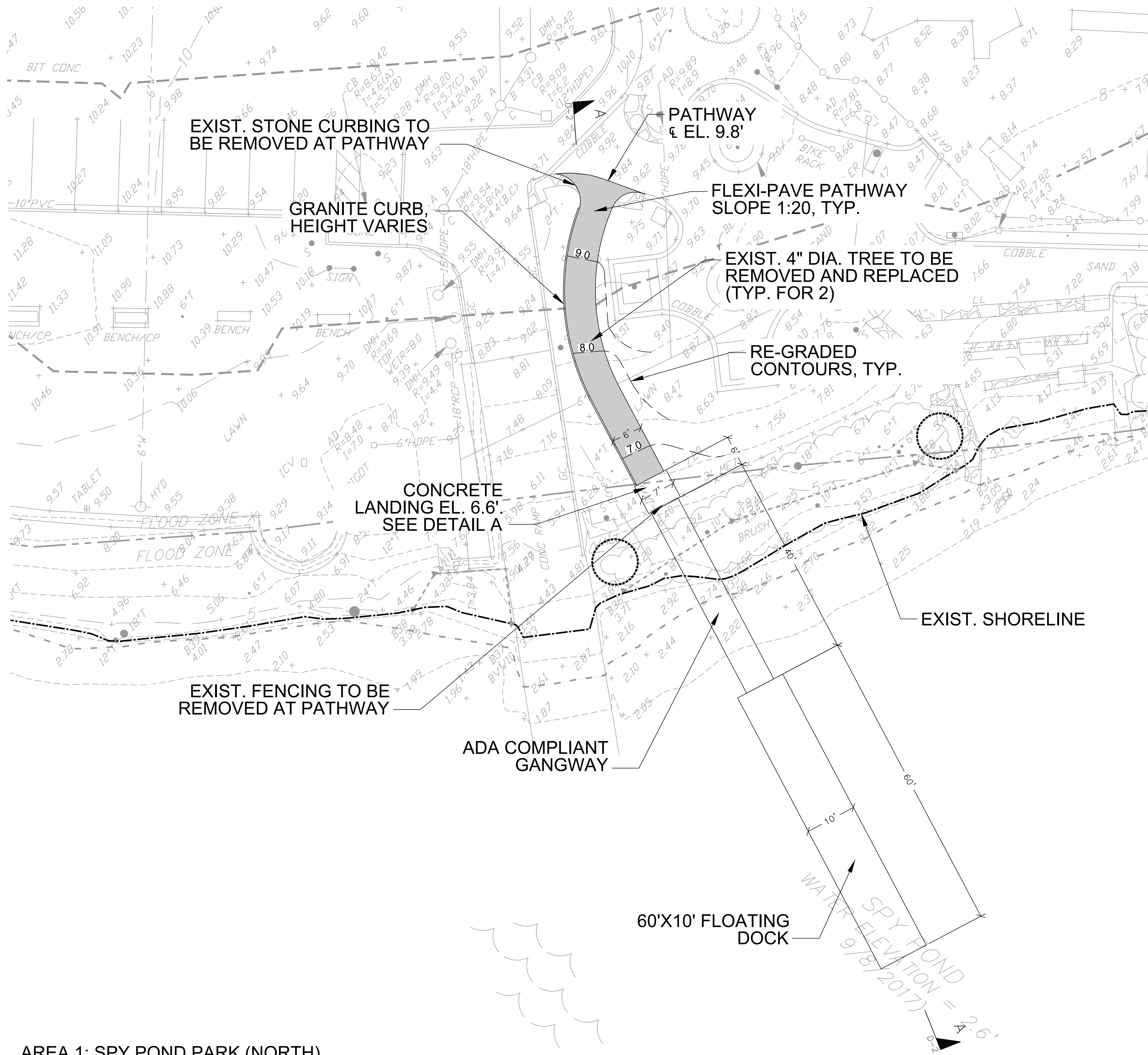
\_\_\_\_\_  
(Fee Paid) (Date) (Owner)

\_\_\_\_\_  
(Location on Body of Water)

\_\_\_\_\_  
BOARD OF  
SELECTMEN/DESIGNEE

\_\_\_\_\_  
(Permit No.)



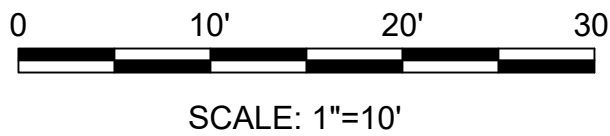


LEGEND

- LIMIT OF WORK
- [Gray Box] FLEXI-PAVE SURFACING
- CHAIN LINK FENCE (4' HT.)
- [Wavy Line] GOOSE EXCLUSION FENCING
- [Hatched Box] ENHANCEMENT PLANTING AREA
- [Dotted Box] PLUG PLANTING
- [Stippled Box] MEADOW SEED MIX
- [Cross-hatched Box] TALL TURF SEED MIX
- [Dotted Box] LAWN SEED MIX
- PLANT ESTABLISHMENT FENCE (4' HT.)
- [Diagonal Lines] REGRADING AREA

NOTES:

- Water Elevation Controlled By Outfall Weir At El. 3.36'. Typical Water Level El. 3.4'.
- Tree Protection Fencing Shall Be Placed Around All Trees Located Within The Limits Of Work.
- Anchor Chains And Concrete Anchors Shall Be Furnished And Installed By The Contractor. Anchor Chains Shall Be Installed In Crossing 45 Degree Angles At Anchor Chain Brackets. Concrete Deadweight Anchors Shall Be 300 Pounds Each.



**DRAFT**

AREA 1: SPY POND PARK (NORTH)

SCALE: 1" = 10'-0"



**HATCH**

27 Congress Street, Salem, MA 01970  
tel. 978-740-0096 www.hatch.com

Client/Owner:

Town of Arlington  
730 Massachusetts Ave.  
Arlington, MA 02476

Stamp:

**NOT FOR  
CONSTRUCTION**

**SPY POND  
CREW DOCK**  
ARLINGTON, MA

60% CONSTRUCTION DOCUMENTS

Project:

Job Number:

H-355321

Date:

April 4, 2018

Drawn By:

A.Keel

Designed By:

H.Holmes, B.Neville, G.Johnson

Reviewed By:

D.Bitsko

Revisions

Number: Description: Date:

Sheet Title:

SITE PLAN

Sheet No:

**D-1**



Client/Owner:

Town of Arlington  
730 Massachusetts Ave.  
Arlington, MA 02476

camp:

NOT FOR  
CONSTRUCTION

**SPY POND**  
CREW DOCK  
ARLINGTON, MA

# 60% CONSTRUCTION DOCUMENTS

...:

Job Number:

ate:

Drawn By:

### Keel

Designed By:

.Holmes, B.Neville, G.Johnson

Reviewed By:

Revisions

Number:      Description:      Date:

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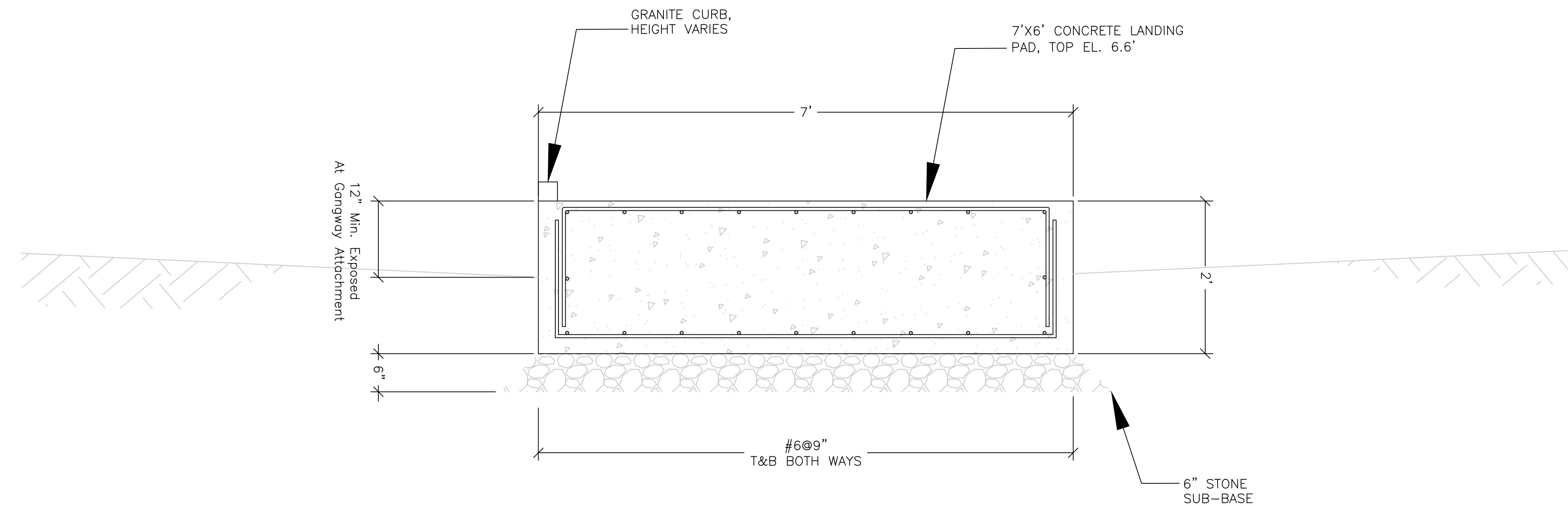
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Sheet Title:

## ITE PLAN


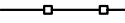



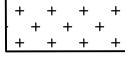
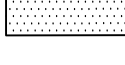
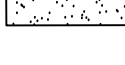


Sheet No:

# D-2



### DETAIL A

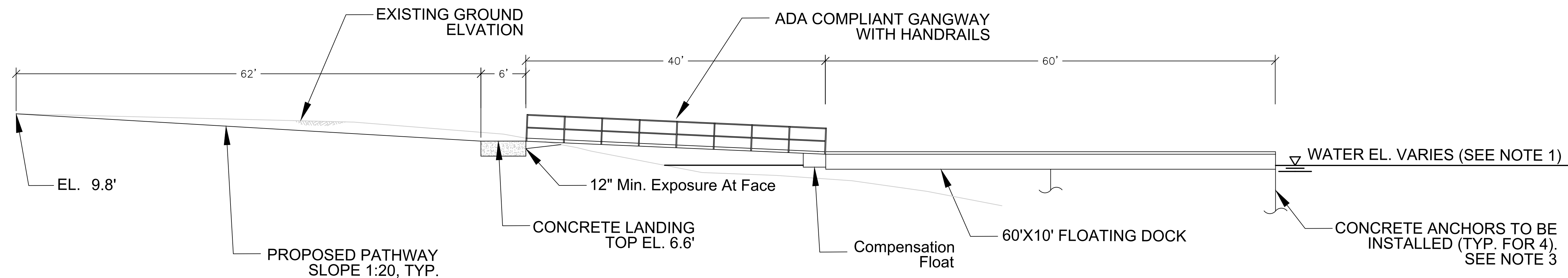
SCALE: 1" = 1'-0"

- LEGEND**
- |   |                                    |
|---|------------------------------------|
| -----   | LIMIT OF WORK                      |
|  | FLEXI-PAVE SURFACING               |
|  | CHAIN LINK FENCE (4' HT.)          |
|  | GOOSE EXCLUSION FENCING            |
|  | ENHANCEMENT PLANTING AREA          |
|  | PLUG PLANTING                      |
|  | MEADOW SEED MIX                    |
|  | TALL TURF SEED MIX                 |
|  | LAWN SEED MIX                      |
|  | PLANT ESTABLISHMENT FENCE (4' HT.) |
|  | REGRAIDING AREA                    |

NOTES:

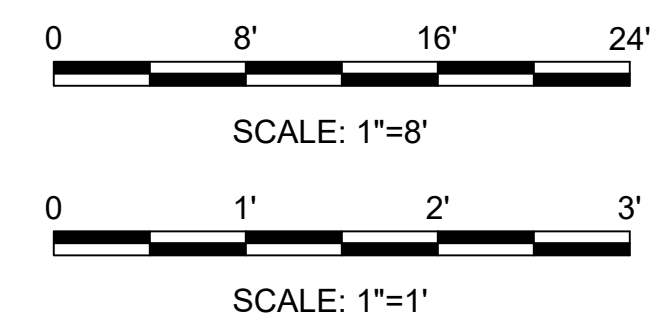
1. Water Elevation Controlled By  
Outfall Weir At El. 3.36'.  
Typical Water Level El. 3.4'.
2. Tree Protection Fencing Shall  
Be Placed Around All Trees  
Located Within The Limits Of  
Work.
3. Anchor Chains And Concrete  
Anchors Shall Be Furnished  
And Installed By The  
Contractor. Anchor Chains  
Shall Be Installed In Crossing  
45 Degree Angles At Anchor  
Chain Brackets. Concrete  
Deadweight Anchors Shall Be  
200 Pounds Each.

**DRAFT**



SECTION A-A

SCALE: 1" = 8'-0"







Aluminum Non-Skid Decking





Weathered Ipe Decking,  
Aluminum Powder  
Coated Handrail



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## **Town of Arlington, Massachusetts**

### **CITIZENS OPEN FORUM**



## Town of Arlington, Massachusetts

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### Discussion: James Street Repaving, #25 - #47

#### Summary:

John Griffin and Residents of 25 - 47 James Street  
(tabled from 6/25/18 meeting)

#### ATTACHMENTS:

Type	File Name	Description
□ Reference Material	July_2018_Memo_from_TC_to_BOS_re_Maintenance_of_Private_Ways_w_Attachments.pdf	Memo from Town Counsel



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager  
Michael Rademacher, Director of Public Works

From: Douglas W. Heim, Town Counsel

Date: July 13, 2018

Re: Maintenance and Repairs of Private Ways

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Members of the Board, I write at your request to report the findings of my examination of some of the assertions made by James Street residents regarding the Town's responsibilities relative to their private way, as well as to provide a more comprehensive examination of the Town and residents' respective rights and responsibilities relative to all private ways throughout Arlington.

**Summary**

The distinctions between public and private ways in Arlington and throughout much of the Commonwealth were created by operation of a complex mixture of common law, state statutes, and how residential areas were subdivided, developed, and approved prior to



construction of the roadways and homes therein. When larger tracts of land were divided into smaller lots to build homes, the roadways accessing those homes were themselves typically part of the previously larger tracts of land. The distinct rights and responsibilities of private way residents flow from the mechanisms by which they were established (and therefore the shared ownership interests of private way abutters and the fact that private ways were not generally planned or constructed to the same standards as public ways.

While “private” in ownership, the vast majority of private ways required approval for construction by the Town’s Board of Survey for purposes of frontage, public safety, and travel.<sup>1</sup>

As such, most private ways must be open for public travel, but remain private for the purposes of parking and some other limited traffic regulations, as well retaining exemptions from certain requirements with respect to drainage, sidewalks, etc. depending upon the date of each private way’s approval.

Generally, the Town is not permitted to expend public financial resources on private property.<sup>2</sup> With respect to private ways, courts have approved only limited exceptions to this rule for local option statutes passed by Legislature, namely G.L. c. 40 §§ 6C, 6N (snow removal and temporary repair “betterments”).<sup>3</sup> The Town has adopted both of these limited exceptions, and as such, the Board of Selectmen has discretion to provide a low-interest loan to mitigate the cost of repairing qualifying private ways.<sup>4</sup> Indeed, if not for Town Meeting’s approval of §6C, the Town would not be permitted to expend resources to plow and sand private ways.<sup>5</sup>

Accordingly, I affirm the Town’s long-held position, clear in “black letter” law, that it not responsible for maintenance or repairs to private ways, which were not built to the standards of public ways and on which the Town may not spend money absent an authorized vehicle of

state law. Rather, as further detailed in this memo, private way residents are responsible for maintaining their ways and may be liable for failure to do so.<sup>6</sup>

Furthermore, with respect to the application by James Street abutters and their suggestion that the Town of Arlington assumes a duty of care under c. 84 §§ 23 and 24 for private ways unless it (the Town) either posts warning signs about the condition of a private way or closes the private way, I have also confirmed that such position is incorrect. While §24 references town liability for “defects in *dedicated* ways,” within such context “dedicated ways” is a specific term of art.<sup>7</sup> “Dedicated” specifically refers to certain paths or roadways expressly opened by their owners (and accepted by the municipality) for the purpose of connecting public ways *prior to 1846*, when St. 1846, c. 203 was passed (essentially a prototype version of c. 84).<sup>8</sup> Hence, for any private way to be eligible for the “dedicated ways” exception described in c. 84, it must have been in existence and dedicated (both given and accepted) prior to 1846.<sup>9</sup> James Street, was approved (but not accepted) in 1950.<sup>10</sup>

For any roadway built after 1846, the only means by which a private way may become “public” for the purpose of maintenance or liability under c. 84, is for the way to either be accepted by the Town following the statutory process,<sup>11</sup> or for it to be established as a public way via prescription.<sup>12</sup> Thus, making repairs to private ways outside of a statutorily authorized process is not a mere matter of policy decision; but is in fact prohibited. Moreover, with specific respect to arguments raised by James Street residents, rather than mitigating the Town’s liability by repairing private ways, the Town would be inviting more liability by repairing private ways outside of the parameters of its betterment bylaw.<sup>13</sup>

### **Public, Statutory Private Ways & “True” Private Ways**

Arlington’s roadways predominantly consist of three types of “ways,” public ways, statutory private ways, and “true” private ways. It must be stressed that these terms are often times used with varying meanings in distinct contexts. For example, in some contexts “public ways” or “town ways” simply connote any roadway on which the general public may travel. However, within the specific contexts of road layouts, maintenance responsibility, and liability under G.L. c. 84 such terms have a far more restrictive meaning. For the purposes of this memo, the primary context in which public and private ways will be discussed is relative to control and responsibility to maintain such ways.

#### Public Ways

The majority of roadways in Arlington are public ways, for which the Town has a duty to maintain free from defects (among other responsibilities such as ADA compliance).<sup>14</sup> As previously noted, public ways can only be created by (a) approval and acceptance in keeping with state law<sup>15</sup>; (b) prescription; or (c) prior to 1846, dedication.<sup>16</sup>

The Town is responsible for caring for these roadways, and in conjunction with the state, has the authority to regulate them extensively with respect to traffic direction, parking, speed limits, signage, etc. These roadways must meet standards for width, grade, curvature, design, and other criteria. Some of our earliest public ways were laid out by Middlesex County in the early late 1700s, while handfults were accepted as recently as the 1970s and 1980s.<sup>17</sup>

With respect to public ways created by dedication – the “dedicated ways” of c. 84 §§ 23 and 24 – any way created after the passage of Chapter 203 of the Acts of 1846 cannot feasibly be

established as a “dedicated way.” The purpose of St. 1846 c. 203 (later recodified in the general laws as c. 84 in relevant parts) was to detail and limit the responsibility of cities and towns to only those ways which were either laid out and accepted as public ways by their respective local authorities in compliance with the general laws, or those ways which were in existence at that time and could be fairly conflated with public ways because they were “dedicated” by their owner/s to public use.<sup>18</sup> In plain language, dedicated ways were streets, drives, and paths clearly given to cities or towns by their owners to the public’s benefit, likely to connect public streets at time when land was not as subdivided or developed as it is now.

Hence c. 84, § 23 crafted a narrow exception to the general notion that a town is only responsible for its laid out and accepted public ways, stating “[a] way opened and dedicated to the public use, which has not become a public way, shall not, except as provided in the two following sections, be chargeable upon a town as a highway or town way unless laid out and established in the manner prescribed by statute.” However, the vast majority of roadways in Arlington, both public and private were laid out later than 1846.

#### Statutory Private Ways

Most private ways in Arlington are streets which were approved by the Board of Survey, but not accepted by the Town for a variety of reasons.<sup>19</sup> Unlike public ways, these “statutory private” ways were not constructed to public way standards of their time, and as such, can vary greatly in width, grade, drainage and overall quality. Residents may note that private ways are not required to have sidewalks or storm drains.

Statutory private way residents are often advised that they “own” to the centerline of the way. Indeed, in some cases they do have a property interest that extends to the centerline of the



way or even the entire width of the roadway, but more often than not, such ownership is not reflected in their deeds (and therefore their property assessments or taxes). Rather, their interest is provided by G.L. c. 183 §58 – the Massachusetts “derelict fee statute.” In such cases, §58 dictates that absent clear deeds to the contrary, property owners abutting any roadway have a “fee interest” from their original grantor (often whomever laid out and developed the private way) to the centerline of such ways.<sup>20</sup> In these instances, all of the owners of a statutory private way have the collective responsibility to maintain the roadway.<sup>21</sup> In instances where ownership is outright, the duty to maintain the roadway and any liability for failure to do so is likely the same.

Despite their duty to maintain these ways, statutory private way abutters “[have] no power to close, alter, widen, or control it; and [have] no right in it, except in common with all others who have occasion to pass over it.”<sup>22</sup> The public’s right of access to such a way is the same as if it were a public way that had been accepted by the Town.<sup>23</sup> The fact that the public has a right of access over a statutory private way does not impose upon the Town the obligation to maintain the way.<sup>24</sup> Furthermore, the fact that the Town expends public funds to remove ice and snow does not make the private way become public, because it may only do so pursuant to the limited exceptions authorized by local options statutes discussed above.<sup>25</sup> Statutory private way residents do however have some rights that public way residents do not. Most noticeable in Arlington is that because the Town cannot regulate statutory private ways to the same extent as public ways, the overnight parking ban does not apply to private ways.<sup>26</sup>

Based on the foregoing, it should be clear why statutory private ways have been the subject of periodic concern and confusion.<sup>27</sup> However, the law is quite clear that:

- The Town does not have any responsibility to maintain statutory private ways;

- The Town cannot expend public monies on their maintenance absent those vehicles provided by state law for betterments and plowing; and
- The Town does not possess liability for the conditions on statutory private ways.

### True Private Ways

“True” private ways, sometimes known as “subdivision ways” among surveyors and real estate professionals) are truly private property. In some instances, they are driveways leading to a limited and defined number of homes or properties. In others, they may be the connective ways within a large residential or commercial development. They are accessible by users only at the consent of their owner or owners.

Described by the Court in *W.D. Cows, Inc. v. Woicekoski*, 7 Mass. App. 18 (1979), true private ways are instances where there has never been dedication, acceptance, or even lay out approved by public authority or public access established by any other means.<sup>28</sup> Like statutory private ways, cities and towns have no liability for true private way maintenance or repairs even if they permit public access. As remarked by the *W.D. Cows* Court, “[i]f any road could be made public solely by acts of the landowners, with no accompanying act by public authorities, the municipality would be responsible for the maintenance and repair of countless roads.”<sup>29</sup>

Because this type of private way is not open to the public, owners may put up a barrier to exclude the general public, although emergency service access must be accommodated. Moreover, the Town likely has less basis to govern alterations to true private ways. However, for these same reasons, public funds may not typically be used for maintenance of, or snow removal from, true private ways. Thus, in sum, the Town’s rights and responsibilities as to “true” private ways are even less than its rights and responsibilities relative to statutory private ways.

## Conclusion

The Town is presently offering all of the legal means by which it can contribute to the maintenance of private ways in Arlington. The private way temporary repairs bylaw is purely discretionary, and recognizes many of the points raised by residents of such way by prioritizing those ways which need improvement for public safety, are utilized by the general public, and the length of time they have been open for public use.<sup>30</sup> With sympathy for private way residents facing the costs of significant repairs to their way, I confirm that the only lawful alternative to the betterment process available is far more expensive and extensive process of converting private ways to public ways, the cost of which must also be carried by abutters as well as the consent of not only the Board of Selectmen, but also Town Meeting. I note that there are pending revisions to our betterment bylaw, which clarify private way residents' responsibilities consistent with this memo, and further authorize emergency repairs for public safety purpose, but do not and cannot change the fundamental landscape of the public and private ways. As such, in my opinion, the Town's long-standing position on private way maintenance and repairs not only should remain, but must.

I look forward to discussing these findings with you further.

---

<sup>1</sup> The term "private way" itself can be particularly unwieldy. As noted by the Supreme Judicial Court, "[t]he words 'private ways' are susceptible of different meanings." *In re Op. of Justices*, 313 Mass. 779, 781 (1943). Indeed, the Court stated "the words 'private ways' may occasionally be used in the statutes with a different meaning." *Id.* at 782. For many purposes, private ways are nearly identical to public ways' functional predecessor "town ways." *Denham v. County Commissioners of Bristol*, 108 Mass. 202, 204 (1871)

<sup>2</sup> "It is a fundamental principle, conforming to constitutional requirements (see Constitution, Declaration of Rights, art. 10; Part II, c. 1, §1, art. 4; c. 2, §1, art. 11) and frequently declared, that 'money raised by taxation can be used only for public purposes and not for the advantage of private individuals.' *In re Op. of Justices*, 313 Mass. 779, 783, (1943)(quoting, *Opinion of the Justices*, 231 Mass. 603, 611 (1919)).

---

<sup>3</sup> See generally, *In re Op. of Justices*, 313 Mass. 779 (1943)(validating c. 40 §§ 6C and 6D local options because private ways are open to public travel, but explicitly noting that municipalities are not responsible for repairs and maintenance).

For betterments, note that a “betterment” or “special assessment” is a special property tax that is permitted where real property within a limited and determinable area receives a special benefit or advantage, other than the general advantage to the community, from the construction of a public improvement. If properties abutting or nearby the improvement are specially benefited, all or a portion of the cost of making that improvement may be assessed on those properties. *Union Street Ry. v. Mayor of New Bedford*, 253 Mass. 304 (1925).

<sup>4</sup> See Town of Arlington Bylaws, Title III, Article “Repairs to Private Ways.”

<sup>5</sup> See e.g. Rebhan, Jaime, “Oops! Town Finds it shouldn’t be plowing private roads.” Wareham Week, 26, June, 2013 <https://wareham-ma.villagesoup.com/p/oops-town-finds-it-shouldnt-be-plowing-private-roads/1022980>

<sup>6</sup> For example, while the well-established principle is that the duty of maintaining an easement rests upon the holder of the easement, *Shapiro v. Burton*, 23 Mass. App. Ct. 327, 333, 502 N.E.2d 545, 549 (1987). As a basic principal of tort law, the parties who bear the duty of care (maintenance in this context) bear the potential liability for a breach of same causing a harm.

<sup>7</sup> Dedication is described by Courts to be “the gift of land by the owner, for a way, and an acceptance of the gift by the public, either by some express act of acceptance, or by strong implication arising from obvious convenience, or frequent and long continued use, repairing, lighting or other significant acts, of persons competent to act for the public in that behalf.” *Hemphill v. Boston*, 62 Mass. 195 (1851).

<sup>8</sup> “It is to be observed that the ‘way’ referred to in §23 is one ‘opened and dedicated to the public use,’ which has not become a public way as described in the section. Since the enactment of 1846, c. 203, a public highway or town way cannot be created in this Commonwealth by dedication and acceptance. *Longley v. City of Worcester*, 304 Mass. 580, 585, 24 N.E.2d 533, 536 (1939). See also, *Hayden v. Stone*, 112 Mass. 346, 348 (1873). *Rouse v. Somerville*, 130 Mass. 361, 365 (1881). *Dakin v. Somerville*, 262 Mass. 514, 515 (1928).

<sup>9</sup> The presentation of the “dedicated ways” exception in what I presume to be an excerpt from a Randall & Franklin “Municipal Law Practice,” guide provides occasion for understandable confusion. However, it should be noted that in that excerpt as attached by the petitioner, it is noted “Because an 1846 statute put an end to the creation thereafter of public ways by dedication and acceptance, it has only been possible since that time to create a public way by a laying out in the statutory manner or by prescription.” See James Street Petition, annexed hereto as Attachment “A,” at page 3.

<sup>10</sup> See James Street Plan and Profile, annexed hereto as Attachment “B.”

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<sup>11</sup> As set forth in c. 84 §§21 -24.

<sup>12</sup> *McLaughlin v. Town of Marblehead*, 68 Mass. App. Ct. 490, 495 (2007).

<sup>13</sup> While a party seeking to impose liability upon a city or town via prescription has a high burden to meet, making repairs to a private way is ironically one piece of evidence that may be used to establish that a private way has become public. See e.g. *Fenn v. Town of Middleborough*, 7 Mass.App.Ct. 80, 83-84 (1979); *Schulze v. Huntington*, 24 Mass.App.Ct. 416, 417(1987).

<sup>14</sup> G.L. c. 84 §§1, 15, 22.

<sup>15</sup> Relevant provisions of G.L. c. 82.

<sup>16</sup> *McLaughlin*, 68 Mass App. Ct. 490 at 495.

<sup>17</sup> For the purposes of control, maintenance, and liability under c. 84 public ways include state highways, town ways, and any other roadway which were approved and accepted by the Town.

<sup>18</sup> See e.g., *Oliver v. Worcester*, 102 Mass. at 495-496; *Longley*, at 587 (noting that the primary purpose of c. 84 is to eliminate municipal liability for defects in streets which have not been formally laid out and established in the statutory manner).

<sup>19</sup> For the most comprehensive legal descriptions and discussions of statutory private ways, see Smithers, Sydney, “Massachusetts Streets and Ways for Surveyors” 2011; and Smithers & Lapham, Streets and Ways, Chapter 16, Real Estate Title Practice in Massachusetts, MCLE, 1st Supp. 2006, § 16.1.2.

<sup>20</sup> Note that the derelict fee statute is a rare example of a retroactive law. It applies to every property regardless of the its legal status at the time of its passage. See *Tattan v. Kurlan*, 32 Mass. App. Ct. 239, 243 (1992). However, the statute merely creates a rebuttable presumption *Hickey v. Pathways Ass'n, Inc.*, 472 Mass. 735, 37 N.E.3d 1003 (2015)(inland landowners rebutted common law presumption and had right of access over the way).

<sup>21</sup> See, *United States v. 125.07 Acres of Land More or Less*, 707 F.2d 11 (1st Cir. 1983); *Popponesset Beach Association, Inc. v. Marchillo*, 39 Mass. App. Ct. 586 (1996), review denied, 422 Mass. 1104 (1996). In fact, private way abutters are granted authority under G.L. c. 84 §12 to call a “proprietor’s meeting” to facilitate repairs under their share responsibility.

<sup>22</sup> *Denham v. County Comm’rs of Bristol*, 108 Mass. 202, 204 (1871).

<sup>23</sup> *Id.*

<sup>24</sup> *125.07 Acres of Land More or Less*, 707 F.2d at 14.

<sup>25</sup> See, *Coon v. McCabe*, 22 LCR 622, 649 (Mass. Land Ct. 2014)(“Notwithstanding the foregoing, however, the defendants have presented no compelling legal theory and supporting

---

decisional law that would permit this court to conclude that use of private ways by members of the public for a prolonged period of time coupled with snow plowing and maintenance by the town ‘somehow transformed a private way into a public way’ or at least into a way permanently open for use by the public”); *see also*, *Bruggeman v. McMullen*, 26 Mass. App. Ct. 963 (1988), *Rivers v. Warwick*, 37 Mass.App. Ct. 593, 597 (1994).

<sup>26</sup> While a complete accounting of those rights is beyond the scope of this memo, for example, residents may exercise exclusive parking rights on private ways, including having trespassing vehicles towed so long as they follow the process outlined in G.L. c. 266, § 120D. They may also erect signage which complies with state traffic laws, and in theory establish speed limits. It should be noted however, that under c. 90, the Arlington Police Department has limited authority to enforce violations on private ways. For example, they cannot issue tickets for non-residents parking on private ways.

<sup>27</sup> Statutory private ways are the periodic subject of news and media inquiries, which often note the difficulty in understanding the rights and responsibilities of abutters, the public, and local governments. *See e.g.*, Demarco, Peter “Private Ways, Public Access” Boston.com, 10, Feb. 2008, [http://archive.boston.com/news/local/articles/2008/02/10/private\\_ways\\_public\\_access/](http://archive.boston.com/news/local/articles/2008/02/10/private_ways_public_access/)

<sup>28</sup> *W.D. Cows*, 7 Mass. App. Ct. at 19.

<sup>29</sup> *Id.*

<sup>30</sup> *See* Town of Arlington Bylaws, Title III, Art. 3, Section 3 “Criteria.”

**ATTACHMENT “A”**

June 5, 2018

Board of Selectmen  
Town of Arlington  
730 Mass Ave.  
Arlington, MA 02476

Dear Members:

The residents of 25 – 47 James Street submit the attached petition to the Board of Selectmen (the "Board") to fill the potholes and provide temporary patching to the section of James Street abutting our properties.

The Board may vote to direct the Town Manager to make temporary repairs to private ways. Temporary repairs shall be limited to the filling of potholes, temporary patching, skimcoating, armor coating and grading of dirt roadways providing however, in the case of said grading, the petitioners agree to enter into a contract with a private contractor or the Town to pave the roadway forthwith. (Title III, Article 3: Section 2 of the Arlington Town Bylaws).

In determining the advisability of making temporary repairs the Board shall take into consideration the following factors:

- A. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
- B. The volume of traffic that utilizes the private way i.e. deadend as opposed to feeder or connecting streets.
- C. The percentage of abutters on the particular private way petitioning the Board for the repairs.
- D. The number of years that the way shall have been open to public use.
- E. Such other considerations that the Board deems appropriate." (Title III, Article 3: Section 3 of the Arlington Town Bylaws).

Based on this criteria, the Board should vote to direct the Town Manager to make temporary repairs to the section of James Street abutting our properties.

- The potholes measure over six inches in depth and are more than three feet wide. They will impede emergency vehicles from traveling on James Street.
- James Street connects Thesda Street to the Winchester town line, and is regularly used by the public. The Winchester portion of James Street is regularly maintained and free of potholes.
- One hundred percent of the abutters of this section of James Street have petitioned the Board to fill the potholes and provide temporary patching.
- James Street has been open to public use for more than 50 years.

\*\*\*\*\*



MAY, 2018

We, the residents of 25-47 James Street, Arlington, Massachusetts hereby petition the Board of Selectmen to fill the potholes and provide temporary patching to the section of James Street abutting our properties.

NAME

ADDRESS

1 ML Natl.  
2 Tobey Nemser  
3 Laura Coppel  
4 Jon Kohl (John Kohl)  
5 Jonathan May  
6 John Driffin  
7 SOURAV DUTT  
8 Joe K. Borge  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
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14 \_\_\_\_\_  
15 \_\_\_\_\_

33 JAMES ST  
42 JAMES ST  
47 James St  
34 James St  
25 James St  
38 James St  
41 James St.  
30 James St  
\_\_\_\_\_  
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Certain cities and towns have been authorized to establish a road betterment fund for the acceptance and improvement of private ways.

### § 23.21 Ways for which a city or town is chargeable

#### Research References

West's Key Number Digest, *Wests Key Number Digest*, Highways § 187 to 198; *Wests Key Number Digest*, Municipal Corporations § 755 to 762  
C.J.S., Highways §§ 249 to 268; Municipal Corporations §§ 696 to 712, 1582

The obligation of a city or town to keep its ways in repair and reasonably safe does not extend to a way opened and dedicated to public use, which has not become a public way, unless it has been laid out and established as prescribed by statute.<sup>1</sup> There are two exceptions:

(1) A city or town must, if the public safety so requires, cause a non-public way to be 'closed' where it enters upon or joins with a public way, or it may by other sufficient means warn the public against entering upon such non-public way. Failure either to close or post such private way will impose a liability on the city or town for defects therein.<sup>2</sup> The point is, of course, that a traveler will otherwise have a right to assume that such dedicated way is a public way.

(2) If, upon the trial of an action brought to recover damages for an injury received by reason of a defect or want of repair or want of sufficient railing in any way, it appears that the city or town has, within six years before the injury, made repairs on the

See St. 2002 c. 297, Brewster; St. 2002, c. 325, Gloucester.

[Section 23.21]

<sup>1</sup>M.G.L.A. c. 84, § 23. Since 1846, it has not been possible to create a public way by dedication and acceptance. However, this section does not prevent the establishment of ways by prescription. See *Longley v. City of Worcester*, 304 Mass. 580, 24 N.E.2d 533 (1939).

<sup>2</sup>M.G.L.A. c. 84, § 24. In *Abinder v. City of Springfield*, 277 Mass. 125, 177 N.E. 818 (1931) it was held

lar case, having to do with the entrance to a schoolhouse, see *Sullivan v. City of Boston*, 126 Mass. 540 (1879).

For a case where a city was held liable for a defect in such private way by reason of its failure to bar such way or to mark it with signs, see *Sullivan v. City of Worcester*, 232 Mass. 111, 121 N.E. 788 (1919).

Note that the burden of showing such a private way dedicated to public use has not been posted as required by this section is upon the

way, the city or town cannot deny the location thereof.<sup>3</sup>

An existing way in a city or town is not a "public" way which a city or town has a duty to maintain free from defects unless it has become public in character in one of three ways: (1) a laying out by public authority in the manner prescribed by statute;<sup>4</sup> (2) prescription;<sup>5</sup> and (3) prior to 1846, a dedication by the owner to public use, permanent and unequivocal, coupled with an express or implied acceptance by the public.<sup>6</sup> Because an 1846 statute put an end to the creation thereafter of public ways by dedication and acceptance,<sup>7</sup> it has only been possible since that time to create a public way by a laying out in the statutory manner or by prescription.

### § 23.22 Defects in ways—Generally

#### Research References

West's Key Number Digest, *Wests Key Number Digest*, Highways § 187 to 198; *Wests Key Number Digest*, Municipal Corporations § 755 to 762  
C.J.S., Highways §§ 249 to 268; Municipal Corporations §§ 696 to 712, 1582

A city or town is liable in damages to a traveler on a way who sustains bodily injury or damage in his property by reason of a defect or want of repair, or want of a sufficient railing, in or upon the way, if the way is one which such city or town is required by law to repair and maintain, if the condition is one which might have been remedied by reasonable care and diligence on the part of the municipality, and if the city or town had reasonable notice or, by the exercise of proper care and diligence might have had

<sup>3</sup>M.G.L.A. c. 84, § 25.

<sup>4</sup>M.G.L.A. c. 82, §§ 1 to 32.

<sup>5</sup>Creation of a public way by adverse use depends on a showing of actual public use, general, uninterrupted, continued for the prescriptive period, continued for the prescriptive period. *Jennings v. Tibbury*, 71 Mass. (5 Gray) 73 (1855). See also *Commonwealth v. Coupe*, 128 Mass. 63 (1880) and *White v. Boston Gear Works, Inc.*, 315 Mass. 496, 53 N.E.2d 1 (1944).

It must be proved that the general public used the way as a public right; facts must distinguish the use relied on from a rightful use by those who have permissive right to travel over the private way. *Bullukian v. In-*

335 (1969).

The necessary adversity and lack of permissiveness may be inferred from the uninterrupted use by the public, unexplained, for the prescriptive period. *Basset v. Inhabitants of Harwich*, 180 Mass. 585, 62 N.E. 974 (1902). *Truc v. Field*, 269 Mass. 524, 169 N.E. 428 (1930).

Evidence insufficient to show use of streets by public continuous for requisite period. *Fenn v. Town of Middleborough*, 7 Mass. App. Ct. 80, 386 N.E.2d 740 (1979).

<sup>6</sup>See *Longley v. Worcester*, 304 Mass. 580, 24 N.E.2d 533 (1939) and *Ulasz v. Gillette*, 357 Mass. 96, 256

dedicated to public use that are wholly the subject of private ownership, which are open to public use by license or permission of the owner.<sup>20</sup>

The words "private way" include defined ways for travel, not laid out by public authority or dedicated to public use, that are wholly the subject of private ownership, either by reason of the ownership of the land upon which they are laid out by the owner thereof, or by reason of ownership of easements of way over land of another person.<sup>21</sup>

The only three methods by which one can acquire the right to pass over private land are: adverse user, grant, or act of public authority.<sup>22</sup>

A declaratory action may be brought to determine if a road is a public way.<sup>23</sup>

### § 23.6 Public and private ways—Adjoining municipality—Exclusion of vehicles

#### Research References

West's Key/Number Digest, Wests Key Number Digest, Highways §-1, 80; Wests Key Number Digest, Municipal Corporations §-269, 646 to 649

C.J.S., Highways §§ 1 to 5, 13 to 14, 135; Municipal Corporations §§ 1422, 1427 to 1429, 1432, 1511

No municipality shall layout, alter, relocate or discontinue an existing way at its point of connection, or within 500 yards of its point of connection, with an adjoining municipality which

cure deficiencies in the case. *Lynch v. Town of Groton*, 11 Mass.App.Ct. 1008, 418 N.E.2d 1281 (1981).

Whether an overgrown trail abutting landowner's property was a public way entitling landowners to building permit for house on the property was question of fact. *W.D. Cowls, Inc. v. Wotekoski*, 7 Mass.App.Ct. 18, 385 N.E.2d 521 (1979). The burden of proof lay with plaintiffs. *Witteveld v. Haverhill*, 12 Mass.App.Ct. 876, 421 N.E.2d 783 (1981). The fact that a road connects to public ways at both ends does not require a conclusion that it is itself a public way. *Fenn v. Town of Middleborough*, 7 Mass.App.Ct. 80, 386 N.E.2d 740 (1979).

Evidence did not mandate conclusion that overgrown trail abutting

indicating that town accepted certain ways, coupled with proprietor's vote, satisfied pre-1846 requirement for creation of "public way" of permanent and unequivocal dedication by owner coupled with acceptance by public. *Sturdy v. Planning Bd. of Hingham*, 32 Mass.App.Ct. 72, 586 N.E.2d 11 (1992).

<sup>20</sup>In such a case, use may be terminated at any time at the will of the owner. *W.D. Cowls, Inc. v. Wotekoski*, 7 Mass.App.Ct. 18, 386 N.E.2d 521 (1979).

<sup>21</sup>Opinion of the Justices, 313 Mass. 779, 782-783, 47 N.E.2d 260, 263 (1943).

<sup>22</sup>*Dolan v. Board of Appeals of Chatham*, 359 Mass. 699, 700-701,

excludes motor vehicle traffic from the way unless (a) the city, town or county initiating the layout, alteration, relocation or discontinuance gives written notice of the action to the chief executive officer of the abutting community into which the way extends; (b) a public hearing is held by the city, town or county initiating the action; (c) the chief executive officer of the abutting community concurs in writing with the proposed action.<sup>1</sup>

If within 90 days of the date of hearing, the abutting community has not concurred with the proposed action, the initiating community may make a written request to the commissioner of the state department of public works to approve the proposed action, and, upon his approval, the layout, alteration, relocation, or discontinuance shall take effect.<sup>2</sup>

### § 23.7 Sidewalks and reserved spaces

#### Research References

West's Key Number Digest, Wests Key Number Digest, Municipal Corporations §-269(4), 413(1)

C.J.S., Municipal Corporations §§ 1129 to 1131

A city or town may, if the proper authority determines the public convenience so requires, establish sidewalks or order the reconstruction of existing sidewalks in public ways. No such sidewalk may be dug up or obstructed without the consent of the municipal board or officer having charge of the maintenance and repair of public ways.<sup>1</sup>

The board making the order for the construction of a new sidewalk or for the reconstruction of a sidewalk with material of more permanent character may include in the order a provision for assessing a reasonable amount, not exceeding one half the cost, upon abutting estates. A city or town may provide by ordinance or by-law that the amount assessed upon any individual

#### [Section 23.6]

<sup>1</sup>M.G.L.A. c. 82, § 1. Public notice of the hearing must be published for each of the two weeks preceding the hearing in a newspaper of general circulation in the abutting community.

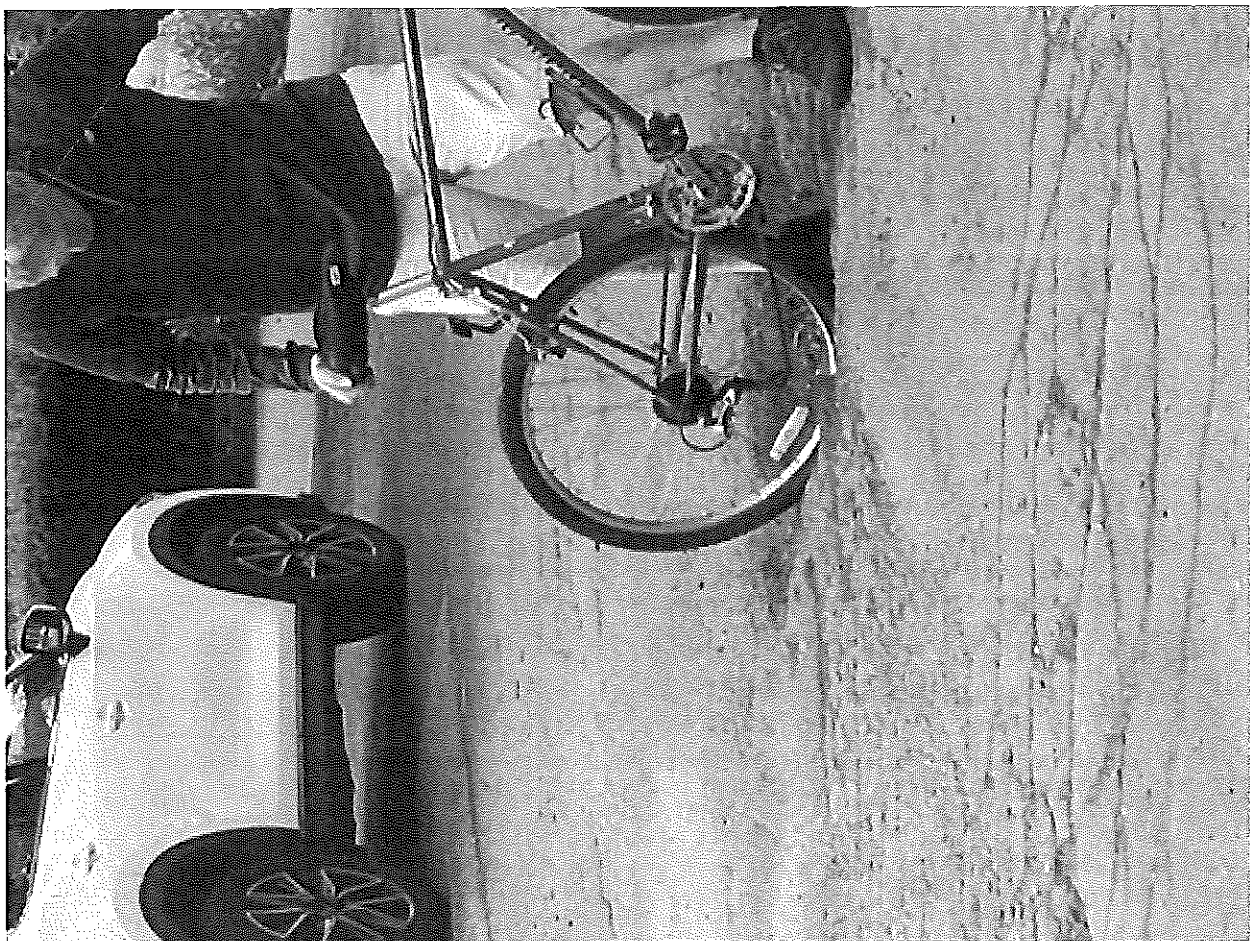
<sup>2</sup>M.G.L.A. c. 82, § 1.

#### [Section 23.7]

<sup>1</sup>M.G.L.A. c. 83, § 25. Each city and town must provide a slanted curb on sidewalks in its public ways at

obligatory for the city or town to construct sidewalks. See *Attorney General v. Boston*, 142 Mass. 200, 7 N.E. 722 (1886). In the same case, it was held that the power to construct sidewalks includes also the power to remove sidewalks along paved ways.

Highway easement did not absolve property owner of responsibility to pedestrian who tripped on sidewalk since owner possessed or controlled







**ATTACHMENT "B"**

# PLAN AND PROFILE

OF

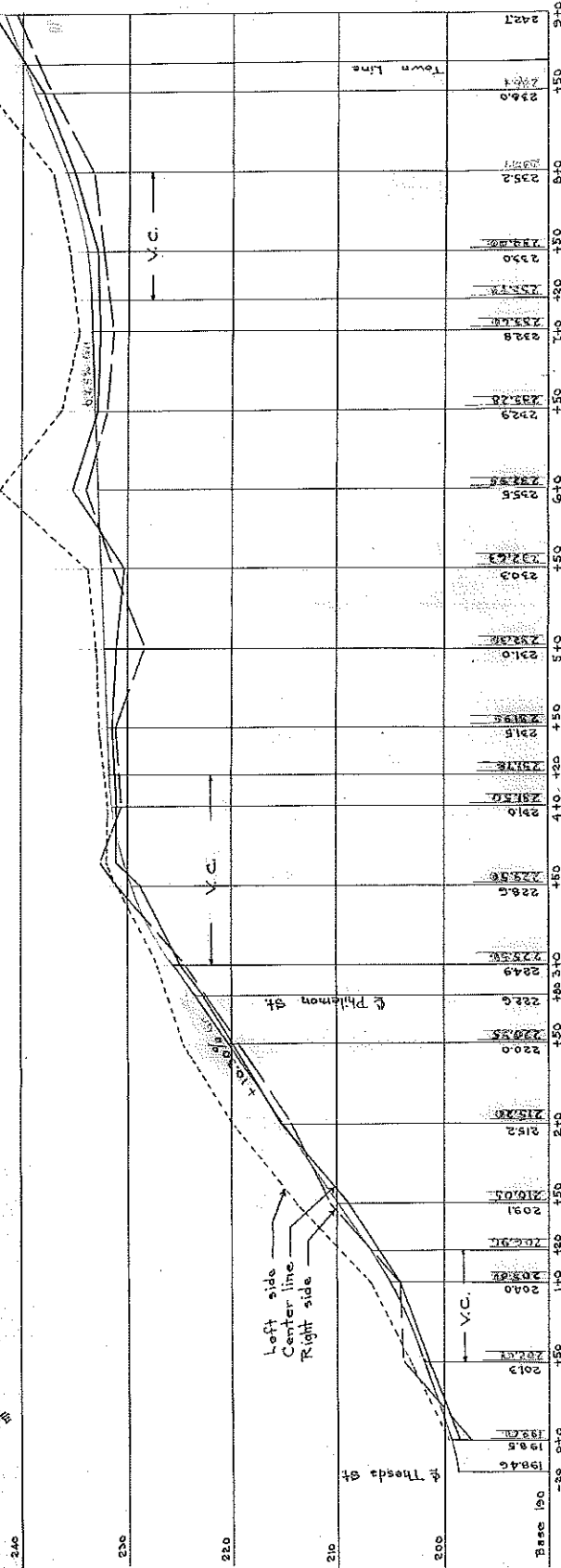
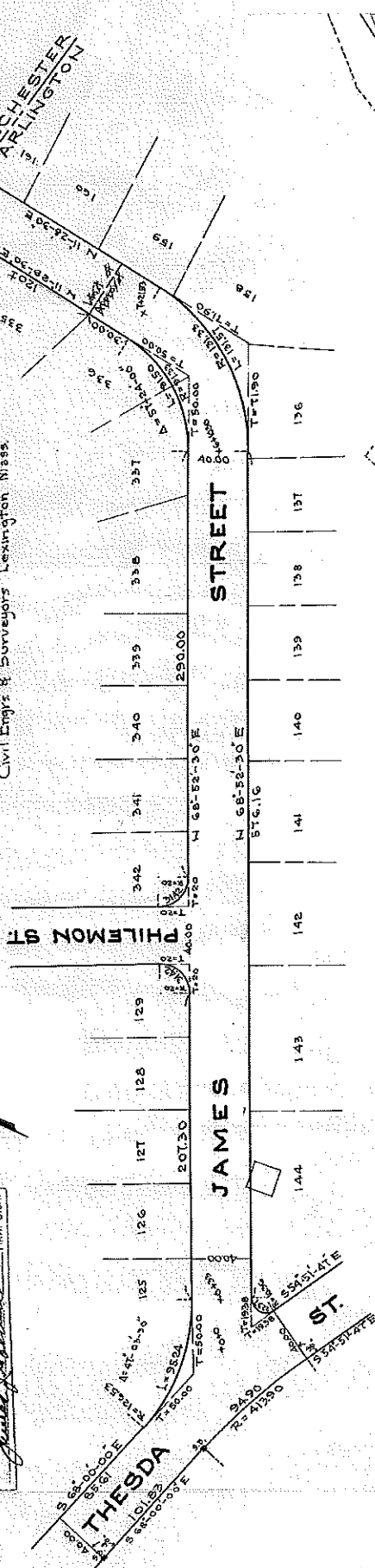
## JAMES STREET ARLINGTON MASS.

DEC. 6, 1950

HOR. 1"=40'  
VERT. 1"=6'

Albert A. Miller  
Wilbur C. Nylander  
Civil Engrs & Surveyors Lexington Mass.

Submitted November 26, 1950  
Board of Survey, Arlington, Mass.  
Approved by  
Filed December 26, 1950  
Town Clerk



Datum:  
Bench Mark used, Hydrant cor of Reed  
St. and Thesda St. Elev. = 189.62



## Town of Arlington, Massachusetts

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### Vote: Fiscal Year 2019 Water & Sewer Rate Increase

#### Summary:

Adam W. Chapdelaine, Town Manager

#### ATTACHMENTS:

	Type	File Name	Description
▣	Reference Material	Water- Sewer_Rate_Impact_Memo_7_16_2018.pdf	Water/Sewer Rate Impacts Memo
▣	Reference Material	FY19_Rates_Recommendations_(1).pdf	FY19 Water/Sewer Billing Recommendations



**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](mailto:achapdelaine@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

**To:** Members of the Board of Selectmen

**From:** Adam Chapdelaine, Town Manager

**RE:** Water/Sewer Rate Impacts

**Date:** July 13, 2018

---

Included below for the Board's information are the projected impacts of the proposed rate increase on ascending levels of use. The average household use of 60 ccf per year has been bolded.

Annual Usage (ccf)	FY18		FY19		Per Year	
	\$ per bill	\$ per year	\$ per bill	\$ per year	\$ inc	% inc
30	\$89.16	\$356.64	\$92.69	\$370.74	\$14.10	3.95%
<b>60</b>	<b>\$167.61</b>	<b>\$670.44</b>	<b>\$174.66</b>	<b>\$698.64</b>	<b>\$28.20</b>	<b>4.21%</b>
90	\$251.46	\$1,005.84	\$263.16	\$1,052.64	\$46.80	4.65%
120	\$335.31	\$1,341.24	\$351.66	\$1,406.64	\$65.40	4.88%
300	\$945.51	\$3,782.04	\$989.76	\$3,959.04	\$177.00	4.68%
2000	\$6,708.51	\$26,834.04	\$7,016.26	\$28,065.04	\$1,231.00	4.59%



PUBLIC WORKS DEPARTMENT  
TOWN OF ARLINGTON

51 Grove Street, Arlington, Massachusetts 02476  
Phone: (781) 316-3104 Fax: (781) 316-3281

Memo to: Adam Chapdelaine, Town Manager  
From: Mike Rademacher, DPW Director  
Date: June 22, 2018  
Subject: FY19 Water/Sewer Billing Recommendations

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Adam-

The following is my recommendation for FY19 Water/Sewer billing rates. I would like for us to discuss this with the Select Board at its meeting on June 25<sup>th</sup>, and then hopefully ask them for approval of this proposal at the Board meeting on July 16<sup>th</sup>. This would allow for rate changes to go into effect on September 1<sup>st</sup>.

**FY19 rates; I recommend we raise water rates by 5% and Sewer Rates by 4.5%:**

Arlington has not had a rate increase for either water or sewer use since FY14. Despite annual increases in the MWRA's water and sewer assessments of approximately 4% as well as increases in Arlington Public Works operation costs, rates have remained level during that time. The single most reason for this is an increase in water demand over the same period. When rates were being studied in FY13, the trend for usage was heading down with a low in FY12 of 1,130,196 ccf's. Based on this downward trend, the rate study used a number of 1,127,304 to develop and recommend a rate structure for FY14 and future years. In fact, the usage picked up a bit and has been rather level from FY14 to now hovering around 1,240,000 ccf's. This increase in actual consumption over estimated has allowed us to keep rates level while expenses increased.

We are now at a point where our expenses have caught up with and exceed the revenues of the rates set back in FY14. Without a rate increase in FY19, it is estimated that revenues collected in FY19 would be approximately \$500,000 short of expenses.

It is expected that similar increases will be necessary for subsequent years as well. The driver of these increases is predominantly caused by increases to the MWRA water and sewer assessments charged to the Town. There are some positive developments at the MWRA which may allow the assessment increases to be reduced in future years as the Authority begins to climb down the backside of the debt it acquired as part of the court mandated Deer Island sewer plant renovations. If these reductions are realized, future Arlington increases may also be able to be reduced as well.





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## Town of Arlington, Massachusetts

### **Vote: Formation & Approval of Mission & Membership of Clean Energy Future Committee**

#### **Summary:**

Adam W. Chapdelaine, Town Manager

#### **ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Clean_Energy_Future_Committee_Memo_7_16_18.pdf	Memorandum



**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](mailto:achapdelaine@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

**To:** Members of the Board of Selectmen

**From:** Adam Chapdelaine, Town Manager

**RE:** Creation of Clean Energy Future Committee and Approval of Mission and Membership

**Date:** July 13, 2018

---

On behalf of Arlington's Energy Working Group, I am writing to propose the creation of a new Clean Energy Future Committee. The purpose of this committee would be to lead Arlington's campaign to become carbon neutral by 2050 (net zero emissions of carbon dioxide and other greenhouse gases attributable to the Town of Arlington).

At the January 22, 2018 Board of Selectmen meeting, you voted for Arlington to join the Metropolitan Mayors Coalition (MMC), comprised of Boston and 14 surrounding communities whose leaders gather to exchange information and create solutions for common problems. As you know, municipalities seeking to join the MMC must commit to becoming carbon neutral by 2050, a pledge formally made by Arlington upon joining the MMC. We believe creation of this new Clean Energy Future Committee (CEFC) is an important next step in realizing that long-term climate and energy goal.

This goal is ambitious, and will ultimately require active involvement and support from Town government as well as residents and businesses. Achieving carbon neutrality will require careful planning, and the implementation of a wide variety of changes to reduce energy use in our homes, schools, businesses and transportation system. It will also create many opportunities for new technologies, both to reduce energy use and to produce new, clean energy. We believe all of these changes will create opportunities to save money, create jobs, and protect Arlington from future damage caused by climate change.

We propose a diverse committee drawn from the breadth of the community, as follows:

- One representative from the Board of Selectmen

- One representative from Arlington Public Schools
- One representative from the Planning Department
- One representative from the Department of Public Works
- A member of the Transportation Advisory Committee or the Town's Transportation Planner
- The Town Manager
- The Energy Manager
- Four at large representatives
- Two Town Meeting Members
- One representative from the local business community
- One representative from the building/construction sector

Total: 15 members.

This should be a formal town committee, subject to the Open Meeting Law. Given the magnitude and complexity of the committee's charge, it will need subcommittees to help with subject matter research, public outreach, and other work. We suggest that CEFC members be appointed by the Town Manager, subject to the approval of the Board of Selectmen, but that the CEFC have the authority to create advisory subcommittees and appoint their members, who need not be members of the CEFC.

At present we anticipate that the work of the Energy Working Group, as well as its current members, would be absorbed by the new CEFC. Work could be spread across the CEFC and one or more subcommittees. Some current members could be appointed to the CEFC, while others may join a subcommittee.

#### Recommended committee mission:

The mission of the Clean Energy Future Committee is to guide the Town of Arlington to a future where, by 2050, net emissions of carbon dioxide and other greenhouse gas emissions attributable to all sources in Town are zero. The Committee shall identify short and long-term energy goals; facilitate research studies, projects and collaborations; enlist the support of residents and businesses; recommend changes to laws and regulations; seek state and local funding; and take any other actions necessary for Arlington to achieve net zero carbon emissions by 2050.



## **Town of Arlington, Massachusetts**

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### **Selectmen Awards Committee**

#### **Summary:**

Kevin F. Greeley, Selectman  
(tabled from 6/25/18 meeting)



## Town of Arlington, Massachusetts

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### Discussion: Future BoS Meetings

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Calendar_Sept.__-__Dec..pdf	Calendar Sept. - Dec.



# September 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 Labor Day	4 State Primary	5	6	7	8
9	10	11	12	13	14	15 Town Day
16	17	18	19 Yom Kippur	20	21	22
23	24	25	26	27	28	29
30						

# October 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8 Columbus Day	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31 Happy Halloween			

# November 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 State Election	7	8	9	10
11 Veterans' Day	12 Town Hall Closed	13	14	15	16	17
18	19	20	21	22 Thanksgiving Day	23 Town Hall Closed	24
25	26	27	28	29	30	

# December 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24 Town Hall Closes 12:00 p.m.	25 Merry Christmas	26	27	28	29
30	31 New Year's Eve					



## Town of Arlington, Massachusetts

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### Request for a Residential Overnight Parking System

#### Summary:

John Sanbonmatsu and Tenants for a Livable Arlington

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Sanbonmatsu_CR.pdf	Correspondence



-----Original Message-----

From: Sanbonmatsu,

To: KGreeley <[KGreeley@town.arlington.ma.us](mailto:KGreeley@town.arlington.ma.us)>

Sent: Sun, Jun 24, 2018 3:26 pm

Subject: Remedy for Arlington's ban on overnight parking

Dear Selectman Greeley:

I am writing with Tenants for a Livable Arlington to urge you and the other Selectmen to implement a residential parking permit system, to mitigate the ban's discriminatory impact on renters like myself. There are several equity issues which I would like to bring to your attention in connection with the ban:

1. Landlords have in some cases misled prospective tenants about the availability of overnight parking on rental properties, leaving some tenants unable to park near their domicile.
2. Landlords who in the past have provided free parking to tenants are in some cases now adding monthly parking fees to low-income renters--up to \$150 per month.
3. Many tenants are forced to share a single narrow driveway with other tenants, parking in tandem, causing them the time-consuming inconvenience of having to move two or more cars onto the street and then back onto the driveway, up to several times a day. This is particularly burdensome on elderly tenants, single parents, and people with disabilities.
4. Some tenancies do not come with overnight parking at all, causing tenants who own cars, in some instances, to pay exorbitant private parking fees and/or to have to walk great distances to retrieve their vehicles.

Other towns and cities have saner and more equitable policies. Cambridge and Somerville, as you know, both offer a residential parking permit system: for a fee, residences are able to get a permit allowing them to park in their neighborhood. I urge you and the other Selectmen to implement a similar policy in our town.

Thank you for your attention and time.

Sincerely,

John Sanbonmatsu



## Town of Arlington, Massachusetts

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### Request Change to Arlington's Overnight Parking Ban

#### Summary:

Josh Pioccone

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Pioccone_CR.pdf	Correspondence

-----Original Message-----

From: Joshua Pioccone

To: KGreeley <KGreeley@town.arlington.ma.us>

Sent: Mon, Jun 25, 2018 6:20 pm

Subject: Arlington Overnight Parking

Hello,

My name is Josh Pioccone, a resident who is part of the local group Tenants for a Livable Arlington, and I am writing to you to address the Arlington overnight parking ban.

While I understand that this has been an often discussed issue with established precedent, I am compelled to bring it to your attention with the hopes that beneficial change may come about for the residents of this town. In addition to myself, I have heard many others' stories of problems that have come about as a result of this town law.

From overzealous neighbors alerting police about guests who have to park on the street; to residents with limited driveway space who have to pay for parking on others' property; to an apartment building's landlord having power over the residents who are subjected to the property's flawed parking system or else risk ticketing on the street every night -- there are many stories to be told by people about whom the law has hurt or hindered, seemingly outweighing any potential benefits for other residents.

I, and the group I am a part of, are asking for discussion on this issue at your convenience. I understand that time, effort, and money are all necessary for changes to be made, and so understand the possibility of compromise, whether in partial amendments or in a slow transition of policy rollout over time.

I only ask that this request isn't ignored, as despite how many times it may have been brought up in the past, it is still a policy that negatively affects many residents in varying ways -- and as an elected official of the town, your residents respectfully request a change in policy that would tangibly better our lives. Thank you for your time.

Best,

Josh Pioccone



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## Town of Arlington, Massachusetts

**NEW BUSINESS**



## **Town of Arlington, Massachusetts**

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### **EXECUTIVE SESSION**



## **Town of Arlington, Massachusetts**

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**Next Scheduled Meeting of Bos August 13, 2018**